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114TH CONGRESS
1st Session

HOUSE OF REPRESENTATIVES

REPORT
114–354

EVERY STUDENT SUCCEEDS ACT

CONFERENCE REPORT

TO ACCOMPANY

S. 1177

NOVEMBER 30, 2015.—Ordered to be printed

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Mr. KLINE, from the Committee on Conference, submitted the following

CONFERENCE REPORT

[To accompany S. 1177]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1177), to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Every Student Succeeds Act".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. References.
Sec. 4. Transition.
Sec. 5. Effective dates.
Sec. 6. Table of contents of the Elementary and Secondary Education Act of 1965.

TITLE I—IMPROVING BASIC PROGRAMS OPERATED BY STATE AND LOCAL EDUCATIONAL AGENCIES

PART A—IMPROVING BASIC PROGRAMS OPERATED BY STATE AND LOCAL EDUCATIONAL AGENCIES

Sec. 1000. Redesignations.
Sec. 1001. Statement of purpose.
Sec. 1002. Authorization of appropriations.
Sec. 1003. School improvement.
Sec. 1004. Direct student services.

Sec. 1005. State plans.
Sec. 1006. Local educational agency plans.
Sec. 1007. Eligible school attendance areas.
Sec. 1008. Schoolwide programs.
Sec. 1009. Targeted assistance schools.
Sec. 1010. Parent and family engagement.
Sec. 1011. Participation of children enrolled in private schools.
Sec. 1012. Supplement, not supplant.
Sec. 1013. Coordination requirements.
Sec. 1014. Grants for the outlying areas and the Secretary of the Interior.
Sec. 1015. Allocations to States.
Sec. 1016. Adequacy of funding rule.
Sec. 1017. Education finance incentive grant program.

PART B—STATE ASSESSMENT GRANTS

Sec. 1201. State assessment grants.

PART C—EDUCATION OF MIGRATORY CHILDREN

Sec. 1301. Education of migratory children.

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

Sec. 1401. Prevention and intervention programs for children and youth who are neglected, delinquent, or at-risk.

PART E—FLEXIBILITY FOR EQUITABLE PER-PUPIL FUNDING

Sec. 1501. Flexibility for equitable per-pupil funding.

PART F—GENERAL PROVISIONS

Sec. 1601. General provisions.

TITLE II—PREPARING, TRAINING, AND RECRUITING HIGH-QUALITY TEACHERS, PRINCIPALS, OR OTHER SCHOOL LEADERS

Sec. 2001. General provisions.
Sec. 2002. Preparing, training, and recruiting high-quality teachers, principals, or other school leaders.

TITLE III—LANGUAGE INSTRUCTION FOR ENGLISH LEARNERS AND IMMIGRANT STUDENTS

Sec. 3001. Redesignation of certain provisions.
Sec. 3002. Authorization of appropriations.
Sec. 3003. English language acquisition, language enhancement, and academic achievement.
Sec. 3004. General provisions.

TITLE IV—21ST CENTURY SCHOOLS

Sec. 4001. Redesignations and transfers.
Sec. 4002. General provisions.

PART A—STUDENT SUPPORT AND ACADEMIC ENRICHMENT GRANTS

Sec. 4101. Student support and academic enrichment grants.

PART B—21ST CENTURY COMMUNITY LEARNING CENTERS

Sec. 4201. 21st century community learning centers.

PART C—EXPANDING OPPORTUNITY THROUGH QUALITY CHARTER SCHOOLS

Sec. 4301. Charter schools.

PART D—MAGNET SCHOOLS ASSISTANCE

Sec. 4401. Magnet schools assistance.

PART E—FAMILY ENGAGEMENT IN EDUCATION PROGRAMS

Sec. 4501. Family Engagement in Education Programs.

PART F—NATIONAL ACTIVITIES

Sec. 4601. National activities.

TITLE V—STATE INNOVATION AND LOCAL FLEXIBILITY

Sec. 5001. General provisions.
Sec. 5002. Funding Transferability for State and Local Educational Agencies.
Sec. 5003. Rural education initiative.
Sec. 5004. General provisions.
Sec. 5005. Review relating to rural local educational agencies.

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

Sec. 6001. Conforming amendments.
Sec. 6002. Indian education.
Sec. 6003. Native Hawaiian education.
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Sec. 6005. Report on Native American language medium education.
Sec. 6006. Report on responses to Indian student suicides.

TITLE VII—IMPACT AID

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Sec. 7002. Purpose.
Sec. 7003. Payments relating to federal acquisition of real property.
Sec. 7004. Payments for eligible federally connected children.
Sec. 7005. Policies and procedures relating to children residing on Indian lands.
Sec. 7006. Application for payments under sections 7002 and 7003.
Sec. 7007. Construction.
Sec. 7008. Facilities.
Sec. 7009. State consideration of payments in providing state aid.
Sec. 7010. Federal administration.
Sec. 7011. Administrative hearings and judicial review.
Sec. 7012. Definitions.
Sec. 7013. Authorization of appropriations.

TITLE VIII—GENERAL PROVISIONS

Sec. 8001. General provisions.
Sec. 8002. Definitions.
Sec. 8003. Applicability of title.
Sec. 8004. Applicability to Bureau of Indian Education operated schools.
Sec. 8005. Consolidation of State administrative funds for elementary and secondary education programs.
Sec. 8006. Consolidation of funds for local administration.
Sec. 8007. Consolidated set-aside for Department of the Interior funds.
Sec. 8008. Department staff.
Sec. 8009. Optional consolidated State plans or applications.
Sec. 8010. General applicability of State educational agency assurances.
Sec. 8011. Rural consolidated plan.
Sec. 8012. Other general assurances.
Sec. 8013. Waivers of statutory and regulatory requirements.
Sec. 8014. Approval and disapproval of State plans and local applications.
Sec. 8015. Participation by private school children and teachers.
Sec. 8016. Standards for by-pass.
Sec. 8017. Complaint process for participation of private school children.
Sec. 8018. By-pass determination process.
Sec. 8019. Maintenance of effort.
Sec. 8020. Prohibition regarding state aid.
Sec. 8021. School prayer.
Sec. 8022. Prohibited uses of funds.
Sec. 8023. Prohibitions.
Sec. 8024. Prohibitions on Federal Government and use of Federal funds.
Sec. 8025. Armed forces recruiter access to students and student recruiting information.
Sec. 8026. Prohibition on federally sponsored testing.
Sec. 8027. Limitations on national testing or certification for teachers, principals, or other school leaders.
Sec. 8028. Prohibition on requiring State participation.
Sec. 8029. Civil rights.
Sec. 8030. Consultation with Indian tribes and tribal organizations.
Sec. 8031. Outreach and technical assistance for rural local educational agencies.
Sec. 8032. Consultation with the Governor.
Sec. 8033. Local governance.
Sec. 8034. Rule of construction regarding travel to and from school.

Sec. 8035. Limitations on school-based health centers.
Sec. 8036. State control over standards.
Sec. 8037. Sense of Congress on protecting student privacy.
Sec. 8038. Prohibition on aiding and abetting sexual abuse.
Sec. 8039. Sense of Congress on restoration of state sovereignty over public education.
Sec. 8040. Privacy.
Sec. 8041. Analysis and periodic review; sense of Congress; technical assistance.
Sec. 8042. Evaluations.

TITLE IX—EDUCATION FOR THE HOMELESS AND OTHER LAWS

PART A—HOMELESS CHILDREN AND YOUTHS

Sec. 9101. Statement of policy.
Sec. 9102. Grants for State and local activities.
Sec. 9103. Local educational agency subgrants.
Sec. 9104. Secretarial responsibilities.
Sec. 9105. Definitions.
Sec. 9106. Authorization of appropriations.
Sec. 9107. Effective date.

PART B—MISCELLANEOUS; OTHER LAWS

Sec. 9201. Findings and sense of Congress on sexual misconduct.
Sec. 9202. Sense of Congress on First Amendment rights.
Sec. 9203. Preventing improper use of taxpayer funds.
Sec. 9204. Accountability to taxpayers through monitoring and oversight.
Sec. 9205. Report on Department actions to address Office of Inspector General reports.
Sec. 9206. Posthumous pardon.
Sec. 9207. Education Flexibility Partnership Act of 1999 reauthorization.
Sec. 9208. Report on the reduction of the number and percentage of students who drop out of school.
Sec. 9209. Report on subgroup sample size.
Sec. 9210. Report on student home access to digital learning resources.
Sec. 9211. Study on the title I formula.
Sec. 9212. Preschool development grants.
Sec. 9213. Review of Federal early childhood education programs.
Sec. 9214. Use of the term "highly qualified" in other laws.
Sec. 9215. Additional conforming amendments to other laws.

SEC. 3. REFERENCES.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

SEC. 4. TRANSITION.

(a) FUNDING AUTHORITY.—

(1) MULTI-YEAR AWARDS.—

(A) PROGRAMS NO LONGER AUTHORIZED.—Except as otherwise provided in this Act or the amendments made by this Act, the recipient of a multiyear award under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), as in effect on the day before the date of enactment of this Act, under a program that is not authorized under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), as amended by this Act, and—

(i) that is not substantively similar to a program authorized under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), as amended by this Act, shall continue to receive funds in accordance with the terms of such prior award, except that no

additional funds for such program may be awarded after September 30, 2016; and

(ii) that is substantively similar to a program authorized under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), as amended by this Act, shall continue to receive funds in accordance with the terms of such prior award.

(B) AUTHORIZED PROGRAMS.—Except as otherwise provided in this Act, or the amendments made by this Act, the recipient of a multiyear award under a program that was authorized under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), as in effect on the day before the date of enactment of this Act, and that is authorized under such Act (20 U.S.C. 6301 et seq.), as amended by this Act, shall continue to receive funds in accordance with the terms of such prior award.

(2) PLANNING AND TRANSITION.—Notwithstanding any other provision of law, a recipient of funds under a program described in paragraph (1)(A)(ii) or (1)(B) may use funds awarded to the recipient under such program, to carry out necessary and reasonable planning and transition activities in order to ensure the recipient's compliance with the amendments to such program made by this Act.

(b) ORDERLY TRANSITION.—Subject to subsection (a)(1)(A)(i), the Secretary shall take such steps as are necessary to provide for the orderly transition to, and implementation of, programs authorized under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et. seq.), as amended by this Act, from programs authorized under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), as in effect on the day before the date of enactment of this Act.

(c) TERMINATION OF CERTAIN WAIVERS.—

(1) IN GENERAL.—Notwithstanding any other provision of this Act, and subject to section 5(e)(2), a waiver described in paragraph (2) shall be null and void and have no legal effect on or after August 1, 2016.

(2) WAIVERS.—A waiver shall be subject to paragraph (1) if the waiver was granted by the Secretary of Education to a State or consortium of local educational agencies under the program first introduced in a letter to chief State school officers dated September 23, 2011, and authorized under section 9401 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7861), as in effect on the day before the date of enactment of this Act.

SEC. 5. EFFECTIVE DATES.

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

(b) NONCOMPETITIVE PROGRAMS.—With respect to noncompetitive programs under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq) and the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11301 et seq.) under which any funds are allotted by the Secretary of Education to recipients on the basis of a formula, the amendments made by this Act shall be effective be-

ginning on July 1, 2016, except as otherwise provided in such amendments.

(c) COMPETITIVE PROGRAMS.—With respect to programs that are conducted by the Secretary of Education on a competitive basis (and are not programs described in subsection (b)) under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), the amendments made by this Act with respect to appropriations for use under such programs shall be effective beginning on October 1, 2016, except as otherwise provided in such amendments.

(d) IMPACT AID.—With respect to title VII of the Elementary and Secondary Education Act of 1965, as amended by this Act, the amendments made by this Act shall take effect with respect to appropriations for use under such title beginning fiscal year 2017, except as otherwise provided in such amendments.

(e) TITLE I OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—

(1) EFFECTIVE DATES FOR SECTION 1111 OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—Notwithstanding any other provision of this Act, or the amendments made by this Act, and subject to paragraph (2) of this subsection—

(A) section 1111(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)), as in effect on the day before the date of enactment of this Act, shall be effective through the close of August 1, 2016;

(B) subsections (c) and (d) of section 1111 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311), as amended by this Act, shall take effect beginning with school year 2017–2018; and

(C) section 1111(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)), as amended by this Act, and any other provision of section 1111 of such Act (20 U.S.C. 6311), as amended by this Act, which is not described in subparagraph (B) of this paragraph, shall take effect in a manner consistent with subsection (a).

(2) SPECIAL RULE.—

(A) IN GENERAL.—Notwithstanding any other provision of this Act (including subsection (b) and paragraph (1)), any school or local educational agency described in subparagraph (B) shall continue to implement interventions applicable to such school or local educational agency under clause (i) or (ii) of subparagraph (B) until—

(i) the State plan for the State in which the school or agency is located under section 1111 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311), as amended by this Act, is approved under such section (20 U.S.C. 6311); or

(ii) subsections (c) and (d) of section 1111 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311), as amended by this Act, take effect in accordance with paragraph (1)(B),

whichever occurs first.

(B) CERTAIN SCHOOLS AND LOCAL EDUCATIONAL AGENCIES.—A school or local educational agency shall be subject to the requirements of subparagraph (A), if such school or

local educational agency has been identified by the State in which the school or local educational agency is located—

(i) as in need of improvement, corrective action, or restructuring under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.), as in effect on the day before the date of enactment of this Act; or

(ii) as a priority or focus school under a waiver granted by the Secretary of Education under section 9401 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7861), as in effect on the day before the date of enactment of this Act.

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

Section 2 is amended to read as follows:

"Sec. 1. Short title.
"Sec. 2. Table of contents.

"TITLE I—IMPROVING THE ACADEMIC ACHIEVEMENT OF THE DISADVANTAGED

"Sec. 1001. Statement of purpose.
"Sec. 1002. Authorization of appropriations.
"Sec. 1003. School improvement.
"Sec. 1003A. Direct student services.
"Sec. 1004. State administration.

"PART A—IMPROVING BASIC PROGRAMS OPERATED BY LOCAL EDUCATIONAL AGENCIES

"SUBPART 1—BASIC PROGRAM REQUIREMENTS

"Sec. 1111. State plans.
"Sec. 1112. Local educational agency plans.
"Sec. 1113. Eligible school attendance areas.
"Sec. 1114. Schoolwide programs.
"Sec. 1115. Targeted assistance schools.
"Sec. 1116. Parent and family engagement.
"Sec. 1117. Participation of children enrolled in private schools.
"Sec. 1118. Fiscal requirements.
"Sec. 1119. Coordination requirements.

"SUBPART 2—ALLOCATIONS

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

"PART B—STATE ASSESSMENT GRANTS

"Sec. 1201. Grants for State assessments and related activities.
"Sec. 1202. State option to conduct assessment system audit.
"Sec. 1203. Allotment of appropriated funds.
"Sec. 1204. Innovative assessment and accountability demonstration authority.

"PART C—EDUCATION OF MIGRATORY CHILDREN

"Sec. 1301. Program purposes.
"Sec. 1302. Program authorized.
"Sec. 1303. State allocations.
"Sec. 1304. State applications; services.
"Sec. 1305. Secretarial approval; peer review.

"Sec. 1306. Comprehensive needs assessment and service-delivery plan; authorized activities.
"Sec. 1307. Bypass.
"Sec. 1308. Coordination of migrant education activities.
"Sec. 1309. Definitions.

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

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

"SUBPART 1—STATE AGENCY PROGRAMS

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

"SUBPART 2—LOCAL AGENCY PROGRAMS

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

"SUBPART 3—GENERAL PROVISIONS

"Sec. 1431. Program evaluations.
"Sec. 1432. Definitions.

"PART E—FLEXIBILITY FOR EQUITABLE PER-PUPIL FUNDING

"Sec. 1501. Flexibility for equitable per-pupil funding.

"PART F—GENERAL PROVISIONS

"Sec. 1601. Federal regulations.
"Sec. 1602. Agreements and records.
"Sec. 1603. State administration.
"Sec. 1604. Prohibition against Federal mandates, direction, or control.
"Sec. 1605. Rule of construction on equalized spending.

"TITLE II—PREPARING, TRAINING, AND RECRUITING HIGH-QUALITY TEACHERS, PRINCIPALS, AND OTHER SCHOOL LEADERS

"Sec. 2001. Purpose.
"Sec. 2002. Definitions.
"Sec. 2003. Authorization of appropriations.

"PART A—SUPPORTING EFFECTIVE INSTRUCTION

"Sec. 2101. Formula grants to States.
"Sec. 2102. Subgrants to local educational agencies.
"Sec. 2103. Local uses of funds.
"Sec. 2104. Reporting.

"PART B—NATIONAL ACTIVITIES

"Sec. 2201. Reservations.

"SUBPART 1—TEACHER AND SCHOOL LEADER INCENTIVE PROGRAM

"Sec. 2211. Purposes; definitions.
"Sec. 2212. Teacher and school leader incentive fund grants.
"Sec. 2213. Reports.

"SUBPART 2—LITERACY EDUCATION FOR ALL, RESULTS FOR THE NATION

"Sec. 2221. Purposes; definitions.

"Sec. 2222. Comprehensive literacy State development grants.
"Sec. 2223. Subgrants to eligible entities in support of birth through kindergarten entry literacy.
"Sec. 2224. Subgrants to eligible entities in support of kindergarten through grade 12 literacy.
"Sec. 2225. National evaluation and information dissemination.
"Sec. 2226. Innovative approaches to literacy.

"SUBPART 3—AMERICAN HISTORY AND CIVICS EDUCATION

"Sec. 2231. Program authorized.
"Sec. 2232. Presidential and congressional academies for American history and civics.
"Sec. 2233. National activities.

"SUBPART 4—PROGRAMS OF NATIONAL SIGNIFICANCE

"Sec. 2241. Funding allotment.
"Sec. 2242. Supporting effective educator development.
"Sec. 2243. School leader recruitment and support.
"Sec. 2244. Technical assistance and national evaluation.
"Sec. 2245. STEM master teacher corps.

"PART C—GENERAL PROVISIONS

"Sec. 2301. Supplement, not supplant.
"Sec. 2302. Rules of construction.

"TITLE III—LANGUAGE INSTRUCTION FOR ENGLISH LEARNERS AND IMMIGRANT STUDENTS

"Sec. 3001. Authorization of appropriations.

"PART A—ENGLISH LANGUAGE ACQUISITION, LANGUAGE ENHANCEMENT, AND ACADEMIC ACHIEVEMENT ACT

"Sec. 3101. Short title.
"Sec. 3102. Purposes.

"SUBPART 1—GRANTS AND SUBGRANTS FOR ENGLISH LANGUAGE ACQUISITION AND LANGUAGE ENHANCEMENT

"Sec. 3111. Formula grants to States.
"Sec. 3112. Native American and Alaska Native children in school.
"Sec. 3113. State and specially qualified agency plans.
"Sec. 3114. Within-State allocations.
"Sec. 3115. Subgrants to eligible entities.
"Sec. 3116. Local plans.

"SUBPART 2—ACCOUNTABILITY AND ADMINISTRATION

"Sec. 3121. Reporting.
"Sec. 3122. Biennial reports.
"Sec. 3123. Coordination with related programs.
"Sec. 3124. Rules of construction.
"Sec. 3125. Legal authority under State law.
"Sec. 3126. Civil rights.
"Sec. 3127. Programs for Native Americans and Puerto Rico.
"Sec. 3128. Prohibition.

"SUBPART 3—NATIONAL ACTIVITIES

"Sec. 3131. National professional development project.

"PART B—GENERAL PROVISIONS

"Sec. 3201. Definitions.
"Sec. 3202. National clearinghouse.
"Sec. 3203. Regulations.

"TITLE IV—21ST CENTURY SCHOOLS

"Sec. 4001. General provisions.

"PART A—STUDENT SUPPORT AND ACADEMIC ENRICHMENT GRANTS

"SUBPART 1—STUDENT SUPPORT AND ACADEMIC ENRICHMENT GRANTS

"Sec. 4101. Purpose.
"Sec. 4102. Definitions.
"Sec. 4103. Formula grants to States.
"Sec. 4104. State use of funds.
"Sec. 4105. Allocations to local educational agencies.
"Sec. 4106. Local educational agency applications.
"Sec. 4107. Activities to support well-rounded educational opportunities.
"Sec. 4108. Activities to support safe and healthy students.
"Sec. 4109. Activities to support the effective use of technology.
"Sec. 4110. Supplement, not supplant.
"Sec. 4111. Rule of construction.
"Sec. 4112. Authorization of appropriations.

"SUBPART 2—INTERNET SAFETY

"4121. Internet safety.

"PART B—21ST CENTURY COMMUNITY LEARNING CENTERS

"Sec. 4201. Purpose; definitions.
"Sec. 4202. Allotments to States.
"Sec. 4203. State application.
"Sec. 4204. Local competitive subgrant program.
"Sec. 4205. Local activities.
"Sec. 4206. Authorization of appropriations.

"PART C—EXPANDING OPPORTUNITY THROUGH QUALITY CHARTER SCHOOLS

"Sec. 4301. Purpose.
"Sec. 4302. Program authorized.
"Sec. 4303. Grants to support high-quality charter schools.
"Sec. 4304. Facilities financing assistance.
"Sec. 4305. National activities.
"Sec. 4306. Federal formula allocation during first year and for successive enrollment expansions.
"Sec. 4307. Solicitation of input from charter school operators.
"Sec. 4308. Records transfer.
"Sec. 4309. Paperwork reduction.
"Sec. 4310. Definitions.
"Sec. 4311. Authorization of appropriations.

"PART D—MAGNET SCHOOLS ASSISTANCE

"Sec. 4401. Findings and purpose.
"Sec. 4402. Definition.
"Sec. 4403. Program authorized.
"Sec. 4404. Eligibility.
"Sec. 4405. Applications and requirements.
"Sec. 4406. Priority.
"Sec. 4407. Use of funds.
"Sec. 4408. Limitations.
"Sec. 4409. Authorization of appropriations; reservation.

"PART E—FAMILY ENGAGEMENT IN EDUCATION PROGRAMS

"Sec. 4501. Purposes.
"Sec. 4502. Grants authorized.
"Sec. 4503. Applications.
"Sec. 4504. Uses of funds.
"Sec. 4505. Family engagement in Indian schools.
"Sec. 4506. Authorization of appropriations.

"PART F—NATIONAL ACTIVITIES

"Sec. 4601. Authorization of appropriations; reservations.

"SUBPART 1—EDUCATION INNOVATION AND RESEARCH

"Sec. 4611. Grants for education innovation and research.

"SUBPART 2—COMMUNITY SUPPORT FOR SCHOOL SUCCESS

"Sec. 4621. Purposes.

"Sec. 4622. Definitions.
"Sec. 4623. Program authorized.
"Sec. 4624. Promise neighborhoods.
"Sec. 4625. Full-service community schools.

"SUBPART 3—NATIONAL ACTIVITIES FOR SCHOOL SAFETY

"Sec. 4631. National activities for school safety.

"SUBPART 4—ACADEMIC ENRICHMENT

"Sec. 4641. Awards for academic enrichment.
"Sec. 4642. Assistance for arts education.
"Sec. 4643. Ready to learn programming.
"Sec. 4644. Supporting high-ability learners and learning.

"TITLE V—FLEXIBILITY AND ACCOUNTABILITY

"PART A—FUNDING TRANSFERABILITY FOR STATE AND LOCAL EDUCATIONAL AGENCIES

"Sec. 5101. Short title.
"Sec. 5102. Purpose.
"Sec. 5103. Transferability of funds.

"PART B—RURAL EDUCATION INITIATIVE

"Sec. 5201. Short title.
"Sec. 5202. Purpose.

"SUBPART 1—SMALL, RURAL SCHOOL ACHIEVEMENT PROGRAM

"Sec. 5211. Use of applicable funding.
"Sec. 5212. Grant program authorized.

"SUBPART 2—RURAL AND LOW-INCOME SCHOOL PROGRAM

"Sec. 5221. Program authorized.
"Sec. 5222. Use of funds.
"Sec. 5223. Applications.
"Sec. 5224. Report.
"Sec. 5225. Choice of participation.

"PART C—GENERAL PROVISIONS

"Sec. 5301. Prohibition against Federal mandates, direction, or control.
"Sec. 5302. Rule of construction on equalized spending.

"TITLE VI—INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE EDUCATION

"PART A—INDIAN EDUCATION

"Sec. 6101. Statement of policy.
"Sec. 6102. Purpose.

"SUBPART 1—FORMULA GRANTS TO LOCAL EDUCATIONAL AGENCIES

"Sec. 6111. Purpose.
"Sec. 6112. Grants to local educational agencies and tribes.
"Sec. 6113. Amount of grants.
"Sec. 6114. Applications.
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TITLE I—IMPROVING BASIC PROGRAMS OPERATED BY STATE AND LOCAL EDUCATIONAL AGENCIES

PART A—IMPROVING BASIC PROGRAMS OPERATED BY STATE AND LOCAL EDUCATIONAL AGENCIES

SEC. 1000. REDESIGNATIONS.

Subpart 1 of part A of title I (20 U.S.C. 6311 et seq.) is amended—

(1) by striking sections 1116, 1117, and 1119;
(2) by redesignating section 1118 as section 1116;
(3) by redesignating section 1120 as section 1117;
(4) by redesignating section 1120A as section 1118; and
(5) by redesignating section 1120B as section 1119.

SEC. 1001. STATEMENT OF PURPOSE.

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

"SEC. 1001. STATEMENT OF PURPOSE.

"The purpose of this title is to provide all children significant opportunity to receive a fair, equitable, and high-quality education, and to close educational achievement gaps.".

SEC. 1002. AUTHORIZATION OF APPROPRIATIONS.

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

"SEC. 1002. AUTHORIZATION OF APPROPRIATIONS.

"(a) LOCAL EDUCATIONAL AGENCY GRANTS.—There are authorized to be appropriated to carry out the activities described in part A—

"(1) $15,012,317,605 for fiscal year 2017;
"(2) $15,457,459,042 for fiscal year 2018;
"(3) $15,897,371,442 for fiscal year 2019; and
"(4) $16,182,344,591 for fiscal year 2020.

"(b) STATE ASSESSMENTS.—There are authorized to be appropriated to carry out the activities described in part B, $378,000,000 for each of fiscal years 2017 through 2020.

"(c) EDUCATION OF MIGRATORY CHILDREN.—There are authorized to be appropriated to carry out the activities described in part C, $374,751,000 for each of fiscal years 2017 through 2020.

"(d) PREVENTION AND INTERVENTION PROGRAMS FOR CHILDREN AND YOUTH WHO ARE NEGLECTED, DELINQUENT, OR AT-RISK.—There are authorized to be appropriated to carry out the activities described in part D, $47,614,000 for each of fiscal years 2017 through 2020.

"(e) FEDERAL ACTIVITIES.—For the purpose of carrying out evaluation activities related to title I under section 8601, there are authorized to be appropriated $710,000 for each of fiscal years 2017 through 2020.

"(f) SENSE OF CONGRESS REGARDING ADJUSTMENTS TO AUTHORIZATIONS OF APPROPRIATIONS PROVIDED IN THIS ACT FOR FUTURE BUDGET AGREEMENTS.—It is the sense of Congress that if legislation is enacted that revises the limits on discretionary spending established under section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(c)), the levels of appropriations authorized throughout this Act should be adjusted in a manner that is consistent with the adjustments in nonsecurity category funding provided for under the revised limits on discretionary spending.".

SEC. 1003. SCHOOL IMPROVEMENT.

Section 1003 (20 U.S.C. 6303) is amended to read as follows:

"SEC. 1003. SCHOOL IMPROVEMENT.

"(a) STATE RESERVATIONS.—To carry out subsection (b) and the State educational agency's statewide system of technical assistance and support for local educational agencies, each State shall reserve the greater of—

"(1) 7 percent of the amount the State receives under subpart 2 of part A; or

"(2) the sum of the amount the State—

"(A) reserved for fiscal year 2016 under this subsection, as in effect on the day before the date of enactment of the Every Student Succeeds Act; and

"(B) received for fiscal year 2016 under subsection (g), as in effect on the day before the date of enactment of the Every Student Succeeds Act.

"(b) USES.—Of the amount reserved under subsection (a) for any fiscal year, the State educational agency—

"(1)(A) shall allocate not less than 95 percent of that amount to make grants to local educational agencies on a formula or competitive basis, to serve schools implementing comprehensive support and improvement activities or targeted support and improvement activities under section 1111(d); or

"(B) may, with the approval of the local educational agency, directly provide for these activities or arrange for their provision through other entities such as school support teams, educational service agencies, or nonprofit or for-profit external providers with expertise in using evidence-based strategies to improve student achievement, instruction, and schools; and

"(2) shall use the funds not allocated to local educational agencies under paragraph (1) to carry out this section, which shall include—

"(A) establishing the method, consistent with paragraph (1)(A), the State will use to allocate funds to local educational agencies under such paragraph, including ensuring—

"(i) the local educational agencies receiving an allotment under such paragraph represent the geographic diversity of the State; and

"(ii) that allotments are of sufficient size to enable a local educational agency to effectively implement selected strategies;

"(B) monitoring and evaluating the use of funds by local educational agencies receiving an allotment under such paragraph; and

"(C) as appropriate, reducing barriers and providing operational flexibility for schools in the implementation of comprehensive support and improvement activities or targeted support and improvement activities under section 1111(d).

"(c) DURATION.—The State educational agency shall award each subgrant under subsection (b) for a period of not more than 4 years, which may include a planning year.

"(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as prohibiting a State from allocating subgrants under this section to a statewide school district, consortium of local educational agencies, or an educational service agency that serves schools implementing comprehensive support and improvement activities or targeted support and improvement activities, if such entities are legally constituted or recognized as local educational agencies in the State.

"(e) APPLICATION.—To receive an allotment under subsection (b)(1), a local educational agency shall submit an application to the State educational agency at such time, in such form, and including such information as the State educational agency may require. Each application shall include, at a minimum—

"(1) a description of how the local educational agency will carry out its responsibilities under section 1111(d) for schools receiving funds under this section, including how the local educational agency will—

"(A) develop comprehensive support and improvement plans under section 1111(d)(1) for schools receiving funds under this section;

"(B) support schools developing or implementing targeted support and improvement plans under section 1111(d)(2), if funds received under this section are used for such purpose;

"(C) monitor schools receiving funds under this section, including how the local educational agency will carry out its responsibilities under clauses (iv) and (v) of section 1111(d)(2)(B) if funds received under this section are used to support schools implementing targeted support and improvement plans;

"(D) use a rigorous review process to recruit, screen, select, and evaluate any external partners with whom the local educational agency will partner;

"(E) align other Federal, State, and local resources to carry out the activities supported with funds received under subsection (b)(1); and

"(F) as appropriate, modify practices and policies to provide operational flexibility that enables full and effective implementation of the plans described in paragraphs (1) and (2) of section 1111(d); and

"(2) an assurance that each school the local educational agency proposes to serve will receive all of the State and local funds it would have received in the absence of funds received under this section.

"(f) PRIORITY.—The State educational agency, in allocating funds to local educational agencies under this section, shall give priority to local educational agencies that—

"(1) serve high numbers, or a high percentage of, elementary schools and secondary schools implementing plans under paragraphs (1) and (2) of section 1111(d);

"(2) demonstrate the greatest need for such funds, as determined by the State; and

"(3) demonstrate the strongest commitment to using funds under this section to enable the lowest-performing schools to improve student achievement and student outcomes.

"(g) UNUSED FUNDS.—If, after consultation with local educational agencies in the State, the State educational agency determines that the amount of funds reserved to carry out subsection (b) is greater than the amount needed to provide the assistance described in that subsection, the State educational agency shall allocate the excess amount to local educational agencies in accordance with—

"(1) the relative allocations the State educational agency made to those agencies for that fiscal year under subpart 2 of part A; or

"(2) section 1126(c).

"(h) SPECIAL RULE.—Notwithstanding any other provision of this section, the amount of funds reserved by the State educational agency under subsection (a) for fiscal year 2018 and each subsequent fiscal year shall not decrease the amount of funds each local educational agency receives under subpart 2 of part A below the amount received by such local educational agency under such subpart for the preceding fiscal year.

"(i) REPORTING.—The State shall include in the report described in section 1111(h)(1) a list of all the local educational agencies and schools that received funds under this section, including the amount of funds each school received and the types of strategies implemented in each school with such funds.".

SEC. 1004. DIRECT STUDENT SERVICES.

The Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) is amended by inserting after section 1003 (20 U.S.C. 6303) the following:

"SEC. 1003A. DIRECT STUDENT SERVICES.

"(a) STATE RESERVATION.—

"(1) IN GENERAL.—

"(A) STATES.—Each State educational agency, after meaningful consultation with geographically diverse local educational agencies described in subparagraph (B), may reserve not more than 3 percent of the amount the State educational agency receives under subpart 2 of part A for each fiscal year to carry out this section.

"(B) CONSULTATION.—A State educational agency shall consult under subparagraph (A) with local educational agencies that include—

"(i) suburban, rural, and urban local educational agencies;

"(ii) local educational agencies serving a high percentage of schools identified by the State for comprehensive support and improvement under section 1111(c)(4)(D)(i); and

"(iii) local educational agencies serving a high percentage of schools implementing targeted support and improvement plans under section 1111(d)(2).

"(2) PROGRAM ADMINISTRATION.—Of the funds reserved under paragraph (1)(A), the State educational agency may use not more than 1 percent to administer the program described in this section.

"(b) AWARDS.—

"(1) IN GENERAL.—From the amount reserved under subsection (a) by a State educational agency, the State educational agency shall award grants to geographically diverse local educational agencies described in subsection (a)(1)(B)(i).

"(2) PRIORITY.—In making such awards, the State educational agency shall prioritize awards to local educational agencies serving the highest percentage of schools, as compared to other local educational agencies in the State—

"(A) identified by the State for comprehensive support and improvement under section 1111(c)(4)(D)(i); or

"(B) implementing targeted support and improvement plans under section 1111(d)(2).

"(c) LOCAL USE OF FUNDS.—A local educational agency receiving an award under this section—

"(1) may use not more than 1 percent of its award for outreach and communication to parents about available direct student services described in paragraph (3) in the local educational agency and State;

"(2) may use not more than 2 percent of its award for administrative costs related to such direct student services;

"(3) shall use the remainder of the award to pay the costs associated with one or more of the following direct student services—

"(A) enrollment and participation in academic courses not otherwise available at a student's school, including—

"(i) advanced courses; and

"(ii) career and technical education coursework that—

"(I) is aligned with the challenging State academic standards; and

"(II) leads to industry-recognized credentials that meet the quality criteria established by the State under section 123(a) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102);

"(B) credit recovery and academic acceleration courses that lead to a regular high school diploma;

"(C) activities that assist students in successfully completing postsecondary level instruction and examinations that are accepted for credit at institutions of higher education (including Advanced Placement and International Baccalaureate courses), which may include reimbursing

low-income students to cover part or all of the costs of fees for such examinations;

"(D) components of a personalized learning approach, which may include high-quality academic tutoring; and

"(E) in the case of a local educational agency that does not reserve funds under section 1111(d)(1)(D)(v), transportation to allow a student enrolled in a school identified for comprehensive support and improvement under section 1111(c)(4)(D)(i) to transfer to another public school (which may include a charter school) that has not been identified by the State under such section; and

"(4) in paying the costs associated with the direct student services described in paragraph (3), shall—

"(A) first, pay such costs for students who are enrolled in schools identified by the State for comprehensive support and improvement under section 1111(c)(4)(D)(i);

"(B) second, pay such costs for low-achieving students who are enrolled in schools implementing targeted support and improvement plans under section 1111(d)(2); and

"(C) with any remaining funds, pay such costs for other low-achieving students served by the local educational agency.

"(d) APPLICATION.—A local educational agency desiring to receive an award under subsection (b) shall submit an application to the State educational agency at such time and in such manner as the State educational agency shall require. At a minimum, each application shall describe how the local educational agency will—

"(1) provide adequate outreach to ensure parents can exercise a meaningful choice of direct student services for their child's education;

"(2) ensure parents have adequate time and information to make a meaningful choice prior to enrolling their child in a direct student service;

"(3) in the case of a local educational agency offering public school choice under this section, ensure sufficient availability of seats in the public schools the local educational agency will make available for public school choice options;

"(4) prioritize services to students who are lowest-achieving;

"(5) select providers of direct student services, which may include one or more of—

"(A) the local educational agency or other local educational agencies;

"(B) community colleges or other institutions of higher education;

"(C) non-public entities;

"(D) community-based organizations; or

"(E) in the case of high-quality academic tutoring, a variety of providers of such tutoring that are selected and approved by the State and appear on the State's list of such providers required under subsection (e)(2);

"(6) monitor the provision of direct student services; and

"(7) publicly report the results of direct student service providers in improving relevant student outcomes in a manner that is accessible to parents.

"(e) PROVIDERS AND SCHOOLS.—A State educational agency that reserves an amount under subsection (a) shall—

"(1) ensure that each local educational agency that receives an award under this section and intends to provide public school choice under subsection (c)(3)(E) can provide a sufficient number of options to provide a meaningful choice for parents;

"(2) compile and maintain an updated list of State-approved high-quality academic tutoring providers that—

"(A) is developed using a fair negotiation and rigorous selection and approval process;

"(B) provides parents with meaningful choices;

"(C) offers a range of tutoring models, including online and on campus; and

"(D) includes only providers that—

"(i) have a demonstrated record of success in increasing students' academic achievement;

"(ii) comply with all applicable Federal, State, and local health, safety, and civil rights laws; and

"(iii) provide instruction and content that is secular, neutral, and non-ideological;

"(3) ensure that each local educational agency receiving an award is able to provide an adequate number of high-quality academic tutoring options to ensure parents have a meaningful choice of services;

"(4) develop and implement procedures for monitoring the quality of services provided by direct student service providers; and

"(5) establish and implement clear criteria describing the course of action for direct student service providers that are not successful in improving student academic outcomes, which, for a high-quality academic tutoring provider, may include a process to remove State approval under paragraph (2).".

SEC. 1005. STATE PLANS.

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

"SEC. 1111. STATE PLANS.

"(a) FILING FOR GRANTS.—

"(1) IN GENERAL.—For any State desiring to receive a grant under this part, the State educational agency shall file with the Secretary a plan that is—

"(A) developed by the State educational agency with timely and meaningful consultation with the Governor, members of the State legislature and State board of education (if the State has a State board of education), local educational agencies (including those located in rural areas), representatives of Indian tribes located in the State, teachers, principals, other school leaders, charter school leaders (if the State has charter schools), specialized instructional support personnel, paraprofessionals, administrators, other staff, and parents; and

"(B) is coordinated with other programs under this Act, the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), the Rehabilitation Act of 1973 (20 U.S.C. 701 et seq.), the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.), the Workforce

Innovation and Opportunity Act (29 U.S.C. 3101 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.), the Education Sciences Reform Act of 2002 (20 U.S.C. 9501 et seq.), the Education Technical Assistance Act of 2002 (20 U.S.C. 9601 et. seq.), the National Assessment of Educational Progress Authorization Act (20 U.S.C. 9621 et seq.), the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11301 et seq.), and the Adult Education and Family Literacy Act (29 U.S.C. 3271 et seq.).

"(2) LIMITATION.—Consultation required under paragraph (1)(A) shall not interfere with the timely submission of the plan required under this section.

"(3) CONSOLIDATED PLAN.—A State plan submitted under paragraph (1) may be submitted as part of a consolidated plan under section 8302.

"(4) PEER REVIEW AND SECRETARIAL APPROVAL.—

"(A) IN GENERAL.—The Secretary shall—

"(i) establish a peer-review process to assist in the review of State plans;

"(ii) establish multidisciplinary peer-review teams and appoint members of such teams—

"(I) who are representative of—

"(aa) parents, teachers, principals, other school leaders, specialized instructional support personnel, State educational agencies, local educational agencies, and the community (including the business community); and

"(bb) researchers who are familiar with—

"(AA) the implementation of academic standards, assessments, or accountability systems; and

"(BB) how to meet the needs of disadvantaged students, children with disabilities, and English learners, the needs of low-performing schools, and other educational needs of students;

"(II) that include, to the extent practicable, majority representation of individuals who, in the most recent 2 years, have had practical experience in the classroom, school administration, or State or local government (such as direct employees of a school, local educational agency, or State educational agency); and

"(III) who represent a regionally diverse cross-section of States;

"(iii) make available to the public, including by such means as posting to the Department's website, the list of peer reviewers who have reviewed State plans under this section;

"(iv) ensure that the peer-review teams consist of varied individuals so that the same peer reviewers are not reviewing all of the State plans;

"(v) approve a State plan not later than 120 days after its submission, unless the Secretary meets the requirements of clause (vi);

"(vi) have the authority to disapprove a State plan only if—

"(I) the Secretary—

"(aa) determines how the State plan fails to meet the requirements of this section;

"(bb) immediately provides to the State, in writing, notice of such determination, and the supporting information and rationale to substantiate such determination;

"(cc) offers the State an opportunity to revise and resubmit its State plan, and provides the State—

"(AA) technical assistance to assist the State in meeting the requirements of this section;

"(BB) in writing, all peer-review comments, suggestions, recommendations, or concerns relating to its State plan; and

"(CC) a hearing, unless the State declines the opportunity for such hearing; and

"(II) the State—

"(aa) does not revise and resubmit its State plan; or

"(bb) in a case in which a State revises and resubmits its State plan after a hearing is conducted under subclause (I)(cc)(CC), or after the State has declined the opportunity for such a hearing, the Secretary determines that such revised State plan does not meet the requirements of this section.

"(B) PURPOSE OF PEER REVIEW.—The peer-review process shall be designed to—

"(i) maximize collaboration with each State;

"(ii) promote effective implementation of the challenging State academic standards through State and local innovation; and

"(iii) provide transparent, timely, and objective feedback to States designed to strengthen the technical and overall quality of the State plans.

"(C) STANDARD AND NATURE OF REVIEW.—Peer reviewers shall conduct an objective review of State plans in their totality and out of respect for State and local judgments, with the goal of supporting State- and local-led innovation and providing objective feedback on the technical and overall quality of a State plan.

"(D) PROHIBITION.—Neither the Secretary nor the political appointees of the Department, may attempt to participate in, or influence, the peer-review process.

"(5) PUBLIC REVIEW.—All written communications, feedback, and notifications under this subsection shall be conducted

in a manner that is transparent and immediately made available to the public on the Department's website, including—

"(A) plans submitted or resubmitted by a State;

"(B) peer-review guidance, notes, and comments and the names of the peer reviewers (once the peer reviewers have completed their work);

"(C) State plan determinations by the Secretary, including approvals or disapprovals; and

"(D) notices and transcripts of hearings under this section.

"(6) DURATION OF THE PLAN.—

"(A) IN GENERAL.—Each State plan shall—

"(i) remain in effect for the duration of the State's participation under this part; and

"(ii) be periodically reviewed and revised as necessary by the State educational agency to reflect changes in the State's strategies and programs under this part.

"(B) ADDITIONAL INFORMATION.—

"(i) IN GENERAL.—If a State makes significant changes to its plan at any time, such as the adoption of new challenging State academic standards or new academic assessments under subsection (b), or changes to its accountability system under subsection (c), such information shall be submitted to the Secretary in the form of revisions or amendments to the State plan.

"(ii) REVIEW OF REVISED PLANS.—The Secretary shall review the information submitted under clause (i) and approve changes to the State plan, or disapprove such changes in accordance with paragraph (4)(A)(vi), within 90 days, without undertaking the peer-review process under such paragraph.

"(iii) SPECIAL RULE FOR STANDARDS.—If a State makes changes to its challenging State academic standards, the requirements of subsection (b)(1), including the requirement that such standards need not be submitted to the Secretary pursuant to subsection (b)(1)(A), shall still apply.

"(7) FAILURE TO MEET REQUIREMENTS.—If a State fails to meet any of the requirements of this section, the Secretary may withhold funds for State administration under this part until the Secretary determines that the State has fulfilled those requirements.

"(8) PUBLIC COMMENT.—Each State shall make the State plan publicly available for public comment for a period of not less than 30 days, by electronic means and in an easily accessible format, prior to submission to the Secretary for approval under this subsection. The State, in the plan it files under this subsection, shall provide an assurance that public comments were taken into account in the development of the State plan.

"(b) CHALLENGING ACADEMIC STANDARDS AND ACADEMIC ASSESSMENTS.—

"(1) CHALLENGING STATE ACADEMIC STANDARDS.—

"(A) IN GENERAL.—Each State, in the plan it files under subsection (a), shall provide an assurance that the

State has adopted challenging academic content standards and aligned academic achievement standards (referred to in this Act as 'challenging State academic standards'), which achievement standards shall include not less than 3 levels of achievement, that will be used by the State, its local educational agencies, and its schools to carry out this part. A State shall not be required to submit such challenging State academic standards to the Secretary.

"(B) SAME STANDARDS.—Except as provided in subparagraph (E), the standards required by subparagraph (A) shall—

"(i) apply to all public schools and public school students in the State; and

"(ii) with respect to academic achievement standards, include the same knowledge, skills, and levels of achievement expected of all public school students in the State.

"(C) SUBJECTS.—The State shall have such academic standards for mathematics, reading or language arts, and science, and may have such standards for any other subject determined by the State.

"(D) ALIGNMENT.—

"(i) IN GENERAL.—Each State shall demonstrate that the challenging State academic standards are aligned with entrance requirements for credit-bearing coursework in the system of public higher education in the State and relevant State career and technical education standards.

"(ii) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to authorize public institutions of higher education to determine the specific challenging State academic standards required under this paragraph.

"(E) ALTERNATE ACADEMIC ACHIEVEMENT STANDARDS FOR STUDENTS WITH THE MOST SIGNIFICANT COGNITIVE DISABILITIES.—

"(i) IN GENERAL.—The State may, through a documented and validated standards-setting process, adopt alternate academic achievement standards for students with the most significant cognitive disabilities, provided those standards—

"(I) are aligned with the challenging State academic content standards under subparagraph (A);

"(II) promote access to the general education curriculum, consistent with the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.);

"(III) reflect professional judgment as to the highest possible standards achievable by such students;

"(IV) are designated in the individualized education program developed under section 614(d)(3) of the Individuals with Disabilities Education Act (20 U.S.C. 1414(d)(3)) for each such student as the

academic achievement standards that will be used for the student; and

"(V) are aligned to ensure that a student who meets the alternate academic achievement standards is on track to pursue postsecondary education or employment, consistent with the purposes of Public Law 93–112, as in effect on July 22, 2014.

"(ii) PROHIBITION ON ANY OTHER ALTERNATE OR MODIFIED ACADEMIC ACHIEVEMENT STANDARDS.—A State shall not develop, or implement for use under this part, any alternate academic achievement standards for children with disabilities that are not alternate academic achievement standards that meet the requirements of clause (i).

"(F) ENGLISH LANGUAGE PROFICIENCY STANDARDS.—Each State plan shall demonstrate that the State has adopted English language proficiency standards that—

"(i) are derived from the 4 recognized domains of speaking, listening, reading, and writing;

"(ii) address the different proficiency levels of English learners; and

"(iii) are aligned with the challenging State academic standards.

"(G) PROHIBITIONS.—

"(i) STANDARDS REVIEW OR APPROVAL.—A State shall not be required to submit any standards developed under this subsection to the Secretary for review or approval.

"(ii) FEDERAL CONTROL.—The Secretary shall not have the authority to mandate, direct, control, coerce, or exercise any direction or supervision over any of the challenging State academic standards adopted or implemented by a State.

"(H) EXISTING STANDARDS.—Nothing in this part shall prohibit a State from revising, consistent with this section, any standards adopted under this part before or after the date of enactment of the Every Student Succeeds Act.

"(2) ACADEMIC ASSESSMENTS.—

"(A) IN GENERAL.—Each State plan shall demonstrate that the State educational agency, in consultation with local educational agencies, has implemented a set of high-quality student academic assessments in mathematics, reading or language arts, and science. The State retains the right to implement such assessments in any other subject chosen by the State.

"(B) REQUIREMENTS.—The assessments under subparagraph (A) shall—

"(i) except as provided in subparagraph (D), be—

"(I) the same academic assessments used to measure the achievement of all public elementary school and secondary school students in the State; and

"(II) administered to all public elementary school and secondary school students in the State;

"(ii) be aligned with the challenging State academic standards, and provide coherent and timely information about student attainment of such standards and whether the student is performing at the student's grade level;

"(iii) be used for purposes for which such assessments are valid and reliable, consistent with relevant, nationally recognized professional and technical testing standards, objectively measure academic achievement, knowledge, and skills, and be tests that do not evaluate or assess personal or family beliefs and attitudes, or publicly disclose personally identifiable information;

"(iv) be of adequate technical quality for each purpose required under this Act and consistent with the requirements of this section, the evidence of which shall be made public, including on the website of the State educational agency;

"(v)(I) in the case of mathematics and reading or language arts, be administered—

"(aa) in each of grades 3 through 8; and

"(bb) at least once in grades 9 through 12;

"(II) in the case of science, be administered not less than one time during—

"(aa) grades 3 through 5;

"(bb) grades 6 through 9; and

"(cc) grades 10 through 12; and

"(III) in the case of any other subject chosen by the State, be administered at the discretion of the State;

"(vi) involve multiple up-to-date measures of student academic achievement, including measures that assess higher-order thinking skills and understanding, which may include measures of student academic growth and may be partially delivered in the form of portfolios, projects, or extended performance tasks;

"(vii) provide for—

"(I) the participation in such assessments of all students;

"(II) the appropriate accommodations, such as interoperability with, and ability to use, assistive technology, for children with disabilities (as defined in section 602(3) of the Individuals with Disabilities Education Act (20 U.S.C. 1401(3))), including students with the most significant cognitive disabilities, and students with a disability who are provided accommodations under an Act other than the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), necessary to measure the academic achievement of such children relative to the challenging State academic standards or alternate academic achievement standards described in paragraph (1)(E); and

"(III) the inclusion of English learners, who shall be assessed in a valid and reliable manner and provided appropriate accommodations on assessments administered to such students under

this paragraph, including, to the extent practicable, assessments in the language and form most likely to yield accurate data on what such students know and can do in academic content areas, until such students have achieved English language proficiency, as determined under subparagraph (G);

"(viii) at the State's discretion—

"(I) be administered through a single summative assessment; or

"(II) be administered through multiple statewide interim assessments during the course of the academic year that result in a single summative score that provides valid, reliable, and transparent information on student achievement or growth;

"(ix) notwithstanding clause (vii)(III), provide for assessments (using tests in English) of reading or language arts of any student who has attended school in the United States (not including the Commonwealth of Puerto Rico) for 3 or more consecutive school years, except that if the local educational agency determines, on a case-by-case individual basis, that academic assessments in another language or form would likely yield more accurate and reliable information on what such student knows and can do, the local educational agency may make a determination to assess such student in the appropriate language other than English for a period that does not exceed 2 additional consecutive years, provided that such student has not yet reached a level of English language proficiency sufficient to yield valid and reliable information on what such student knows and can do on tests (written in English) of reading or language arts;

"(x) produce individual student interpretive, descriptive, and diagnostic reports, consistent with clause (iii), regarding achievement on such assessments that allow parents, teachers, principals, and other school leaders to understand and address the specific academic needs of students, and that are provided to parents, teachers, and school leaders, as soon as is practicable after the assessment is given, in an understandable and uniform format, and to the extent practicable, in a language that parents can understand;

"(xi) enable results to be disaggregated within each State, local educational agency, and school by—

"(I) each major racial and ethnic group;

"(II) economically disadvantaged students as compared to students who are not economically disadvantaged;

"(III) children with disabilities as compared to children without disabilities;

"(IV) English proficiency status;

"(V) gender; and

"(VI) migrant status,

except that such disaggregation shall not be required in the case of a State, local educational agency, or a school in which the number of students in a subgroup is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student;

"(xii) enable itemized score analyses to be produced and reported, consistent with clause (iii), to local educational agencies and schools, so that parents, teachers, principals, other school leaders, and administrators can interpret and address the specific academic needs of students as indicated by the students' achievement on assessment items; and

"(xiii) be developed, to the extent practicable, using the principles of universal design for learning.

"(C) EXCEPTION FOR ADVANCED MATHEMATICS IN MIDDLE SCHOOL.—A State may exempt any 8th grade student from the assessment in mathematics described in subparagraph (B)(v)(I)(aa) if—

"(i) such student takes the end-of-course assessment the State typically administers to meet the requirements of subparagraph (B)(v)(I)(bb) in mathematics;

"(ii) such student's achievement on such end-of-course assessment is used for purposes of subsection (c)(4)(B)(i), in lieu of such student's achievement on the mathematics assessment required under subparagraph (B)(v)(I)(aa), and such student is counted as participating in the assessment for purposes of subsection (c)(4)(B)(vi); and

"(iii) in high school, such student takes a mathematics assessment pursuant to subparagraph (B)(v)(I)(bb) that—

"(I) is any end-of-course assessment or other assessment that is more advanced than the assessment taken by such student under clause (i) of this subparagraph; and

"(II) shall be used to measure such student's academic achievement for purposes of subsection (c)(4)(B)(i).

"(D) ALTERNATE ASSESSMENTS FOR STUDENTS WITH THE MOST SIGNIFICANT COGNITIVE DISABILITIES.—

"(i) ALTERNATE ASSESSMENTS ALIGNED WITH ALTERNATE ACADEMIC ACHIEVEMENT STANDARDS.—A State may provide for alternate assessments aligned with the challenging State academic standards and alternate academic achievement standards described in paragraph (1)(E) for students with the most significant cognitive disabilities, if the State—

"(I) consistent with clause (ii), ensures that, for each subject, the total number of students assessed in such subject using the alternate assessments does not exceed 1 percent of the total number of all students in the State who are assessed in such subject;

"(II) ensures that the parents of such students are clearly informed, as part of the process for developing the individualized education program (as defined in section 614(d)(1)(A) of the Individuals with Disabilities Education Act (20 U.S.C. 1414(d)(1)(A)))—

"(aa) that their child's academic achievement will be measured based on such alternate standards; and

"(bb) how participation in such assessments may delay or otherwise affect the student from completing the requirements for a regular high school diploma;

"(III) promotes, consistent with the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), the involvement and progress of students with the most significant cognitive disabilities in the general education curriculum;

"(IV) describes in the State plan the steps the State has taken to incorporate universal design for learning, to the extent feasible, in alternate assessments;

"(V) describes in the State plan that general and special education teachers, and other appropriate staff—

"(aa) know how to administer the alternate assessments; and

"(bb) make appropriate use of accommodations for students with disabilities on all assessments required under this paragraph;

"(VI) develops, disseminates information on, and promotes the use of appropriate accommodations to increase the number of students with significant cognitive disabilities—

"(aa) participating in academic instruction and assessments for the grade level in which the student is enrolled; and

"(bb) who are tested based on challenging State academic standards for the grade level in which the student is enrolled; and

"(VII) does not preclude a student with the most significant cognitive disabilities who takes an alternate assessment based on alternate academic achievement standards from attempting to complete the requirements for a regular high school diploma.

"(ii) SPECIAL RULES.—

"(I) RESPONSIBILITY UNDER IDEA.—Subject to the authority and requirements for the individualized education program team for a child with a disability under section 614(d)(1)(A)(i)(VI)(bb) of the Individuals with Disabilities Education Act (20 U.S.C. 1414(d)(1)(A)(i)(VI)(bb)), such team, consistent with the guidelines established by the State and required under section 612(a)(16)(C) of

such Act (20 U.S.C. 1412(c)(16)(C)) and clause (i)(II) of this subparagraph, shall determine when a child with a significant cognitive disability shall participate in an alternate assessment aligned with the alternate academic achievement standards.

"(II) PROHIBITION ON LOCAL CAP.—Nothing in this subparagraph shall be construed to permit the Secretary or a State educational agency to impose on any local educational agency a cap on the percentage of students administered an alternate assessment under this subparagraph, except that a local educational agency exceeding the cap applied to the State under clause (i)(I) shall submit information to the State educational agency justifying the need to exceed such cap.

"(III) STATE SUPPORT.—A State shall provide appropriate oversight, as determined by the State, of any local educational agency that is required to submit information to the State under subclause (II).

"(IV) WAIVER AUTHORITY.—This subparagraph shall be subject to the waiver authority under section 8401.

"(E) STATE AUTHORITY.—If a State educational agency provides evidence, which is satisfactory to the Secretary, that neither the State educational agency nor any other State government official, agency, or entity has sufficient authority, under State law, to adopt challenging State academic standards, and academic assessments aligned with such standards, which will be applicable to all students enrolled in the State's public elementary schools and secondary schools, then the State educational agency may meet the requirements of this subsection by—

"(i) adopting academic standards and academic assessments that meet the requirements of this subsection, on a statewide basis, and limiting their applicability to students served under this part; or

"(ii) adopting and implementing policies that ensure that each local educational agency in the State that receives grants under this part will adopt academic content and student academic achievement standards, and academic assessments aligned with such standards, which—

"(I) meet all of the criteria in this subsection and any regulations regarding such standards and assessments that the Secretary may publish; and

"(II) are applicable to all students served by each such local educational agency.

"(F) LANGUAGE ASSESSMENTS.—

"(i) IN GENERAL.—Each State plan shall identify the languages other than English that are present to a significant extent in the participating student population of the State and indicate the languages for

which annual student academic assessments are not available and are needed.

"(ii) SECRETARIAL ASSISTANCE.—The State shall make every effort to develop such assessments and may request assistance from the Secretary if linguistically accessible academic assessment measures are needed. Upon request, the Secretary shall assist with the identification of appropriate academic assessment measures in the needed languages, but shall not mandate a specific academic assessment or mode of instruction.

"(G) ASSESSMENTS OF ENGLISH LANGUAGE PROFICIENCY.—

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

"(ii) ALIGNMENT.—The assessments described in clause (i) shall be aligned with the State's English language proficiency standards described in paragraph (1)(F).

"(H) LOCALLY-SELECTED ASSESSMENT.—

"(i) IN GENERAL.—Nothing in this paragraph shall be construed to prohibit a local educational agency from administering a locally-selected assessment in lieu of the State-designed academic assessment under subclause (I)(bb) and subclause (II)(cc) of subparagraph (B)(v), if the local educational agency selects a nationally-recognized high school academic assessment that has been approved for use by the State as described in clause (iii) or (iv) of this subparagraph.

"(ii) STATE TECHNICAL CRITERIA.—To allow for State approval of nationally-recognized high school academic assessments that are available for local selection under clause (i), a State educational agency shall establish technical criteria to determine if any such assessment meets the requirements of clause (v).

"(iii) STATE APPROVAL.—If a State educational agency chooses to make a nationally-recognized high school assessment available for selection by a local educational agency under clause (i), which has not already been approved under this clause, such State educational agency shall—

"(I) conduct a review of the assessment to determine if such assessment meets or exceeds the technical criteria established by the State educational agency under clause (ii);

"(II) submit evidence in accordance with subsection (a)(4) that demonstrates such assessment meets the requirements of clause (v); and

"(III) after fulfilling the requirements of subclauses (I) and (II), approve such assessment for selection and use by any local educational agency that requests to use such assessment under clause (i).

"(iv) LOCAL EDUCATIONAL AGENCY OPTION.—

"(I) LOCAL EDUCATIONAL AGENCY.—If a local educational agency chooses to submit a nationally-recognized high school academic assessment to the State educational agency, subject to the approval process described in subclause (I) and subclause (II) of clause (iii) to determine if such assessment fulfills the requirements of clause (v), the State educational agency may approve the use of such assessment consistent with clause (i).

"(II) STATE EDUCATIONAL AGENCY.—Upon such approval, the State educational agency shall approve the use of such assessment in any other local educational agency in the State that subsequently requests to use such assessment without repeating the process described in subclauses (I) and (II) of clause (iii).

"(v) REQUIREMENTS.—To receive approval from the State educational agency under clause (iii), a locally-selected assessment shall—

"(I) be aligned to the State's academic content standards under paragraph (1), address the depth and breadth of such standards, and be equivalent in its content coverage, difficulty, and quality to the State-designed assessments under this paragraph (and may be more rigorous in its content coverage and difficulty than such State-designed assessments);

"(II) provide comparable, valid, and reliable data on academic achievement, as compared to the State-designed assessments, for all students and for each subgroup of students defined in subsection (c)(2), with results expressed in terms consistent with the State's academic achievement standards under paragraph (1), among all local educational agencies within the State;

"(III) meet the requirements for the assessments under subparagraph (B) of this paragraph, including technical criteria, except the requirement under clause (i) of such subparagraph; and

"(IV) provide unbiased, rational, and consistent differentiation between schools within the State to meet the requirements of subsection (c).

"(vi) PARENTAL NOTIFICATION.—A local educational agency shall notify the parents of high school students served by the local educational agency—

"(I) of its request to the State educational agency for approval to administer a locally-selected assessment; and

"(II) upon approval, and at the beginning of each subsequent school year during which the locally selected assessment will be administered, that the local educational agency will be administering a different assessment than the State-de-

signed assessments under subclause (I)(bb) and subclause (II)(cc) of subparagraph (B)(v).

"(I) DEFERRAL.—A State may defer the commencement, or suspend the administration, but not cease the development, of the assessments described in this paragraph, for 1 year for each year for which the amount appropriated for grants under part B is less than $369,100,000.

"(J) ADAPTIVE ASSESSMENTS.—

"(i) IN GENERAL.—Subject to clause (ii), a State retains the right to develop and administer computer adaptive assessments as the assessments described in this paragraph, provided the computer adaptive assessments meet the requirements of this paragraph, except that—

"(I) subparagraph (B)(i) shall not be interpreted to require that all students taking the computer adaptive assessment be administered the same assessment items; and

"(II) such assessment—

"(aa) shall measure, at a minimum, each student's academic proficiency based on the challenging State academic standards for the student's grade level and growth toward such standards; and

"(bb) may measure the student's level of academic proficiency and growth using items above or below the student's grade level, including for use as part of a State's accountability system under subsection (c).

"(ii) STUDENTS WITH THE MOST SIGNIFICANT COGNITIVE DISABILITIES AND ENGLISH LEARNERS.—In developing and administering computer adaptive assessments—

"(I) as the assessments allowed under subparagraph (D), a State shall ensure that such computer adaptive assessments—

"(aa) meet the requirements of this paragraph, including subparagraph (D), except such assessments shall not be required to meet the requirements of clause (i)(II); and

"(bb) assess the student's academic achievement to measure, in the subject being assessed, whether the student is performing at the student's grade level; and

"(II) as the assessments required under subparagraph (G), a State shall ensure that such computer adaptive assessments—

"(aa) meet the requirements of this paragraph, including subparagraph (G), except such assessment shall not be required to meet the requirements of clause (i)(II); and

"(bb) assess the student's language proficiency, which may include growth towards such proficiency, in order to measure the student's acquisition of English.

"(K) RULE OF CONSTRUCTION ON PARENT RIGHTS.—Nothing in this paragraph shall be construed as preempting a State or local law regarding the decision of a parent to not have the parent's child participate in the academic assessments under this paragraph.

"(L) LIMITATION ON ASSESSMENT TIME.—Subject to Federal or State requirements related to assessments, evaluations, and accommodations, each State may, at the sole discretion of such State, set a target limit on the aggregate amount of time devoted to the administration of assessments for each grade, expressed as a percentage of annual instructional hours.

"(3) EXCEPTION FOR RECENTLY ARRIVED ENGLISH LEARNERS.—

"(A) ASSESSMENTS.—With respect to recently arrived English learners who have been enrolled in a school in one of the 50 States in the United States or the District of Columbia for less than 12 months, a State may choose to—

"(i) exclude—

"(I) such an English learner from one administration of the reading or language arts assessment required under paragraph (2); and

"(II) such an English learner's results on any of the assessments required under paragraph (2)(B)(v)(I) or (2)(G) for the first year of the English learner's enrollment in such a school for the purposes of the State-determined accountability system under subsection (c); or

"(ii)(I) assess, and report the performance of, such an English learner on the reading or language arts and mathematics assessments required under paragraph (2)(B)(v)(I) in each year of the student's enrollment in such a school; and

"(II) for the purposes of the State-determined accountability system—

"(aa) for the first year of the student's enrollment in such a school, exclude the results on the assessments described in subclause (I);

"(bb) include a measure of student growth on the assessments described in subclause (I) in the second year of the student's enrollment in such a school; and

"(cc) include proficiency on the assessments described in subclause (I) in the third year of the student's enrollment in such a school, and each succeeding year of such enrollment.

"(B) ENGLISH LEARNER SUBGROUP.—With respect to a student previously identified as an English learner and for not more than 4 years after the student ceases to be identified as an English learner, a State may include the results of the student's assessments under paragraph (2)(B)(v)(I) within the English learner subgroup of the subgroups of students (as defined in subsection (c)(2)(D)) for the purposes of the State-determined accountability system.

"(c) STATEWIDE ACCOUNTABILITY SYSTEM.—

"(1) IN GENERAL.—Each State plan shall describe a statewide accountability system that complies with the requirements of this subsection and subsection (d).

"(2) SUBGROUP OF STUDENTS.—In this subsection and subsection (d), the term 'subgroup of students' means—

"(A) economically disadvantaged students;

"(B) students from major racial and ethnic groups;

"(C) children with disabilities; and

"(D) English learners.

"(3) MINIMUM NUMBER OF STUDENTS.—Each State shall describe—

"(A) with respect to any provisions under this part that require disaggregation of information by each subgroup of students—

"(i) the minimum number of students that the State determines are necessary to be included to carry out such requirements and how that number is statistically sound, which shall be the same State-determined number for all students and for each subgroup of students in the State;

"(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 determining such minimum number; and

"(iii) how the State ensures that such minimum number is sufficient to not reveal any personally identifiable information.

"(4) DESCRIPTION OF SYSTEM.—The statewide accountability system described in paragraph (1) shall be based on the challenging State academic standards for reading or language arts and mathematics described in subsection (b)(1) to improve student academic achievement and school success. In designing such system to meet the requirements of this part, the State shall carry out the following:

"(A) ESTABLISHMENT OF LONG-TERM GOALS.—Establish ambitious State-designed long-term goals, which shall include measurements of interim progress toward meeting such goals—

"(i) for all students and separately for each subgroup of students in the State—

"(I) for, at a minimum, improved—

"(aa) academic achievement, as measured by proficiency on the annual assessments required under subsection (b)(2)(B)(v)(I); and

"(bb) high school graduation rates, including—

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

"(BB) at the State's discretion, the extended-year adjusted cohort graduation rate, except that the State shall set a more rigorous long-term goal for such graduation rate, as compared to the long-term

goal set for the four-year adjusted cohort graduation rate;

"(II) for which the term set by the State for such goals is the same multi-year length of time for all students and for each subgroup of students in the State; and

"(III) that, for subgroups of students who are behind on the measures described in items (aa) and (bb) of subclause (I), take into account the improvement necessary on such measures to make significant progress in closing statewide proficiency and graduation rate gaps; and

"(ii) for English learners, for increases in the percentage of such students making progress in achieving English language proficiency, as defined by the State and measured by the assessments described in subsection (b)(2)(G), within a State-determined timeline.

"(B) INDICATORS.—Except for the indicator described in clause (iv), annually measure, for all students and separately for each subgroup of students, the following indicators:

"(i) For all public schools in the State, based on the long-term goals established under subparagraph (A), academic achievement—

"(I) as measured by proficiency on the annual assessments required under subsection (b)(2)(B)(v)(I); and

"(II) at the State's discretion, for each public high school in the State, student growth, as measured by such annual assessments.

"(ii) For public elementary schools and secondary schools that are not high schools in the State—

"(I) a measure of student growth, if determined appropriate by the State; or

"(II) another valid and reliable statewide academic indicator that allows for meaningful differentiation in school performance.

"(iii) For public high schools in the State, and based on State-designed long term goals established under subparagraph (A)—

"(I) the four-year adjusted cohort graduation rate; and

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

"(iv) For public schools in the State, progress in achieving English language proficiency, as defined by the State and measured by the assessments described in subsection (b)(2)(G), within a State-determined timeline for all English learners—

"(I) in each of the grades 3 through 8; and

"(II) in the grade for which such English learners are otherwise assessed under subsection (b)(2)(B)(v)(I) during the grade 9 through grade 12 period, with such progress being measured against

the results of the assessments described in subsection (b)(2)(G) taken in the previous grade.

"(v)(I) For all public schools in the State, not less than one indicator of school quality or student success that—

"(aa) allows for meaningful differentiation in school performance;

"(bb) is valid, reliable, comparable, and statewide (with the same indicator or indicators used for each grade span, as such term is determined by the State); and

"(cc) may include one or more of the measures described in subclause (II).

"(II) For purposes of subclause (I), the State may include measures of—

"(III) student engagement;

"(IV) educator engagement;

"(V) student access to and completion of advanced coursework;

"(VI) postsecondary readiness;

"(VII) school climate and safety; and

"(VIII) any other indicator the State chooses that meets the requirements of this clause.

"(C) ANNUAL MEANINGFUL DIFFERENTIATION.—Establish a system of meaningfully differentiating, on an annual basis, all public schools in the State, which shall—

"(i) be based on all indicators in the State's accountability system under subparagraph (B), for all students and for each of subgroup of students, consistent with the requirements of such subparagraph;

"(ii) with respect to the indicators described in clauses (i) through (iv) of subparagraph (B) afford—

"(I) substantial weight to each such indicator; and

"(II) in the aggregate, much greater weight than is afforded to the indicator or indicators utilized by the State and described in subparagraph (B)(v), in the aggregate; and

"(iii) include differentiation of any such school in which any subgroup of students is consistently underperforming, as determined by the State, based on all indicators under subparagraph (B) and the system established under this subparagraph.

"(D) IDENTIFICATION OF SCHOOLS.—Based on the system of meaningful differentiation described in subparagraph (C), establish a State-determined methodology to identify—

"(i) beginning with school year 2017–2018, and at least once every three school years thereafter, one statewide category of schools for comprehensive support and improvement, as described in subsection (d)(1), which shall include—

"(I) not less than the lowest-performing 5 percent of all schools receiving funds under this part in the State;

"(II) all public high schools in the State failing to graduate one third or more of their students; and

"(III) public schools in the State described under subsection (d)(3)(A)(i)(II); and

"(ii) at the discretion of the State, additional statewide categories of schools.

"(E) ANNUAL MEASUREMENT OF ACHIEVEMENT.—(i) Annually measure the achievement of not less than 95 percent of all students, and 95 percent of all students in each subgroup of students, who are enrolled in public schools on the assessments described under subsection (b)(2)(v)(I).

"(ii) For the purpose of measuring, calculating, and reporting on the indicator described in subparagraph (B)(i), include in the denominator the greater of—

"(I) 95 percent of all such students, or 95 percent of all such students in the subgroup, as the case may be; or

"(II) the number of students participating in the assessments.

"(iii) Provide a clear and understandable explanation of how the State will factor the requirement of clause (i) of this subparagraph into the statewide accountability system.

"(F) PARTIAL ATTENDANCE.—(i) In the case of a student who has not attended the same school within a local educational agency for at least half of a school year, the performance of such student on the indicators described in clauses (i), (ii), (iv), and (v) of subparagraph (B)—

"(I) may not be used in the system of meaningful differentiation of all public schools as described in subparagraph (C) for such school year; and

"(II) shall be used for the purpose of reporting on the State and local educational agency report cards under subsection (h) for such school year.

"(ii) In the case of a high school student who has not attended the same school within a local educational agency for at least half of a school year and has exited high school without a regular high school diploma and without transferring to another high school that grants a regular high school diploma during such school year, the local educational agency shall, in order to calculate the graduation rate pursuant to subparagraph (B)(iii), assign such student to the high school—

"(I) at which such student was enrolled for the greatest proportion of school days while enrolled in grades 9 through 12; or

"(II) in which the student was most recently enrolled.

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

"(d) SCHOOL SUPPORT AND IMPROVEMENT ACTIVITIES.—

"(1) COMPREHENSIVE SUPPORT AND IMPROVEMENT.—

"(A) IN GENERAL.—Each State educational agency receiving funds under this part shall notify each local edu-

cational agency in the State of any school served by the local educational agency that is identified for comprehensive support and improvement under subsection (c)(4)(D)(i).

"(B) LOCAL EDUCATIONAL AGENCY ACTION.—Upon receiving such information from the State, the local educational agency shall, for each school identified by the State and in partnership with stakeholders (including principals and other school leaders, teachers, and parents), locally develop and implement a comprehensive support and improvement plan for the school to improve student outcomes, that—

"(i) is informed by all indicators described in subsection (c)(4)(B), including student performance against State-determined long-term goals;

"(ii) includes evidence-based interventions;

"(iii) is based on a school-level needs assessment;

"(iv) identifies resource inequities, which may include a review of local educational agency and school-level budgeting, to be addressed through implementation of such comprehensive support and improvement plan;

"(v) is approved by the school, local educational agency, and State educational agency; and

"(vi) upon approval and implementation, is monitored and periodically reviewed by the State educational agency.

"(C) STATE EDUCATIONAL AGENCY DISCRETION.—With respect to any high school in the State identified under subsection (c)(4)(D)(i)(II), the State educational agency may—

"(i) permit differentiated improvement activities that utilize evidence-based interventions in the case of such a school that predominantly serves students—

"(I) returning to education after having exited secondary school without a regular high school diploma; or

"(II) who, based on their grade or age, are significantly off track to accumulate sufficient academic credits to meet high school graduation requirements, as established by the State; and

"(ii) in the case of such a school that has a total enrollment of less than 100 students, permit the local educational agency to forego implementation of improvement activities required under this paragraph.

"(D) PUBLIC SCHOOL CHOICE.—

"(i) IN GENERAL.—A local educational agency may provide all students enrolled in a school identified by the State for comprehensive support and improvement under subsection (c)(4)(D)(i) with the option to transfer to another public school served by the local educational agency, unless such an option is prohibited by State law.

"(ii) 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).

"(iii) TREATMENT.—A student who uses the option to transfer to another public school shall be enrolled in classes and other activities in the public school to which the student transfers in the same manner as all other students at the public school.

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

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

"(2) TARGETED SUPPORT AND IMPROVEMENT.—

"(A) IN GENERAL.—Each State educational agency receiving funds under this part shall, using the meaningful differentiation of schools described in subsection (c)(4)(C)—

"(i) notify each local educational agency in the State of any school served by the local educational agency in which any subgroup of students is consistently underperforming, as described in subsection (c)(4)(C)(iii); and

"(ii) ensure such local educational agency provides notification to such school with respect to which subgroup or subgroups of students in such school are consistently underperforming as described in subsection (c)(4)(C)(iii).

"(B) TARGETED SUPPORT AND IMPROVEMENT PLAN.—Each school receiving a notification described in this paragraph, in partnership with stakeholders (including principals and other school leaders, teachers and parents), shall develop and implement a school-level targeted support and improvement plan to improve student outcomes based on the indicators in the statewide accountability system established under subsection (c)(4), for each subgroup of students that was the subject of notification that—

"(i) is informed by all indicators described in subsection (c)(4)(B), including student performance against long-term goals;

"(ii) includes evidence-based interventions;

"(iii) is approved by the local educational agency prior to implementation of such plan;

"(iv) is monitored, upon submission and implementation, by the local educational agency; and

"(v) results in additional action following unsuccessful implementation of such plan after a number of years determined by the local educational agency.

"(C) ADDITIONAL TARGETED SUPPORT.—A plan described in subparagraph (B) that is developed and implemented in any school receiving a notification under this

paragraph from the local educational agency in which any subgroup of students, on its own, would lead to identification under subsection (c)(4)(D)(i)(I) using the State's methodology under subsection (c)(4)(D) shall also identify resource inequities (which may include a review of local educational agency and school level budgeting), to be addressed through implementation of such plan.

"(D) SPECIAL RULE.—The State educational agency, based on the State's differentiation of schools under subsection (c)(4)(C) for school year 2017–2018, shall notify local educational agencies of any schools served by the local educational agency in which any subgroup of students, on its own, would lead to identification under subsection (c)(4)(D)(i)(I) using the State's methodology under subsection (c)(4)(D), after which notification of such schools under this paragraph shall result from differentiation of schools pursuant to subsection (c)(4)(C)(iii).

"(3) CONTINUED SUPPORT FOR SCHOOL AND LOCAL EDUCATIONAL AGENCY IMPROVEMENT.—To ensure continued progress to improve student academic achievement and school success in the State, the State educational agency—

"(A) shall—

"(i) establish statewide exit criteria for—

"(I) schools identified by the State for comprehensive support and improvement under subsection (c)(4)(D)(i), which, if not satisfied within a State-determined number of years (not to exceed four years), shall result in more rigorous State-determined action, such as the implementation of interventions (which may include addressing school-level operations); and

"(II) schools described in paragraph (2)(C), which, if not satisfied within a State-determined number of years, shall, in the case of such schools receiving assistance under this part, result in identification of the school by the State for comprehensive support and improvement under subsection (c)(4)(D)(i)(III);

"(ii) periodically review resource allocation to support school improvement in each local educational agency in the State serving—

"(I) a significant number of schools identified for comprehensive support and improvement under subsection (c)(4)(D)(i); and

"(II) a significant number of schools implementing targeted support and improvement plans under paragraph (2); and

"(iii) provide technical assistance to each local educational agency in the State serving a significant number of—

"(I) schools implementing comprehensive support and improvement plans under paragraph (1); or

"(II) schools implementing targeted support and improvement plans under paragraph (2); and

"(B) may—

"(i) take action to initiate additional improvement in any local educational agency with—

"(I) a significant number of schools that are consistently identified by the State for comprehensive support and improvement under subsection (c)(4)(D)(i) and not meeting exit criteria established by the State under subparagraph (A)(i)(I); or

"(II) a significant number of schools implementing targeted support and improvement plans under paragraph (2); and

"(ii) consistent with State law, establish alternative evidence-based State determined strategies that can be used by local educational agencies to assist a school identified for comprehensive support and improvement under subsection (c)(4)(D)(i).

"(4) RULE OF CONSTRUCTION FOR COLLECTIVE BARGAINING.—Nothing in this subsection shall be construed to alter or otherwise affect the rights, remedies, and procedures afforded to school or local educational agency employees under Federal, State, or local laws (including applicable regulations or court orders) or under the terms of collective bargaining agreements, memoranda of understanding, or other agreements between such employers and their employees.

"(e) PROHIBITION.—

"(1) IN GENERAL.—Nothing in this Act shall be construed to authorize or permit the Secretary—

"(A) when promulgating any rule or regulation, to promulgate any rule or regulation on the development or implementation of the statewide accountability system established under this section that would—

"(i) add new requirements that are inconsistent with or outside the scope of this part;

"(ii) add new criteria that are inconsistent with or outside the scope of this part; or

"(iii) be in excess of statutory authority granted to the Secretary;

"(B) as a condition of approval of the State plan, or revisions or amendments to, the State plan, or approval of a waiver request submitted under section 8401, to—

"(i) require a State to add any requirements that are inconsistent with or outside the scope of this part;

"(ii) require a State to add or delete one or more specific elements of the challenging State academic standards; or

"(iii) prescribe—

"(I) numeric long-term goals or measurements of interim progress that States establish for all students, for any subgroups of students, and for English learners with respect to English language proficiency, under this part, including—

"(aa) the length of terms set by States in designing such goals; or

"(bb) the progress expected from any subgroups of students in meeting such goals;

"(II) specific academic assessments or assessment items that States or local educational agencies use to meet the requirements of subsection (b)(2) or otherwise use to measure student academic achievement or student growth under this part;

"(III) indicators that States use within the State accountability system under this section, including any requirement to measure student growth, or, if a State chooses to measure student growth, the specific metrics used to measure such growth under this part;

"(IV) the weight of any measure or indicator used to identify or meaningfully differentiate schools, under this part;

"(V) the specific methodology used by States to meaningfully differentiate or identify schools under this part;

"(VI) any specific school support and improvement strategies or activities that State or local educational agencies establish and implement to intervene in, support, and improve schools and improve student outcomes under this part;

"(VII) exit criteria established by States under subsection (d)(3)(A)(i);

"(VIII) provided that the State meets the requirements in subsection (c)(3), a minimum number of students established by a State under such subsection;

"(IX) any aspect or parameter of a teacher, principal, or other school leader evaluation system within a State or local educational agency;

"(X) indicators or specific measures of teacher, principal, or other school leader effectiveness or quality; or

"(XI) the way in which the State factors the requirement under subsection (c)(4)(E)(i) into the statewide accountability system under this section; or

"(C) to issue new non-regulatory guidance that—

"(i) in seeking to provide explanation of requirements under this section for State or local educational agencies, either in response to requests for information or in anticipation of such requests, provides a strictly limited or exhaustive list to illustrate successful implementation of provisions under this section; or

"(ii) purports to be legally binding; or

"(D) to require data collection under this part beyond data derived from existing Federal, State, and local reporting requirements.

"(2) DEFINING TERMS.—In carrying out this part, the Secretary shall not, through regulation or as a condition of approval of the State plan or revisions or amendments to the State plan, promulgate a definition of any term used in this part, or otherwise prescribe any specification for any such term, that is

inconsistent with or outside the scope of this part or is in violation of paragraph (1).

"(f) EXISTING STATE LAW.—Nothing in this section shall be construed to alter any State law or regulation granting parents authority over schools that repeatedly failed to make adequate yearly progress under this part, as in effect on the day before the date of the enactment of the Every Student Succeeds Act.

"(g) OTHER PLAN PROVISIONS.—

"(1) DESCRIPTIONS.—Each State plan shall describe—

"(A) how the State will provide assistance to local educational agencies and individual elementary schools choosing to use funds under this part to support early childhood education programs;

"(B) how low-income and minority children enrolled in schools assisted under this part are not served at disproportionate rates by ineffective, out-of-field, or inexperienced teachers, and the measures the State educational agency will use to evaluate and publicly report the progress of the State educational agency with respect to such description (except that nothing in this subparagraph shall be construed as requiring a State to develop or implement a teacher, principal, or other school leader evaluation system);

"(C) how the State educational agency will support local educational agencies receiving assistance under this part to improve school conditions for student learning, including through reducing—

"(i) incidences of bullying and harassment;

"(ii) the overuse of discipline practices that remove students from the classroom; and

"(iii) the use of aversive behavioral interventions that compromise student health and safety;

"(D) how the State will support local educational agencies receiving assistance under this part in meeting the needs of students at all levels of schooling (particularly students in the middle grades and high school), including how the State will work with such local educational agencies to provide effective transitions of students to middle grades and high school to decrease the risk of students dropping out;

"(E) the steps a State educational agency will take to ensure collaboration with the State agency responsible for administering the State plans under parts B and E of title IV of the Social Security Act (42 U.S.C. 621 et seq. and 670 et seq.) to ensure the educational stability of children in foster care, including assurances that—

"(i) any such child enrolls or remains in such child's school of origin, unless a determination is made that it is not in such child's best interest to attend the school of origin, which decision shall be based on all factors relating to the child's best interest, including consideration of the appropriateness of the current educational setting and the proximity to the school in which the child is enrolled at the time of placement;

"(ii) when a determination is made that it is not in such child's best interest to remain in the school of origin, the child is immediately enrolled in a new school, even if the child is unable to produce records normally required for enrollment;

"(iii) the enrolling school shall immediately contact the school last attended by any such child to obtain relevant academic and other records; and

"(iv) the State educational agency will designate an employee to serve as a point of contact for child welfare agencies and to oversee implementation of the State agency responsibilities required under this subparagraph, and such point of contact shall not be the State's Coordinator for Education of Homeless Children and Youths under section 722(d)(3) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11432(d)(3));

"(F) how the State educational agency will provide support to local educational agencies in the identification, enrollment, attendance, and school stability of homeless children and youths; and

"(G) such other factors the State educational agency determines appropriate to provide students an opportunity to achieve the knowledge and skills described in the challenging State academic standards.

"(2) ASSURANCES.—Each State plan shall contain assurances that—

"(A) the State will make public any methods or criteria the State is using to measure teacher, principal, or other school leader effectiveness for the purpose of meeting the requirements described in paragraph (1)(B);

"(B) the State educational agency will notify local educational agencies, Indian tribes and tribal organizations, schools, teachers, parents, and the public of the challenging State academic standards, academic assessments, and State accountability system, developed under this section;

"(C) the State educational agency will assist each local educational agency and school affected by the State plan to meet the requirements of this part;

"(D) the State will participate in the biennial State academic assessments in reading and mathematics in grades 4 and 8 of the National Assessment of Educational Progress carried out under section 303(b)(3) of the National Assessment of Educational Progress Authorization Act (20 U.S.C. 9622(b)(3)) if the Secretary pays the costs of administering such assessments;

"(E) the State educational agency will modify or eliminate State fiscal and accounting barriers so that schools can easily consolidate funds from other Federal, State, and local sources to improve educational opportunities and reduce unnecessary fiscal and accounting requirements;

"(F) the State educational agency will support the collection and dissemination to local educational agencies and schools of effective parent and family engagement strate-

gies, including those included in the parent and family engagement policy under section 1116;

"(G) the State educational agency will provide the least restrictive and burdensome regulations for local educational agencies and individual schools participating in a program assisted under this part;

"(H) the State educational agency will ensure that local educational agencies, in developing and implementing programs under this part, will, to the extent feasible, work in consultation with outside intermediary organizations (such as educational service agencies), or individuals, that have practical expertise in the development or use of evidence-based strategies and programs to improve teaching, learning, and schools;

"(I) the State educational agency has appropriate procedures and safeguards in place to ensure the validity of the assessment process;

"(J) the State educational agency will ensure that all teachers and paraprofessionals working in a program supported with funds under this part meet applicable State certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification;

"(K) the State educational agency will coordinate activities funded under this part with other Federal activities as appropriate;

"(L) the State educational agency has involved the committee of practitioners established under section 1603(b) in developing the plan and monitoring its implementation;

"(M) the State has professional standards for paraprofessionals working in a program supported with funds under this part, including qualifications that were in place on the day before the date of enactment of the Every Student Succeeds Act; and

"(N) the State educational agency will provide the information described in clauses (ii), (iii), and (vii) of subsection (h)(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 status, and children with or without disabilities, which—

"(i) may be accomplished by including such information on the annual State report card described subsection (h)(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 subgroup 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 subgroups of students, as defined in subsection (c)(2), for the purposes of the State accountability system under subsection (c); or

"(B) require or prohibit States or local educational agencies 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 to—

"(A) meet the requirements of paragraph (2)(N); or

"(B) in the case of a State educational agency choosing, at its sole discretion, to disaggregate data described in clauses (ii) and (iii)(II) of subsection (h)(1)(C) for Asian and Native Hawaiian or Pacific Islander students using the same race response categories as the decennial census of the population, assist such State educational agency in such disaggregation and in using such data to improve academic outcomes for such students.

"(h) REPORTS.—

"(1) ANNUAL STATE REPORT CARD.—

"(A) IN GENERAL.—A State that receives assistance under this part shall prepare and disseminate widely to the public an annual State report card for the State as a whole that meets the requirements of this paragraph.

"(B) IMPLEMENTATION.—The State report card required under this paragraph shall be—

"(i) concise;

"(ii) presented in an understandable and uniform format that is developed in consultation with parents and, to the extent practicable, in a language that parents can understand; and

"(iii) widely accessible to the public, which shall include making available on a single webpage of the State educational agency's website, the State report card, all local educational agency report cards for each local educational agency in the State required under paragraph (2), and the annual report to the Secretary under paragraph (5).

"(C) MINIMUM REQUIREMENTS.—Each State report card required under this subsection shall include the following information:

"(i) A clear and concise description of the State's accountability system under subsection (c), including—

"(I) the minimum number of students that the State determines are necessary to be included in each of the subgroups of students, as defined in

subsection (c)(2), for use in the accountability system;

"(II) the long-term goals and measurements of interim progress for all students and for each of the subgroups of students, as defined in subsection (c)(2);

"(III) the indicators described in subsection (c)(4)(B) used to meaningfully differentiate all public schools in the State;

"(IV) the State's system for meaningfully differentiating all public schools in the State, including—

"(aa) the specific weight of the indicators described in subsection (c)(4)(B) in such differentiation;

"(bb) the methodology by which the State differentiates all such schools;

"(cc) the methodology by which the State differentiates a school as consistently underperforming for any subgroup of students described in section (c)(4)(C)(iii), including the time period used by the State to determine consistent underperformance; and

"(dd) the methodology by which the State identifies a school for comprehensive support and improvement as required under subsection (c)(4)(D)(i);

"(V) the number and names of all public schools in the State identified by the State for comprehensive support and improvement under subsection (c)(4)(D)(i) or implementing targeted support and improvement plans under subsection (d)(2); and

"(VI) the exit criteria established by the State as required under clause (i) of subsection (d)(3)(A), including the length of years established under clause (i)(II) of such subsection.

"(ii) For all students and disaggregated by each subgroup of students described in subsection (b)(2)(B)(xi), homeless status, status as a child in foster care, and status as a student with a parent who is a member of the Armed Forces (as defined in section 101(a)(4) of title 10, United States Code) on active duty (as defined in section 101(d)(5) of such title), information on student achievement on the academic assessments described in subsection (b)(2) at each level of achievement, as determined by the State under subsection (b)(1).

"(iii) For all students and disaggregated by each of the subgroups of students, as defined in subsection (c)(2), and for purposes of subclause (II) of this clause, homeless status and status as a child in foster care—

"(I) information on the performance on the other academic indicator under subsection (c)(4)(B)(ii) for public elementary schools and sec-

ondary schools that are not high schools, used by the State in the State accountability system; and

"(II) high school graduation rates, including four-year adjusted cohort graduation rates and, at the State's discretion, extended-year adjusted cohort graduation rates.

"(iv) Information on the number and percentage of English learners achieving English language proficiency.

"(v) For all students and disaggregated by each of the subgroups of students, as defined in subsection (c)(2), information on the performance on the other indicator or indicators of school quality or student success under subsection (c)(4)(B)(v) used by the State in the State accountability system.

"(vi) Information on the progress of all students and each subgroup of students, as defined in subsection (c)(2), toward meeting the State-designed long term goals under subsection (c)(4)(A), including the progress of all students and each such subgroup of students against the State measurements of interim progress established under such subsection.

"(vii) For all students and disaggregated by each subgroup of students described in subsection (b)(2)(B)(xi), the percentage of students assessed and not assessed.

"(viii) Information submitted by the State educational agency and each local educational agency in the State, in accordance with data collection conducted pursuant to section 203(c)(1) of the Department of Education Organization Act (20 U.S.C. 3413(c)(1)), on—

"(I) measures of school quality, climate, and safety, including rates of in-school suspensions, out-of-school suspensions, expulsions, school-related arrests, referrals to law enforcement, chronic absenteeism (including both excused and unexcused absences), incidences of violence, including bullying and harassment; and

"(II) the number and percentage of students enrolled in—

"(aa) preschool programs; and

"(bb) accelerated coursework to earn postsecondary credit while still in high school, such as Advanced Placement and International Baccalaureate courses and examinations, and dual or concurrent enrollment programs.

"(ix) The professional qualifications of teachers in the State, including information (that shall be presented in the aggregate and disaggregated by high-poverty compared to low-poverty schools) on the number and percentage of—

"(I) inexperienced teachers, principals, and other school leaders;

"(II) teachers teaching with emergency or provisional credentials; and

"(III) teachers who are not teaching in the subject or field for which the teacher is certified or licensed.

"(x) The per-pupil expenditures of Federal, State, and local funds, including actual personnel expenditures and actual nonpersonnel expenditures of Federal, State, and local funds, disaggregated by source of funds, for each local educational agency and each school in the State for the preceding fiscal year.

"(xi) The number and percentages of students with the most significant cognitive disabilities who take an alternate assessment under subsection (b)(2)(D), by grade and subject.

"(xii) Results on the State academic assessments in reading and mathematics in grades 4 and 8 of the National Assessment of Educational Progress carried out under section 303(b)(3) of the National Assessment of Educational Progress Authorization Act (20 U.S.C. 9622(b)(3)), compared to the national average of such results.

"(xiii) Where available, for each high school in the State, and beginning with the report card prepared under this paragraph for 2017, the cohort rate (in the aggregate, and disaggregated for each subgroup of students defined in subsection (c)(2)), at which students who graduate from the high school enroll, for the first academic year that begins after the students' graduation—

"(I) in programs of public postsecondary education in the State; and

"(II) if data are available and to the extent practicable, in programs of private postsecondary education in the State or programs of postsecondary education outside the State.

"(xiv) Any additional information that the State believes will best provide parents, students, and other members of the public with information regarding the progress of each of the State's public elementary schools and secondary schools, which may include the number and percentage of students attaining career and technical proficiencies (as defined by section 113(b) of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2323(b)) and reported by States only in a manner consistent with section 113(c) of such Act (20 U.S.C. 2323(c)).

"(D) RULES OF CONSTRUCTION.—Nothing in subparagraph (C)(viii) shall be construed as requiring—

"(i) reporting of any data that are not collected in accordance with section 203(c)(1) of the Department of Education Organization Act (20 U.S.C. 3413(c)(1); or

"(ii) disaggregation of any data other than as required under subsection (b)(2)(B)(xi).

"(2) ANNUAL LOCAL EDUCATIONAL AGENCY REPORT CARDS.—

"(A) PREPARATION AND DISSEMINATION.—A local educational agency that receives assistance under this part shall prepare and disseminate an annual local educational agency report card that includes information on such agency as a whole and each school served by the agency.

"(B) IMPLEMENTATION.—Each local educational agency report card shall be—

"(i) concise;

"(ii) presented in an understandable and uniform format, and to the extent practicable, in a language that parents can understand; and

"(iii) accessible to the public, which shall include—

"(I) placing such report card on the website of the local educational agency; and

"(II) in any case in which a local educational agency does not operate a website, providing the information to the public in another manner determined by the local educational agency.

"(C) MINIMUM REQUIREMENTS.—The State educational agency shall ensure that each local educational agency collects appropriate data and includes in the local educational agency's annual report the information described in paragraph (1)(C), disaggregated in the same manner as required under such paragraph, except for clause (xii) of such paragraph, as applied to the local educational agency and each school served by the local educational agency, including—

"(i) in the case of a local educational agency, information that shows how students served by the local educational agency achieved on the academic assessments described in subsection (b)(2) compared to students in the State as a whole;

"(ii) in the case of a school, information that shows how the school's students' achievement on the academic assessments described in subsection (b)(2) compared to students served by the local educational agency and the State as a whole; and

"(iii) any other information that the local educational agency determines is appropriate and will best provide parents, students, and other members of the public with information regarding the progress of each public school served by the local educational agency, whether or not such information is included in the annual State report card.

"(D) ADDITIONAL INFORMATION.—In the case of a local educational agency that issues a report card for all students, the local educational agency may include the information under this section as part of such report.

"(3) PREEXISTING REPORT CARDS.—A State educational agency or local educational agency may use public report cards on the performance of students, schools, local educational agencies, or the State, that were in effect prior to the date of enactment of the Every Student Succeeds Act for the purpose of this subsection, so long as any such report card is modified, as may

be needed, to contain the information required by this subsection, and protects the privacy of individual students.

"(4) COST REDUCTION.—Each State educational agency and local educational agency receiving assistance under this part shall, wherever possible, take steps to reduce data collection costs and duplication of effort by obtaining the information required under this subsection through existing data collection efforts.

"(5) ANNUAL STATE REPORT TO THE SECRETARY.—Each State educational agency receiving assistance under this part shall report annually to the Secretary, and make widely available within the State—

"(A) information on the achievement of students on the academic assessments required by subsection (b)(2), including the disaggregated results for the subgroups of students as defined in subsection (c)(2);

"(B) information on the acquisition of English proficiency by English learners;

"(C) the number and names of each public school in the State—

"(i) identified for comprehensive support and improvement under subsection (c)(4)(D)(i); and

"(ii) implementing targeted support and improvement plans under subsection (d)(2); and

"(D) information on the professional qualifications of teachers in the State, including information on the number and the percentage of the following teachers:

"(i) Inexperienced teachers.

"(ii) Teachers teaching with emergency or provisional credentials.

"(iii) Teachers who are not teaching in the subject or field for which the teacher is certified or licensed.

"(6) REPORT TO CONGRESS.—The Secretary shall transmit annually 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 a report that provides national and State-level data on the information collected under paragraph (5). Such report shall be submitted through electronic means only.

"(i) PRIVACY.—

"(1) IN GENERAL.—Information collected or disseminated under this section (including any information collected for or included in the reports described in subsection (h)) shall be collected and disseminated in a manner that protects the privacy of individuals consistent 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') and this Act.

"(2) SUFFICIENCY.—The reports described in subsection (h) shall only include data that are sufficient to yield statistically reliable information.

"(3) DISAGGREGATION.—Disaggregation under this section shall not be required if such disaggregation will reveal personally identifiable information about any student, teacher, prin-

cipal, or other school leader, or will provide data that are insufficient to yield statistically reliable information.

"(j) VOLUNTARY PARTNERSHIPS.—A State retains the right to enter into a voluntary partnership with another State to develop and implement the challenging State academic standards and assessments required under this section, except that the Secretary shall not attempt to influence, incentivize, or coerce State—

"(1) adoption of the Common Core State Standards developed under the Common Core State Standards Initiative or any other academic standards common to a significant number of States, or assessments tied to such standards; or

"(2) participation in such partnerships.

"(k) SPECIAL RULE WITH RESPECT TO BUREAU-FUNDED SCHOOLS.—In determining the assessments to be used by each school operated or funded by the Bureau of Indian Education receiving funds under this part, the following shall apply until the requirements of section 8204(c) have been met:

"(1) Each such school that is accredited by the State in which it is operating shall use the assessments and other academic indicators the State has developed and implemented to meet the requirements of this section, or such other appropriate assessment and academic indicators as approved by the Secretary of the Interior.

"(2) Each such school that is accredited by a regional accrediting organization (in consultation with and with the approval of the Secretary of the Interior, and consistent with assessments and academic indicators adopted by other schools in the same State or region) shall adopt an appropriate assessment and other academic indicators that meet the requirements of this section.

"(3) Each such school that is accredited by a tribal accrediting agency or tribal division of education shall use an assessment and other academic indicators developed by such agency or division, except that the Secretary of the Interior shall ensure that such assessment and academic indicators meet the requirements of this section.

"(l) CONSTRUCTION.—Nothing in this part shall be construed to prescribe the use of the academic assessments described in this part for student promotion or graduation purposes.".

SEC. 1006. LOCAL EDUCATIONAL AGENCY PLANS.

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

"SEC. 1112. LOCAL EDUCATIONAL AGENCY PLANS.

"(a) PLANS REQUIRED.—

"(1) SUBGRANTS.—A local educational agency may receive a subgrant under this part for any fiscal year only if such agency has on file with the State educational agency a plan, approved by the State educational agency, that—

"(A) is developed with timely and meaningful consultation with teachers, principals, other school leaders, paraprofessionals, specialized instructional support personnel, charter school leaders (in a local educational agency that has charter schools), administrators (including administrators of programs described in other parts of this title), other

appropriate school personnel, and with parents of children in schools served under this part; and

"(B) as appropriate, is coordinated with other programs under this Act, the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), the Rehabilitation Act of 1973 (20 U.S.C. 701 et seq.), the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.), the Workforce Innovation and Opportunity Act (29 U.S.C. 3101 et seq.), the Head Start Act (42 U.S.C. 9831 et seq.), the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11301 et seq.), the Adult Education and Family Literacy Act (29 U.S.C. 3271 et seq.), and other Acts as appropriate.

"(2) CONSOLIDATED APPLICATION.—The plan may be submitted as part of a consolidated application under section 8305.

"(3) STATE APPROVAL.—

"(A) IN GENERAL.—Each local educational agency plan shall be filed according to a schedule established by the State educational agency.

"(B) APPROVAL.—The State educational agency shall approve a local educational agency's plan only if the State educational agency determines that the local educational agency's plan—

"(i) provides that schools served under this part substantially help children served under this part meet the challenging State academic standards; and

"(ii) meets the requirements of this section.

"(4) DURATION.—Each local educational agency plan shall be submitted for the first year for which this part is in effect following the date of enactment of the Every Student Succeeds Act and shall remain in effect for the duration of the agency's participation under this part.

"(5) REVIEW.—Each local educational agency shall periodically review and, as necessary, revise its plan.

"(6) RULE OF CONSTRUCTION.—Consultation required under paragraph (1)(A) shall not interfere with the timely submission of the plan required under this section.

"(b) PLAN PROVISIONS.—To ensure that all children receive a high-quality education, and to close the achievement gap between children meeting the challenging State academic standards and those children who are not meeting such standards, each local educational agency plan shall describe—

"(1) how the local educational agency will monitor students' progress in meeting the challenging State academic standards by—

"(A) developing and implementing a well-rounded program of instruction to meet the academic needs of all students;

"(B) identifying students who may be at risk for academic failure;

"(C) providing additional educational assistance to individual students the local educational agency or school determines need help in meeting the challenging State academic standards; and

"(D) identifying and implementing instructional and other strategies intended to strengthen academic programs and improve school conditions for student learning;

"(2) how the local educational agency will identify and address, as required under State plans as described in section 1111(g)(1)(B), any disparities that result in low-income students and minority students being taught at higher rates than other students by ineffective, inexperienced, or out-of-field teachers;

"(3) how the local educational agency will carry out its responsibilities under paragraphs (1) and (2) of section 1111(d);

"(4) the poverty criteria that will be used to select school attendance areas under section 1113;

"(5) in general, the nature of the programs to be conducted by such agency's schools under sections 1114 and 1115 and, where appropriate, educational services outside such schools for children living in local institutions for neglected or delinquent children, and for neglected and delinquent children in community day school programs;

"(6) the services the local educational agency will provide homeless children and youths, including services provided with funds reserved under section 1113(c)(3)(A), to support the enrollment, attendance, and success of homeless children and youths, in coordination with the services the local educational agency is providing under the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11301 et seq.);

"(7) the strategy the local educational agency will use to implement effective parent and family engagement under section 1116;

"(8) if applicable, how the local educational agency will support, coordinate, and integrate services provided under this part with early childhood education programs at the local educational agency or individual school level, including plans for the transition of participants in such programs to local elementary school programs;

"(9) how teachers and school leaders, in consultation with parents, administrators, paraprofessionals, and specialized instructional support personnel, in schools operating a targeted assistance school program under section 1115, will identify the eligible children most in need of services under this part;

"(10) how the local educational agency will implement strategies to facilitate effective transitions for students from middle grades to high school and from high school to postsecondary education including, if applicable—

"(A) through coordination with institutions of higher education, employers, and other local partners; and

"(B) through increased student access to early college high school or dual or concurrent enrollment opportunities, or career counseling to identify student interests and skills;

"(11) how the local educational agency will support efforts to reduce the overuse of discipline practices that remove students from the classroom, which may include identifying and supporting schools with high rates of discipline, disaggregated by each of the subgroups of students, as defined in section 1111(c)(2);

"(12) if determined appropriate by the local educational agency, how such agency will support programs that coordinate and integrate—

"(A) academic and career and technical education content through coordinated instructional strategies, that may incorporate experiential learning opportunities and promote skills attainment important to in-demand occupations or industries in the State; and

"(B) work-based learning opportunities that provide students in-depth interaction with industry professionals and, if appropriate, academic credit; and

"(13) any other information on how the local educational agency proposes to use funds to meet the purposes of this part, and that the local educational agency determines appropriate to provide, which may include how the local educational agency will—

"(A) assist schools in identifying and serving gifted and talented students; and

"(B) assist schools in developing effective school library programs to provide students an opportunity to develop digital literacy skills and improve academic achievement.

"(c) ASSURANCES.—Each local educational agency plan shall provide assurances that the local educational agency will—

"(1) ensure that migratory children and formerly migratory children who are eligible to receive services under this part are selected to receive such services on the same basis as other children who are selected to receive services under this part;

"(2) provide services to eligible children attending private elementary schools and secondary schools in accordance with section 1117, and timely and meaningful consultation with private school officials regarding such services;

"(3) participate, if selected, in the National Assessment of Educational Progress in reading and mathematics in grades 4 and 8 carried out under section 303(b)(3) of the National Assessment of Educational Progress Authorization Act (20 U.S.C. 9622(b)(3));

"(4) coordinate and integrate services provided under this part with other educational services at the local educational agency or individual school level, such as services for English learners, children with disabilities, migratory children, American Indian, Alaska Native, and Native Hawaiian children, and homeless children and youths, in order to increase program effectiveness, eliminate duplication, and reduce fragmentation of the instructional program;

"(5) collaborate with the State or local child welfare agency to—

"(A) designate a point of contact if the corresponding child welfare agency notifies the local educational agency, in writing, that the agency has designated an employee to serve as a point of contact for the local educational agency; and

"(B) by not later than 1 year after the date of enactment of the Every Student Succeeds Act, develop and implement clear written procedures governing how transportation to maintain children in foster care in their school of

origin when in their best interest will be provided, arranged, and funded for the duration of the time in foster care, which procedures shall—

"(i) ensure that children in foster care needing transportation to the school of origin will promptly receive transportation in a cost-effective manner and in accordance with section 475(4)(A) of the Social Security Act (42 U.S.C. 675(4)(A)); and

"(ii) ensure that, if there are additional costs incurred in providing transportation to maintain children in foster care in their schools of origin, the local educational agency will provide transportation to the school of origin if—

"(I) the local child welfare agency agrees to reimburse the local educational agency for the cost of such transportation;

"(II) the local educational agency agrees to pay for the cost of such transportation; or

"(III) the local educational agency and the local child welfare agency agree to share the cost of such transportation; and

"(6) ensure that all teachers and paraprofessionals working in a program supported with funds under this part meet applicable State certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification; and

"(7) in the case of a local educational agency that chooses to use funds under this part to provide early childhood education services to low-income children below the age of compulsory school attendance, ensure that such services comply with the performance standards established under section 641A(a) of the Head Start Act (42 U.S.C. 9836a(a)).

"(d) SPECIAL RULE.—For local educational agencies using funds under this part for the purposes described in subsection (c)(7), the Secretary shall—

"(1) consult with the Secretary of Health and Human Services and establish procedures (taking into consideration existing State and local laws, and local teacher contracts) to assist local educational agencies to comply with such subsection; and

"(2) disseminate to local educational agencies the education performance standards in effect under section 641A(a) of the Head Start Act (42 U.S.C. 9836a(a)), and such agencies affected by such subsection (c)(7) shall plan to comply with such subsection (taking into consideration existing State and local laws, and local teacher contracts), including by pursuing the availability of other Federal, State, and local funding sources to assist with such compliance.

"(e) PARENTS RIGHT-TO-KNOW.—

"(1) INFORMATION FOR PARENTS.—

"(A) IN GENERAL.—At the beginning of each school year, a local educational agency that receives funds under this part shall notify the parents of each student attending any school receiving funds under this part that the parents may request, and the agency will provide the parents on request (and in a timely manner), information regarding the

professional qualifications of the student's classroom teachers, including at a minimum, the following:

"(i) Whether the student's teacher—

"(I) has met State qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction;

"(II) is teaching under emergency or other provisional status through which State qualification or licensing criteria have been waived; and

"(III) is teaching in the field of discipline of the certification of the teacher.

"(ii) Whether the child is provided services by paraprofessionals and, if so, their qualifications.

"(B) ADDITIONAL INFORMATION.—In addition to the information that parents may request under subparagraph (A), a school that receives funds under this part shall provide to each individual parent of a child who is a student in such school, with respect to such student—

"(i) information on the level of achievement and academic growth of the student, if applicable and available, on each of the State academic assessments required under this part; and

"(ii) timely notice that the student has been assigned, or has been taught for 4 or more consecutive weeks by, a teacher who does not meet applicable State certification or licensure requirements at the grade level and subject area in which the teacher has been assigned.

"(2) TESTING TRANSPARENCY.—

"(A) IN GENERAL.—At the beginning of each school year, a local educational agency that receives funds under this part shall notify the parents of each student attending any school receiving funds under this part that the parents may request, and the local educational agency will provide the parents on request (and in a timely manner), information regarding any State or local educational agency policy regarding student participation in any assessments mandated by section 1111(b)(2) and by the State or local educational agency, which shall include a policy, procedure, or parental right to opt the child out of such assessment, where applicable.

"(B) ADDITIONAL INFORMATION.—Subject to subparagraph (C), each local educational agency that receives funds under this part shall make widely available through public means (including by posting in a clear and easily accessible manner on the local educational agency's website and, where practicable, on the website of each school served by the local educational agency) for each grade served by the local educational agency, information on each assessment required by the State to comply with section 1111, other assessments required by the State, and where such information is available and feasible to report, assessments required districtwide by the local educational agency, including—

"(i) the subject matter assessed;

"(ii) the purpose for which the assessment is designed and used;

"(iii) the source of the requirement for the assessment; and

"(iv) where such information is available—

"(I) the amount of time students will spend taking the assessment, and the schedule for the assessment; and

"(II) the time and format for disseminating results.

"(C) LOCAL EDUCATIONAL AGENCY THAT DOES NOT OPERATE A WEBSITE.—In the case of a local educational agency that does not operate a website, such local educational agency shall determine how to make the information described in subparagraph (A) widely available, such as through distribution of that information to the media, through public agencies, or directly to parents.

"(3) LANGUAGE INSTRUCTION.—

"(A) NOTICE.—Each local educational agency using funds under this part or title III to provide a language instruction educational program as determined under title III shall, not later than 30 days after the beginning of the school year, inform parents of an English learner identified for participation or participating in such a program, of—

"(i) the reasons for the identification of their child as an English learner and in need of placement in a language instruction educational program;

"(ii) the child's level of English proficiency, how such level was assessed, and the status of the child's academic achievement;

"(iii) the methods of instruction used in the program in which their child is, or will be, participating and the methods of instruction used in other available programs, including how such programs differ in content, instructional goals, and the use of English and a native language in instruction;

"(iv) how the program in which their child is, or will be, participating will meet the educational strengths and needs of their child;

"(v) how such program will specifically help their child learn English and meet age-appropriate academic achievement standards for grade promotion and graduation;

"(vi) the specific exit requirements for the program, including the expected rate of transition from such program into classrooms that are not tailored for English learners, and the expected rate of graduation from high school (including four-year adjusted cohort graduation rates and extended-year adjusted cohort graduation rates for such program) if funds under this part are used for children in high schools;

"(vii) in the case of a child with a disability, how such program meets the objectives of the individualized education program of the child, as described in section

614(d) of the Individuals with Disabilities Education Act (20 U.S.C. 1414(d)); and

"(viii) information pertaining to parental rights that includes written guidance—

"(I) detailing the right that parents have to have their child immediately removed from such program upon their request;

"(II) detailing the options that parents have to decline to enroll their child in such program or to choose another program or method of instruction, if available; and

"(III) assisting parents in selecting among various programs and methods of instruction, if more than 1 program or method is offered by the eligible entity.

"(B) SPECIAL RULE APPLICABLE DURING THE SCHOOL YEAR.—For those children who have not been identified as English learners prior to the beginning of the school year but are identified as English learners during such school year, the local educational agency shall notify the children's parents during the first 2 weeks of the child being placed in a language instruction educational program consistent with subparagraph (A).

"(C) PARENTAL PARTICIPATION.—

"(i) IN GENERAL.—Each local educational agency receiving funds under this part shall implement an effective means of outreach to parents of English learners to inform the parents regarding how the parents can—

"(I) be involved in the education of their children; and

"(II) be active participants in assisting their children to—

"(aa) attain English proficiency;

"(bb) achieve at high levels within a well-rounded education; and

"(cc) meet the challenging State academic standards expected of all students.

"(ii) REGULAR MEETINGS.—Implementing an effective means of outreach to parents under clause (i) shall include holding, and sending notice of opportunities for, regular meetings for the purpose of formulating and responding to recommendations from parents of students assisted under this part or title III.

"(D) BASIS FOR ADMISSION OR EXCLUSION.—A student shall not be admitted to, or excluded from, any federally assisted education program on the basis of a surname or language-minority status.

"(4) NOTICE AND FORMAT.—The notice and information provided to parents under this subsection shall be in an understandable and uniform format and, to the extent practicable, provided in a language that the parents can understand.".

SEC. 1007. ELIGIBLE SCHOOL ATTENDANCE AREAS.

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

(1) in subsection (a)—

(A) by striking paragraph (3) and inserting the following:

"(3) RANKING ORDER.—

"(A) RANKING.—Except as provided in subparagraph (B), if funds allocated in accordance with subsection (c) are insufficient to serve all eligible school attendance areas, a local educational agency shall—

"(i) annually rank, without regard to grade spans, such agency's eligible school attendance areas in which the concentration of children from low-income families exceeds 75 percent from highest to lowest according to the percentage of children from low-income families; and

"(ii) serve such eligible school attendance areas in rank order.

"(B) EXCEPTION.—A local educational agency may lower the threshold in subparagraph (A)(i) to 50 percent for high schools served by such agency."; and

(B) by striking paragraph (5) and inserting the following:

"(5) MEASURES.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), a local educational agency shall use the same measure of poverty, which measure shall be the number of children aged 5 through 17 in poverty counted in the most recent census data approved by the Secretary, the number of 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.), the number of children in families receiving assistance under the State program funded under part A of title IV of the Social Security Act, or the number of children eligible to receive medical assistance under the Medicaid Program, or a composite of such indicators, with respect to all school attendance areas in the local educational agency—

"(i) to identify eligible school attendance areas;

"(ii) to determine the ranking of each area; and

"(iii) to determine allocations under subsection (c).

"(B) SECONDARY SCHOOLS.—For measuring the number of students in low-income families in secondary schools, the local educational agency shall use the same measure of poverty, which shall be—

"(i) the measure described under subparagraph (A); or

"(ii) subject to meeting the conditions of subparagraph (C), an accurate estimate of the number of students in low-income families in a secondary school that is calculated by applying the average percentage of students in low-income families of the elementary school attendance areas as calculated under subparagraph (A) that feed into the secondary school to the number of students enrolled in such school.

"(C) MEASURE OF POVERTY.—The local educational agency shall have the option to use the measure of poverty described in subparagraph (B)(ii) after—

"(i) conducting outreach to secondary schools within such agency to inform such schools of the option to use such measure; and

"(ii) a majority of such schools have approved the use of such measure.";

(2) in subsection (b)(1)(D)(i), by striking "section 1120A(c)" and inserting "section 1118(c)"; and

(3) in subsection (c)—

(A) by striking paragraph (3) and inserting the following:

"(3) RESERVATION OF FUNDS.—

"(A) IN GENERAL.—A local educational agency shall reserve such funds as are necessary under this part, determined in accordance with subparagraphs (B) and (C), to provide services comparable to those provided to children in schools funded under this part to serve—

"(i) homeless children and youths, including providing educationally related support services to children in shelters and other locations where children may live;

"(ii) children in local institutions for neglected children; and

"(iii) if appropriate, children in local institutions for delinquent children, and neglected or delinquent children in community day programs.

"(B) METHOD OF DETERMINATION.—The share of funds determined under subparagraph (A) shall be determined—

"(i) based on the total allocation received by the local educational agency; and

"(ii) prior to any allowable expenditures or transfers by the local educational agency.

"(C) HOMELESS CHILDREN AND YOUTHS.—Funds reserved under subparagraph (A)(i) may be—

"(i) determined based on a needs assessment of homeless children and youths in the local educational agency, taking into consideration the number and needs of homeless children and youths in the local educational agency, and which needs assessment may be the same needs assessment as conducted under section 723(b)(1) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11433(b)(1)); and

"(ii) used to provide homeless children and youths with services not ordinarily provided to other students under this part, including providing—

"(I) funding for the liaison designated pursuant to section 722(g)(1)(J)(ii) of such Act (42 U.S.C. 11432(g)(1)(J)(ii)); and

"(II) transportation pursuant to section 722(g)(1)(J)(iii) of such Act (42 U.S.C. 11432(g)(1)(J)(iii)).";

(B) in paragraph (4), by striking "school improvement, corrective action, and restructuring under section 1116(b)" and inserting "comprehensive support and improvement activities or targeted support and improvement activities under section 1111(d)"; and

(C) by adding at the end the following:

"(5) EARLY CHILDHOOD EDUCATION.—A local educational agency may reserve funds made available to carry out this section to provide early childhood education programs for eligible children.".

SEC. 1008. SCHOOLWIDE PROGRAMS.

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

(1) by striking subsection (a) and inserting the following:

"(a) IN GENERAL.—

"(1) USE OF FUNDS FOR SCHOOLWIDE PROGRAMS.—

"(A) ELIGIBILITY.—A local educational agency may consolidate and use funds under this part, together with other Federal, State, and local funds, in order to upgrade the entire educational program of a school that serves an eligible school attendance area in which not less than 40 percent of the children are from low-income families, or not less than 40 percent of the children enrolled in the school are from such families.

"(B) EXCEPTION.—A school that serves an eligible school attendance area in which less than 40 percent of the children are from low-income families, or a school for which less than 40 percent of the children enrolled in the school are from such families, may operate a schoolwide program under this section if the school receives a waiver from the State educational agency to do so, after taking into account how a schoolwide program will best serve the needs of the students in the school served under this part in improving academic achievement and other factors.

"(2) IDENTIFICATION OF STUDENTS NOT REQUIRED.—

"(A) IN GENERAL.—No school participating in a schoolwide program shall be required to identify—

"(i) particular children under this part as eligible to participate in a schoolwide program; or

"(ii) individual services as supplementary.

"(B) SUPPLEMENTAL FUNDS.—In accordance with the method of determination described in section 1118(b)(2), a school participating in a schoolwide program shall use funds available to carry out this section only to supplement the amount of funds that would, in the absence of funds under this part, be made available from non-Federal sources for the school, including funds needed to provide services that are required by law for children with disabilities and English learners.

"(3) EXEMPTION FROM STATUTORY AND REGULATORY REQUIREMENTS.—

"(A) EXEMPTION.—Except as provided in paragraph (2), the Secretary may, through publication of a notice in the Federal Register, exempt schoolwide programs under this section from statutory or regulatory provisions of any other noncompetitive formula grant program administered by the Secretary (other than formula or discretionary grant programs under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), except as provided in section 613(a)(2)(D) of such Act (20 U.S.C. 1413(a)(2)(D))), or any discretionary grant program administered by the Secretary,

to support schoolwide programs if the intent and purposes of such other programs are met.

"(B) REQUIREMENTS.—A school that chooses to use funds from such other programs shall not be relieved of the requirements relating to health, safety, civil rights, student and parental participation and involvement, services to private school children, comparability of services, maintenance of effort, uses of Federal funds to supplement, not supplant non-Federal funds (in accordance with the method of determination described in section 1118(b)(2)), or the distribution of funds to State educational agencies or local educational agencies that apply to the receipt of funds from such programs.

"(C) RECORDS.—A school that chooses to consolidate and use funds from different Federal programs under this section shall not be required to maintain separate fiscal accounting records, by program, that identify the specific activities supported by those particular funds as long as the school maintains records that demonstrate that the schoolwide program, considered as a whole, addresses the intent and purposes of each of the Federal programs that were consolidated to support the schoolwide program.";

(2) by striking subsection (b) and inserting the following:

"(b) SCHOOLWIDE PROGRAM PLAN.—An eligible school operating a schoolwide program shall develop a comprehensive plan (or amend a plan for such a program that was in existence on the day before the date of the enactment of the Every Student Succeeds Act) that—

"(1) is developed during a 1-year period, unless—

"(A) the local educational agency determines, in consultation with the school, that less time is needed to develop and implement the schoolwide program; or

"(B) the school is operating a schoolwide program on the day before the date of the enactment of the Every Student Succeeds Act, in which case such school may continue to operate such program, but shall develop amendments to its existing plan during the first year of assistance after that date to reflect the provisions of this section;

"(2) is developed with the involvement of parents and other members of the community to be served and individuals who will carry out such plan, including teachers, principals, other school leaders, paraprofessionals present in the school, administrators (including administrators of programs described in other parts of this title), the local educational agency, to the extent feasible, tribes and tribal organizations present in the community, and, if appropriate, specialized instructional support personnel, technical assistance providers, school staff, if the plan relates to a secondary school, students, and other individuals determined by the school;

"(3) remains in effect for the duration of the school's participation under this part, except that the plan and its implementation shall be regularly monitored and revised as necessary based on student needs to ensure that all students are provided opportunities to meet the challenging State academic standards;

"(4) is available to the local educational agency, parents, and the public, and the information contained in such plan shall be in an understandable and uniform format and, to the extent practicable, provided in a language that the parents can understand; and

"(5) if appropriate and applicable, is developed in coordination and integration with other Federal, State, and local services, resources, and programs, such as programs supported under this Act, violence prevention programs, nutrition programs, housing programs, Head Start programs, adult education programs, career and technical education programs, and schools implementing comprehensive support and improvement activities or targeted support and improvement activities under section 1111(d);

"(6) is based on a comprehensive needs assessment of the entire school that takes into account information on the academic achievement of children in relation to the challenging State academic standards, particularly the needs of those children who are failing, or are at-risk of failing, to meet the challenging State academic standards and any other factors as determined by the local educational agency; and

"(7) includes a description of—

"(A) the strategies that the school will be implementing to address school needs, including a description of how such strategies will—

"(i) provide opportunities for all children, including each of the subgroups of students (as defined in section 1111(c)(2)) to meet the challenging State academic standards;

"(ii) use methods and instructional strategies that strengthen the academic program in the school, increase the amount and quality of learning time, and help provide an enriched and accelerated curriculum, which may include programs, activities, and courses necessary to provide a well-rounded education; and

"(iii) address the needs of all children in the school, but particularly the needs of those at risk of not meeting the challenging State academic standards, through activities which may include—

"(I) counseling, school-based mental health programs, specialized instructional support services, mentoring services, and other strategies to improve students' skills outside the academic subject areas;

"(II) preparation for and awareness of opportunities for postsecondary education and the workforce, which may include career and technical education programs and broadening secondary school students' access to coursework to earn postsecondary credit while still in high school (such as Advanced Placement, International Baccalaureate, dual or concurrent enrollment, or early college high schools);

"(III) implementation of a schoolwide tiered model to prevent and address problem behavior,

and early intervening services, coordinated with similar activities and services carried out under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.);

"(IV) professional development and other activities for teachers, paraprofessionals, and other school personnel to improve instruction and use of data from academic assessments, and to recruit and retain effective teachers, particularly in high-need subjects; and

"(V) strategies for assisting preschool children in the transition from early childhood education programs to local elementary school programs; and

"(B) if programs are consolidated, the specific State educational agency and local educational agency programs and other Federal programs that will be consolidated in the schoolwide program.";

(3) by striking subsection (c) and inserting the following:

"(c) PRESCHOOL PROGRAMS.—A school that operates a schoolwide program under this section may use funds available under this part to establish or enhance preschool programs for children who are under 6 years of age.

"(d) DELIVERY OF SERVICES.—The services of a schoolwide program under this section may be delivered by nonprofit or for-profit external providers with expertise in using evidence-based or other effective strategies to improve student achievement.

"(e) USE OF FUNDS FOR DUAL OR CONCURRENT ENROLLMENT PROGRAMS.—

"(1) IN GENERAL.—A secondary school operating a schoolwide program under this section may use funds received under this part to operate dual or concurrent enrollment programs that address the needs of low-achieving secondary school students and those at risk of not meeting the challenging State academic standards.

"(2) FLEXIBILITY OF FUNDS.—A secondary school using funds received under this part for a dual or concurrent enrollment program described in paragraph (1) may use such funds for any of the costs associated with such program, including the costs of—

"(A) training for teachers, and joint professional development for teachers in collaboration with career and technical educators and educators from institutions of higher education, where appropriate, for the purpose of integrating rigorous academics in such program;

"(B) tuition and fees, books, required instructional materials for such program, and innovative delivery methods; and

"(C) transportation to and from such program.

"(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to impose on any State any requirement or rule regarding dual or concurrent enrollment programs that is inconsistent with State law.".

SEC. 1009. TARGETED ASSISTANCE SCHOOLS.

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

(1) by striking subsection (a) and inserting the following:

"(a) IN GENERAL.—In all schools selected to receive funds under section 1113(c) that are ineligible for a schoolwide program under section 1114, have not received a waiver under section 1114(a)(1)(B) to operate such a schoolwide program, or choose not to operate such a schoolwide program, a local educational agency serving such school may use funds received under this part only for programs that provide services to eligible children under subsection (c) identified as having the greatest need for special assistance.";

(2) by redesignating subsections (b) and (c) as subsections (c) and (b), respectively, and moving those redesignated subsections so as to appear in alphabetical order;

(3) by striking subsection (b), as redesignated by paragraph (2), and inserting the following:

"(b) TARGETED ASSISTANCE SCHOOL PROGRAM.—To assist targeted assistance schools and local educational agencies to meet their responsibility to provide for all their students served under this part the opportunity to meet the challenging State academic standards, each targeted assistance program under this section shall—

"(1) determine which students will be served;

"(2) serve participating students identified as eligible children under subsection (c), including by—

"(A) using resources under this part to help eligible children meet the challenging State academic standards, which may include programs, activities, and academic courses necessary to provide a well-rounded education;

"(B) using methods and instructional strategies to strengthen the academic program of the school through activities, which may include—

"(i) expanded learning time, before- and after-school programs, and summer programs and opportunities; and

"(ii) a schoolwide tiered model to prevent and address behavior problems, and early intervening services, coordinated with similar activities and services carried out under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.);

"(C) coordinating with and supporting the regular education program, which may include services to assist preschool children in the transition from early childhood education programs such as Head Start, the literacy program under subpart 2 of part B of title II, or State-run preschool programs to elementary school programs;

"(D) providing professional development with resources provided under this part, and, to the extent practicable, from other sources, to teachers, principals, other school leaders, paraprofessionals, and, if appropriate, specialized instructional support personnel, and other school personnel who work with eligible children in programs under this section or in the regular education program;

"(E) implementing strategies to increase the involvement of parents of eligible children in accordance with section 1116; and

"(F) if appropriate and applicable, coordinating and integrating Federal, State, and local services and programs, such as programs supported under this Act, violence

prevention programs, nutrition programs, housing programs, Head Start programs, adult education programs, career and technical education programs, and comprehensive support and improvement activities or targeted support and improvement activities under section 1111(d); and

"(G) provide to the local educational agency assurances that the school will—

"(i) help provide an accelerated, high-quality curriculum;

"(ii) minimize the removal of children from the regular classroom during regular school hours for instruction provided under this part; and

"(iii) on an ongoing basis, review the progress of eligible children and revise the targeted assistance program under this section, if necessary, to provide additional assistance to enable such children to meet the challenging State academic standards.";

(4) in subsection (c), as redesignated by paragraph (2)—

(A) in paragraph (1)(B)—

(i) by striking "the State's challenging student academic achievement standards" and inserting "the challenging State academic standards"; and

(ii) by striking "such criteria as teacher judgment, interviews with parents, and developmentally appropriate measures" and inserting "criteria, including objective criteria, established by the local educational agency and supplemented by the school"; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking "limited English proficient children" and inserting "English learners";

(ii) in subparagraph (B)—

(I) by striking the heading and inserting "HEAD START AND PRESCHOOL CHILDREN"; and

(II) by striking "Head Start, Even Start, or Early Reading First program," and inserting "Head Start program, the literacy program under subpart 2 of part B of title II,"; and

(iii) in subparagraph (C), by striking the heading and inserting "MIGRANT CHILDREN";

(5) in subsection (e)—

(A) in paragraph (2)(B)—

(i) by striking "and" at the end of clause (ii);

(ii) by redesignating clause (iii) as clause (v); and

(iii) by inserting after clause (ii) the following new clauses:

"(iii) family support and engagement services;

"(iv) integrated student supports; and"; and

(iv) in clause (v), as redesignated by clause (iii), by striking "pupil services" and inserting "specialized instructional support"; and

(B) by striking paragraph (3); and

(6) by adding at the end the following:

"(f) USE OF FUNDS FOR DUAL OR CONCURRENT ENROLLMENT PROGRAMS.—A secondary school operating a targeted assistance

program under this section may use funds received under this part to provide dual or concurrent enrollment program services described under section 1114(e) to eligible children under subsection (c)(1)(B) who are identified as having the greatest need for special assistance.

"(g) PROHIBITION.—Nothing in this section shall be construed to authorize the Secretary or any other officer or employee of the Federal Government to require a local educational agency or school to submit the results of a comprehensive needs assessment or plan under section 1114(b), or a program described in subsection (b), for review or approval by the Secretary.

"(h) DELIVERY OF SERVICES.—The services of a targeted assistance program under this section may be delivered by nonprofit or for-profit external providers with expertise in using evidence-based or other effective strategies to improve student achievement.".

SEC. 1010. PARENT AND FAMILY ENGAGEMENT.

Section 1116, as redesignated by section 1000(2), is amended—

*(1) in the section heading, by striking "**PARENTAL INVOLVEMENT**" and inserting "**PARENT AND FAMILY ENGAGEMENT**";*

(2) in subsection (a)—

(A) in paragraph (1)—

(i) by inserting "conducts outreach to all parents and family members and" after "only if such agency"; and

(ii) by inserting "and family members" after "and procedures for the involvement of parents";

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A)—

(I) by inserting "and family members" after ", and distribute to, parents";

(II) by striking "written parent involvement policy" and inserting "written parent and family engagement policy"; and

(III) by striking "expectations for parent involvement" and inserting "expectations and objectives for meaningful parent and family involvement"; and

(ii) by striking subparagraphs (A) through (F) and inserting the following:

"(A) involve parents and family members in jointly developing the local educational agency plan under section 1112, and the development of support and improvement plans under paragraphs (1) and (2) of section 1111(d).

"(B) provide the coordination, technical assistance, and other support necessary to assist and build the capacity of all participating schools within the local educational agency in planning and implementing effective parent and family involvement activities to improve student academic achievement and school performance, which may include meaningful consultation with employers, business leaders, and philanthropic organizations, or individuals with expertise in effectively engaging parents and family members in education;

"(C) coordinate and integrate parent and family engagement strategies under this part with parent and family

engagement strategies, to the extent feasible and appropriate, with other relevant Federal, State, and local laws and programs;

"(D) conduct, with the meaningful involvement of parents and family members, an annual evaluation of the content and effectiveness of the parent and family engagement policy in improving the academic quality of all schools served under this part, including identifying—

"(i) barriers to greater participation by parents in activities authorized by this section (with particular attention to parents who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority background);

"(ii) the needs of parents and family members to assist with the learning of their children, including engaging with school personnel and teachers; and

"(iii) strategies to support successful school and family interactions;

"(E) use the findings of such evaluation in subparagraph (D) to design evidence-based strategies for more effective parental involvement, and to revise, if necessary, the parent and family engagement policies described in this section; and

"(F) involve parents in the activities of the schools served under this part, which may include establishing a parent advisory board comprised of a sufficient number and representative group of parents or family members served by the local educational agency to adequately represent the needs of the population served by such agency for the purposes of developing, revising, and reviewing the parent and family engagement policy."; and

(C) in paragraph (3)—

(i) by striking subparagraph (A) and inserting the following:

"(A) IN GENERAL.—Each local educational agency shall reserve at least 1 percent of its allocation under subpart 2 to assist schools to carry out the activities described in this section, except that this subparagraph shall not apply if 1 percent of such agency's allocation under subpart 2 for the fiscal year for which the determination is made is $5,000 or less. Nothing in this subparagraph shall be construed to limit local educational agencies from reserving more than 1 percent of its allocation under subpart 2 to assist schools to carry out activities described in this section.";

(ii) in subparagraph (B), by striking "(B) PARENTAL INPUT.—Parents of children" and inserting "(B) PARENT AND FAMILY MEMBER INPUT.—Parents and family members of children";

(iii) in subparagraph (C)—

(I) by striking "95 percent" and inserting "90 percent"; and

(II) by inserting ", with priority given to high-need schools" after "schools served under this part"; and

(iv) by adding at the end the following:

"(D) USE OF FUNDS.—Funds reserved under subparagraph (A) by a local educational agency shall be used to carry out activities and strategies consistent with the local educational agency's parent and family engagement policy, including not less than 1 of the following:

"(i) Supporting schools and nonprofit organizations in providing professional development for local educational agency and school personnel regarding parent and family engagement strategies, which may be provided jointly to teachers, principals, other school leaders, specialized instructional support personnel, paraprofessionals, early childhood educators, and parents and family members.

"(ii) Supporting programs that reach parents and family members at home, in the community, and at school.

"(iii) Disseminating information on best practices focused on parent and family engagement, especially best practices for increasing the engagement of economically disadvantaged parents and family members.

"(iv) Collaborating, or providing subgrants to schools to enable such schools to collaborate, with community-based or other organizations or employers with a record of success in improving and increasing parent and family engagement.

"(v) Engaging in any other activities and strategies that the local educational agency determines are appropriate and consistent with such agency's parent and family engagement policy.";

(3) in subsection (b)—

(A) in the subsection heading, by striking "PARENTAL INVOLVEMENT POLICY" and inserting "PARENT AND FAMILY ENGAGEMENT POLICY";

(B) in paragraph (1)—

(i) by inserting "and family members" after "distribute to, parents"; and

(ii) by striking "written parental involvement policy" and inserting "written parent and family engagement policy";

(C) in paragraph (2)—

(i) by striking "parental involvement policy" and inserting "parent and family engagement policy"; and

(ii) by inserting "and family members" after "that applies to all parents"; and

(D) in paragraph (3)—

(i) by striking "parental involvement policy" and inserting "parent and family engagement policy"; and

(ii) by inserting "and family members in all schools served by the local educational agency" after "policy that applies to all parents";

(4) in subsection (c)—

(A) in paragraph (3)—

(i) by striking "parental involvement policy" and inserting "parent and family engagement policy"; and

(ii) by striking "1114(b)(2)" and inserting "1114(b)";

(B) in paragraph (4)(B), by striking "the proficiency levels students are expected to meet" and inserting "the achievement levels of the challenging State academic standards"; and

(C) in paragraph (5), by striking "1114(b)(2)" and inserting "1114(b)";

(5) in subsection (d)—

(A) in the matter preceding paragraph (1), by striking "parental involvement policy" and inserting "parent and family engagement policy";

(B) in paragraph (1)—

(i) by striking "the State's student academic achievement standards" and inserting "the challenging State academic standards"; and

(ii) by striking ", such as monitoring attendance, homework completion, and television watching"; and

(C) in paragraph (2)—

(i) in subparagraph (B), by striking "and" after the semicolon;

(ii) in subparagraph (C), by striking the period and inserting "; and"; and

(iii) by adding at the end the following:

"(D) ensuring regular two-way, meaningful communication between family members and school staff, and, to the extent practicable, in a language that family members can understand.";

(6) in subsection (e)—

(A) in paragraph (1), by striking "the State's academic content standards and State student academic achievement standards" and inserting "the challenging State academic standards";

(B) in paragraph (2), by striking "technology" and inserting "technology (including education about the harms of copyright piracy)";

(C) in paragraph (3), by striking "pupil services personnel, principals" and inserting "specialized instructional support personnel, principals, and other school leaders"; and

(D) in paragraph (4), by striking "Head Start, Reading First, Early Reading First, Even Start, the Home Instruction Programs for Preschool Youngsters, the Parents as Teachers Program, and public preschool and other programs," and inserting "other Federal, State, and local programs, including public preschool programs,";

(7) by striking subsection (f) and inserting the following:

"(f) ACCESSIBILITY.—In carrying out the parent and family engagement requirements of this part, local educational agencies and schools, to the extent practicable, shall provide opportunities for the informed participation of parents and family members (including parents and family members who have limited English proficiency, parents and family members with disabilities, and parents and family members of migratory children), including providing information and school reports required under section 1111 in a format

and, to the extent practicable, in a language such parents understand.";

(8) by striking subsection (g) and inserting the following:

"(g) FAMILY ENGAGEMENT IN EDUCATION PROGRAMS.—In a State operating a program under part E of title IV, each local educational agency or school that receives assistance under this part shall inform parents and organizations of the existence of the program."; and

(9) in subsection (h), by striking "parental involvement policies" and inserting "parent and family engagement policies".

SEC. 1011. PARTICIPATION OF CHILDREN ENROLLED IN PRIVATE SCHOOLS.

Section 1117, as redesignated by section 1000(3), is amended—

(1) in subsection (a)—

(A) by striking paragraph (1) and inserting the following:

"(1) IN GENERAL.—To the extent consistent with the number of eligible children identified under section 1115(c) in the school district served by a local educational agency who are enrolled in private elementary schools and secondary schools, a local educational agency shall—

"(A) after timely and meaningful consultation with appropriate private school officials, provide such children, on an equitable basis and individually or in combination, as requested by the officials to best meet the needs of such children, special educational services, instructional services (including evaluations to determine the progress being made in meeting such students' academic needs), counseling, mentoring, one-on-one tutoring, or other benefits under this part (such as dual or concurrent enrollment, educational radio and television, computer equipment and materials, other technology, and mobile educational services and equipment) that address their needs; and

"(B) ensure that teachers and families of the children participate, on an equitable basis, in services and activities developed pursuant to section 1116.";

(B) by striking paragraph (3) and inserting the following:

"(3) EQUITY.—

"(A) IN GENERAL.—Educational services and other benefits for such private school children shall be equitable in comparison to services and other benefits for public school children participating under this part, and shall be provided in a timely manner.

"(B) OMBUDSMAN.—To help ensure such equity for such private school children, teachers, and other educational personnel, the State educational agency involved shall designate an ombudsman to monitor and enforce the requirements of this part.";

(C) by striking paragraph (4) and inserting the following:

"(4) EXPENDITURES.—

"(A) DETERMINATION.—

"(i) IN GENERAL.—Expenditures for educational services and other benefits to eligible private school

children shall be equal to the proportion of funds allocated to participating school attendance areas based on the number of children from low-income families who attend private schools.

"(ii) PROPORTIONAL SHARE.—The proportional share of funds shall be determined based on the total amount of funds received by the local educational agency under this part prior to any allowable expenditures or transfers by the local educational agency.

"(B) OBLIGATION OF FUNDS.—Funds allocated to a local educational agency for educational services and other benefits to eligible private school children shall be obligated in the fiscal year for which the funds are received by the agency.

"(C) NOTICE OF ALLOCATION.—Each State educational agency shall provide notice in a timely manner to the appropriate private school officials in the State of the allocation of funds for educational services and other benefits under this part that the local educational agencies have determined are available for eligible private school children.

"(D) TERM OF DETERMINATION.—The local educational agency may determine the equitable share under subparagraph (A) each year or every 2 years."; and

(D) in paragraph (5), by striking "agency" and inserting "agency, or, in a case described in subsection (b)(6)(C), the State educational agency involved,";

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking "part," and inserting "part. Such agency and private school officials shall both have the goal of reaching agreement on how to provide equitable and effective programs for eligible private school children, the results of which agreement shall be transmitted to the ombudsman designated under subsection (a)(3)(B). Such process shall include consultation";

(ii) in subparagraph (E)—

(I) by striking "and" before "the proportion of funds";

(II) by striking "(a)(4)" and inserting "(a)(4)(A)" ; and

(III) by inserting ", and how that proportion of funds is determined" after "such services";

(iii) in subparagraph (G), by striking "and" after the semicolon;

(iv) in subparagraph (H), by striking the period at the end and inserting a semicolon; and

(v) by adding at the end the following:

"(I) whether the agency shall provide services directly or through a separate government agency, consortium, entity, or third-party contractor;

"(J) whether to provide equitable services to eligible private school children—

"(i) by creating a pool or pools of funds with all of the funds allocated under subsection (a)(4)(A) based on

all the children from low-income families in a participating school attendance area who attend private schools; or

"(ii) in the agency's participating school attendance area who attend private schools with the proportion of funds allocated under subsection (a)(4)(A) based on the number of children from low-income families who attend private schools;

"(K) when, including the approximate time of day, services will be provided; and

"(L) whether to consolidate and use funds provided under subsection (a)(4) in coordination with eligible funds available for services to private school children under applicable programs, as defined in section 8501(b)(1)to provide services to eligible private school children participating in programs.";

(B) by redesignating paragraphs (2) through (5) as paragraphs (3) through (6), respectively;

(C) by inserting after paragraph (1) the following:

"(2) DISAGREEMENT.—If a local educational agency disagrees with the views of private school officials with respect to an issue described in paragraph (1), the local educational agency shall provide in writing to such private school officials the reasons why the local educational agency disagrees.";

(D) in paragraph (5) (as redesignated by subparagraph (B))—

(i) by inserting "meaningful" before "consultation" in the first sentence;

(ii) by inserting "The written affirmation shall provide the option for private school officials to indicate such officials' belief that timely and meaningful consultation has not occurred or that the program design is not equitable with respect to eligible private school children." after "occurred."; and

(iii) by striking "has taken place" and inserting "has, or attempts at such consultation have, taken place"; and

(E) in paragraph (6) (as redesignated by subparagraph (B))—

(i) in subparagraph (A)—

(I) by striking "right to complain to" and inserting "right to file a complaint with";

(II) by inserting "asserting" after "State educational agency";

(III) by striking "or" before "did not give due consideration"; and

(IV) by inserting ", or did not make a decision that treats the private school students equitably as required by this section" before the period at the end;

(ii) in subparagraph (B), by striking "to complain," and inserting "to file a complaint,"; and

(iii) by adding at the end the following:

"(C) STATE EDUCATIONAL AGENCIES.—A State educational agency shall provide services under this section di-

rectly or through contracts with public or private agencies, organizations, or institutions, if the appropriate private school officials have—

"(i) requested that the State educational agency provide such services directly; and

"(ii) demonstrated that the local educational agency involved has not met the requirements of this section in accordance with the procedures for making such a request, as prescribed by the State educational agency.";

(3) in subsection (c)(2), by striking "section 9505" and inserting "section 8503"; and

(4) in subsection (e)(2), by striking "sections 9503 and 9504" and inserting "sections 8503 and 8504".

SEC. 1012. SUPPLEMENT, NOT SUPPLANT.

Section 1118, as redesignated by section 1000(4), is amended—

(1) in subsection (a), by striking "section 9521" and inserting "section 8521"; and

(2) by striking subsection (b) and inserting the following:

"(b) FEDERAL FUNDS TO SUPPLEMENT, NOT SUPPLANT, NON-FEDERAL FUNDS.—

"(1) IN GENERAL.—A State educational agency or local educational agency shall use Federal funds received under this part only to supplement the funds that would, in the absence of such Federal funds, be made available from State and local sources for the education of students participating in programs assisted under this part, and not to supplant such funds.

"(2) COMPLIANCE.—To demonstrate compliance with paragraph (1), a local educational agency shall demonstrate that the methodology used to allocate State and local funds to each school receiving assistance under this part ensures that such school receives all of the State and local funds it would otherwise receive if it were not receiving assistance under this part.

"(3) SPECIAL RULE.—No local educational agency shall be required to—

"(A) identify that an individual cost or service supported under this part is supplemental; or

"(B) provide services under this part through a particular instructional method or in a particular instructional setting in order to demonstrate such agency's compliance with paragraph (1).

"(4) PROHIBITION.—Nothing in this section shall be construed to authorize or permit the Secretary to prescribe the specific methodology a local educational agency uses to allocate State and local funds to each school receiving assistance under this part.

"(5) TIMELINE.—A local educational agency—

"(A) shall meet the compliance requirement under paragraph (2) not later than 2 years after the date of enactment of the Every Student Succeeds Act; and

"(B) may demonstrate compliance with the requirement under paragraph (1) before the end of such 2-year period using the method such local educational agency used on the day before the date of enactment of the Every Student Succeeds Act.".

SEC. 1013. COORDINATION REQUIREMENTS.

Section 1119, as redesignated by section 1000(5), is amended—

(1) in subsection (a)—

(A) by striking "such as the Early Reading First program"; and

(B) by adding at the end the following new sentence: "Each local educational agency shall develop agreements with such Head Start agencies and other entities to carry out such activities."; and

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking "early childhood development programs, such as the Early Reading First program," and inserting "early childhood education programs";

(B) in paragraph (1), by striking "early childhood development program such as the Early Reading First program" and inserting "early childhood education program";

(C) in paragraph (2), by striking "early childhood development programs such as the Early Reading First program" and inserting "early childhood education programs";

(D) in paragraph (3), by striking "early childhood development programs such as the Early Reading First program" and inserting "early childhood education programs";

(E) in paragraph (4)—

(i) by striking "Early Reading First program staff,"; and

(ii) by striking "early childhood development program" and inserting "early childhood education program"; and

(F) in paragraph (5), by striking "and entities carrying out Early Reading First programs".

SEC. 1014. GRANTS FOR THE OUTLYING AREAS AND THE SECRETARY OF THE INTERIOR.

Section 1121 (20 U.S.C. 6331) is amended to read as follows:

"SEC. 1121. GRANTS FOR THE OUTLYING AREAS AND THE SECRETARY OF THE INTERIOR.

"(a) RESERVATION OF FUNDS.—Subject to subsection (e), from the amount appropriated for payments to States for any fiscal year under section 1002(a), the Secretary shall—

"(1) reserve 0.4 percent to provide assistance to the outlying areas in accordance with subsection (b); and

"(2) reserve 0.7 percent to provide assistance to the Secretary of the Interior in accordance with subsection (d).

"(b) ASSISTANCE TO OUTLYING AREAS.—

"(1) FUNDS RESERVED.—From the amount made available for any fiscal year under subsection (a)(1), the Secretary shall—

"(A) first reserve $1,000,000 for the Republic of Palau, until Palau enters into an agreement for extension of United States educational assistance under the Compact of Free Association, and subject to such terms and conditions as the Secretary may establish, except that Public Law 95–134, permitting the consolidation of grants, shall not apply; and

"(B) use the remaining funds to award grants to the outlying areas in accordance with paragraphs (2) through (5).

"(2) AMOUNT OF GRANTS.—The Secretary shall allocate the amount available under paragraph (1)(B) to the outlying areas in proportion to their relative numbers of children, aged 5 to 17, inclusive, from families below the poverty level, on the basis of the most recent satisfactory data available from the Department of Commerce.

"(3) HOLD-HARMLESS AMOUNTS.—For each fiscal year, the amount made available to each outlying area under this subsection 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 paragraph (2) is not less than 30 percent of the total number of children aged 5 to 17 years, inclusive, in the outlying area;

"(B) not less than 90 percent of the amount made available for the preceding fiscal year if the percentage described in subparagraph (A) is between 15 percent and 30 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 below 15 percent.

"(4) RATABLE REDUCTIONS.—If the amount made available under paragraph (1)(B) for any fiscal year is insufficient to pay the full amounts that the outlying areas are eligible to receive under paragraphs (2) and (3) for that fiscal year, the Secretary shall ratably reduce those amounts.

"(5) USES.—Grant funds awarded under paragraph (1)(A) may be used only—

"(A) for programs described in this Act, including teacher training, curriculum development, instructional materials, or general school improvement and reform; and

"(B) to provide direct educational services that assist all students with meeting the challenging State academic standards.

"(c) DEFINITIONS.—For the purpose of this section, the term 'outlying area' means the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

"(d) ALLOTMENT TO THE SECRETARY OF THE INTERIOR.—

"(1) IN GENERAL.—The amount allotted for payments to the Secretary of the Interior under subsection (a)(2) for any fiscal year shall be used, in accordance with such criteria as the Secretary may establish, to meet the unique educational needs of—

"(A) Indian children on reservations served by elementary schools and secondary schools for Indian children operated or supported by the Department of the Interior; and

"(B) out-of-State Indian children in elementary schools and secondary schools in local educational agencies under special contracts with the Department of the Interior.

"(2) PAYMENTS.—From the amount allotted for payments to the Secretary of the Interior under subsection (a)(2), the Secretary of the Interior shall make payments to local educational

agencies, on such terms as the Secretary determines will best carry out the purposes of this part, with respect to out-of-State Indian children described in paragraph (1). The amount of such payment may not exceed, for each such child, the greater of—

"(A) 40 percent of the average per-pupil expenditure in the State in which the agency is located; or

"(B) 48 percent of such expenditure in the United States.

"(e) LIMITATION ON APPLICABILITY.—If, by reason of the application of subsection (a) for any fiscal year, the total amount available for allocation to all States under this part would be less than the amount allocated to all States for fiscal year 2016 under this part, the Secretary shall provide assistance to the outlying areas and the Secretary of the Interior in accordance with this section, as in effect on the day before the date of enactment of the Every Student Succeeds Act.".

SEC. 1015. ALLOCATIONS TO STATES.

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

(1) in the matter preceding paragraph (1), by striking "2002–2007" and inserting "2017–2020"; and

(2) by striking paragraph (3) and inserting the following:

"(3) an amount equal to 100 percent of the amount, if any, by which the total amount made available under this subsection for the current fiscal year for which the determination is made exceeds the total amount available to carry out sections 1124 and 1124A for fiscal year 2001 shall be used to carry out sections 1125 and 1125A and such amount shall be divided equally between sections 1125 and 1125A.".

SEC. 1016. ADEQUACY OF FUNDING RULE.

Section 1125AA (20 U.S.C. 6336) is amended by striking the section heading and all that follows through "Pursuant" and inserting the following: "ADEQUACY OF FUNDING TO LOCAL EDUCATIONAL AGENCIES IN FISCAL YEARS AFTER FISCAL YEAR 2001.—Pursuant".

SEC. 1017. EDUCATION FINANCE INCENTIVE GRANT PROGRAM.

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

(1) in subsection (a), by striking "funds appropriated under subsection (f)" and inserting "funds made available under section 1122(a)";

(2) in subsection (b)(1)—

(A) in subparagraph (A), by striking "appropriated pursuant to subsection (f)" and inserting "made available for any fiscal year to carry out this section"; and

(B) in subparagraph (B)(i), by striking "total appropriations" and inserting "the total amount reserved under section 1122(a) to carry out this section";

(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"; and

(B) in paragraph (3), in the matter preceding subparagraph (A), by striking "shall be" and inserting "shall be—".

PART B—STATE ASSESSMENT GRANTS

SEC. 1201. STATE ASSESSMENT GRANTS.

Part B of title I (20 U.S.C. 6361 et seq.) is amended to read as follows:

"PART B—STATE ASSESSMENT GRANTS

"SEC. 1201. GRANTS FOR STATE ASSESSMENTS AND RELATED ACTIVITIES.

"(a) GRANTS AUTHORIZED.—From amounts made available in accordance with section 1203, the Secretary shall make grants to State educational agencies to enable the States to carry out 1 or more of the following:

"(1) To pay the costs of the development of the State assessments and standards adopted under section 1111(b), which may include the costs of working in voluntary partnerships with other States, at the sole discretion of each such State.

"(2) If a State has developed the assessments adopted under section 1111(b), to administer those assessments or to carry out other assessment activities described in this part, such as the following:

"(A) Ensuring the provision of appropriate accommodations available to English learners and children with disabilities to improve the rates of inclusion in regular assessments of such children, including professional development activities to improve the implementation of such accommodations in instructional practice.

"(B) Developing challenging State academic standards and aligned assessments in academic subjects for which standards and assessments are not required under section 1111(b).

"(C) Developing or improving assessments for English learners, including assessments of English language proficiency as required under section 1111(b)(2)(G) and academic assessments in languages other than English to meet the State's obligations under section 1111(b)(2)(F).

"(D) Ensuring the continued validity and reliability of State assessments.

"(E) Refining State assessments to ensure their continued alignment with the challenging State academic standards and to improve the alignment of curricula and instructional materials.

"(F) Developing or improving balanced assessment systems that include summative, interim, and formative assessments, including supporting local educational agencies in developing or improving such assessments.

"(G) At the discretion of the State, refining science assessments required under section 1111(b)(2) in order to integrate engineering design skills and practices into such assessments.

"(H) Developing or improving models to measure and assess student progress or student growth on State assessments under section 1111(b)(2) and other assessments not required under section 1111(b)(2).

"(I) Developing or improving assessments for children with disabilities, including alternate assessments aligned to alternate academic achievement standards for students with the most significant cognitive disabilities described in section 1111(b)(2)(D), and using the principles of universal design for learning.

"(J) Allowing for collaboration with institutions of higher education, other research institutions, or other organizations to improve the quality, validity, and reliability of State academic assessments beyond the requirements for such assessments described in section 1111(b)(2).

"(K) Measuring student academic achievement using multiple measures of student academic achievement from multiple sources.

"(L) Evaluating student academic achievement through the development of comprehensive academic assessment instruments (such as performance and technology-based academic assessments, computer adaptive assessments,

projects, or extended performance task assessments) that emphasize the mastery of standards and aligned competencies in a competency-based education model.

"(M) Designing the report cards and reports under section 1111(h) 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—

"(i) does not reveal personally identifiable information about an individual student; and

"(ii) is derived from existing State and local reporting requirements.

"(b) RULE OF CONSTRUCTION.—Nothing in subsection (a)(2)(M) shall be construed as authorizing, requiring, or allowing any additional reporting requirements, data elements, or information to be reported to the Secretary unless such reporting, data, or information is explicitly authorized under this Act.

"(c) ANNUAL REPORT.—Each State educational agency receiving a grant under this section shall submit an annual report to the Secretary describing the State's activities under the grant and the result of such activities.

"SEC. 1202. STATE OPTION TO CONDUCT ASSESSMENT SYSTEM AUDIT.

"(a) IN GENERAL.—From the amount reserved under section 1203(a)(3) for a fiscal year, the Secretary shall make grants to States to enable the States to—

"(1) in the case of a grant awarded under this section to a State for the first time—

"(A) audit State assessment systems and ensure that local educational agencies audit local assessments under subsection (e)(1);

"(B) execute the State plan under subsection (e)(3)(D); and

"(C) award subgrants under subsection (f); and

"(2) in the case of a grant awarded under this section to a State that has previously received a grant under this section—

"(A) execute the State plan under subsection (e)(3)(D); and

"(B) award subgrants under subsection (f).

"(b) MINIMUM AMOUNT.—Each State that receives a grant under this section shall receive an annual grant amount of not less than $1,500,000.

"(c) REALLOCATION.—If a State chooses not to apply for a grant under this section, the Secretary shall reallocate such grant amount to other States in accordance with the formula described in section 1203(a)(4)(B).

"(d) APPLICATION.—A State desiring to receive a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary shall require. The application shall include a description of—

"(1) in the case of a State that is receiving a grant under this section for the first time—

"(A) the audit the State will carry out under subsection (e)(1); and

"(B) the stakeholder feedback the State will seek in designing such audit;

"(2) in the case of a State that is not receiving a grant under this section for the first time, the plan described in subsection (e)(3)(D); and

"(3) how the State will award subgrants to local educational agencies under subsection (f).

"(e) AUDITS OF STATE ASSESSMENT SYSTEMS AND LOCAL ASSESSMENTS.—

"(1) AUDIT REQUIREMENTS.—Not later than 1 year after the date a State receives an initial grant under this section, the State shall—

"(A) conduct a State assessment system audit as described in paragraph (3);

"(B) ensure that each local educational agency receiving funds under this section—

"(i) conducts an audit of local assessments administered by the local educational agency as described in paragraph (4); and

"(ii) submits the results of such audit to the State; and

"(C) report the results of each State and local educational agency audit conducted under subparagraphs (A) and (B), in a format that is widely accessible and publicly available.

"(2) RESOURCES FOR LOCAL EDUCATIONAL AGENCIES.—In carrying out paragraph (1)(B), each State shall provide local educational agencies with resources, such as guidelines and protocols, to assist in conducting and reporting audit results.

"(3) STATE ASSESSMENT SYSTEM DESCRIPTION.—Each State assessment system audit conducted under paragraph (1)(A) shall include—

"(A) the schedule for the administration of all State assessments;

"(B) for each State assessment—

"(i) the purpose for which the assessment was designed and the purpose for which the assessment is used; and

"(ii) the legal authority for the administration of the assessment;

"(C) feedback on such system from stakeholders, which shall include information such as—

"(i) how teachers, principals, other school leaders, and administrators use assessment data to improve and differentiate instruction;

"(ii) the timing of release of assessment data;

"(iii) the extent to which assessment data is presented in an accessible and understandable format for all stakeholders;

"(iv) the opportunities, resources, and training teachers, principals, other school leaders, and administrators are given to review assessment results and make effective use of assessment data;

"(v) the distribution of technological resources and personnel necessary to administer assessments;

"(vi) the amount of time teachers spend on assessment preparation and administration;

"(vii) the assessments that administrators, teachers, principals, other school leaders, parents, and students, if appropriate, do and do not find useful; and

"(viii) other information as appropriate; and

"(D) a plan, based on the information gathered as a result of the activities described in subparagraphs (A), (B), and (C), to improve and streamline the State assessment system, including activities such as—

"(i) eliminating any unnecessary assessments, which may include paying the cost associated with terminating procurement contracts;

"(ii) supporting the dissemination of best practices from local educational agencies or other States that have successfully improved assessment quality and efficiency to improve teaching and learning; and

"(iii) supporting local educational agencies or consortia of local educational agencies to carry out efforts to streamline local assessment systems and implement a regular process of review and evaluation of assessment use in local educational agencies.

"(4) LOCAL ASSESSMENT DESCRIPTION.—An audit of local assessments conducted in accordance with paragraph (1)(B)(i) shall include the same information described in paragraph (3) that is required of a State audit, except that such information shall be included as applicable to the local educational agency and the local assessments.

"(f) SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.—

"(1) IN GENERAL.—Each State shall reserve not less than 20 percent of the grant funds awarded to the State under this section to make subgrants to local educational agencies in the State or consortia of such local educational agencies, based on demonstrated need in the agency's or consortium's application, to enable such agencies or consortia to improve assessment quality and use, and alignment, including, if applicable, alignment to the challenging State academic standards.

"(2) LOCAL EDUCATIONAL AGENCY APPLICATION.—Each local educational agency, or consortium of local educational agencies, seeking a subgrant under this subsection shall submit an application to the State at such time, in such manner, and containing such other information as determined necessary by the State. The application shall include a description of the agency's or consortium's needs relating to the improvement of assessment quality, use, and alignment.

"(3) USE OF FUNDS.—A subgrant awarded under this subsection to a local educational agency or consortium of such agencies may be used to—

"(A) conduct an audit of local assessments under subsection (e)(1)(B)(i);

"(B) carry out the plan described in subsection (e)(3)(D) as it pertains to such agency or consortium;

"(C) improve assessment delivery systems and schedules, including by increasing access to technology and assessment proctors, where appropriate;

"(D) hire instructional coaches, or promote teachers who may receive increased compensation to serve as in-

structional coaches, to support teachers in the development of classroom-based assessments, interpreting assessment data, and designing instruction;

"(E) provide for appropriate accommodations to maximize inclusion of children with disabilities and English learners participating in assessments; and

"(F) improve the capacity of teachers, principals, and other school leaders to disseminate assessment data in an accessible and understandable format for parents and families, including for children with disabilities and English learners.

"(g) DEFINITIONS.—In this section:

"(1) LOCAL ASSESSMENT.—The term 'local assessment' means an academic assessment selected and carried out by a local educational agency that is separate from an assessment required under section 1111(b)(2).

"(2) STATE.—The term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

"SEC. 1203. ALLOTMENT OF APPROPRIATED FUNDS.

"(a) AMOUNTS EQUAL TO OR LESS THAN TRIGGER AMOUNT.—From amounts made available for each fiscal year under subsection 1002(b) that are equal to or less than the amount described in section 1111(b)(2)(I), the Secretary shall—

"(1) reserve one-half of 1 percent for the Bureau of Indian Education;

"(2) reserve one-half of 1 percent for the outlying areas;

"(3) reserve not more than 20 percent to carry out section 1202; and

"(4) from the remainder, carry out section 1201 by allocating to each State an amount equal to—

"(A) $3,000,000, except for a fiscal year for which the amounts available are insufficient to allocate such amount to each State, the Secretary shall ratably reduce such amount for each State; and

"(B) with respect to any amounts remaining after the allocation under subparagraph (A), an amount that bears the same relationship to such total remaining amounts as the number of students aged 5 through 17 in the State (as determined by the Secretary on the basis of the most recent satisfactory data) bears to the total number of such students in all States.

"(b) AMOUNTS ABOVE TRIGGER AMOUNT.—For any fiscal year for which the amount made available for a fiscal year under subsection 1002(b) exceeds the amount described in section 1111(b)(2)(I), the Secretary shall make such excess amount available as follows:

"(1) COMPETITIVE GRANTS.—

"(A) IN GENERAL.—The Secretary shall first use such funds to award grants, on a competitive basis, to State educational agencies or consortia of State educational agencies that have submitted applications described in subparagraph (B) to enable such States to carry out the activities described in subparagraphs (C), (H), (I), (J), (K), and (L) of section 1201(a)(2).

"(B) APPLICATIONS.—A State, or a consortium of States, that desires a competitive grant under subparagraph (A) shall submit an application to the Secretary at such time and in such manner as the Secretary may reasonably require. The application shall demonstrate that the requirements of this section will be met for the uses of funds described under subparagraph (A).

"(C) AMOUNT OF COMPETITIVE GRANTS.—In determining the amount of a grant under subparagraph (A), the Secretary shall ensure that a State or consortium's grant, as the case may be, shall include an amount that bears the same relationship to the total funds available to carry out this subsection for the fiscal year as the number of students aged 5 through 17 in the State, or, in the case of a consortium, in each State that comprises the consortium, (as determined by the Secretary on the basis of the most recent satisfactory data) bears to the total number of such students in all States.

"(2) ALLOTMENTS.—Any amounts remaining after the Secretary awards funds under paragraph (1) shall be allotted to each State, or consortium of States, that did not receive a grant under such paragraph, in an amount that bears the same relationship to the remaining amounts as the number of students aged 5 through 17 in the State, or, in the case of a consortium, in the States of the consortium, (as determined by the Secretary on the basis of the most recent satisfactory data) bears to the total number of such students in all States.

"(c) STATE DEFINED.—In this part, the term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

"(d) PROHIBITION.—In making funds available to States under this part, the Secretary shall comply with the prohibitions described in section 8529.

"SEC. 1204. INNOVATIVE ASSESSMENT AND ACCOUNTABILITY DEMONSTRATION AUTHORITY.

"(a) INNOVATIVE ASSESSMENT SYSTEM DEFINED.—The term 'innovative assessment system' means a system of assessments that may include—

"(1) competency-based assessments, instructionally embedded assessments, interim assessments, cumulative year-end assessments, or performance-based assessments that combine into an annual summative determination for a student, which may be administered through computer adaptive assessments; and

"(2) assessments that validate when students are ready to demonstrate mastery or proficiency and allow for differentiated student support based on individual learning needs.

"(b) DEMONSTRATION AUTHORITY.—

"(1) IN GENERAL.—The Secretary may provide a State educational agency, or a consortium of State educational agencies, in accordance with paragraph (3), with the authority to establish an innovative assessment system (referred to in this section as 'demonstration authority').

"(2) DEMONSTRATION PERIOD.—In accordance with the requirements described in subsection (e), each State educational agency, or consortium of State educational agencies, that sub-

mits an application under this section shall propose in its application the period of time over which the State educational agency or consortium desires to exercise the demonstration authority, except that such period shall not exceed 5 years.

"(3) INITIAL DEMONSTRATION AUTHORITY AND EXPANSION.—During the first 3 years that the Secretary provides State educational agencies and consortia with demonstration authority (referred to in this section as the 'initial demonstration period') the Secretary shall provide such demonstration authority to—

"(A) a total number of not more than 7 participating State educational agencies, including those participating in consortia, that have applications approved under subsection (e); and

"(B) consortia that include not more than 4 State educational agencies.

"(c) PROGRESS REPORT.—

"(1) IN GENERAL.—Not later than 180 days after the end of the initial demonstration period, and prior to providing additional State educational agencies with demonstration authority, the Director of the Institute of Education Sciences, in consultation with the Secretary, shall publish a report detailing the initial progress of innovative assessment systems carried out through demonstration authority under this section.

"(2) CRITERIA.—The progress report under paragraph (1) shall be based on the annual information submitted by participating States described in subsection (e)(2)(B)(ix) and examine the extent to which—

"(A) with respect to each innovative assessment system—

"(i) the State educational agency has solicited feedback from teachers, principals, other school leaders, and parents about their satisfaction with the innovative assessment system;

"(ii) teachers, principals, and other school leaders have demonstrated a commitment and capacity to implement or continue to implement the innovative assessment system; and

"(iii) substantial evidence exists demonstrating that the innovative assessment system has been developed in accordance with the requirements of subsection (e); and

"(B) each State with demonstration authority has demonstrated that—

"(i) the same innovative assessment system was used to measure the achievement of all students that participated in the innovative assessment system; and

"(ii) of the total number of all students, and the total number of each of the subgroups of students defined in section 1111(c)(2), eligible to participate in the innovative assessment system in a given year, the State assessed in that year an equal or greater percentage of such eligible students, as measured under section 1111(c)(4)(E), as were assessed in the State in such year using the assessment system under section 1111(b)(2).

"(3) USE OF REPORT.—Upon completion of the progress report, the Secretary shall provide a response to the findings of the progress report, including a description of how the findings of the report will be used—

"(A) to support State educational agencies with demonstration authority through technical assistance; and

"(B) to inform the peer-review process described in subsection (f) for advising the Secretary on the awarding of the demonstration authority to the additional State educational agencies described in subsection (d).

"(4) PUBLICLY AVAILABLE.—The Secretary shall make the progress report under this subsection and the response described in paragraph (3) publicly available on the website of the Department.

"(5) PROHIBITION.—The Secretary shall not require States that have demonstration authority to submit any information for the purposes of the progress report that is in addition to the information the State is already required to provide under subsection (e)(2)(B)(x).

"(d) EXPANSION OF THE DEMONSTRATION AUTHORITY.—Upon completion and publication of the report described in subsection (c), the Secretary may grant demonstration authority to additional State educational agencies or consortia that submit an application under subsection (e). Such State educational agencies or consortia of State educational agencies shall be subject to all of the same terms, conditions, and requirements of this section.

"(e) APPLICATION.—

"(1) IN GENERAL.—A State educational agency, or consortium of State educational agencies, that desires to participate in the program of demonstration authority under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may reasonably require.

"(2) CONTENTS.—Such application shall include a description of the innovative assessment system, the experience the applicant has in implementing any components of the innovative assessment system, and the timeline over which the State or consortium proposes to exercise the demonstration authority. In addition, the application shall include each of the following:

"(A) A demonstration that the innovative assessment system will—

"(i) meet all the requirements of section 1111(b)(2)(B), except the requirements of clauses (i) and (v) of such section;

"(ii) be aligned to the challenging State academic standards and address the depth and breadth of such standards;

"(iii) express student results or student competencies in terms consistent with the State's aligned academic achievement standards under section 1111(b)(1);

"(iv) generate results that are valid and reliable, and comparable, for all students and for each subgroup of students described in section 1111(b)(2)(B)(xi), as compared to the results for such students on the State assessments under section 1111(b)(2);

"(v) be developed in collaboration with—

"(I) stakeholders representing the interests of children with disabilities, English learners, and other vulnerable children;

"(II) teachers, principals, and other school leaders;

"(III) local educational agencies;

"(IV) parents; and

"(V) civil rights organizations in the State;

"(vi) be accessible to all students, such as by incorporating the principles of universal design for learning;

"(vii) provide teachers, principals, other school leaders, students, and parents with timely data, disaggregated by each subgroup of students described in section 1111(b)(2)(B)(xi), to inform and improve instructional practice and student supports;

"(viii) identify which students are not making progress toward the challenging State academic standards so that teachers can provide instructional support and targeted interventions to all students;

"(ix) annually measure the progress of not less than the same percentage of all students and students in each of the subgroups of students, as defined in section 1111(c)(2), who are enrolled in schools that are participating in the innovative assessment system and are required to take such assessments, as measured under section 1111(c)(4)(E), as were assessed by schools administering the assessment under section 1111(b)(2);

"(x) generate an annual, summative achievement determination, based on the aligned State academic achievement standards under section 1111(b)(1) and based on annual data, for each individual student; and

"(xi) allow the State educational agency to validly and reliably aggregate data from the innovative assessment system for purposes of—

"(I) accountability, consistent with the requirements of section 1111(c); and

"(II) reporting, consistent with the requirements of section 1111(h).

"(B) A description of how the State educational agency will—

"(i) continue use of the statewide academic assessments required under section 1111(b)(2) if such assessments will be used for accountability purposes for the duration of the demonstration authority period;

"(ii) identify the distinct purposes for each assessment that is part of the innovative assessment system;

"(iii) provide support and training to local educational agency and school staff to implement the innovative assessment system described in this subsection;

"(iv) inform parents of students in participating local educational agencies about the innovative assessment system at the beginning of each school year during which the innovative assessment system will be implemented;

"(v) engage and support teachers in developing and scoring assessments that are part of the innovative assessment system, including through the use of high-quality professional development, standardized and calibrated scoring rubrics, and other strategies, consistent with relevant nationally recognized professional and technical standards, to ensure inter-rater reliability and comparability;

"(vi) acclimate students to the innovative assessment system;

"(vii) ensure that students with the most significant cognitive disabilities may be assessed with alternate assessments consistent with section 1111(b)(2)(D);

"(viii) if the State is proposing to administer the innovative assessment system initially in a subset of local educational agencies, scale up the innovative assessment system to administer such system statewide, or with additional local educational agencies, in the State's proposed demonstration authority period;

"(ix) gather data, solicit regular feedback from teachers, principals, other school leaders, and parents, and assess the results of each year of the program of demonstration authority under this section, and respond by making needed changes to the innovative assessment system; and

"(x) report data from the innovative assessment system annually to the Secretary, including—

"(I) demographics of participating local educational agencies, if such system is not statewide, and additional local educational agencies if added to the system during the course of the State's demonstration authority period or 2-year extension, except that such data shall not reveal any personally identifiable information, including a description of how the inclusion of additional local educational agencies contributes to progress toward achieving high-quality and consistent implementation across demographically diverse local educational agencies throughout the demonstration authority period;

"(II) the performance of all participating students, and for each subgroup of students defined in section 1111(c)(2), on the innovative assessment, consistent with the requirements in section 1111(h), except that such data shall not reveal any personally identifiable information;

"(III) feedback from teachers, principals, other school leaders, and parents about their satisfaction with the innovative assessment system; and

"(IV) if such system is not statewide, a description of the State's progress in scaling up the innovative assessment system to additional local educational agencies during the State's demonstration authority period, as described in clause (viii).

"(C) A description of the State educational agency's plan to—

"(i) ensure that all students and each of the subgroups of students defined in section 1111(c)(2) participating in the innovative assessment system receive the instructional support needed to meet State aligned academic achievement standards;

"(ii) ensure that each local educational agency has the technological infrastructure to implement the innovative assessment system; and

"(iii) hold all schools in the local educational agencies participating in the program of demonstration authority accountable for meeting the State's expectations for student achievement.

"(D) If the innovative assessment system will initially be administered in a subset of local educational agencies—

"(i) a description of the local educational agencies within the State educational agency that will participate, including what criteria the State has for approving any additional local educational agencies to participate during the demonstration authority period;

"(ii) assurances from such local educational agencies that such agencies will comply with the requirements of this subsection;

"(iii) a description of how the State will—

"(I) ensure that the inclusion of additional local educational agencies contributes to progress toward achieving high-quality and consistent implementation across demographically diverse local educational agencies during the demonstration authority period; and

"(II) ensure that the participating local educational agencies, as a group, will be demographically similar to the State as a whole by the end of the State's demonstration authority period; and

"(iv) a description of the State educational agency's plan to hold all students and each of the subgroups of students, as defined in section 1111(c)(2), to the same high standard as other students in the State.

"(f) PEER REVIEW.—The Secretary shall—

"(1) implement a peer-review process to inform—

"(A) the awarding of demonstration authority under this section and the approval to operate an innovative assessment system for the purposes of subsections (b)(2) and (c) of section 1111, as described in subsection (h); and

"(B) determinations about whether an innovative assessment system—

"(i) is comparable to the State assessments under section 1111(b)(2)(B)(v), valid, reliable, of high technical quality, and consistent with relevant, nationally recognized professional and technical standards; and

"(ii) provides an unbiased, rational, and consistent determination of progress toward the goals described under section 1111(c)(4)(A)(i) for all students;

"(2) ensure that the peer-review team consists of practitioners and experts who are knowledgeable about the innovative

assessment system being proposed for all participating students, including—

"(A) individuals with past experience developing systems of assessment innovation that support all students, including English learners, children with disabilities, and disadvantaged students; and

"(B) individuals with experience implementing innovative assessment and accountability systems;

"(3) make publicly available the applications submitted under subsection (c) and the peer-review comments and recommendations regarding such applications;

"(4) make a determination and inform the State regarding approval or disapproval of the application under subsection (c) not later than 90 days after receipt of the complete application;

"(5) if the Secretary disapproves an application under paragraph (4), offer the State an opportunity to—

"(A) revise and resubmit such application within 60 days of the disapproval determination; and

"(B) submit additional evidence that the State's application meets the requirements of subsection (c); and

"(6) make a determination regarding application approval or disapproval of a resubmitted application under paragraph (5) not later than 45 days after receipt of the resubmitted application.

"(g) EXTENSION.—The Secretary may extend an authorization of demonstration authority under this section for an additional 2 years if the State educational agency demonstrates with evidence that the State educational agency's innovative assessment system is continuing to meet the requirements of subsection (c), including by demonstrating a plan for, and the capacity to, transition to statewide use of the innovative assessment system by the end of the 2-year extension period.

"(h) USE OF INNOVATIVE ASSESSMENT SYSTEM.—A State may, during the State's approved demonstration authority period or 2-year extension, include results from the innovative assessment systems developed under this section in accountability determinations for each student in the participating local educational agencies instead of, or in addition to, results from the assessment system under section 1111(b)(2) if the State demonstrates that the State has met the requirements under subsection (c). The State shall continue to meet all other requirements of section 1111(c).

"(i) WITHDRAWAL OF AUTHORITY.—The Secretary shall withdraw the authorization for demonstration authority provided to a State educational agency under this section and such State shall return to use of the statewide assessment system under section 1111(b)(2) for all local educational agencies in the State if, at any time during a State's approved demonstration authority period or 2-year extension, the State educational agency cannot present to the Secretary evidence that the innovative assessment system developed under this section—

"(1) meets the requirements under subsection (c);

"(2) includes all students attending schools participating in the innovative assessment system in a State that has demonstration authority, including each of the subgroups of students, as defined under section 1111(c)(2);

"(3) provides an unbiased, rational, and consistent determination of progress toward the goals described under section 1111(c)(4)(A)(i) for all students, which are comparable to measures of academic achievement under section 1111(c)(4)(B)(i) across the State in which the local educational agencies are located;

"(4) presents a high-quality plan to transition to full statewide use of the innovative assessment system by the end of the State's approved demonstration authority period or 2-year extension, if the innovative assessment system will initially be administered in a subset of local educational agencies; and

"(5) demonstrates comparability to the statewide assessments under section 1111(b)(2) in content coverage, difficulty, and quality.

"(j) TRANSITION.—

"(1) IN GENERAL.—

"(A) OPERATION OF INNOVATIVE ASSESSMENT SYSTEM.—If, after a State's approved demonstration authority period or 2-year extension, the State educational agency has met all the requirements of this section, including having scaled the innovative assessment system up to statewide use, and demonstrated that such system is of high quality, as described in subparagraph (B), the State shall be permitted to operate the innovative assessment system approved under the program of demonstration authority under this section for the purposes of subsections (b)(2) and (c) of section 1111.

"(B) HIGH QUALITY.—Such system shall be considered of high quality if the Secretary, through the peer-review process described in section 1111(a)(4), determines that—

"(i) the innovative assessment system meets all of the requirements of this section;

"(ii) the State has examined the effects of the system on other measures of student success, including indicators in the accountability system under section 1111(c)(4)(B);

"(iii) the innovative assessment system provides coherent and timely information about student achievement based on the challenging State academic standards, including objective measurement of academic achievement, knowledge, and skills that are valid, reliable, and consistent with relevant, nationally-recognized professional and technical standards;

"(iv) the State has solicited feedback from teachers, principals, other school leaders, and parents about their satisfaction with the innovative assessment system; and

"(v) the State has demonstrated that the same innovative assessment system was used to measure—

"(I) the achievement of all students that participated in such innovative assessment system; and

"(II) not less than the percentage of such students overall and in each of the subgroups of students, as defined in section 1111(c)(2), as meas-

ured under section 1111(c)(4)(E), as were assessed under the assessment required by section 1111(b)(2).

"(2) BASELINE.—For the purposes of the evaluation described in paragraph (1), the baseline year shall be considered the first year that each local educational agency in the State used the innovative assessment system.

"(3) WAIVER AUTHORITY.—A State may request, and the Secretary shall review such request and may grant, a delay of the withdrawal of authority under subsection (i) for the purpose of providing the State with the time necessary to implement the innovative assessment system statewide, if, at the conclusion of the State's approved demonstration authority period and 2-year extension—

"(A) the State has met all of the requirements of this section, except transition to full statewide use of the innovative assessment system; and

"(B) the State continues to comply with the other requirements of this section, and demonstrates a high-quality plan for transition to statewide use of the innovative assessment system in a reasonable period of time.

"(k) AVAILABLE FUNDS.—A State may use funds available under section 1201 to carry out this section.

"(l) CONSORTIUM.—A consortium of States may apply to participate in the program of demonstration authority under this section, and the Secretary may provide each State member of such consortium with such authority if each such State member meets all of the requirements of this section. Such consortium shall be subject to the limitation described in subsection (b)(3)(B) during the initial 3 years of the demonstration authority.

"(m) DISSEMINATION OF BEST PRACTICES.—

"(1) IN GENERAL.—Following the publication of the progress report described in subsection (c), the Director of the Institute of Education Sciences, in consultation with the Secretary, shall collect and disseminate the best practices on the development and implementation of innovative assessment systems that meet the requirements of this section, including best practices regarding the development of—

"(A) summative assessments that—

"(i) meet the requirements of section 1111(b)(2)(B);

"(ii) are comparable with statewide assessments under section 1111(b)(2); and

"(iii) include assessment tasks that determine proficiency or mastery of State-approved competencies aligned to challenging State academic standards;

"(B) effective supports for local educational agencies and school staff to implement innovative assessment systems;

"(C) effective engagement and support of teachers in developing and scoring assessments and the use of high-quality professional development;

"(D) effective supports for all students, particularly each of the subgroups of students, as defined in section 1111(c)(2), participating in the innovative assessment system; and

"(E) standardized and calibrated scoring rubrics, and other strategies, to ensure inter-rater reliability and comparability of determinations of mastery or proficiency across local educational agencies and the State.

"(2) PUBLICATION.—The Secretary shall make the information described in paragraph (1) available on the website of the Department and shall publish an update to the information not less often than once every 3 years.".

PART C—EDUCATION OF MIGRATORY CHILDREN

SEC. 1301. EDUCATION OF MIGRATORY CHILDREN.

(a) PROGRAM PURPOSES.—Section 1301 (20 U.S.C. 6391) is amended to read as follows:

"SEC. 1301. PROGRAM PURPOSES.

"The purposes of this part are as follows:

"(1) To assist States in supporting high-quality and comprehensive educational programs and services during the school year and, as applicable, during summer or intersession periods, that address the unique educational needs of migratory children.

"(2) To ensure that migratory children who move among the States are not penalized in any manner by disparities among the States in curriculum, graduation requirements, and challenging State academic standards.

"(3) To ensure that migratory children receive full and appropriate opportunities to meet the same challenging State academic standards that all children are expected to meet.

"(4) To help migratory children overcome educational disruption, cultural and language barriers, social isolation, various health-related problems, and other factors that inhibit the ability of such children to succeed in school.

"(5) To help migratory children benefit from State and local systemic reforms.".

(b) STATE ALLOCATIONS.—Section 1303 (20 U.S.C. 6393) is amended—

(1) by redesignating subsections (c) through (e) as subsections (d) through (f), respectively;

(2) by striking subsections (a) and (b) and inserting the following:

"(a) STATE ALLOCATIONS.—Except as provided in subsection (c), each State (other than the Commonwealth of Puerto Rico) is entitled to receive under this part an amount equal to the product of—

"(1) the sum of—

"(A) the average number of identified eligible migratory children aged 3 through 21 residing in the State, based on data for the preceding 3 years; and

"(B) 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 year; multiplied by

"(2) 40 percent of the average per-pupil expenditure in the State, except that the amount determined 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.

"(b) HOLD HARMLESS.—Notwithstanding subsection (a), for each of fiscal years 2017 through 2019, no State shall receive less than 90 percent of the State's allocation under this section for the preceding fiscal year.

"(c) ALLOCATION TO PUERTO RICO.—

"(1) IN GENERAL.—For each fiscal year, the grant that the Commonwealth of Puerto Rico shall be eligible to receive under this part shall be the amount determined by multiplying the number of children who would be counted under subsection (a)(1) if such subsection applied to the Commonwealth of Puerto Rico by the product of—

"(A) the percentage that the average per-pupil expenditure in the Commonwealth of Puerto Rico is of the lowest average per-pupil expenditure of any of the 50 States, subject to paragraphs (2) and (3); and

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

"(2) MINIMUM PERCENTAGE.—The percentage described in paragraph (1)(A) shall not be less than 85 percent.

"(3) LIMITATION.—If the application of paragraph (2) for any fiscal year would result in any of the 50 States or the District of Columbia receiving less under this part than it received under this part for the preceding fiscal year, then the percentage described in paragraph (1)(A) that is used for the Commonwealth of Puerto Rico for the fiscal year for which the determination is made shall be the greater of the percentage in paragraph (1)(A) for such fiscal year or the percentage used for the preceding fiscal year.";

(3) in subsection (d), as redesignated by paragraph (1)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking "(A) If, after" and inserting the following:

"(A) RATABLE REDUCTIONS.—If, after"; and

(ii) in subparagraph (B)—

(I) by striking "(B) If additional" and inserting the following:

"(B) REALLOCATION.—If additional"; and

(II) by striking "purpose" and inserting "purposes"; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking "(A) The Secretary" and inserting the following:

"(A) FURTHER REDUCTIONS.—The Secretary"; and

(ii) in subparagraph (B), by striking "(B) The Secretary" and inserting the following:

"(B) REALLOCATION.—The Secretary";

(4) in subsection (e)(3)(B), as redesignated by paragraph (1), by striking "welfare or educational attainment of children" and inserting "academic achievement of children";

(5) in subsection (f), as redesignated by paragraph (1)—

(A) in the matter preceding paragraph (1), by striking "estimated" and inserting "identified";

(B) by striking paragraph (1) and inserting the following:

"(1) use the most recent information that most accurately reflects the actual number of migratory children;";

(C) by redesignating paragraphs (2) through (4) as paragraphs (3) through (5), respectively;

(D) by inserting after paragraph (1) the following:

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

(E) in paragraph (4), as redesignated by subparagraph (C)—

(i) in the matter preceding subparagraph (A), by striking "full-time equivalent"; and

(ii) in subparagraph (A)—

(I) by striking "special needs" and inserting "unique needs"; and

(II) by striking "special programs provided under this part" and inserting "effective special programs provided under this part"; and

(F) in paragraph (5), as redesignated by subparagraph (C), by striking "the child whose education has been interrupted" and inserting "migratory children, including the most at-risk migratory children"; and

(6) by adding at the end the following:

"(g) NONPARTICIPATING STATES.—In the case of a State desiring to receive an allocation under this part for a fiscal year that did not receive an allocation for the previous fiscal year or that has been participating for less than 3 consecutive years, the Secretary shall calculate the State's number of identified migratory children aged 3 through 21 for purposes of subsection (a)(1)(A) by using the most recent data available that identifies the migratory children residing in the State until data is available to calculate the 3-year average number of such children in accordance with such subsection.".

(c) STATE APPLICATIONS; SERVICES.—Section 1304 (20 U.S.C. 6394) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A)—

(I) by striking "special educational needs" and inserting "unique educational needs"; and

(II) by inserting "and migratory children who have dropped out of school" after "preschool migratory children";

(ii) in subparagraph (B)—

(I) by striking "migrant children" and inserting "migratory children"; and

(II) by striking "part A or B of title III" and inserting "part A of title III"; and

(iii) by striking subparagraph (D) and inserting the following:

"(D) measurable program objectives and outcomes;";

(B) in paragraph (2), by striking "challenging State academic content standards and challenging State student academic achievement standards" and inserting "challenging State academic standards";

(C) in paragraph (3), by striking ", consistent with procedures the Secretary may require,";

(D) in paragraph (5), by inserting "and" after the semicolon;

(E) by striking paragraph (6);

(F) by redesignating paragraph (7) as paragraph (6); and

(G) in paragraph (6), as redesignated by subparagraph (F), by striking "who have parents who do not have a high school diploma" and inserting "whose parents do not have a high school diploma";

(2) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking ", satisfactory to the Secretary,";

(B) in paragraph (2), by striking "subsections (b) and (c) of section 1120A, and part I" and inserting "subsections (b) and (c) of section 1118, and part F";

(C) in paragraph (3)—

(i) in the matter preceding subparagraph (A)—

(I) by striking "parent advisory councils" and inserting "parents of migratory children, including parent advisory councils,"; and

(II) by striking "of 1 school year in duration" and inserting "not less than 1 school year in duration"; and

(ii) in subparagraph (A), by striking "section 1118" and inserting "section 1116";

(D) in paragraph (4), by inserting "and migratory children who have dropped out of school" after "preschool migratory children";

(E) by redesignating paragraph (7) as paragraph (8);

(F) by striking paragraph (6) and inserting the following:

"(6) such programs and projects will provide for outreach activities for migratory children and their families to inform such children and families of other education, health, nutrition, and social services to help connect them to such services;

"(7) to the extent feasible, such programs and projects will provide for—

"(A) advocacy and other outreach activities for migratory children and their families, including helping such children and families gain access to other education, health, nutrition, and social services;

"(B) professional development programs, including mentoring, for teachers and other program personnel;

"(C) family literacy programs;

"(D) the integration of information technology into educational and related programs; and

"(E) programs to facilitate the transition of secondary school students to postsecondary education or employment; and"; and

(G) in paragraph (8), as redesignated by subparagraph (E), by striking "paragraphs (1)(A) and (2)(B)(i) of section 1303(a), through such procedures as the Secretary may require" and inserting "section 1303(a)(1)";

(3) by striking subsection (d) and inserting the following:

"(d) PRIORITY FOR SERVICES.—In providing services with funds received under this part, each recipient of such funds shall give priority to migratory children who have made a qualifying move within the previous 1-year period and who—

"(1) are failing, or most at risk of failing, to meet the challenging State academic standards; or

"(2) have dropped out of school."; and

(4) in subsection (e)(3), by striking "secondary school students" and inserting "students".

(d) SECRETARIAL APPROVAL; PEER REVIEW.—Section 1305 (20 U.S.C. 6395) is amended to read as follows:

"SEC. 1305. SECRETARIAL APPROVAL; PEER REVIEW.

"The Secretary shall approve each State application that meets the requirements of this part, and may review any such application with the assistance and advice of State officials and other officials with relevant expertise.".

(e) COMPREHENSIVE NEEDS ASSESSMENT AND SERVICE-DELIVERY PLAN; AUTHORIZED ACTIVITIES.—Section 1306 (20 U.S.C. 6396) is amended—

(1) in subsection (a)(1)—

(A) in the matter preceding subparagraph (A), by striking "special" and inserting "unique";

(B) in subparagraph (B)—

(i) in the matter preceding clause (i), by striking "section 9302" and inserting "section 8302"; and

(ii) in clause (i), by striking "special" and inserting "unique";

(C) in subparagraph (C), by striking "challenging State academic content standards and challenging State student academic achievement standards" and inserting "challenging State academic standards"; and

(D) in subparagraph (F), by striking "part A or B of title III" and inserting "part A of title III"; and

(2) in subsection (b)—

(A) in paragraph (1), by striking "shall have the flexibility to" and inserting "retains the flexibility to"; and

(B) in paragraph (4), by striking "special educational" and inserting "unique educational".

(f) BYPASS.—Section 1307 (20 U.S.C. 6397) is amended—

(1) in the matter preceding paragraph (1), by striking "nonprofit"; and

(2) in paragraph (3), by striking "welfare or educational attainment" and inserting "educational achievement".

(g) COORDINATION OF MIGRANT EDUCATION ACTIVITIES.—Section 1308 (20 U.S.C. 6398) is amended—

(1) in subsection (a)(1)—

(A) by striking "nonprofit";

(B) by inserting "through" after "including"; and

(C) by striking "students" and inserting "children"; and

(2) in subsection (b)—

(A) in paragraph (1), by striking "developing effective methods for";

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) in the matter preceding clause (i), by striking "The Secretary, in consultation" and all that follows through "include—" and inserting the following: "The Secretary, in consultation with the States, shall ensure the linkage of migrant student record systems for the purpose of electronically exchanging, among the States, health and educational information regarding all migratory students eligible under this part. The Secretary shall ensure that such linkage occurs in a cost-effective manner, utilizing systems used by the States prior to, or developed after, the date of the enactment of the Every Student Succeeds Act. Such information may include—";

(II) in clause (ii), by striking "required under section 1111(b)" and inserting "under section 1111(b)(2)"; and

(III) in clause (iii), by striking "high standards" and inserting "the challenging State academic standards";

(ii) by redesignating subparagraph (B) as subparagraph (C);

(iii) by inserting after subparagraph (A) the following:

"(B) CONSULTATION.—The Secretary shall maintain ongoing consultation with the States, local educational agencies, and other migratory student service providers on—

"(i) the effectiveness of the system described in subparagraph (A); and

"(ii) the ongoing improvement of such system."; and

(iv) in subparagraph (C), as redesignated by clause (ii)—

(I) by striking "the proposed data elements" and inserting "any new proposed data elements"; and

(II) by striking "Such publication shall occur not later than 120 days after the date of enactment of the No Child Left Behind Act of 2001."; and

(C) by striking paragraph (4).

(h) DEFINITIONS.—Section 1309 (20 U.S.C. 6399) is amended—

(1) in paragraph (1)(B), by striking "nonprofit"; and

(2) by striking paragraph (2) and inserting the following:

"(2) MIGRATORY AGRICULTURAL WORKER.—The term 'migratory agricultural worker' means an individual who made a qualifying move in the preceding 36 months and, after doing so, engaged in new temporary or seasonal employment or personal subsistence in agriculture, which may be dairy work or the initial processing of raw agricultural products. If an individual did not engage in such new employment soon after a qualifying move, such individual may be considered a migratory agricultural worker if the individual actively sought such new employment and has a recent history of moves for temporary or seasonal agricultural employment.

"(3) MIGRATORY CHILD.—The term 'migratory child' means a child or youth who made a qualifying move in the preceding 36 months—

"(A) as a migratory agricultural worker or a migratory fisher; or

"(B) with, or to join, a parent or spouse who is a migratory agricultural worker or a migratory fisher.

"(4) MIGRATORY FISHER.—The term 'migratory fisher' means an individual who made a qualifying move in the preceding 36 months and, after doing so, engaged in new temporary or seasonal employment or personal subsistence in fishing. If the individual did not engage in such new employment soon after the move, the individual may be considered a migratory fisher if the individual actively sought such new employment and has a recent history of moves for temporary or seasonal fishing employment.

"(5) QUALIFYING MOVE.—The term 'qualifying move' means a move due to economic necessity—

"(A) from one residence to another residence; and

"(B) from one school district to another school district, except—

"(i) in the case of a State that is comprised of a single school district, wherein a qualifying move is from one administrative area to another within such district; or

"(ii) in the case of a school district of more than 15,000 square miles, wherein a qualifying move is a distance of 20 miles or more to a temporary residence.".

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

SEC. 1401. PREVENTION AND INTERVENTION PROGRAMS FOR CHILDREN AND YOUTH WHO ARE NEGLECTED, DELINQUENT, OR AT-RISK.

Part D of title I (20 U.S.C. 6421 et seq.) is amended—

(1) in section 1401(a)—

(A) in paragraph (1)—

(i) by inserting ", tribal," after "youth in local"; and

(ii) by striking "challenging State academic content standards and challenging State student academic achievement standards" and inserting "challenging State academic standards"; and

(B) in paragraph (3), by inserting "and the involvement of their families and communities" after "to ensure their continued education";

(2) in section 1412(b), by striking paragraph (2) and inserting the following:

"(2) MINIMUM PERCENTAGE.—The percentage in paragraph (1)(A) shall not be less than 85 percent.";

(3) in section 1414—

(A) in subsection (a)—

(i) in paragraph (1)(B), by striking "from correctional facilities to locally operated programs" and inserting "between correctional facilities and locally operated programs"; and

(ii) in paragraph (2)—

(I) in subparagraph (A)—

(aa) by striking "the program goals, objectives, and performance measures established by the State" and inserting "the program objectives and outcomes established by the State"; and

(bb) by striking "vocational" and inserting "career";

(II) in subparagraph (B), by striking "and" after the semicolon;

(III) by redesignating subparagraph (C) as subparagraph (D);

(IV) by inserting after subparagraph (B) the following:

"(C) describe how the State will place a priority for such children to attain a regular high school diploma, to the extent feasible;";

(V) in subparagraph (D), as redesignated by subclause (III)—

(aa) in clause (i), by inserting "and" after the semicolon;

(bb) by striking clause (ii) and redesignating clause (iii) as clause (ii); and

(cc) by striking clause (iv); and

(VI) by adding at the end the following:

"(E) provide assurances that the State educational agency has established—

"(i) procedures to ensure the timely re-enrollment of each student who has been placed in the juvenile justice system in secondary school or in a re-entry program that best meets the needs of the student, including the transfer of credits that such student earns during placement; and

"(ii) opportunities for such students to participate in credit-bearing coursework while in secondary school, postsecondary education, or career and technical education programming."; and

(B) in subsection (c)—

(i) in paragraph (1), by inserting "and, to the extent practicable, provide for such assessment upon entry into a correctional facility" after "to be served under this subpart";

(ii) in paragraph (6)—

(I) by striking "carry out the evaluation requirements of section 9601 and how" and inserting "use";

(II) by inserting "under section 8601" after "recent evaluation"; and

(III) by striking "will be used";

(iii) in paragraph (7), by striking "section 9521" and inserting "section 8521";

(iv) paragraph (8)—

(I) by striking "Public Law 105–220" and inserting "the Workforce Innovation and Opportunity Act"; and

(II) by striking "vocational" and inserting "career";

(v) in paragraph (9)—

(I) by inserting "and after" after "prior to"; and

(II) by inserting "in order to facilitate the transition of such children and youth between the correctional facility and the local educational agency or alternative education program" after "the local educational agency or alternative education program";

(vi) in paragraph (11), by striking "transition of children and youth from such facility or institution to" and inserting "transition of such children and youth between such facility or institution and";

(vii) in paragraph (16)—

(I) by inserting "and attain a regular high school diploma" after "to encourage the children and youth to reenter school"; and

(II) by striking "achieve a secondary school diploma" and inserting "attain a regular high school diploma";

(viii) in paragraph (17), by inserting "certified or licensed" after "provides an assurance that";

(ix) in paragraph (18), by striking "and" after the semicolon;

(x) in paragraph (19), by striking the period at the end and inserting "; and"; and

(xi) by adding at the end the following:

"(20) describes how the State agency will, to the extent feasible—

"(A) note when a youth has come into contact with both the child welfare and juvenile justice systems; and

"(B) deliver services and interventions designed to keep such youth in school that are evidence-based (to the extent a State determines that such evidence is reasonably available).";

(4) in section 1415—

(A) in subsection (a)—

(i) in paragraph (1)(B), by striking "vocational or technical training" and inserting "career and technical education"; and

(ii) in paragraph (2)—

(I) by striking subparagraph (A) and inserting the following:

"(A) may include—

"(i) the acquisition of equipment;

"(ii) pay-for-success initiatives; or

"(iii) providing targeted services for youth who have come in contact with both the child welfare system and juvenile justice system;";

(II) in subparagraph (B)—

(aa) in clause (i), by striking "the State's challenging academic content standards and student academic achievement standards" and inserting "the challenging State academic standards";

(bb) in clause (ii), by striking "supplement and improve" and inserting "respond to the educational needs of such children and youth, including by supplementing and improving"; and

(cc) in clause (iii)—

(AA) by striking "challenging State academic achievement standards" and inserting "challenging State academic standards"; and

(BB) by inserting "and" after the semicolon;

(III) in subparagraph (C)—

(aa) by striking "section 1120A and part I" and inserting "section 1118 and part F"; and

(bb) by striking "; and" and inserting a period; and

(IV) by striking subparagraph (D); and

(B) in subsection (b), by striking "section 1120A" and inserting "section 1118";

(5) in section 1416—

(A) in paragraph (3)—

(i) by striking "challenging State academic content standards and student academic achievement standards" and inserting "challenging State academic standards"; and

(ii) by striking "complete secondary school, attain a secondary diploma" and inserting "attain a regular high school diploma";

(B) in paragraph (4)—

(i) by striking "pupil" and inserting "specialized instructional support"; and

(ii) by inserting ", and how relevant and appropriate academic records and plans regarding the continuation of educational services for such children or youth are shared jointly between the State agency operating the institution or program and local educational agency in order to facilitate the transition of such children and youth between the local educational agency and the State agency" after "children and youth described in paragraph (1)"; and

(C) in paragraph (6), by striking "student progress" and inserting "and improve student achievement";

(6) in section 1418(a)—

(A) by striking paragraph (1) and inserting the following:

"(1) projects that facilitate the transition of children and youth between State-operated institutions, or institutions in the State operated by the Secretary of the Interior, and schools served by local educational agencies or schools operated or funded by the Bureau of Indian Education; or"; and

(B) in paragraph (2)—

(i) by striking "vocational" each place the term appears and inserting "career"; and

(ii) in the matter preceding subparagraph (A), by striking "secondary" and inserting "regular high";

(7) in section 1419—

*(A) by striking the section heading and inserting "**TECHNICAL ASSISTANCE**"; and*

(B) by striking "for a fiscal year" and all that follows through "to provide" and inserting "for a fiscal year to provide";

(8) in section 1421(3), by inserting ", including schools operated or funded by the Bureau of Indian Education," after "local schools";

(9) in section 1422(d), by striking "impact on meeting the transitional" and inserting "impact on meeting such transitional";

(10) in section 1423—

(A) in paragraph (2)(B), by inserting ", including such facilities operated by the Secretary of the Interior and Indian tribes" after "the juvenile justice system";

(B) by striking paragraph (4) and inserting the following:

"(4) a description of the program operated by participating schools to facilitate the successful transition of children and youth returning from correctional facilities and, as appropriate, the types of services that such schools will provide such children and youth and other at-risk children and youth;";

(C) in paragraph (7)—

(i) by inserting "institutions of higher education or" after "partnerships with"; and

(ii) by striking "develop training, curriculum-based youth entrepreneurship education" and inserting "facilitate postsecondary and workforce success for children and youth returning from correctional facilities, such as through participation in credit-bearing coursework while in secondary school, enrollment in postsecondary education, participation in career and technical education programming";

(D) in paragraph (8), by inserting "and family members" after "will involve parents";

(E) in paragraph (9), by striking "vocational" and inserting "career"; and

(F) in paragraph (13), by striking "regular" and inserting "traditional";

(11) in section 1424—

(A) in the matter before paragraph (1), by striking "Funds provided" and inserting the following:

"(a) IN GENERAL.—Funds provided";

(B) in paragraph (2), by striking ", including" and all that follows through "gang members";

(C) in paragraph (4)—

(i) by striking "vocational" and inserting "career"; and

(ii) by striking "and" after the semicolon; and

(D) in paragraph (5), by striking the period at the end and inserting a semicolon;

(E) by inserting the following after paragraph (5):

"(6) programs for at-risk Indian children and youth, including such children and youth in correctional facilities in the area served by the local educational agency that are operated by the Secretary of the Interior or Indian tribes; and

"(7) pay for success initiatives."; and

(F) by inserting after paragraph (7) the following:

"(b) CONTRACTS AND GRANTS.—A local educational agency may use a subgrant received under this subpart to carry out the activities described under paragraphs (1) through (7) of subsection (a) directly or through subgrants, contracts, or cooperative agreements.";

(12) in section 1425—

(A) in paragraph (4)—

(i) by inserting "and attain a regular high school diploma" after "reenter school"; and

(ii) by striking "a secondary school diploma" and inserting "a regular high school diploma";

(B) in paragraph (6), by striking "high academic achievement standards" and inserting "the challenging State academic standards";

(C) in paragraph (9), by striking "vocational" and inserting "career";

(D) in paragraph (10), by striking "and" after the semicolon;

(E) in paragraph (11), by striking the period at the end and inserting a semicolon; and

(F) by adding at the end the following:

"(12) upon the child's or youth's entry into the correctional facility, work with the child's or youth's family members and the local educational agency that most recently provided services to the child or youth (if applicable) to ensure that the relevant and appropriate academic records and plans regarding the continuation of educational services for such child or youth are shared jointly between the correctional facility and local educational agency in order to facilitate the transition of such children and youth between the local educational agency and the correctional facility; and

"(13) consult with the local educational agency for a period jointly determined necessary by the correctional facility and local educational agency upon discharge from that facility, to coordinate educational services so as to minimize disruption to the child's or youth's achievement.";

(13) in section 1426—

(A) in paragraph (1), by striking "reducing dropout rates for male students and for female students over a 3-year period" and inserting "the number of children and

youth attaining a regular high school diploma or its recognized equivalent"; and

(B) in paragraph (2)—

(i) by striking "obtaining a secondary school diploma" and inserting "attaining a regular high school diploma"; and

(ii) by striking "obtaining employment" and inserting "attaining employment";

(14) in section 1431(a)—

(A) in the matter preceding paragraph (1), by inserting "while protecting individual student privacy," after "age";

(B) striking "secondary" each place the term appears and inserting "high";

(C) in paragraph (1), by inserting "and to graduate from high school in the number of years established by the State under either the four-year adjusted cohort graduation rate or the extended-year adjusted cohort graduation rate, if applicable" after "educational achievement"; and

(D) in paragraph (3), by inserting "or school operated or funded by the Bureau of Indian Education" after "local educational agency"; and

(15) in section 1432(2)—

(A) by inserting "dependency adjudication, or delinquency adjudication," after "failure,";

(B) by striking "has limited English proficiency" and inserting "is an English learner"; and

(C) by inserting "or child welfare system" after "juvenile justice system".

PART E—FLEXIBILITY FOR EQUITABLE PER-PUPIL FUNDING

SEC. 1501. FLEXIBILITY FOR EQUITABLE PER-PUPIL FUNDING.

(a) REORGANIZATION.—Title I (20 U.S.C. 6571 et seq.), as amended by this title, is further amended—

(1) by striking parts E through H;

(2) by redesignating part I as part F;

(3) by striking sections 1907 and 1908;

(4) by redesignating sections 1901 through 1903 as sections 1601 through 1603, respectively; and

(5) by redesignating sections 1905 and 1906 as sections 1604 and 1605, respectively.

(b) IN GENERAL.—Title I (20 U.S.C. 6571 et seq.), as amended by this title, is further amended by inserting after section 1432 the following:

"PART E—FLEXIBILITY FOR EQUITABLE PER-PUPIL FUNDING

"SEC. 1501. FLEXIBILITY FOR EQUITABLE PER-PUPIL FUNDING.

"(a) PURPOSE.—The purpose of the program under this section is to provide local educational agencies with flexibility to consolidate eligible Federal funds and State and local education funding in order to create a single school funding system based on weighted

per-pupil allocations for low-income and otherwise disadvantaged students.

"(b) AUTHORITY.—

"(1) IN GENERAL.—The Secretary is authorized to enter into local flexibility demonstration agreements—

"(A) for not more than 3 years with local educational agencies that are selected under subsection (c) and submit proposed agreements that meet the requirements of subsection (d); and

"(B) under which such agencies may consolidate and use funds in accordance with subsection (d) in order to develop and implement a school funding system based on weighted per-pupil allocations for low-income and otherwise disadvantaged students.

"(2) FLEXIBILITY.—Except as described in subsection (d)(1)(I), the Secretary is authorized to waive, for local educational agencies entering into agreements under this section, any provision of this Act that would otherwise prevent such agency from using eligible Federal funds as part of such agreement.

"(c) SELECTION OF LOCAL EDUCATIONAL AGENCIES.—

"(1) IN GENERAL.—The Secretary may enter into local flexibility demonstration agreements with not more than 50 local educational agencies with an approved application under subsection (d).

"(2) SELECTION.—Each local educational agency shall be selected based on such agency—

"(A) submitting a proposed local flexibility demonstration agreement under subsection (d);

"(B) demonstrating that the agreement meets the requirements of such subsection; and

"(C) agreeing to meet the continued demonstration requirements under subsection (e).

"(3) EXPANSION.—Beginning with the 2019–2020 academic year, the Secretary may extend funding flexibility authorized under this section to any local educational agency that submits and has approved an application under subsection (d), as long as a significant majority of the demonstration agreements with local educational agencies described in paragraph (1) meet the requirements of subsection (d)(2) and subsection (e)(1) as of the end of the 2018–2019 academic year.

"(d) REQUIRED TERMS OF LOCAL FLEXIBILITY DEMONSTRATION AGREEMENT.—

"(1) APPLICATION.—Each local educational agency that desires to participate in the program under this section shall submit, at such time and in such form as the Secretary may prescribe, an application to enter into a local flexibility demonstration agreement with the Secretary in order to develop and implement a school funding system based on weighted per-pupil allocations that meets the requirements of this section. The application shall include—

"(A) a description of the school funding system based on weighted per-pupil allocations, including—

"(i) the weights used to allocate funds within such system;

"(ii) the local educational agency's legal authority to use State and local education funds consistent with this section;

"(iii) how such system will meet the requirements of paragraph (2); and

"(iv) how such system will support the academic achievement of students, including low-income students, the lowest-achieving students, English learners, and children with disabilities;

"(B) a list of funding sources, including eligible Federal funds, the local educational agency will include in such system;

"(C) a description of the amount and percentage of total local educational agency funding, including State and local education funds and eligible Federal funds, that will be allocated through such system;

"(D) the per-pupil expenditures (which shall include actual personnel expenditures, including staff salary differentials for years of employment, and actual nonpersonnel expenditures) of State and local education funds for each school served by the agency for the preceding fiscal year;

"(E) the per-pupil amount of eligible Federal funds each school served by the agency received in the preceding fiscal year, disaggregated by the programs supported by the eligible Federal funds;

"(F) a description of how such system will ensure that any eligible Federal funds allocated through the system will meet the purposes of each Federal program supported by such funds, including serving students from low-income families, English learners, migratory children, and children who are neglected, delinquent, or at risk, as applicable;

"(G) an assurance that the local educational agency developed and will implement the local flexibility demonstration agreement in consultation with teachers, principals, other school leaders (including charter school leaders in a local educational agency that has charter schools), administrators of Federal programs impacted by the agreement, parents, community leaders, and other relevant stakeholders;

"(H) an assurance that the local educational agency will use fiscal control and sound accounting procedures that ensure proper disbursement of, and accounting for, eligible Federal funds consolidated and used under such system;

"(I) an assurance that the local educational agency will continue to meet the requirements of sections 1117, 1118, and 8501; and

"(J) an assurance that the local educational agency will meet the requirements of all applicable Federal civil rights laws in carrying out the agreement and in consolidating and using funds under the agreement.

"(2) REQUIREMENTS OF THE SYSTEM.—

"(A) IN GENERAL.—A local educational agency's school funding system based on weighted per-pupil allocations shall—

"(i) except as allowed under clause (iv), allocate a significant portion of funds, including State and local education funds and eligible Federal funds, to the school level based on the number of students in a school and a formula developed by the agency under this section that determines per-pupil weighted amounts;

"(ii) use weights or allocation amounts that allocate substantially more funding to English learners, students from low-income families, and students with any other characteristics associated with educational disadvantage chosen by the local educational agency, than to other students;

"(iii) ensure that each high-poverty school receives, in the first year of the demonstration agreement—

"(I) more per-pupil funding, including from Federal, State, and local sources, for low-income students than such funding received for low-income students in the year prior to entering into a demonstration agreement under this section; and

"(II) at least as much per-pupil funding, including from Federal, State, and local sources, for English learners as such funding received for English learners in the year prior to entering into a demonstration agreement under this section;

"(iv) be used to allocate to schools a significant percentage, which shall be a percentage agreed upon during the application process, of all the local educational agency's State and local education funds and eligible Federal funds; and

"(v) include all school-level actual personnel expenditures for instructional staff (including staff salary differentials for years of employment) and actual non-personnel expenditures in the calculation of the local educational agency's State and local education funds and eligible Federal funds to be allocated under clause (i).

"(B) PERCENTAGE.—In establishing the percentage described in subparagraph (A)(iv) for the system, the local educational agency shall demonstrate that the percentage—

"(i) under such subparagraph is sufficient to carry out the purposes of the demonstration agreement under this section and to meet each of the requirements of this subsection; and

"(ii) of State and local education funds and eligible Federal funds that are not allocated through the local educational agency's school funding system based on weighted per-pupil allocations, does not undermine or conflict with the requirements of the demonstration agreement under this section.

"(C) EXPENDITURES.—After allocating funds through the system, the local educational agency shall charge

schools for the per-pupil expenditures of State and local education funds and eligible Federal funds, including actual personnel expenditures (including staff salary differentials for years of employment) for instructional staff and actual nonpersonnel expenditures.

"(e) CONTINUED DEMONSTRATION.—Each local educational agency with an approved application under subsection (d) shall annually—

"(1) demonstrate to the Secretary that, as compared to the previous year, no high-poverty school served by the agency received—

"(A) less per-pupil funding, including from Federal, State, and local sources, for low-income students; or

"(B) less per-pupil funding, including from Federal, State, and local sources, for English learners;

"(2) make public and report to the Secretary the per-pupil expenditures (including actual personnel expenditures that include staff salary differentials for years of employment, and actual non-personnel expenditures) of State and local education funds and eligible Federal funds for each school served by the agency, disaggregated by each quartile of students attending the school based on student level of poverty and by each major racial or ethnic group in the school, for the preceding fiscal year;

"(3) make public the total number of students enrolled in each school served by the agency and the number of students enrolled in each such school disaggregated by each of the subgroups of students, as defined in section 1111(c)(2); and

"(4) notwithstanding paragraph (1), (2), or (3), ensure that any information to be reported or made public under this subsection is only reported or made public if such information does not reveal personally identifiable information.

"(f) LIMITATIONS ON ADMINISTRATIVE EXPENDITURES.—Each local educational agency that has entered into a local flexibility demonstration agreement with the Secretary under this section may use, for administrative purposes, an amount of eligible Federal funds that is not more than the percentage of funds allowed for such purposes under any of the following:

"(1) This title.

"(2) Title II.

"(3) Title III.

"(4) Part A of title IV.

"(5) Part B of title V.

"(g) PEER REVIEW.—The Secretary may establish a peer-review process to assist in the review of a proposed local flexibility demonstration agreement.

"(h) NONCOMPLIANCE.—The Secretary may, after providing notice and an opportunity for a hearing (including the opportunity to provide supporting evidence as provided for in subsection (i)), terminate a local flexibility demonstration agreement under this section if there is evidence that the local educational agency has failed to comply with the terms of the agreement and the requirements under subsections (d) and (e).

"(i) EVIDENCE.—If a local educational agency believes that the Secretary's determination under subsection (h) is in error for statistical or other substantive reasons, the local educational agency may

provide supporting evidence to the Secretary, and the Secretary shall consider that evidence before making a final determination.

"(j) PROGRAM EVALUATION.—From the amount reserved for evaluation activities under section 8601, the Secretary, acting through the Director of the Institute of Education Sciences, shall, in consultation with the relevant program office at the Department, evaluate—

"(1) the implementation of the local flexibility demonstration agreements under this section; and

"(2) the impact of such agreements on improving the equitable distribution of State and local funding and increasing student achievement.

"(k) RENEWAL OF LOCAL FLEXIBILITY DEMONSTRATION AGREEMENT.—The Secretary may renew for additional 3-year terms a local flexibility demonstration agreement under this section if—

"(1) the local educational agency has met the requirements under subsections (d)(2) and (e) and agrees to, and has a high likelihood of, continuing to meet such requirements; and

"(2) the Secretary determines that renewing the local flexibility demonstration agreement is in the interest of students served under this title and title III.

"(l) DEFINITIONS.—In this section:

"(1) ELIGIBLE FEDERAL FUNDS.—The term 'eligible Federal funds' means funds received by a local educational agency under—

"(A) this title;
"(B) title II;
"(C) title III;
"(D) part A of title IV; and
"(E) part B of title V.

"(2) HIGH-POVERTY SCHOOL.—The term 'high-poverty school' means a school that is in the highest 2 quartiles of schools served by a local educational agency, based on the percentage of enrolled students from low-income families.".

PART F—GENERAL PROVISIONS

SEC. 1601. GENERAL PROVISIONS.

(a) FEDERAL REGULATIONS.—Section 1601 (20 U.S.C. 6571), as redesignated by section 1501(a)(4) of this Act, is amended—

(1) in subsection (a), by inserting ", in accordance with subsections (b) through (d) and subject to section 1111(e)," after "may issue";

(2) in subsection (b)—

(A) in paragraph (1), by inserting "principals, other school leaders (including charter school leaders)," after "teachers,";

(B) in paragraph (2), by adding at the end the following: "Such regional meetings and electronic exchanges of information shall be public and notice of such meetings and exchanges shall be provided to interested stakeholders.";

(C) in paragraph (3)(A), by striking "standards and assessments" and inserting "standards, assessments under section 1111(b)(2), and the requirement under section 1118

that funds under part A be used to supplement, and not supplant, State and local funds";

(D) by striking paragraph (4) and inserting the following:

"(4) PROCESS.—Such process—

"(A) shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.); and

"(B) shall, unless otherwise provided as described in subsection (c), follow the provisions of subchapter III of chapter 5 of title V, United States Code (commonly known as the 'Negotiated Rulemaking Act of 1990').."; and

(E) by striking paragraph (5);

(3) by redesignating subsection (c) as subsection (d);

(4) by inserting after subsection (b) the following:

"(c) ALTERNATIVE PROCESS FOR CERTAIN EXCEPTIONS.—If consensus, as defined in section 562 of title 5, United States Code, on any proposed regulation is not reached by the individuals selected under subsection (b)(3)(B) for the negotiated rulemaking process, or if the Secretary determines that a negotiated rulemaking process is unnecessary, the Secretary may propose a regulation in the following manner:

"(1) NOTICE TO CONGRESS.—Not less than 15 business days prior to issuing a notice of proposed rulemaking in the Federal Register, the Secretary shall provide to the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on Education and the Workforce of the House of Representatives, and other relevant congressional committees, notice of the Secretary's intent to issue a notice of proposed rulemaking that shall include—

"(A) a copy of the proposed regulation;

"(B) the need to issue the regulation;

"(C) the anticipated burden, including the time, cost, and paperwork burden, the regulation will impose on State educational agencies, local educational agencies, schools, and other entities that may be impacted by the regulation;

"(D) the anticipated benefits to State educational agencies, local educational agencies, schools, and other entities that may be impacted by the regulation; and

"(E) any regulations that will be repealed when the new regulation is issued.

"(2) COMMENT PERIOD FOR CONGRESS.—The Secretary shall—

"(A) before issuing any notice of proposed rulemaking under this subsection, provide Congress with a comment period of 15 business days to make comments on the proposed regulation, beginning on the date that the Secretary provides the notice of intent to the appropriate committees of Congress under paragraph (1); and

"(B) include and seek to address all comments submitted by Congress in the public rulemaking record for the regulation published in the Federal Register.

"(3) COMMENT AND REVIEW PERIOD; EMERGENCY SITUATIONS.—The comment and review period for any proposed regulation shall be not less than 60 days unless an emergency requires a shorter period, in which case the Secretary shall—

"(A) designate the proposed regulation as an emergency with an explanation of the emergency in the notice to Congress under paragraph (1);

"(B) publish the length of the comment and review period in such notice and in the Federal Register; and

"(C) conduct immediately thereafter regional meetings to review such proposed regulation before issuing any final regulation.";

(5) in subsection (d), as redesignated by paragraph (3), by striking "Regulations to carry out this part" and inserting "Regulations to carry out this title"; and

(6) by inserting after subsection (d), as redesignated by paragraph (3), the following:

"(e) RULE OF CONSTRUCTION.—Nothing in this section affects the applicability of subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the 'Administrative Procedure Act') or chapter 8 of title 5, United States Code (commonly known as the 'Congressional Review Act').".

(b) AGREEMENTS AND RECORDS.—Subsection (a) of section 1602 (20 U.S.C. 6572(a)), as redesignated by section 1501(a)(4) of this Act, is amended to read as follows:

"(a) AGREEMENTS.—In any case in which a negotiated rulemaking process is established under section 1601(b), all published proposed regulations shall conform to agreements that result from the rulemaking described in section 1601 unless the Secretary reopens the negotiated rulemaking process.".

(c) STATE ADMINISTRATION.—Section 1603 (20 U.S.C. 6573), as redesignated by section 1501(a)(4) of this Act, is further amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in subparagraph (C), by striking "and" after the semicolon;

(ii) in subparagraph (D), by striking the period and inserting "; and"; and

(iii) by adding at the end the following:

"(E)(i) identify any duplicative or contrasting requirements between the State and Federal rules or regulations; and

"(ii) eliminate the State rules and regulations that are duplicative of Federal requirements."; and

(B) in paragraph (2), by striking "the challenging State student academic achievement standards" and inserting "the challenging State academic standards"; and

(2) in subsection (b)(2), by striking subparagraphs (C) through (G) and inserting the following:

"(C) teachers from traditional public schools and charter schools (if there are charter schools in the State) and career and technical educators;

"(D) principals and other school leaders;

"(E) parents;

"(F) members of local school boards;

"(G) representatives of private school children;

"(H) specialized instructional support personnel and paraprofessionals;

"(I) representatives of authorized public chartering agencies (if there are charter schools in the State); and

"(J) charter school leaders (if there are charter schools in the State).".

TITLE II—PREPARING, TRAINING, AND RECRUITING HIGH-QUALITY TEACHERS, PRINCIPALS, OR OTHER SCHOOL LEADERS

SEC. 2001. GENERAL PROVISIONS.

(a) TITLE II TRANSFERS AND RELATED AMENDMENTS.—

(1) Section 2366(b) (20 U.S.C. 6736(b)) is amended by striking the matter following paragraph (2) and inserting the following:

"(3) A State law that makes a limitation of liability inapplicable if the civil action was brought by an officer of a State or local government pursuant to State or local law.".

(2) Subpart 4 of part D of title II (20 U.S.C. 6777) is amended, by striking the subpart designation and heading and inserting the following:

"Subpart 4—Internet Safety".

(3) Subpart 5 of part C of title II (20 U.S.C. 6731 et seq.) (as amended by paragraph (1) of this subsection) is—

(A) transferred to title IX;

(B) inserted so as to appear after subpart 2 of part E of such title;

(C) redesignated as subpart 3 of such part; and

(D) further amended by redesignating sections 2361 through 2368 as sections 9541 through 9548, respectively.

(4) Subpart 4 of part D of title II (20 U.S.C. 6777 et seq) (as amended by paragraph (2) of this subsection) is—

(A) transferred to title IV;

(B) inserted so as to appear after subpart 4 of part A of such title;

(C) redesignated as subpart 5 of such part; and

(D) further amended by redesignating section 2441 as section 4161.

SEC. 2002. PREPARING, TRAINING, AND RECRUITING HIGH-QUALITY TEACHERS, PRINCIPALS, OR OTHER SCHOOL LEADERS.

The Act (20 U.S.C. 6301 et seq.) is amended by striking title II and inserting the following:

"TITLE II—PREPARING, TRAINING, AND RECRUITING HIGH-QUALITY TEACHERS, PRINCIPALS, OR OTHER SCHOOL LEADERS

"SEC. 2001. PURPOSE.

"The purpose of this title is to provide grants to State educational agencies and subgrants to local educational agencies to—

"(1) increase student achievement consistent with the challenging State academic standards;

"(2) improve the quality and effectiveness of teachers, principals, and other school leaders;

"(3) increase the number of teachers, principals, and other school leaders who are effective in improving student academic achievement in schools; and

"(4) provide low-income and minority students greater access to effective teachers, principals, and other school leaders.

"SEC. 2002. DEFINITIONS.

"In this title:

"(1) SCHOOL LEADER RESIDENCY PROGRAM.—The term 'school leader residency program' means a school-based principal or other school leader preparation program in which a prospective principal or other school leader—

"(A) for 1 academic year, engages in sustained and rigorous clinical learning with substantial leadership responsibilities and an opportunity to practice and be evaluated in an authentic school setting; and

"(B) during that academic year—

"(i) participates in evidence-based coursework, to the extent the State (in consultation with local educational agencies in the State) determines that such evidence is reasonably available, that is integrated with the clinical residency experience; and

"(ii) receives ongoing support from a mentor principal or other school leader, who is effective.

"(2) STATE.—The term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

"(3) STATE AUTHORIZER.—The term 'State authorizer' means an entity designated by the Governor of a State to recognize teacher, principal, or other school leader preparation academies within the State that—

"(A) enters into an agreement with a teacher, principal, or other school leader preparation academy that specifies the goals expected of the academy, as described in paragraph (4)(A)(i);

"(B) may be a nonprofit organization, State educational agency, or other public entity, or consortium of such entities (including a consortium of States); and

"(C) does not reauthorize a teacher, principal, or other school leader preparation academy if the academy fails to produce the minimum number or percentage of effective teachers or principals or other school leaders, respectively

(as determined by the State), identified in the academy's authorizing agreement.

"(4) TEACHER, PRINCIPAL, OR OTHER SCHOOL LEADER PREPARATION ACADEMY.—The term 'teacher, principal, or other school leader preparation academy' means a public or other nonprofit entity, which may be an institution of higher education or an organization affiliated with an institution of higher education, that establishes an academy that will prepare teachers, principals, or other school leaders to serve in high-needs schools, and that—

"(A) enters into an agreement with a State authorizer that specifies the goals expected of the academy, including—

"(i) a requirement that prospective teachers, principals, or other school leaders who are enrolled in the academy receive a significant part of their training through clinical preparation that partners the prospective candidate with an effective teacher, principal, or other school leader, as determined by the State, respectively, with a demonstrated record of increasing student academic achievement, including for the subgroups of students defined in section 1111(c)(2), while also receiving concurrent instruction from the academy in the content area (or areas) in which the prospective teacher, principal, or other school leader will become certified or licensed that links to the clinical preparation experience;

"(ii) the number of effective teachers, principals, or other school leaders, respectively, who will demonstrate success in increasing student academic achievement that the academy will prepare; and

"(iii) a requirement that the academy will award a certificate of completion (or degree, if the academy is, or is affiliated with, an institution of higher education) to a teacher only after the teacher demonstrates that the teacher is an effective teacher, as determined by the State, with a demonstrated record of increasing student academic achievement either as a student teacher or teacher-of-record on an alternative certificate, license, or credential;

"(iv) a requirement that the academy will award a certificate of completion (or degree, if the academy is, or is affiliated with, an institution of higher education) to a principal or other school leader only after the principal or other school leader demonstrates a record of success in improving student performance; and

"(v) timelines for producing cohorts of graduates and conferring certificates of completion (or degrees, if the academy is, or is affiliated with, an institution of higher education) from the academy;

"(B) does not have unnecessary restrictions on the methods the academy will use to train prospective teacher, principal, or other school leader candidates, including—

"(i) obligating (or prohibiting) the academy's faculty to hold advanced degrees or conduct academic research;

"(ii) restrictions related to the academy's physical infrastructure;

"(iii) restrictions related to the number of course credits required as part of the program of study;

"(iv) restrictions related to the undergraduate coursework completed by teachers teaching or working on alternative certificates, licenses, or credentials, as long as such teachers have successfully passed all relevant State-approved content area examinations; or

"(v) restrictions related to obtaining accreditation from an accrediting body for purposes of becoming an academy;

"(C) limits admission to its program to prospective teacher, principal, or other school leader candidates who demonstrate strong potential to improve student academic achievement, based on a rigorous selection process that reviews a candidate's prior academic achievement or record of professional accomplishment; and

"(D) results in a certificate of completion or degree that the State may, after reviewing the academy's results in producing effective teachers, or principals, or other school leaders, respectively (as determined by the State) recognize as at least the equivalent of a master's degree in education for the purposes of hiring, retention, compensation, and promotion in the State.

"(5) TEACHER RESIDENCY PROGRAM.—The term 'teacher residency program' means a school-based teacher preparation program in which a prospective teacher—

"(A) for not less than 1 academic year, teaches alongside an effective teacher, as determined by the State or local educational agency, who is the teacher of record for the classroom;

"(B) receives concurrent instruction during the year described in subparagraph (A)—

"(i) through courses that may be taught by local educational agency personnel or by faculty of the teacher preparation program; and

"(ii) in the teaching of the content area in which the teacher will become certified or licensed; and

"(C) acquires effective teaching skills, as demonstrated through completion of a residency program, or other measure determined by the State, which may include a teacher performance assessment.

"SEC. 2003. AUTHORIZATION OF APPROPRIATIONS.

"(a) GRANTS TO STATES AND LOCAL EDUCATIONAL AGENCIES.—For the purpose of carrying out part A, there are authorized to be appropriated $2,295,830,000 for each of fiscal years 2017 through 2020.

"(b) NATIONAL ACTIVITIES.—For the purpose of carrying out part B, there are authorized to be appropriated—

"(1) $468,880,575 for each of fiscal years 2017 and 2018;

"(2) $469,168,000 for fiscal year 2019; and

"(3) $489,168,000 for fiscal year 2020.

"PART A—SUPPORTING EFFECTIVE INSTRUCTION

"SEC. 2101. FORMULA GRANTS TO STATES.

"(a) RESERVATION OF FUNDS.—From the total amount appropriated under section 2003(a) for a fiscal year, the Secretary shall reserve—

"(1) one-half of 1 percent for allotments for the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, to be distributed among those outlying areas on the basis of their relative need, as determined by the Secretary, in accordance with the purpose of this title; and

"(2) one-half of 1 percent for the Secretary of the Interior for programs under this part in schools operated or funded by the Bureau of Indian Education.

"(b) STATE ALLOTMENTS.—

"(1) HOLD HARMLESS.—

"(A) FISCAL YEARS 2017 THROUGH 2022.—For each of fiscal years 2017 through 2022, subject to paragraph (2) and subparagraph (C), from the funds appropriated under section 2003(a) for a fiscal year that remain after the Secretary makes the reservations under subsection (a), the Secretary shall allot to each State an amount equal to the total amount that such State received for fiscal year 2001 under—

"(i) section 2202(b) of this Act (as in effect on the day before the date of enactment of the No Child Left Behind Act of 2001); and

"(ii) section 306 of the Department of Education Appropriations Act, 2001 (as enacted into law by section 1(a)(1) of Public Law 106–554).

"(B) RATABLE REDUCTION.—If the funds described in subparagraph (A) are insufficient to pay the full amounts that all States are eligible to receive under subparagraph (A) for any fiscal year, the Secretary shall ratably reduce those amounts for the fiscal year.

"(C) PERCENTAGE REDUCTION.—For each of fiscal years 2017 through 2022, the amount in subparagraph (A) shall be reduced by a percentage equal to the product of 14.29 percent and the number of years between the fiscal year for which the determination is being made and fiscal year 2016.

"(2) ALLOTMENT OF ADDITIONAL FUNDS.—

"(A) IN GENERAL.—Subject to subparagraph (B), for any fiscal year for which the funds appropriated under section 2003(a) and not reserved under subsection (a) exceed the total amount required to make allotments under paragraph (1), the Secretary shall allot to each State the sum of—

"(i) for fiscal year 2017—

"(I) an amount that bears the same relationship to 35 percent of the excess amount as the

number of individuals aged 5 through 17 in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all such States, as so determined; and

"(II) an amount that bears the same relationship to 65 percent of the excess amount as the number of individuals aged 5 through 17 from families with incomes below the poverty line in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all such States, as so determined;

"(ii) for fiscal year 2018—

"(I) an amount that bears the same relationship to 30 percent of the excess amount as the number of individuals aged 5 through 17 in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all such States, as so determined; and

"(II) an amount that bears the same relationship to 70 percent of the excess amount as the number of individuals aged 5 through 17 from families with incomes below the poverty line in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all such States, as so determined;

"(iii) for fiscal year 2019—

"(I) an amount that bears the same relationship to 25 percent of the excess amount as the number of individuals aged 5 through 17 in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all such States, as so determined; and

"(II) an amount that bears the same relationship to 75 percent of the excess amount as the number of individuals aged 5 through 17 from families with incomes below the poverty line in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all such States, as so determined; and

"(iv) for fiscal year 2020—

"(I) an amount that bears the same relationship to 20 percent of the excess amount as the number of individuals aged 5 through 17 in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all such States, as so determined; and

"(II) an amount that bears the same relationship to 80 percent of the excess amount as the

number of individuals aged 5 through 17 from families with incomes below the poverty line in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all such States, as so determined.

"(B) EXCEPTION.—No State receiving an allotment under subparagraph (A) may receive less than one-half of 1 percent of the total excess amount allotted under such subparagraph for a fiscal year.

"(3) FISCAL YEAR 2021 AND SUCCEEDING FISCAL YEARS.—For fiscal year 2021 and each of the succeeding fiscal years—

"(A) the Secretary shall allot funds appropriated under section 2003(a) and not reserved under subsection (a) to each State in accordance with paragraph (2)(A)(iv); and

"(B) the amount appropriated but not reserved shall be treated as the excess amount.

"(4) REALLOTMENT.—If any State does not apply for an allotment under this subsection for any fiscal year, the Secretary shall reallot the amount of the allotment to the remaining States in accordance with this subsection.

"(c) STATE USES OF FUNDS.—

"(1) IN GENERAL.—Except as provided under paragraph (3), each State that receives an allotment under subsection (b) for a fiscal year shall reserve not less than 95 percent of such allotment to make subgrants to local educational agencies for such fiscal year, as described in section 2102.

"(2) STATE ADMINISTRATION.—A State educational agency may use not more than 1 percent of the amount allotted to such State under subsection (b) for the administrative costs of carrying out such State educational agency's responsibilities under this part.

"(3) PRINCIPALS OR OTHER SCHOOL LEADERS.—Notwithstanding paragraph (1) and in addition to funds otherwise available for activities under paragraph (4), a State educational agency may reserve not more than 3 percent of the amount reserved for subgrants to local educational agencies under paragraph (1) for one or more of the activities for principals or other school leaders that are described in paragraph (4).

"(4) STATE ACTIVITIES.—

"(A) IN GENERAL.—The State educational agency for a State that receives an allotment under subsection (b) may use funds not reserved under paragraph (1) to carry out 1 or more of the activities described in subparagraph (B), which may be implemented in conjunction with a State agency of higher education (if such agencies are separate) and carried out through a grant or contract with a for-profit or nonprofit entity, including an institution of higher education.

"(B) TYPES OF STATE ACTIVITIES.—The activities described in this subparagraph are the following:

"(i) Reforming teacher, principal, or other school leader certification, recertification, licensing, or tenure systems or preparation program standards and approval processes to ensure that—

"(I) teachers have the necessary subject-matter knowledge and teaching skills, as demonstrated through measures determined by the State, which may include teacher performance assessments, in the academic subjects that the teachers teach to help students meet challenging State academic standards;

"(II) principals or other school leaders have the instructional leadership skills to help teachers teach and to help students meet such challenging State academic standards; and

"(III) teacher certification or licensing requirements are aligned with such challenging State academic standards.

"(ii) Developing, improving, or providing assistance to local educational agencies to support the design and implementation of teacher, principal, or other school leader evaluation and support systems that are based in part on evidence of student academic achievement, which may include student growth, and shall include multiple measures of educator performance and provide clear, timely, and useful feedback to teachers, principals, or other school leaders, such as by—

"(I) developing and disseminating high-quality evaluation tools, such as classroom observation rubrics, and methods, including training and auditing, for ensuring inter-rater reliability of evaluation results;

"(II) developing and providing training to principals, other school leaders, coaches, mentors, and evaluators on how to accurately differentiate performance, provide useful and timely feedback, and use evaluation results to inform decision-making about professional development, improvement strategies, and personnel decisions; and

"(III) developing a system for auditing the quality of evaluation and support systems.

"(iii) Improving equitable access to effective teachers.

"(iv) Carrying out programs that establish, expand, or improve alternative routes for State certification of teachers (especially for teachers of children with disabilities, English learners, science, technology, engineering, mathematics, or other areas where the State experiences a shortage of educators), principals, or other school leaders, for—

"(I) individuals with a baccalaureate or master's degree, or other advanced degree;

"(II) mid-career professionals from other occupations;

"(III) paraprofessionals;

"(IV) former military personnel; and

"(V) recent graduates of institutions of higher education with records of academic distinction

who demonstrate the potential to become effective teachers, principals, or other school leaders.

"(v) Developing, improving, and implementing mechanisms to assist local educational agencies and schools in effectively recruiting and retaining teachers, principals, or other school leaders who are effective in improving student academic achievement, including effective teachers from underrepresented minority groups and teachers with disabilities, such as through—

"(I) opportunities for effective teachers to lead evidence-based (to the extent the State determines that such evidence is reasonably available) professional development for the peers of such effective teachers; and

"(II) providing training and support for teacher leaders and principals or other school leaders who are recruited as part of instructional leadership teams.

"(vi) Fulfilling the State educational agency's responsibilities concerning proper and efficient administration and monitoring of the programs carried out under this part, including provision of technical assistance to local educational agencies.

"(vii) Developing, or assisting local educational agencies in developing—

"(I) career opportunities and advancement initiatives that promote professional growth and emphasize multiple career paths, such as instructional coaching and mentoring (including hybrid roles that allow instructional coaching and mentoring while remaining in the classroom), school leadership, and involvement with school improvement and support;

"(II) strategies that provide differential pay, or other incentives, to recruit and retain teachers in high-need academic subjects and teachers, principals, or other school leaders, in low-income schools and school districts, which may include performance-based pay systems; and

"(III) new teacher, principal, or other school leader induction and mentoring programs that are, to the extent the State determines that such evidence is reasonably available, evidence-based, and designed to—

"(aa) improve classroom instruction and student learning and achievement, including through improving school leadership programs; and

"(bb) increase the retention of effective teachers, principals, or other school leaders.

"(viii) Providing assistance to local educational agencies for the development and implementation of high-quality professional development programs for principals that enable the principals to be effective and

prepare all students to meet the challenging State academic standards.

"(ix) Supporting efforts to train teachers, principals, or other school leaders to effectively integrate technology into curricula and instruction, which may include training to assist teachers in implementing blended learning (as defined in section 4102(1)) projects.

"(x) Providing training, technical assistance, and capacity-building to local educational agencies that receive a subgrant under this part.

"(xi) Reforming or improving teacher, principal, or other school leader preparation programs, such as through establishing teacher residency programs and school leader residency programs.

"(xii) Establishing or expanding teacher, principal, or other school leader preparation academies, with an amount of the funds described in subparagraph (A) that is not more than 2 percent of the State's allotment, if—

"(I) allowable under State law;

"(II) the State enables candidates attending a teacher, principal, or other school leader preparation academy to be eligible for State financial aid to the same extent as participants in other State-approved teacher or principal preparation programs, including alternative certification, licensure, or credential programs; and

"(III) the State enables teachers, principals, or other school leaders who are teaching or working while on alternative certificates, licenses, or credentials to teach or work in the State while enrolled in a teacher, principal, or other school leader preparation academy.

"(xiii) Supporting the instructional services provided by effective school library programs.

"(xiv) Developing, or assisting local educational agencies in developing, strategies that provide teachers, principals, or other school leaders with the skills, credentials, or certifications needed to educate all students in postsecondary education coursework through early college high school or dual or concurrent enrollment programs.

"(xv) Providing training for all school personnel, including teachers, principals, other school leaders, specialized instructional support personnel, and paraprofessionals, regarding how to prevent and recognize child sexual abuse.

"(xvi) Supporting opportunities for principals, other school leaders, teachers, paraprofessionals, early childhood education program directors, and other early childhood education program providers to participate in joint efforts to address the transition to elementary school, including issues related to school readiness.

"(xvii) Developing and providing professional development and other comprehensive systems of support for teachers, principals, or other school leaders to promote high-quality instruction and instructional leadership in science, technology, engineering, and mathematics subjects, including computer science.

"(xviii) Supporting the professional development and improving the instructional strategies of teachers, principals, or other school leaders to integrate career and technical education content into academic instructional practices, which may include training on best practices to understand State and regional workforce needs and transitions to postsecondary education and the workforce.

"(xix) Enabling States, as a consortium, to voluntarily develop a process that allows teachers who are licensed or certified in a participating State to teach in other participating States without completing additional licensure or certification requirements, except that nothing in this clause shall be construed to allow the Secretary to exercise any direction, supervision, or control over State teacher licensing or certification requirements.

"(xx) Supporting and developing efforts to train teachers on the appropriate use of student data to ensure that individual student privacy is protected as required by section 444 of the General Education Provisions Act (commonly known as the 'Family Educational Rights and Privacy Act of 1974') (20 U.S.C. 1232g) and in accordance with State student privacy laws and local educational agency student privacy and technology use policies.

"(xxi) Supporting other activities identified by the State that are, to the extent the State determines that such evidence is reasonably available, evidence-based and that meet the purpose of this title.

"(d) STATE APPLICATION.—

"(1) IN GENERAL.—In order to receive an allotment under this section for any fiscal year, a State shall submit an application to the Secretary at such time and in such manner as the Secretary may reasonably require.

"(2) CONTENTS.—Each application described under paragraph (1) shall include the following:

"(A) A description of how the State educational agency will use funds received under this title for State-level activities described in subsection (c).

"(B) A description of the State's system of certification and licensing of teachers, principals, or other school leaders.

"(C) A description of how activities under this part are aligned with challenging State academic standards.

"(D) A description of how the activities carried out with funds under this part are expected to improve student achievement.

"(E) If a State educational agency plans to use funds under this part to improve equitable access to effective teachers, consistent with section 1111(g)(1)(B), a description of how such funds will be used for such purpose.

"(F) If applicable, a description of how the State educational agency will work with local educational agencies in the State to develop or implement State or local teacher, principal, or other school leader evaluation and support systems that meet the requirements of subsection (c)(4)(B)(ii).

"(G) An assurance that the State educational agency will monitor the implementation of activities under this part and provide technical assistance to local educational agencies in carrying out such activities.

"(H) An assurance that the State educational agency will work in consultation with the entity responsible for teacher, principal, or other school leader professional standards, certification, and licensing for the State, and encourage collaboration between educator preparation programs, the State, and local educational agencies to promote the readiness of new educators entering the profession.

"(I) An assurance that the State educational agency will comply with section 8501 (regarding participation by private school children and teachers).

"(J) A description of how the State educational agency will improve the skills of teachers, principals, or other school leaders in order to enable them to identify students with specific learning needs, particularly children with disabilities, English learners, students who are gifted and talented, and students with low literacy levels, and provide instruction based on the needs of such students.

"(K) A description of how the State will use data and ongoing consultation as described in paragraph (3) to continually update and improve the activities supported under this part.

"(L) A description of how the State educational agency will encourage opportunities for increased autonomy and flexibility for teachers, principals, or other school leaders, such as by establishing innovation schools that have a high degree of autonomy over budget and operations, are transparent and accountable to the public, and lead to improved academic outcomes for students.

"(M) A description of actions the State may take to improve preparation programs and strengthen support for teachers, principals, or other school leaders based on the needs of the State, as identified by the State educational agency.

"(3) CONSULTATION.—In developing the State application under this subsection, a State shall—

"(A) meaningfully consult with teachers, principals, other school leaders, paraprofessionals (including organizations representing such individuals), specialized instructional support personnel, charter school leaders (in a State that has charter schools), parents, community partners, and other organizations or partners with relevant and dem-

onstrated expertise in programs and activities designed to meet the purpose of this title;

"(B) seek advice from the individuals, organizations, or partners described in subparagraph (A) regarding how best to improve the State's activities to meet the purpose of this title; and

"(C) coordinate the State's activities under this part with other related strategies, programs, and activities being conducted in the State.

"(4) LIMITATION.—Consultation required under paragraph (3) shall not interfere with the timely submission of the application required under this section.

"(e) PROHIBITION.—Nothing in this section shall be construed to authorize the Secretary or any other officer or employee of the Federal Government to mandate, direct, or control any of the following:

"(1) The development, improvement, or implementation of elements of any teacher, principal, or other school leader evaluation system.

"(2) Any State or local educational agency's definition of teacher, principal, or other school leader effectiveness.

"(3) Any teacher, principal, or other school leader professional standards, certification, or licensing.

"SEC. 2102. SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.

"(a) ALLOCATION OF FUNDS TO LOCAL EDUCATIONAL AGENCIES.—

"(1) IN GENERAL.—From funds reserved by a State under section 2101(c)(1) for a fiscal year, the State, acting through the State educational agency, shall award subgrants to eligible local educational agencies from allocations described in paragraph (2).

"(2) ALLOCATION FORMULA.—From the funds described in paragraph (1), the State educational agency shall allocate to each of the eligible local educational agencies in the State for a fiscal year the sum of—

"(A) an amount that bears the same relationship to 20 percent of such funds for such fiscal year as the number of individuals aged 5 through 17 in the geographic area served by the agency, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in the geographic areas served by all eligible local educational agencies in the State, as so determined; and

"(B) an amount that bears the same relationship to 80 percent of the funds for such fiscal year as the number of individuals aged 5 through 17 from families with incomes below the poverty line in the geographic area served by the agency, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in the geographic areas served by all the eligible local educational agencies in the State, as so determined.

"(3) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit a consortium of local educational agencies that are designated with a locale code of 41, 42, or 43, or such local educational agencies designated with a locale code of

41, 42, or 43 that work in cooperation with an educational service agency, from voluntarily combining allocations received under this part for the collective use of funding by the consortium for activities under this section.

"(b) LOCAL APPLICATIONS.—

"(1) IN GENERAL.—To be eligible to receive a subgrant under this section, a local educational agency shall submit an application to the State educational agency at such time, in such manner, and containing such information as the State educational agency may reasonably require.

"(2) CONTENTS OF APPLICATION.—Each application submitted under paragraph (1) shall include the following:

"(A) A description of the activities to be carried out by the local educational agency under this section and how these activities will be aligned with challenging State academic standards.

"(B) A description of the local educational agency's systems of professional growth and improvement, such as induction for teachers, principals, or other school leaders and opportunities for building the capacity of teachers and opportunities to develop meaningful teacher leadership.

"(C) A description of how the local educational agency will prioritize funds to schools served by the agency that are implementing comprehensive support and improvement activities and targeted support and improvement activities under section 1111(d) and have the highest percentage of children counted under section 1124(c).

"(D) A description of how the local educational agency will use data and ongoing consultation described in paragraph (3) to continually update and improve activities supported under this part.

"(E) An assurance that the local educational agency will comply with section 8501 (regarding participation by private school children and teachers).

"(F) An assurance that the local educational agency will coordinate professional development activities authorized under this part with professional development activities provided through other Federal, State, and local programs.

"(3) CONSULTATION.—In developing the application described in paragraph (2), a local educational agency shall—

"(A) meaningfully consult with teachers, principals, other school leaders, paraprofessionals (including organizations representing such individuals), specialized instructional support personnel, charter school leaders (in a local educational agency that has charter schools), parents, community partners, and other organizations or partners with relevant and demonstrated expertise in programs and activities designed to meet the purpose of this title;

"(B) seek advice from the individuals and organizations described in subparagraph (A) regarding how best to improve the local educational agency's activities to meet the purpose of this title; and

"(C) coordinate the local educational agency's activities under this part with other related strategies, programs, and activities being conducted in the community.

"(4) LIMITATION.—Consultation required under paragraph (3) shall not interfere with the timely submission of the application required under this section.

"SEC. 2103. LOCAL USES OF FUNDS.

"(a) IN GENERAL.—A local educational agency that receives a subgrant under section 2102 shall use the funds made available through the subgrant to develop, implement, and evaluate comprehensive programs and activities described in subsection (b), which may be carried out—

"(1) through a grant or contract with a for-profit or nonprofit entity; or

"(2) in partnership with an institution of higher education or an Indian tribe or tribal organization (as such terms are defined under section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)).

"(b) TYPES OF ACTIVITIES.—The programs and activities described in this subsection—

"(1) shall be in accordance with the purpose of this title;

"(2) shall address the learning needs of all students, including children with disabilities, English learners, and gifted and talented students; and

"(3) may include, among other programs and activities—

"(A) developing or improving a rigorous, transparent, and fair evaluation and support system for teachers, principals, or other school leaders that—

"(i) is based in part on evidence of student achievement, which may include student growth; and

"(ii) shall include multiple measures of educator performance and provide clear, timely, and useful feedback to teachers, principals, or other school leaders;

"(B) developing and implementing initiatives to assist in recruiting, hiring, and retaining effective teachers, particularly in low-income schools with high percentages of ineffective teachers and high percentages of students who do not meet the challenging State academic standards, to improve within-district equity in the distribution of teachers, consistent with section 1111(g)(1)(B), such as initiatives that provide—

"(i) expert help in screening candidates and enabling early hiring;

"(ii) differential and incentive pay for teachers, principals, or other school leaders in high-need academic subject areas and specialty areas, which may include performance-based pay systems;

"(iii) teacher, paraprofessional, principal, or other school leader advancement and professional growth, and an emphasis on leadership opportunities, multiple career paths, and pay differentiation;

"(iv) new teacher, principal, or other school leader induction and mentoring programs that are designed to—

"(I) improve classroom instruction and student learning and achievement; and

"(II) increase the retention of effective teachers, principals, or other school leaders;

"(v) the development and provision of training for school leaders, coaches, mentors, and evaluators on how accurately to differentiate performance, provide useful feedback, and use evaluation results to inform decisionmaking about professional development, improvement strategies, and personnel decisions; and

"(vi) a system for auditing the quality of evaluation and support systems;

"(C) recruiting qualified individuals from other fields to become teachers, principals, or other school leaders, including mid-career professionals from other occupations, former military personnel, and recent graduates of institutions of higher education with records of academic distinction who demonstrate potential to become effective teachers, principals, or other school leaders;

"(D) reducing class size to a level that is evidence-based, to the extent the State (in consultation with local educational agencies in the State) determines that such evidence is reasonably available, to improve student achievement through the recruiting and hiring of additional effective teachers;

"(E) providing high-quality, personalized professional development that is evidence-based, to the extent the State (in consultation with local educational agencies in the State) determines that such evidence is reasonably available, for teachers, instructional leadership teams, principals, or other school leaders, that is focused on improving teaching and student learning and achievement, including supporting efforts to train teachers, principals, or other school leaders to—

"(i) effectively integrate technology into curricula and instruction (including education about the harms of copyright piracy);

"(ii) use data to improve student achievement and understand how to ensure individual student privacy is protected, as required under section 444 of the General Education Provisions Act (commonly known as the 'Family Educational Rights and Privacy Act of 1974') (20 U.S.C. 1232g) and State and local policies and laws in the use of such data;

"(iii) effectively engage parents, families, and community partners, and coordinate services between school and community;

"(iv) help all students develop the skills essential for learning readiness and academic success;

"(v) develop policy with school, local educational agency, community, or State leaders; and

"(vi) participate in opportunities for experiential learning through observation;

"(F) developing programs and activities that increase the ability of teachers to effectively teach children with dis-

abilities, including children with significant cognitive disabilities, and English learners, which may include the use of multi-tier systems of support and positive behavioral intervention and supports, so that such children with disabilities and English learners can meet the challenging State academic standards;

"(G) providing programs and activities to increase—

"(i) the knowledge base of teachers, principals, or other school leaders on instruction in the early grades and on strategies to measure whether young children are progressing; and

"(ii) the ability of principals or other school leaders to support teachers, teacher leaders, early childhood educators, and other professionals to meet the needs of students through age 8, which may include providing joint professional learning and planning activities for school staff and educators in preschool programs that address the transition to elementary school;

"(H) providing training, technical assistance, and capacity-building in local educational agencies to assist teachers, principals, or other school leaders with selecting and implementing formative assessments, designing classroom-based assessments, and using data from such assessments to improve instruction and student academic achievement, which may include providing additional time for teachers to review student data and respond, as appropriate;

"(I) carrying out in-service training for school personnel in—

"(i) the techniques and supports needed to help educators understand when and how to refer students affected by trauma, and children with, or at risk of, mental illness;

"(ii) the use of referral mechanisms that effectively link such children to appropriate treatment and intervention services in the school and in the community, where appropriate;

"(iii) forming partnerships between school-based mental health programs and public or private mental health organizations; and

"(iv) addressing issues related to school conditions for student learning, such as safety, peer interaction, drug and alcohol abuse, and chronic absenteeism;

"(J) providing training to support the identification of students who are gifted and talented, including high-ability students who have not been formally identified for gifted education services, and implementing instructional practices that support the education of such students, such as—

"(i) early entrance to kindergarten;

"(ii) enrichment, acceleration, and curriculum compacting activities; and

"(iii) dual or concurrent enrollment programs in secondary school and postsecondary education;

"(K) supporting the instructional services provided by effective school library programs;

"(L) providing training for all school personnel, including teachers, principals, other school leaders, specialized instructional support personnel, and paraprofessionals, regarding how to prevent and recognize child sexual abuse;

"(M) developing and providing professional development and other comprehensive systems of support for teachers, principals, or other school leaders to promote high-quality instruction and instructional leadership in science, technology, engineering, and mathematics subjects, including computer science;

"(N) developing feedback mechanisms to improve school working conditions, including through periodically and publicly reporting results of educator support and working conditions feedback;

"(O) providing high-quality professional development for teachers, principals, or 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; and

"(P) carrying out other activities that are evidence-based, to the extent the State (in consultation with local educational agencies in the State) determines that such evidence is reasonably available, and identified by the local educational agency that meet the purpose of this title.

"SEC. 2104. REPORTING.

"(a) STATE REPORT.—Each State educational agency receiving funds under this part shall annually submit to the Secretary a report that provides—

"(1) a description of how the State is using grant funds received under this part to meet the purpose of this title, and how such chosen activities improved teacher, principal, or other school leader effectiveness, as determined by the State or local educational agency;

"(2) if funds are used under this part to improve equitable access to teachers for low-income and minority students, consistent with section 1111(g)(1)(B), a description of how funds have been used to improve such access;

"(3) for a State that implements a teacher, principal, or other school leader evaluation and support system, consistent with section 2101(c)(4)(B)(ii), using funds under this part, the evaluation results of teachers, principals, or other school leaders, except that such information shall not provide personally identifiable information on individual teachers, principals, or other school leaders; and

"(4) where available, the annual retention rates of effective and ineffective teachers, principals, or other school leaders, using any methods or criteria the State has or develops under section 1111(g)(2)(A), except that nothing in this paragraph shall be construed to require any State educational agency or local educational agency to collect and report any data the State educational agency or local educational agency is not collecting or reporting as of the day before the date of enactment of the Every Student Succeeds Act.

"(b) LOCAL EDUCATIONAL AGENCY REPORT.—Each local educational agency receiving funds under this part shall submit to the State educational agency such information as the State requires, which shall include the information described in subsection (a) for the local educational agency.

"(c) AVAILABILITY.—The reports and information provided under subsections (a) and (b) shall be made readily available to the public.

"(d) LIMITATION.—The reports and information provided under subsections (a) and (b) shall not reveal personally identifiable information about any individual.

"PART B—NATIONAL ACTIVITIES

"SEC. 2201. RESERVATIONS.

"From the amounts appropriated under section 2003(b) for a fiscal year, the Secretary shall reserve—

"(1) to carry out activities authorized under subpart 1—

"(A) 49.1 percent for each of fiscal years 2017 through 2019; and

"(B) 47 percent for fiscal year 2020;

"(2) to carry out activities authorized under subpart 2—

"(A) 34.1 percent for each of fiscal years 2017 through 2019; and

"(B) 36.8 percent for fiscal year 2020;

"(3) to carry out activities authorized under subpart 3, 1.4 percent for each of fiscal years 2017 through 2020; and

"(4) to carry out activities authorized under subpart 4—

"(A) 15.4 percent for each of fiscal years 2017 through 2019; and

"(B) 14.8 percent for fiscal year 2020.

"Subpart 1—Teacher and School Leader Incentive Program

"SEC. 2211. PURPOSES; DEFINITIONS.

"(a) PURPOSES.—The purposes of this subpart are—

"(1) to assist States, local educational agencies, and nonprofit organizations to develop, implement, improve, or expand comprehensive performance-based compensation systems or human capital management systems for teachers, principals, or other school leaders (especially for teachers, principals, or other school leaders in high-need schools) who raise student academic achievement and close the achievement gap between high- and low-performing students; and

"(2) to study and review performance-based compensation systems or human capital management systems for teachers, principals, or other school leaders to evaluate the effectiveness, fairness, quality, consistency, and reliability of the systems.

"(b) DEFINITIONS.—In this subpart:

"(1) ELIGIBLE ENTITY.—The term 'eligible entity' means—

"(A) a local educational agency, including a charter school that is a local educational agency, or a consortium of local educational agencies;

"(B) a State educational agency or other State agency designated by the chief executive of a State to participate under this subpart;

"(C) the Bureau of Indian Education; or

"(D) a partnership consisting of—

"(i) 1 or more agencies described in subparagraph (A), (B), or (C); and

"(ii) at least 1 nonprofit or for-profit entity.

"(2) HIGH-NEED SCHOOL.—The term 'high-need school' means a public elementary school or secondary school that is located in an area in which the percentage of students from families with incomes below the poverty line is 30 percent or more.

"(3) HUMAN CAPITAL MANAGEMENT SYSTEM.—The term 'human capital management system' means a system—

"(A) by which a local educational agency makes and implements human capital decisions, such as decisions on preparation, recruitment, hiring, placement, retention, dismissal, compensation, professional development, tenure, and promotion; and

"(B) that includes a performance-based compensation system.

"(4) PERFORMANCE-BASED COMPENSATION SYSTEM.—The term 'performance-based compensation system' means a system of compensation for teachers, principals, or other school leaders—

"(A) that differentiates levels of compensation based in part on measurable increases in student academic achievement; and

"(B) which may include—

"(i) differentiated levels of compensation, which may include bonus pay, on the basis of the employment responsibilities and success of effective teachers, principals, or other school leaders in hard-to-staff schools or high-need subject areas; and

"(ii) recognition of the skills and knowledge of teachers, principals, or other school leaders as demonstrated through—

"(I) successful fulfillment of additional responsibilities or job functions, such as teacher leadership roles; and

"(II) evidence of professional achievement and mastery of content knowledge and superior teaching and leadership skills.

"SEC. 2212. TEACHER AND SCHOOL LEADER INCENTIVE FUND GRANTS.

"(a) GRANTS AUTHORIZED.—From the amounts reserved by the Secretary under section 2201(1), the Secretary shall award grants, on a competitive basis, to eligible entities to enable the eligible entities to develop, implement, improve, or expand performance-based compensation systems or human capital management systems, in schools served by the eligible entity.

"(b) DURATION OF GRANTS.—

"(1) IN GENERAL.—A grant awarded under this subpart shall be for a period of not more than 3 years.

"(2) RENEWAL.—The Secretary may renew a grant awarded under this subpart for a period of not more than 2 years if the

grantee demonstrates to the Secretary that the grantee is effectively using funds. Such renewal may include allowing the grantee to scale up or replicate the successful program.

"(3) LIMITATION.—A local educational agency may receive (whether individually or as part of a consortium or partnership) a grant under this subpart, as amended by the Every Student Succeeds Act, only twice.

"(c) APPLICATIONS.—An eligible entity desiring a grant under this subpart shall submit an application to the Secretary at such time and in such manner as the Secretary may reasonably require. The application shall include—

"(1) a description of the performance-based compensation system or human capital management system that the eligible entity proposes to develop, implement, improve, or expand through the grant;

"(2) a description of the most significant gaps or insufficiencies in student access to effective teachers, principals, or other school leaders in high-need schools, including gaps or inequities in how effective teachers, principals, or other school leaders are distributed across the local educational agency, as identified using factors such as data on school resources, staffing patterns, school environment, educator support systems, and other school-level factors;

"(3) a description and evidence of the support and commitment from teachers, principals, or other school leaders, which may include charter school leaders, in the school (including organizations representing teachers, principals, or other school leaders), the community, and the local educational agency to the activities proposed under the grant;

"(4) a description of how the eligible entity will develop and implement a fair, rigorous, valid, reliable, and objective process to evaluate teacher, principal, or other school leader performance under the system that is based in part on measures of student academic achievement, including the baseline performance against which evaluations of improved performance will be made;

"(5) a description of the local educational agencies or schools to be served under the grant, including such student academic achievement, demographic, and socioeconomic information as the Secretary may request;

"(6) a description of the effectiveness of teachers, principals, or other school leaders in the local educational agency and the schools to be served under the grant and the extent to which the system will increase the effectiveness of teachers, principals, or other school leaders in such schools;

"(7) a description of how the eligible entity will use grant funds under this subpart in each year of the grant, including a timeline for implementation of such activities;

"(8) a description of how the eligible entity will continue the activities assisted under the grant after the grant period ends;

"(9) a description of the State, local, or other public or private funds that will be used to supplement the grant, including funds under part A, and sustain the activities assisted under the grant after the end of the grant period;

"(10) a description of—

"(A) the rationale for the project;

"(B) how the proposed activities are evidence-based; and

"(C) if applicable, the prior experience of the eligible entity in developing and implementing such activities; and

"(11) a description of how activities funded under this subpart will be evaluated, monitored, and publically reported.

"(d) AWARD BASIS.—

"(1) PRIORITY.—In awarding a grant under this subpart, the Secretary shall give priority to an eligible entity that concentrates the activities proposed to be assisted under the grant on teachers, principals, or other school leaders serving in high-need schools.

"(2) EQUITABLE DISTRIBUTION.—To the extent practicable, the Secretary shall ensure an equitable geographic distribution of grants under this subpart, including the distribution of such grants between rural and urban areas.

"(e) USE OF FUNDS.—

"(1) IN GENERAL.—An eligible entity that receives a grant under this subpart shall use the grant funds to develop, implement, improve, or expand, in collaboration with teachers, principals, other school leaders, and members of the public, a performance-based compensation system or human capital management system consistent with this subpart.

"(2) AUTHORIZED ACTIVITIES.—Grant funds under this subpart may be used for one or more of the following:

"(A) Developing or improving an evaluation and support system, including as part of a human capital management system as applicable, that—

"(i) reflects clear and fair measures of teacher, principal, or other school leader performance, based in part on demonstrated improvement in student academic achievement; and

"(ii) provides teachers, principals, or other school leaders with ongoing, differentiated, targeted, and personalized support and feedback for improvement, including professional development opportunities designed to increase effectiveness.

"(B) Conducting outreach within a local educational agency or a State to gain input on how to construct an evaluation and support system described in subparagraph (A) and to develop support for the evaluation and support system, including by training appropriate personnel in how to observe and evaluate teachers, principals, or other school leaders.

"(C) Providing principals or other school leaders with—

"(i) balanced autonomy to make budgeting, scheduling, and other school-level decisions in a manner that meets the needs of the school without compromising the intent or essential components of the policies of the local educational agency or State; and

"(ii) authority to make staffing decisions that meet the needs of the school, such as building an instructional leadership team that includes teacher leaders or

offering opportunities for teams or pairs of effective teachers or candidates to teach or start teaching in high-need schools together.

"(D) Implementing, as part of a comprehensive performance-based compensation system, a differentiated salary structure, which may include bonuses and stipends, to—

"(i) teachers who—

"(I) teach in—

"(aa) high-need schools; or

"(bb) high-need subjects;

"(II) raise student academic achievement; or

"(III) take on additional leadership responsibilities; or

"(ii) principals or other school leaders who serve in high-need schools and raise student academic achievement in the schools.

"(E) Improving the local educational agency's system and process for the recruitment, selection, placement, and retention of effective teachers, principals, or other school leaders in high-need schools, such as by improving local educational agency policies and procedures to ensure that high-need schools are competitive and timely in—

"(i) attracting, hiring, and retaining effective educators;

"(ii) offering bonuses or higher salaries to effective educators; or

"(iii) establishing or strengthening school leader residency programs and teacher residency programs.

"(F) Instituting career advancement opportunities characterized by increased responsibility and pay that reward and recognize effective teachers, principals, or other school leaders in high-need schools and enable them to expand their leadership and results, such as through teacher-led professional development, mentoring, coaching, hybrid roles, administrative duties, and career ladders.

"(f) MATCHING REQUIREMENT.—Each eligible entity that receives a grant under this subpart shall provide, from non-Federal sources, an amount equal to 50 percent of the amount of the grant (which may be provided in cash or in kind) to carry out the activities supported by the grant.

"(g) SUPPLEMENT, NOT SUPPLANT.—Grant funds provided under this subpart shall be used to supplement, not supplant, other Federal or State funds available to carry out activities described in this subpart.

"SEC. 2213. REPORTS.

"(a) ACTIVITIES SUMMARY.—Each eligible entity receiving a grant under this subpart shall provide to the Secretary a summary of the activities assisted under the grant.

"(b) REPORT.—The Secretary shall provide to Congress an annual report on the implementation of the program carried out under this subpart, including—

"(1) information on eligible entities that received grant funds under this subpart, including—

"(A) information provided by eligible entities to the Secretary in the applications submitted under section 2212(c);

"(B) the summaries received under subsection (a); and

"(C) grant award amounts; and

"(2) student academic achievement and, as applicable, growth data from the schools participating in the programs supported under the grant.

"(c) EVALUATION AND TECHNICAL ASSISTANCE.—

"(1) RESERVATION OF FUNDS.—Of the total amount reserved for this subpart for a fiscal year, the Secretary may reserve for such fiscal year not more than 1 percent for the cost of the evaluation under paragraph (2) and for technical assistance in carrying out this subpart.

"(2) EVALUATION.—From amounts reserved under paragraph (1), the Secretary, acting through the Director of the Institute of Education Sciences, shall carry out an independent evaluation to measure the effectiveness of the program assisted under this subpart.

"(3) CONTENTS.—The evaluation under paragraph (2) shall measure—

"(A) the effectiveness of the program in improving student academic achievement;

"(B) the satisfaction of the participating teachers, principals, or other school leaders; and

"(C) the extent to which the program assisted the eligible entities in recruiting and retaining high-quality teachers, principals, or other school leaders, especially in high-need subject areas.

"Subpart 2—Literacy Education for All, Results for the Nation

"SEC. 2221. PURPOSES; DEFINITIONS.

"(a) PURPOSES.—The purposes of this subpart are—

"(1) to improve student academic achievement in reading and writing by providing Federal support to States to develop, revise, or update comprehensive literacy instruction plans that, when implemented, ensure high-quality instruction and effective strategies in reading and writing from early education through grade 12; and

"(2) for States to provide targeted subgrants to early childhood education programs and local educational agencies and their public or private partners to implement evidence-based programs that ensure high-quality comprehensive literacy instruction for students most in need.

"(b) DEFINITIONS.—In this subpart:

"(1) COMPREHENSIVE LITERACY INSTRUCTION.—The term 'comprehensive literacy instruction' means instruction that—

"(A) includes developmentally appropriate, contextually explicit, and systematic instruction, and frequent practice, in reading and writing across content areas;

"(B) includes age-appropriate, explicit, systematic, and intentional instruction in phonological awareness, phonic decoding, vocabulary, language structure, reading fluency, and reading comprehension;

"(C) includes age-appropriate, explicit instruction in writing, including opportunities for children to write with clear purposes, with critical reasoning appropriate to the topic and purpose, and with specific instruction and feedback from instructional staff;

"(D) makes available and uses diverse, high-quality print materials that reflect the reading and development levels, and interests, of children;

"(E) uses differentiated instructional approaches, including individual and small group instruction and discussion;

"(F) provides opportunities for children to use language with peers and adults in order to develop language skills, including developing vocabulary;

"(G) includes frequent practice of reading and writing strategies;

"(H) uses age-appropriate, valid, and reliable screening assessments, diagnostic assessments, formative assessment processes, and summative assessments to identify a child's learning needs, to inform instruction, and to monitor the child's progress and the effects of instruction;

"(I) uses strategies to enhance children's motivation to read and write and children's engagement in self-directed learning;

"(J) incorporates the principles of universal design for learning;

"(K) depends on teachers' collaboration in planning, instruction, and assessing a child's progress and on continuous professional learning; and

"(L) links literacy instruction to the challenging State academic standards, including the ability to navigate, understand, and write about, complex print and digital subject matter.

"(2) ELIGIBLE ENTITY.—The term 'eligible entity' means an entity that consists of—

"(A) one or more local educational agencies that serve a high percentage of high-need schools and—

"(i) have the highest number or proportion of children who are counted under section 1124(c), in comparison to other local educational agencies in the State;

"(ii) are among the local educational agencies in the State with the highest number or percentages of children reading or writing below grade level, based on the most currently available State academic assessment data under section 1111(b)(2); or

"(iii) serve a significant number or percentage of schools that are implementing comprehensive support and improvement activities and targeted support and improvement activities under section 1111(d);

"(B) one or more early childhood education programs serving low-income or otherwise disadvantaged children, which may include home-based literacy programs for preschool-aged children, that have a demonstrated record of providing comprehensive literacy instruction for the age group such program proposes to serve; or

"(C) a local educational agency, described in subparagraph (A), or consortium of such local educational agencies, or an early childhood education program, which may include home-based literacy programs for preschool-aged children, acting in partnership with 1 or more public or private nonprofit organizations or agencies (which may include early childhood education programs) that have a demonstrated record of effectiveness in—

"(i) improving literacy achievement of children, consistent with the purposes of participation under this subpart, from birth through grade 12; and

"(ii) providing professional development in comprehensive literacy instruction.

"(3) HIGH-NEED SCHOOL.—

"(A) IN GENERAL.—The term 'high-need school' means—

"(i) an elementary school or middle school in which not less than 50 percent of the enrolled students are children from low-income families; or

"(ii) a high school in which not less than 40 percent of the enrolled students are children from low-income families, which may be calculated using comparable data from the schools that feed into the high school.

"(B) LOW-INCOME FAMILY.—For purposes of subparagraph (A), the term 'low-income family' means a family—

"(i) in which the children are eligible for a free or reduced-price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);

"(ii) receiving assistance under the program of block grants to States for temporary assistance for needy families established under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.); or

"(iii) in which the children are eligible to receive medical assistance under the Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

"SEC. 2222. COMPREHENSIVE LITERACY STATE DEVELOPMENT GRANTS.

"(a) GRANTS AUTHORIZED.—From the amounts reserved by the Secretary under section 2201(2) and not reserved under subsection (b), the Secretary shall award grants, on a competitive basis, to State educational agencies to enable the State educational agencies to—

"(1) provide subgrants to eligible entities serving a diversity of geographic areas, giving priority to entities serving greater numbers or percentages of children from low-income families; and

"(2) develop or enhance comprehensive literacy instruction plans that ensure high-quality instruction and effective strategies in reading and writing for children from early childhood education through grade 12, including English learners and children with disabilities.

"(b) RESERVATION.—From the amounts reserved to carry out this subpart for a fiscal year, the Secretary shall reserve—

"(1) not more than a total of 5 percent for national activities, including a national evaluation, technical assistance and training, data collection, and reporting;

"(2) one half of 1 percent for the Secretary of the Interior to carry out a program described in this subpart at schools operated or funded by the Bureau of Indian Education; and

"(3) one half of 1 percent for the outlying areas to carry out a program under this subpart.

"(c) DURATION OF GRANTS.—A grant awarded under this subpart shall be for a period of not more than 5 years total. Such grant may be renewed for an additional 2-year period upon the termination of the initial period of the grant if the grant recipient demonstrates to the satisfaction of the Secretary that—

"(1) the State has made adequate progress; and

"(2) renewing the grant for an additional 2-year period is necessary to carry out the objectives of the grant described in subsection (d).

"(d) STATE APPLICATIONS.—

"(1) IN GENERAL.—A State educational agency desiring a grant under this subpart shall submit an application to the Secretary, at such time and in such manner as the Secretary may require. The State educational agency shall collaborate with the State agency responsible for administering early childhood education programs and the State agency responsible for administering child care programs in the State in writing and implementing the early childhood education portion of the grant application under this subsection.

"(2) CONTENTS.—An application described in paragraph (1) shall include, at a minimum, the following:

"(A) A needs assessment that analyzes literacy needs across the State and in high-need schools and local educational agencies that serve high-need schools, including identifying the most significant gaps in literacy proficiency and inequities in student access to effective teachers of literacy, considering each of the subgroups of students, as defined in section 1111(c)(2).

"(B) A description of how the State educational agency, in collaboration with the State literacy team, if applicable, will develop a State comprehensive literacy instruction plan or will revise and update an already existing State comprehensive literacy instruction plan.

"(C) An implementation plan that includes a description of how the State educational agency will carry out the State activities described in subsection (f).

"(D) An assurance that the State educational agency will use implementation grant funds described in subsection (f)(1) for comprehensive literacy instruction programs as follows:

"(i) Not less than 15 percent of such grant funds shall be used for State and local programs and activities pertaining to children from birth through kindergarten entry.

"(ii) Not less than 40 percent of such grant funds shall be used for State and local programs and activi-

ties, allocated equitably among the grades of kindergarten through grade 5.

"(iii) Not less than 40 percent of such grant funds shall be used for State and local programs and activities, allocated equitably among grades 6 through 12.

"(E) An assurance that the State educational agency will give priority in awarding a subgrant under section 2223 to an eligible entity that—

"(i) serves children from birth through age 5 who are from families with income levels at or below 200 percent of the Federal poverty line; or

"(ii) is a local educational agency serving a high number or percentage of high-need schools.

"(e) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to State educational agencies that will use the grant funds for evidence-based activities, defined for the purpose of this subsection as activities meeting the requirements of section 8101(21)(A)(i).

"(f) STATE ACTIVITIES.—

"(1) IN GENERAL.—A State educational agency receiving a grant under this section shall use not less than 95 percent of such grant funds to award subgrants to eligible entities, based on their needs assessment and a competitive application process.

"(2) RESERVATION.—A State educational agency receiving a grant under this section may reserve not more than 5 percent for activities identified through the needs assessment and comprehensive literacy plan described in subparagraphs (A) and (B) of subsection (d)(2), including the following activities:

"(A) Providing technical assistance, or engaging qualified providers to provide technical assistance, to eligible entities to enable the eligible entities to design and implement literacy programs.

"(B) Coordinating with institutions of higher education in the State to provide recommendations to strengthen and enhance pre-service courses for students preparing to teach children from birth through grade 12 in explicit, systematic, and intensive instruction in evidence-based literacy methods.

"(C) Reviewing and updating, in collaboration with teachers and institutions of higher education, State licensure or certification standards in the area of literacy instruction in early education through grade 12.

"(D) Making publicly available, including on the State educational agency's website, information on promising instructional practices to improve child literacy achievement.

"(E) Administering and monitoring the implementation of subgrants by eligible entities.

"(3) ADDITIONAL USES.—After carrying out the activities described in paragraphs (1) and (2), a State educational agency may use any remaining amount to carry out 1 or more of the following activities:

"(A) Developing literacy coach training programs and training literacy coaches.

"(B) Administration and evaluation of activities carried out under this subpart.

"SEC. 2223. SUBGRANTS TO ELIGIBLE ENTITIES IN SUPPORT OF BIRTH THROUGH KINDERGARTEN ENTRY LITERACY.

"(a) SUBGRANTS.—

"(1) IN GENERAL.—A State educational agency receiving a grant under this subpart shall, in consultation with the State agencies responsible for administering early childhood education programs and services, including the State agency responsible for administering child care programs, and, if applicable, the State Advisory Council on Early Childhood Education and Care designated or established pursuant to section 642B(b)(1)(A)(i) of the Head Start Act (42 U.S.C. 9837b(b)(1)(A)(i)), use a portion of the grant funds, in accordance with section 2222(d)(2)(D)(i), to award subgrants, on a competitive basis, to eligible entities to enable the eligible entities to support high-quality early literacy initiatives for children from birth through kindergarten entry.

"(2) DURATION.—The term of a subgrant under this section shall be determined by the State educational agency awarding the subgrant and shall in no case exceed 5 years.

"(3) SUFFICIENT SIZE AND SCOPE.—Each subgrant awarded under this section shall be of sufficient size and scope to allow the eligible entity to carry out high-quality early literacy initiatives for children from birth through kindergarten entry.

"(b) LOCAL APPLICATIONS.—An eligible entity desiring to receive a subgrant under this section shall submit an application to the State educational agency, at such time, in such manner, and containing such information as the State educational agency may require. Such application shall include a description of—

"(1) how the subgrant funds will be used to enhance the language and literacy development and school readiness of children, from birth through kindergarten entry, in early childhood education programs, which shall include an analysis of data that support the proposed use of subgrant funds;

"(2) how the subgrant funds will be used to prepare and provide ongoing assistance to staff in the programs, including through high-quality professional development;

"(3) how the activities assisted under the subgrant will be coordinated with comprehensive literacy instruction at the kindergarten through grade 12 levels; and

"(4) how the subgrant funds will be used to evaluate the success of the activities assisted under the subgrant in enhancing the early language and literacy development of children from birth through kindergarten entry.

"(c) PRIORITY.—In awarding grants under this section, the State educational agency shall give priority to an eligible entity that will use the grant funds to implement evidence-based activities, defined for the purpose of this subsection as activities meeting the requirements of section 8101(21)(A)(i).

"(d) LOCAL USES OF FUNDS.—An eligible entity that receives a subgrant under this section shall use the subgrant funds, consistent with the entity's approved application under subsection (b), to—

"(1) carry out high-quality professional development opportunities for early childhood educators, teachers, principals,

other school leaders, paraprofessionals, specialized instructional support personnel, and instructional leaders;

"(2) train providers and personnel to develop and administer evidence-based early childhood education literacy initiatives; and

"(3) coordinate the involvement of families, early childhood education program staff, principals, other school leaders, specialized instructional support personnel (as appropriate), and teachers in literacy development of children served under the subgrant.

"SEC. 2224. SUBGRANTS TO ELIGIBLE ENTITIES IN SUPPORT OF KINDERGARTEN THROUGH GRADE 12 LITERACY.

"(a) SUBGRANTS TO ELIGIBLE ENTITIES.—

"(1) SUBGRANTS.—A State educational agency receiving a grant under this subpart shall use a portion of the grant funds, in accordance with clauses (ii) and (iii) of section 2222(d)(2)(D), to award subgrants, on a competitive basis, to eligible entities to enable the eligible entities to carry out the authorized activities described in subsections (c) and (d).

"(2) DURATION.—The term of a subgrant under this section shall be determined by the State educational agency awarding the subgrant and shall in no case exceed 5 years.

"(3) SUFFICIENT SIZE AND SCOPE.—A State educational agency shall award subgrants under this section of sufficient size and scope to allow the eligible entities to carry out high-quality comprehensive literacy instruction in each grade level for which the subgrant funds are provided.

"(4) LOCAL APPLICATIONS.—An eligible entity desiring to receive a subgrant under this section shall submit an application to the State educational agency at such time, in such manner, and containing such information as the State educational agency may require. Such application shall include, for each school that the eligible entity identifies as participating in a subgrant program under this section, the following information:

"(A) A description of the eligible entity's needs assessment conducted to identify how subgrant funds will be used to inform and improve comprehensive literacy instruction at the school.

"(B) How the school, the local educational agency, or a provider of high-quality professional development will provide ongoing high-quality professional development to all teachers, principals, other school leaders, specialized instructional support personnel (as appropriate), and other instructional leaders served by the school.

"(C) How the school will identify children in need of literacy interventions or other support services.

"(D) An explanation of how the school will integrate comprehensive literacy instruction into a well-rounded education.

"(E) A description of how the school will coordinate comprehensive literacy instruction with early childhood education programs and activities and after-school programs and activities in the area served by the local educational agency.

"(b) PRIORITY.—In awarding grants under this section, the State educational agency shall give priority to an eligible entity that will use funds under subsection (c) or (d) to implement evidence-based activities, defined for the purpose of this subsection as activities meeting the requirements of section 8101(21)(A)(i).

"(c) LOCAL USES OF FUNDS FOR KINDERGARTEN THROUGH GRADE 5.—An eligible entity that receives a subgrant under this section shall use the subgrant funds to carry out the following activities pertaining to children in kindergarten through grade 5:

"(1) Developing and implementing a comprehensive literacy instruction plan across content areas for such children that—

"(A) serves the needs of all children, including children with disabilities and English learners, especially children who are reading or writing below grade level;

"(B) provides intensive, supplemental, accelerated, and explicit intervention and support in reading and writing for children whose literacy skills are below grade level; and

"(C) supports activities that are provided primarily during the regular school day but that may be augmented by after-school and out-of-school time instruction.

"(2) Providing high-quality professional development opportunities for teachers, literacy coaches, literacy specialists, English as a second language specialists (as appropriate), principals, other school leaders, specialized instructional support personnel, school librarians, paraprofessionals, and other program staff.

"(3) Training principals, specialized instructional support personnel, and other local educational agency personnel to support, develop, administer, and evaluate high-quality kindergarten through grade 5 literacy initiatives.

"(4) Coordinating the involvement of early childhood education program staff, principals, other instructional leaders, teachers, teacher literacy teams, English as a second language specialists (as appropriate), special educators, school personnel, and specialized instructional support personnel (as appropriate) in the literacy development of children served under this subsection.

"(5) Engaging families and encouraging family literacy experiences and practices to support literacy development.

"(d) LOCAL USES OF FUNDS FOR GRADES 6 THROUGH 12.—An eligible entity that receives a subgrant under this section shall use subgrant funds to carry out the following activities pertaining to children in grades 6 through 12:

"(1) Developing and implementing a comprehensive literacy instruction plan described in subsection (c)(1) for children in grades 6 through 12.

"(2) Training principals, specialized instructional support personnel, school librarians, and other local educational agency personnel to support, develop, administer, and evaluate high-quality comprehensive literacy instruction initiatives for grades 6 through 12.

"(3) Assessing the quality of adolescent comprehensive literacy instruction as part of a well-rounded education.

"(4) Providing time for teachers to meet to plan evidence-based adolescent comprehensive literacy instruction to be delivered as part of a well-rounded education.

"(5) Coordinating the involvement of principals, other instructional leaders, teachers, teacher literacy teams, English as a second language specialists (as appropriate), paraprofessionals, special educators, specialized instructional support personnel (as appropriate), and school personnel in the literacy development of children served under this subsection.

"(e) ALLOWABLE USES.—An eligible entity that receives a subgrant under this section may, in addition to carrying out the activities described in subsections (c) and (d), use subgrant funds to carry out the following activities pertaining to children in kindergarten through grade 12:

"(1) Recruiting, placing, training, and compensating literacy coaches.

"(2) Connecting out-of-school learning opportunities to in-school learning in order to improve children's literacy achievement.

"(3) Training families and caregivers to support the improvement of adolescent literacy.

"(4) Providing for a multi-tier system of supports for literacy services.

"(5) Forming a school literacy leadership team to help implement, assess, and identify necessary changes to the literacy initiatives in 1 or more schools to ensure success.

"(6) Providing time for teachers (and other literacy staff, as appropriate, such as school librarians or specialized instructional support personnel) to meet to plan comprehensive literacy instruction.

"SEC. 2225. NATIONAL EVALUATION AND INFORMATION DISSEMINATION.

"(a) NATIONAL EVALUATION.—From funds reserved under section 2222(b)(1), the Director of the Institute of Education Sciences shall conduct a national evaluation of the grant and subgrant programs assisted under this subpart. Such evaluation shall include high-quality research that applies rigorous and systematic procedures to obtain valid knowledge relevant to the implementation and effect of the programs and shall directly coordinate with individual State evaluations of the programs' implementation and impact.

"(b) PROGRAM IMPROVEMENT.—The Secretary shall—

"(1) provide the findings of the evaluation conducted under this section to State educational agencies and subgrant recipients for use in program improvement;

"(2) make such findings publicly available, including on the websites of the Department and the Institute of Education Sciences;

"(3) submit such findings to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives; and

"(4) make publicly available, in a manner consistent with paragraph (2), best practices for implementing evidence-based activities under this subpart, including evidence-based activi-

ties, defined for the purpose of this paragraph as activities meeting the requirements of section 8101(21)(A)(i).

"SEC. 2226. INNOVATIVE APPROACHES TO LITERACY.

"(a) IN GENERAL.—From amounts reserved under section 2201(2), the Secretary may award grants, contracts, or cooperative agreements, on a competitive basis, to eligible entities for the purposes of promoting literacy programs that support the development of literacy skills in low-income communities, including—

"(1) developing and enhancing effective school library programs, which may include providing professional development for school librarians, books, and up-to-date materials to high-need schools;

"(2) early literacy services, including pediatric literacy programs through which, during well-child visits, medical providers trained in research-based methods of early language and literacy promotion provide developmentally appropriate books and recommendations to parents to encourage them to read aloud to their children starting in infancy; and

"(3) programs that provide high-quality books on a regular basis to children and adolescents from low-income communities to increase reading motivation, performance, and frequency.

"(b) DEFINITIONS.—In this section:

"(1) ELIGIBLE ENTITY.—The term 'eligible entity' means—

"(A) a local educational agency in which 20 percent or more of the students served by the local educational agency are from families with an income below the poverty line;

"(B) a consortium of such local educational agencies;

"(C) the Bureau of Indian Education; or

"(D) an eligible national nonprofit organization.

"(2) ELIGIBLE NATIONAL NONPROFIT ORGANIZATION.—The term 'eligible national nonprofit organization' means an organization of national scope that—

"(A) is supported by staff, which may include volunteers, or affiliates at the State and local levels; and

"(B) demonstrates effectiveness or high-quality plans for addressing childhood literacy activities for the population targeted by the grant.

"Subpart 3—American History and Civics Education

"SEC. 2231. PROGRAM AUTHORIZED.

"(a) IN GENERAL.—From the amount reserved by the Secretary under section 2201(3), the Secretary is authorized to carry out an American history and civics education program to improve—

"(1) the quality of American history, civics, and government education by educating students about the history and principles of the Constitution of the United States, including the Bill of Rights; and

"(2) the quality of the teaching of American history, civics, and government in elementary schools and secondary schools, including the teaching of traditional American history.

"(b) FUNDING ALLOTMENT.—Of the amount available under subsection (a) for a fiscal year, the Secretary—

"(1) shall reserve not less than 26 percent for activities under section 2232; and

"(2) may reserve not more than 74 percent for activities under section 2233.

"SEC. 2232. PRESIDENTIAL AND CONGRESSIONAL ACADEMIES FOR AMERICAN HISTORY AND CIVICS.

"(a) IN GENERAL.—From the amounts reserved under section 2231(b)(1) for a fiscal year, the Secretary shall award not more than 12 grants, on a competitive basis, to—

"(1) eligible entities to establish Presidential Academies for the Teaching of American History and Civics (in this section referred to as the 'Presidential Academies') in accordance with subsection (e); and

"(2) eligible entities to establish Congressional Academies for Students of American History and Civics (in this section referred to as the 'Congressional Academies') in accordance with subsection (f).

"(b) APPLICATION.—An eligible entity that desires to receive a grant under subsection (a) shall submit an application to the Secretary at such time and in such manner as the Secretary may reasonably require.

"(c) ELIGIBLE ENTITY.—The term 'eligible entity' under this section means—

"(1) an institution of higher education or nonprofit educational organization, museum, library, or research center with demonstrated expertise in historical methodology or the teaching of American history and civics; or

"(2) a consortium of entities described in paragraph (1).

"(d) GRANT TERMS.—Grants awarded to eligible entities under subsection (a) shall be for a term of not more than 5 years.

"(e) PRESIDENTIAL ACADEMIES.—

"(1) USE OF FUNDS.—Each eligible entity that receives a grant under subsection (a)(1) shall use the grant funds to establish a Presidential Academy that offers a seminar or institute for teachers of American history and civics, which—

"(A) provides intensive professional development opportunities for teachers of American history and civics to strengthen such teachers' knowledge of the subjects of American history and civics;

"(B) is led by a team of primary scholars and core teachers who are accomplished in the field of American history and civics;

"(C) is conducted during the summer or other appropriate time; and

"(D) is of not less than 2 weeks and not more than 6 weeks in duration.

"(2) SELECTION OF TEACHERS.—Each year, each Presidential Academy shall select between 50 and 300 teachers of American history and civics from public or private elementary schools and secondary schools to attend the seminar or institute under paragraph (1).

"(3) TEACHER STIPENDS.—Each teacher selected to participate in a seminar or institute under this subsection shall be awarded a fixed stipend based on the length of the seminar or institute to ensure that such teacher does not incur personal

costs associated with the teacher's participation in the seminar or institute.

"(4) PRIORITY.—In awarding grants under subsection (a)(1), the Secretary shall give priority to eligible entities that coordinate or align their activities with the National Park Service National Centennial Parks initiative to develop innovative and comprehensive programs using the resources of the National Parks.

"(f) CONGRESSIONAL ACADEMIES.—

"(1) USE OF FUNDS.—Each eligible entity that receives a grant under subsection (a)(2) shall use the grant funds to establish a Congressional Academy that offers a seminar or institute for outstanding students of American history and civics, which—

"(A) broadens and deepens such students' understanding of American history and civics;

"(B) is led by a team of primary scholars and core teachers who are accomplished in the field of American history and civics;

"(C) is conducted during the summer or other appropriate time; and

"(D) is of not less than 2 weeks and not more than 6 weeks in duration.

"(2) SELECTION OF STUDENTS.—

"(A) IN GENERAL.—Each year, each Congressional Academy shall select between 100 and 300 eligible students to attend the seminar or institute under paragraph (1).

"(B) ELIGIBLE STUDENTS.—A student shall be eligible to attend a seminar or institute offered by a Congressional Academy under this subsection if the student—

"(i) is recommended by the student's secondary school principal or other school leader to attend the seminar or institute; and

"(ii) will be a secondary school junior or senior in the academic year following attendance at the seminar or institute.

"(3) STUDENT STIPENDS.—Each student selected to participate in a seminar or institute under this subsection shall be awarded a fixed stipend based on the length of the seminar or institute to ensure that such student does not incur personal costs associated with the student's participation in the seminar or institute.

"(g) MATCHING FUNDS.—

"(1) IN GENERAL.—An eligible entity that receives funds under subsection (a) shall provide, toward the cost of the activities assisted under the grant, from non-Federal sources, an amount equal to 100 percent of the amount of the grant.

"(2) WAIVER.—The Secretary may waive all or part of the matching requirement described in paragraph (1) for any fiscal year for an eligible entity if the Secretary determines that applying the matching requirement would result in serious hardship or an inability to carry out the activities described in subsection (e) or (f).

"SEC. 2233. NATIONAL ACTIVITIES.

"(a) PURPOSE.—The purpose of this section is to promote new and existing evidence-based strategies to encourage innovative American history, civics and government, and geography instruction, learning strategies, and professional development activities and programs for teachers, principals, or other school leaders, particularly such instruction, strategies, activities, and programs that benefit low-income students and underserved populations.

"(b) IN GENERAL.—From the amounts reserved by the Secretary under section 2231(b)(2), the Secretary shall award grants, on a competitive basis, to eligible entities for the purposes of expanding, developing, implementing, evaluating, and disseminating for voluntary use, innovative, evidence-based approaches or professional development programs in American history, civics and government, and geography, which—

"(1) shall—

"(A) show potential to improve the quality of student achievement in, and teaching of, American history, civics and government, or geography, in elementary schools and secondary schools; and

"(B) demonstrate innovation, scalability, accountability, and a focus on underserved populations; and

"(2) may include—

"(A) hands-on civic engagement activities for teachers and students; and

"(B) programs that educate students about the history and principles of the Constitution of the United States, including the Bill of Rights.

"(c) PROGRAM PERIODS AND DIVERSITY OF PROJECTS.—

"(1) IN GENERAL.—A grant awarded by the Secretary to an eligible entity under this section shall be for a period of not more than 3 years.

"(2) RENEWAL.—The Secretary may renew a grant awarded under this section for 1 additional 2-year period.

"(3) DIVERSITY OF PROJECTS.—In awarding grants under this section, the Secretary shall ensure that, to the extent practicable, grants are distributed among eligible entities that will serve geographically diverse areas, including urban, suburban, and rural areas.

"(d) APPLICATIONS.—In order to receive a grant under this section, an eligible entity shall submit an application to the Secretary at such time and in such manner as the Secretary may reasonably require.

"(e) ELIGIBLE ENTITY.—In this section, the term 'eligible entity' means an institution of higher education or other nonprofit or for-profit organization with demonstrated expertise in the development of evidence-based approaches with the potential to improve the quality of American history, civics and government, or geography learning and teaching.

"Subpart 4—Programs of National Significance

"SEC. 2241. FUNDING ALLOTMENT.

"From the funds reserved under section 2201(4), the Secretary—

"(1) shall use not less than 74 percent to carry out activities under section 2242;

"(2) shall use not less than 22 percent to carry out activities under section 2243;

"(3) shall use not less than 2 percent to carry out activities under section 2244; and

"(4) may reserve not more than 2 percent to carry out activities under section 2245.

"SEC. 2242. SUPPORTING EFFECTIVE EDUCATOR DEVELOPMENT.

"(a) IN GENERAL.—From the funds reserved by the Secretary under section 2241(1) for a fiscal year, the Secretary shall award grants, on a competitive basis, to eligible entities for the purposes of—

"(1) providing teachers, principals, or other school leaders from nontraditional preparation and certification routes or pathways to serve in traditionally underserved local educational agencies;

"(2) providing evidence-based professional development activities that address literacy, numeracy, remedial, or other needs of local educational agencies and the students the agencies serve;

"(3) providing teachers, principals, or other school leaders with professional development activities that enhance or enable the provision of postsecondary coursework through dual or concurrent enrollment programs and early college high school settings across a local educational agency;

"(4) making freely available services and learning opportunities to local educational agencies, through partnerships and cooperative agreements or by making the services or opportunities publicly accessible through electronic means; or

"(5) providing teachers, principals, or other school leaders with evidence-based professional enhancement activities, which may include activities that lead to an advanced credential.

"(b) PROGRAM PERIODS AND DIVERSITY OF PROJECTS.—

"(1) IN GENERAL.—A grant awarded by the Secretary to an eligible entity under this section shall be for a period of not more than 3 years.

"(2) RENEWAL.—The Secretary may renew a grant awarded under this section for 1 additional 2-year period.

"(3) DIVERSITY OF PROJECTS.—In awarding grants under this section, the Secretary shall ensure that, to the extent practicable, grants are distributed among eligible entities that will serve geographically diverse areas, including urban, suburban, and rural areas.

"(4) LIMITATION.—The Secretary shall not award more than 1 grant under this section to an eligible entity during a grant competition.

"(c) COST-SHARING.—

"(1) IN GENERAL.—An eligible entity that receives a grant under this section shall provide, from non-Federal sources, not less than 25 percent of the funds for the total cost for each year of activities carried out under this section.

"(2) ACCEPTABLE CONTRIBUTIONS.—An eligible entity that receives a grant under this section may meet the requirement of

paragraph (1) by providing contributions in cash or in kind, fairly evaluated, including plant, equipment, and services.

"(3) WAIVERS.—The Secretary may waive or modify the requirement of paragraph (1) in cases of demonstrated financial hardship.

"(d) APPLICATIONS.—In order to receive a grant under this section, an eligible entity shall submit an application to the Secretary at such time and in such manner as the Secretary may reasonably require. Such application shall include, at a minimum, a certification that the services provided by an eligible entity under the grant to a local educational agency or to a school served by the local educational agency will not result in direct fees for participating students or parents.

"(e) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to an eligible entity that will implement evidence-based activities, defined for the purpose of this subsection as activities meeting the requirements of section 8101(21)(A)(i).

"(f) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term 'eligible entity' means—

"(1) an institution of higher education that provides course materials or resources that are evidence-based in increasing academic achievement, graduation rates, or rates of postsecondary education matriculation;

"(2) a national nonprofit entity with a demonstrated record of raising student academic achievement, graduation rates, and rates of higher education attendance, matriculation, or completion, or of effectiveness in providing preparation and professional development activities and programs for teachers, principals, or other school leaders;

"(3) the Bureau of Indian Education; or

"(4) a partnership consisting of—

"(A) 1 or more entities described in paragraph (1) or (2); and

"(B) a for-profit entity.

"SEC. 2243. SCHOOL LEADER RECRUITMENT AND SUPPORT.

"(a) IN GENERAL.—From the funds reserved under section 2241(2) for a fiscal year, the Secretary shall award grants, on a competitive basis, to eligible entities to enable such entities to improve the recruitment, preparation, placement, support, and retention of effective principals or other school leaders in high-need schools, which may include—

"(1) developing or implementing leadership training programs designed to prepare and support principals or other school leaders in high-need schools, including through new or alternative pathways or school leader residency programs;

"(2) developing or implementing programs or activities for recruiting, selecting, and developing aspiring or current principals or other school leaders to serve in high-need schools;

"(3) developing or implementing programs for recruiting, developing, and placing school leaders to improve schools implementing comprehensive support and improvement activities and targeted support and improvement activities under section 1111(d), including through cohort-based activities that build effective instructional and school leadership teams and develop a

school culture, design, instructional program, and professional development program focused on improving student learning;

"(4) providing continuous professional development for principals or other school leaders in high-need schools;

"(5) developing and disseminating information on best practices and strategies for effective school leadership in high-need schools, such as training and supporting principals to identify, develop, and maintain school leadership teams using various leadership models; and

"(6) other evidence-based programs or activities described in section 2101(c)(4) or section 2103(b)(3) focused on principals or other school leaders in high-need schools.

"(b) PROGRAM PERIODS AND DIVERSITY OF PROJECTS.—

"(1) IN GENERAL.—A grant awarded by the Secretary to an eligible entity under this section shall be for a period of not more than 5 years.

"(2) RENEWAL.—The Secretary may renew a grant awarded under this section for 1 additional 2-year period.

"(3) DIVERSITY OF PROJECTS.—In awarding grants under this section, the Secretary shall ensure that, to the extent practicable, grants are distributed among eligible entities that will serve geographically diverse areas, including urban, suburban, and rural areas.

"(4) LIMITATION.—The Secretary shall not award more than 1 grant under this section to an eligible entity during a grant competition.

"(c) COST-SHARING.—

"(1) IN GENERAL.—An eligible entity that receives a grant under this section shall provide, from non-Federal sources, not less than 25 percent of the funds for the total cost for each year of activities carried out under this section.

"(2) ACCEPTABLE CONTRIBUTIONS.—An eligible entity that receives a grant under this section may meet the requirement of paragraph (1) by providing contributions in cash or in kind, fairly evaluated, including plant, equipment, and services.

"(3) WAIVERS.—The Secretary may waive or modify the requirement of paragraph (1) in cases of demonstrated financial hardship.

"(d) APPLICATIONS.—An eligible entity that desires a grant under this section shall submit to the Secretary an application at such time, and in such manner, as the Secretary may require.

"(e) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to an eligible entity—

"(1) with a record of preparing or developing principals who—

"(A) have improved school-level student outcomes;

"(B) have become principals in high-need schools; and

"(C) remain principals in high-need schools for multiple years; and

"(2) who will implement evidence-based activities, defined for the purpose of this paragraph as activities meeting the requirements of section 8101(21)(A)(i).

"(f) DEFINITIONS.—In this section:

"(1) ELIGIBLE ENTITY.—The term 'eligible entity' means—

"(A) a local educational agency, including an educational service agency, that serves a high-need school or a consortium of such agencies;

"(B) a State educational agency or a consortium of such agencies;

"(C) a State educational agency in partnership with 1 or more local educational agencies, or educational service agencies, that serve a high-need school;

"(D) the Bureau of Indian Education; or

"(E) an entity described in subparagraph (A), (B), (C), or (D) in partnership with 1 or more nonprofit organizations or institutions of higher education.

"(2) HIGH-NEED SCHOOL.—The term 'high-need school' means—

"(A) an elementary school in which not less than 50 percent of the enrolled students are from families with incomes below the poverty line; or

"(B) a secondary school in which not less than 40 percent of the enrolled students are from families with incomes below the poverty line.

"SEC. 2244. TECHNICAL ASSISTANCE AND NATIONAL EVALUATION.

"(a) IN GENERAL.—From the funds reserved under section 2241(3) for a fiscal year, the Secretary—

"(1) shall establish, in a manner consistent with section 203 of the Educational Technical Assistance Act of 2002 (20 U.S.C. 9602), a comprehensive center on students at risk of not attaining full literacy skills due to a disability that meets the purposes of subsection (b); and

"(2) may—

"(A) provide technical assistance, which may be carried out directly or through grants or contracts, to States and local educational agencies carrying out activities under this part; and

"(B) carry out evaluations of activities by States and local educational agencies under this part, which shall be conducted by a third party or by the Institute of Education Sciences.

"(b) PURPOSES.—The comprehensive center established by the Secretary under subsection (a)(1) shall—

"(1) identify or develop free or low-cost evidence-based assessment tools for identifying students at risk of not attaining full literacy skills due to a disability, including dyslexia impacting reading or writing, or developmental delay impacting reading, writing, language processing, comprehension, or executive functioning;

"(2) identify evidence-based literacy instruction, strategies, and accommodations, including assistive technology, designed to meet the specific needs of such students;

"(3) provide families of such students with information to assist such students;

"(4) identify or develop evidence-based professional development for teachers, paraprofessionals, principals, other school leaders, and specialized instructional support personnel to—

"(A) understand early indicators of students at risk of not attaining full literacy skills due to a disability, includ-

ing dyslexia impacting reading or writing, or developmental delay impacting reading, writing, language processing, comprehension, or executive functioning;

"(B) use evidence-based screening assessments for early identification of such students beginning not later than kindergarten; and

"(C) implement evidence-based instruction designed to meet the specific needs of such students; and

"(5) disseminate the products of the comprehensive center to regionally diverse State educational agencies, local educational agencies, regional educational agencies, and schools, including, as appropriate, through partnerships with other comprehensive centers established under section 203 of the Educational Technical Assistance Act of 2002 (20 U.S.C. 9602), and regional educational laboratories established under section 174 of the Education Sciences Reform Act of 2002 (20 U.S.C. 9564).

"SEC. 2245. STEM MASTER TEACHER CORPS.

"(a) IN GENERAL.—From the funds reserved under section 2241(4) for a fiscal year, the Secretary may award grants to—

"(1) State educational agencies to enable such agencies to support the development of a State-wide STEM master teacher corps; or

"(2) State educational agencies, or nonprofit organizations in partnership with State educational agencies, to support the implementation, replication, or expansion of effective science, technology, engineering, and mathematics professional development programs in schools across the State through collaboration with school administrators, principals, and STEM educators.

"(b) STEM MASTER TEACHER CORPS.—In this section, the term 'STEM master teacher corps' means a State-led effort to elevate the status of the science, technology, engineering, and mathematics teaching profession by recognizing, rewarding, attracting, and retaining outstanding science, technology, engineering, and mathematics teachers, particularly in high-need and rural schools, by—

"(1) selecting candidates to be master teachers in the corps on the basis of—

"(A) content knowledge based on a screening examination; and

"(B) pedagogical knowledge of and success in teaching;

"(2) offering such teachers opportunities to—

"(A) work with one another in scholarly communities; and

"(B) participate in and lead high-quality professional development; and

"(3) providing such teachers with additional appropriate and substantial compensation for the work described in paragraph (2) and in the master teacher community.

"PART C—GENERAL PROVISIONS

"SEC. 2301. SUPPLEMENT, NOT SUPPLANT.

"Funds made available under this title shall be used to supplement, and not supplant, non-Federal funds that would otherwise be used for activities authorized under this title.

"SEC. 2302. RULES OF CONSTRUCTION.

"(a) PROHIBITION AGAINST FEDERAL MANDATES, DIRECTION, OR CONTROL.—Nothing in this title shall be construed to authorize the Secretary or any other officer or employee of the Federal Government to mandate, direct, or control a State, local educational agency, or school's—

"(1) instructional content or materials, curriculum, program of instruction, academic standards, or academic assessments;

"(2) teacher, principal, or other school leader evaluation system;

"(3) specific definition of teacher, principal, or other school leader effectiveness; or

"(4) teacher, principal, or other school leader professional standards, certification, or licensing.

"(b) SCHOOL OR DISTRICT EMPLOYEES.—Nothing in this title shall be construed to alter or otherwise affect the rights, remedies, and procedures afforded school or school district employees under Federal, State, or local laws (including applicable regulations or court orders) or under the terms of collective bargaining agreements, memoranda of understanding, or other agreements between such employees and their employers.".

TITLE III—LANGUAGE INSTRUCTION FOR ENGLISH LEARNERS AND IMMIGRANT STUDENTS

SEC. 3001. REDESIGNATION OF CERTAIN PROVISIONS.

Title III (20 U.S.C. 6801 et seq.) is amended—

*(1) by striking the title heading and inserting "**LANGUAGE INSTRUCTION FOR ENGLISH LEARNERS AND IMMIGRANT STUDENTS**";*

(2) in part A—

(A) by striking section 3122;

(B) by redesignating sections 3123 through 3129 as sections 3122 through 3128, respectively; and

(C) by striking subpart 4;

(3) by striking part B;

(4) by redesignating part C as part B; and

(5) in part B, as redesignated by paragraph (4)—

(A) by redesignating section 3301 as section 3201;

(B) by striking section 3302; and

(C) by redesignating sections 3303 and 3304 as sections 3202 and 3203, respectively.

SEC. 3002. AUTHORIZATION OF APPROPRIATIONS.

Section 3001 (20 U.S.C. 6801) is amended to read as follows:

"SEC. 3001. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this title—

"(1) $756,332,450 for fiscal year 2017;

"(2) $769,568,267 for fiscal year 2018;

"(3) $784,959,633 for fiscal year 2019; and

"(4) $884,959,633 for fiscal year 2020.".

SEC. 3003. ENGLISH LANGUAGE ACQUISITION, LANGUAGE ENHANCEMENT, AND ACADEMIC ACHIEVEMENT.

(a) PURPOSES.—Section 3102 (20 U.S.C. 6812) is amended to read as follows:

"SEC. 3102. PURPOSES.

"The purposes of this part are—

"(1) to help ensure that English learners, including immigrant children and youth, attain English proficiency and develop high levels of academic achievement in English;

"(2) to assist all English learners, including immigrant children and youth, to achieve at high levels in academic subjects so that all English learners can meet the same challenging State academic standards that all children are expected to meet;

"(3) to assist teachers (including preschool teachers), principals and other school leaders, State educational agencies, local educational agencies, and schools in establishing, implementing, and sustaining effective language instruction educational programs designed to assist in teaching English learners, including immigrant children and youth;

"(4) to assist teachers (including preschool teachers), principals and other school leaders, State educational agencies, and local educational agencies to develop and enhance their capacity to provide effective instructional programs designed to prepare English learners, including immigrant children and youth, to enter all-English instructional settings; and

"(5) to promote parental, family, and community participation in language instruction educational programs for the parents, families, and communities of English learners.".

(b) FORMULA GRANTS TO STATES.—Section 3111 (20 U.S.C. 6821) is amended—

(1) in subsection (b)—

(A) in paragraph (2), by striking subparagraphs (A) through (D) and inserting the following:

"(A) Establishing and implementing, with timely and meaningful consultation with local educational agencies representing the geographic diversity of the State, standardized statewide entrance and exit procedures, including a requirement that all students who may be English learners are assessed for such status within 30 days of enrollment in a school in the State.

"(B) Providing effective teacher and principal preparation, effective professional development activities, and other effective activities related to the education of English learners, which may include assisting teachers, principals, and other educators in—

"(i) meeting State and local certification and licensing requirements for teaching English learners; and

"(ii) improving teaching skills in meeting the diverse needs of English learners, including how to implement effective programs and curricula on teaching English learners.

"(C) Planning, evaluation, administration, and interagency coordination related to the subgrants referred to in paragraph (1).

"(D) Providing technical assistance and other forms of assistance to eligible entities that are receiving subgrants from a State educational agency under this subpart, including assistance in—

"(i) identifying and implementing effective language instruction educational programs and curricula for teaching English learners;

"(ii) helping English learners meet the same challenging State academic standards that all children are expected to meet;

"(iii) identifying or developing, and implementing, measures of English proficiency; and

"(iv) strengthening and increasing parent, family, and community engagement in programs that serve English learners.

"(E) Providing recognition, which may include providing financial awards, to recipients of subgrants under section 3115 that have significantly improved the achievement and progress of English learners in meeting—

"(i) the State-designed long-term goals established under section 1111(c)(4)(A)(ii), including measurements of interim progress towards meeting such goals, based on the State's English language proficiency assessment under section 1111(b)(2)(G); and

"(ii) the challenging State academic standards.";

(B) in paragraph (3)—

(i) in the paragraph heading, by striking "ADMINISTRATIVE" and inserting "DIRECT ADMINISTRATIVE";

(ii) by striking "60 percent" and inserting "50 percent"; and

(iii) by inserting "direct" before "administrative costs"; and

(2) in subsection (c)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking "section 3001(a)" and inserting "section 3001";

(ii) in subparagraph (B), by inserting "and" after the semicolon;

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

"(C) 6.5 percent of such amount for national activities under sections 3131 and 3202, except that not more than $2,000,000 of such amount may be reserved for the National Clearinghouse for English Language Acquisition and

Language Instruction Educational Programs described in section 3202.”; and

(iv) by striking subparagraph (D);

(B) by striking paragraphs (2) and (4);

(C) by redesignating paragraph (3) as paragraph (2);

(D) in paragraph (2)(A), as redesignated by subparagraph (C)—

(i) in the matter preceding clause (i), by striking “section 3001(a)” and inserting “section 3001”;

(ii) in clause (i), by striking “limited English proficient” and all that follows through “States; and” and inserting “English learners in the State bears to the number of English learners in all States, as determined in accordance with paragraph (3)(A); and”; and

(iii) in clause (ii), by inserting “, as determined in accordance with paragraph (3)(B)” before the period at the end; and

(E) by adding at the end the following:

“(3) USE OF DATA FOR DETERMINATIONS.—In making State allotments under paragraph (2) for each fiscal year, the Secretary shall—

“(A) determine the number of English learners in a State and in all States, using the most accurate, up-to-date data, which shall be—

“(i) data available from the American Community Survey conducted by the Department of Commerce, which may be multiyear estimates;

“(ii) the number of students being assessed for English language proficiency, based on the State’s English language proficiency assessment under section 1111(b)(2)(G), which may be multiyear estimates; or

“(iii) a combination of data available under clauses (i) and (ii); and

“(B) determine the number of immigrant children and youth in the State and in all States based only on data available from the American Community Survey conducted by the Department of Commerce, which may be multiyear estimates.”.

(c) NATIVE AMERICAN AND ALASKA NATIVE CHILDREN IN SCHOOL.—Section 3112(a) (20 U.S.C. 6822(a)) is amended by striking “Bureau of Indian Affairs” each place the term appears and inserting “Bureau of Indian Education”.

(d) STATE AND SPECIALLY QUALIFIED AGENCY PLANS.—Section 3113 (20 U.S.C. 6823) is amended—

(1) in subsection (a), by striking “, in such manner, and containing such information” and inserting “and in such manner”;

(2) in subsection (b)—

(A) in paragraph (1), by striking “making” and inserting “awarding”; and

(B) by striking paragraphs (2) through (6) and inserting the following:

“(2) describe how the agency will establish and implement, with timely and meaningful consultation with local educational agencies representing the geographic diversity of the State,

standardized, statewide entrance and exit procedures, including an assurance that all students who may be English learners are assessed for such status within 30 days of enrollment in a school in the State;

"(3) provide an assurance that—

"(A) the agency will ensure that eligible entities receiving a subgrant under this subpart comply with the requirement in section 1111(b)(2)(B)(ix) regarding assessment of English learners in English;

"(B) the agency will ensure that eligible entities receiving a subgrant under this subpart annually assess the English proficiency of all English learners participating in a program funded under this subpart, consistent with section 1111(b)(2)(G);

"(C) in awarding subgrants under section 3114, the agency will address the needs of school systems of all sizes and in all geographic areas, including school systems with rural and urban schools;

"(D) subgrants to eligible entities under section 3114(d)(1) will be of sufficient size and scope to allow such entities to carry out effective language instruction educational programs for English learners;

"(E) the agency will require an eligible entity receiving a subgrant under this subpart to use the subgrant in ways that will build such recipient's capacity to continue to offer effective language instruction educational programs that assist English learners in meeting challenging State academic standards;

"(F) the agency will monitor each eligible entity receiving a subgrant under this subpart for compliance with applicable Federal fiscal requirements; and

"(G) the plan has been developed in consultation with local educational agencies, teachers, administrators of programs implemented under this subpart, parents of English learners, and other relevant stakeholders;

"(4) describe how the agency will coordinate its programs and activities under this subpart with other programs and activities under this Act and other Acts, as appropriate;

"(5) describe how each eligible entity will be given the flexibility to teach English learners—

"(A) using a high-quality, effective language instruction curriculum for teaching English learners; and

"(B) in the manner the eligible entity determines to be the most effective;

"(6) describe how the agency will assist eligible entities in meeting—

"(A) the State-designed long-term goals established under section 1111(c)(4)(A)(ii), including measurements of interim progress towards meeting such goals, based on the State's English language proficiency assessment under section 1111(b)(2)(G); and

"(B) the challenging State academic standards;

"(7) describe how the agency will meet the unique needs of children and youth in the State being served through the reservation of funds under section 3114(d); and

"(8) describe—

"(A) how the agency will monitor the progress of each eligible entity receiving a subgrant under this subpart in helping English learners achieve English proficiency; and

"(B) the steps the agency will take to further assist eligible entities if the strategies funded under this subpart are not effective, such as providing technical assistance and modifying such strategies.";

(3) in subsection (d)—

(A) in paragraph (1), by striking "this part" each place the term appears and inserting "this subpart"; and

(B) in paragraph (2)(B), by striking "this part" and inserting "this subpart";

(4) in subsection (e), by striking "section 9302" and inserting "section 8302"; and

(5) in subsection (f)—

(A) by inserting "by the State" after "if requested"; and

(B) by striking ", objectives,".

(e) WITHIN-STATE ALLOCATIONS.—Section 3114 (20 U.S.C. 6824) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) IN GENERAL.—After making the reservation required under subsection (d)(1), each State educational agency receiving a grant under section 3111(c)(2) shall award subgrants for a fiscal year by allocating in a timely manner to each eligible entity in the State having a plan approved under section 3116 an amount that bears the same relationship to the amount received under the grant and remaining after making such reservation as the population of English learners in schools served by the eligible entity bears to the population of English learners in schools served by all eligible entities in the State."; and

(2) in subsection (d)(1)—

(A) by striking "section 3111(c)(3)" and inserting "section 3111(c)(2)"; and

(B) by striking "preceding the fiscal year".

(f) SUBGRANTS TO ELIGIBLE ENTITIES.—Section 3115 (20 U.S.C. 6825) is amended to read as follows:

"SEC. 3115. SUBGRANTS TO ELIGIBLE ENTITIES.

"(a) PURPOSES OF SUBGRANTS.—A State educational agency may make a subgrant to an eligible entity from funds received by the agency under this subpart only if the entity agrees to expend the funds to improve the education of English learners by assisting the children to learn English and meet the challenging State academic standards. In carrying out activities with such funds, the eligible entity shall use effective approaches and methodologies for teaching English learners and immigrant children and youth for the following purposes:

"(1) Developing and implementing new language instruction educational programs and academic content instructional programs for English learners and immigrant children and youth, including early childhood education programs, elementary school programs, and secondary school programs.

"(2) Carrying out highly focused, innovative, locally designed activities to expand or enhance existing language instruction educational programs and academic content instruc-

tional programs for English learners and immigrant children and youth.

"(3) Implementing, within an individual school, schoolwide programs for restructuring, reforming, and upgrading all relevant programs, activities, and operations relating to language instruction educational programs and academic content instruction for English learners and immigrant children and youth.

"(4) Implementing, within the entire jurisdiction of a local educational agency, agencywide programs for restructuring, reforming, and upgrading all relevant programs, activities, and operations relating to language instruction educational programs and academic content instruction for English learners and immigrant children and youth.

"(b) DIRECT ADMINISTRATIVE EXPENSES.—Each eligible entity receiving funds under section 3114(a) for a fiscal year may use not more than 2 percent of such funds for the cost of administering this subpart.

"(c) REQUIRED SUBGRANTEE ACTIVITIES.—An eligible entity receiving funds under section 3114(a) shall use the funds—

"(1) to increase the English language proficiency of English learners by providing effective language instruction educational programs that meet the needs of English learners and demonstrate success in increasing—

"(A) English language proficiency; and

"(B) student academic achievement;

"(2) to provide effective professional development to classroom teachers (including teachers in classroom settings that are not the settings of language instruction educational programs), principals and other school leaders, administrators, and other school or community-based organizational personnel, that is—

"(A) designed to improve the instruction and assessment of English learners;

"(B) designed to enhance the ability of such teachers, principals, and other school leaders to understand and implement curricula, assessment practices and measures, and instructional strategies for English learners;

"(C) effective in increasing children's English language proficiency or substantially increasing the subject matter knowledge, teaching knowledge, and teaching skills of such teachers; and

"(D) of sufficient intensity and duration (which shall not include activities such as 1-day or short-term workshops and conferences) to have a positive and lasting impact on the teachers' performance in the classroom, except that this subparagraph shall not apply to an activity that is one component of a long-term, comprehensive professional development plan established by a teacher and the teacher's supervisor based on an assessment of the needs of the teacher, the supervisor, the students of the teacher, and any local educational agency employing the teacher, as appropriate; and

"(3) to provide and implement other effective activities and strategies that enhance or supplement language instruction educational programs for English learners, which—

"(A) shall include parent, family, and community engagement activities; and

"(B) may include strategies that serve to coordinate and align related programs.

"(d) AUTHORIZED SUBGRANTEE ACTIVITIES.—Subject to subsection (c), an eligible entity receiving funds under section 3114(a) may use the funds to achieve any of the purposes described in subsection (a) by undertaking 1 or more of the following activities:

"(1) Upgrading program objectives and effective instructional strategies.

"(2) Improving the instructional program for English learners by identifying, acquiring, and upgrading curricula, instructional materials, educational software, and assessment procedures.

"(3) Providing to English learners—

"(A) tutorials and academic or career and technical education; and

"(B) intensified instruction, which may include materials in a language that the student can understand, interpreters, and translators.

"(4) Developing and implementing effective preschool, elementary school, or secondary school language instruction educational programs that are coordinated with other relevant programs and services.

"(5) Improving the English language proficiency and academic achievement of English learners.

"(6) Providing community participation programs, family literacy services, and parent and family outreach and training activities to English learners and their families—

"(A) to improve the English language skills of English learners; and

"(B) to assist parents and families in helping their children to improve their academic achievement and becoming active participants in the education of their children.

"(7) Improving the instruction of English learners, which may include English learners with a disability, by providing for—

"(A) the acquisition or development of educational technology or instructional materials;

"(B) access to, and participation in, electronic networks for materials, training, and communication; and

"(C) incorporation of the resources described in subparagraphs (A) and (B) into curricula and programs, such as those funded under this subpart.

"(8) Offering early college high school or dual or concurrent enrollment programs or courses designed to help English learners achieve success in postsecondary education.

"(9) Carrying out other activities that are consistent with the purposes of this section.

"(e) ACTIVITIES BY AGENCIES EXPERIENCING SUBSTANTIAL INCREASES IN IMMIGRANT CHILDREN AND YOUTH.—

"(1) IN GENERAL.—An eligible entity receiving funds under section 3114(d)(1) shall use the funds to pay for activities that provide enhanced instructional opportunities for immigrant children and youth, which may include—

"(A) family literacy, parent and family outreach, and training activities designed to assist parents and families to become active participants in the education of their children;

"(B) recruitment of, and support for, personnel, including teachers and paraprofessionals who have been specifically trained, or are being trained, to provide services to immigrant children and youth;

"(C) provision of tutorials, mentoring, and academic or career counseling for immigrant children and youth;

"(D) identification, development, and acquisition of curricular materials, educational software, and technologies to be used in the program carried out with awarded funds;

"(E) basic instructional services that are directly attributable to the presence of immigrant children and youth in the local educational agency involved, including the payment of costs of providing additional classroom supplies, costs of transportation, or such other costs as are directly attributable to such additional basic instructional services;

"(F) other instructional services that are designed to assist immigrant children and youth to achieve in elementary schools and secondary schools in the United States, such as programs of introduction to the educational system and civics education; and

"(G) activities, coordinated with community-based organizations, institutions of higher education, private sector entities, or other entities with expertise in working with immigrants, to assist parents and families of immigrant children and youth by offering comprehensive community services.

"(2) DURATION OF SUBGRANTS.—The duration of a subgrant made by a State educational agency under section 3114(d)(1) shall be determined by the agency in its discretion.

"(f) SELECTION OF METHOD OF INSTRUCTION.—

"(1) IN GENERAL.—To receive a subgrant from a State educational agency under this subpart, an eligible entity shall select one or more methods or forms of effective instruction to be used in the programs and activities undertaken by the entity to assist English learners to attain English language proficiency and meet challenging State academic standards.

"(2) CONSISTENCY.—The selection described in paragraph (1) shall be consistent with sections 3124 through 3126.

"(g) SUPPLEMENT, NOT SUPPLANT.—Federal funds made available under this subpart shall be used so as to supplement the level of Federal, State, and local public funds that, in the absence of such availability, would have been expended for programs for English learners and immigrant children and youth and in no case to supplant such Federal, State, and local public funds.".

(g) LOCAL PLANS.—Section 3116 (20 U.S.C. 6826) is amended—

(1) in subsection (b), by striking paragraphs (1) through (6) and inserting the following:

"(1) describe the effective programs and activities, including language instruction educational programs, proposed to be developed, implemented, and administered under the subgrant

that will help English learners increase their English language proficiency and meet the challenging State academic standards;

"(2) describe how the eligible entity will ensure that elementary schools and secondary schools receiving funds under this subpart assist English learners in—

"(A) achieving English proficiency based on the State's English language proficiency assessment under section 1111(b)(2)(G), consistent with the State's long-term goals, as described in section 1111(c)(4)(A)(ii); and

"(B) meeting the challenging State academic standards;

"(3) describe how the eligible entity will promote parent, family, and community engagement in the education of English learners;

"(4) contain assurances that—

"(A) each local educational agency that is included in the eligible entity is complying with section 1112(e) prior to, and throughout, each school year as of the date of application;

"(B) the eligible entity is not in violation of any State law, including State constitutional law, regarding the education of English learners, consistent with sections 3125 and 3126;

"(C) the eligible entity consulted with teachers, researchers, school administrators, parents and family members, community members, public or private entities, and institutions of higher education, in developing and implementing such plan; and

"(D) the eligible entity will, if applicable, coordinate activities and share relevant data under the plan with local Head Start and Early Head Start agencies, including migrant and seasonal Head Start agencies, and other early childhood education providers.";

(2) in subsection (c), by striking "limited English proficient children" and inserting "English learners"; and

(3) by striking subsection (d).

(h) REPORTING.—Section 3121 (20 U.S.C. 6841) is amended to read as follows:

"SEC. 3121. REPORTING.

"(a) IN GENERAL.—Each eligible entity that receives a subgrant from a State educational agency under subpart 1 shall provide such agency, at the conclusion of every second fiscal year during which the subgrant is received, with a report, in a form prescribed by the agency, on the activities conducted and children served under such subpart that includes—

"(1) a description of the programs and activities conducted by the entity with funds received under subpart 1 during the 2 immediately preceding fiscal years, which shall include a description of how such programs and activities supplemented programs funded primarily with State or local funds;

"(2) the number and percentage of English learners in the programs and activities who are making progress toward achieving English language proficiency, as described in section 1111(c)(4)(A)(ii), in the aggregate and disaggregated, at a minimum, by English learners with a disability;

"(3) the number and percentage of English learners in the programs and activities attaining English language proficiency based on State English language proficiency standards established under section 1111(b)(1)(G) by the end of each school year, as determined by the State's English language proficiency assessment under section 1111(b)(2)(G);

"(4) the number and percentage of English learners who exit the language instruction educational programs based on their attainment of English language proficiency;

"(5) the number and percentage of English learners meeting challenging State academic standards for each of the 4 years after such children are no longer receiving services under this part, in the aggregate and disaggregated, at a minimum, by English learners with a disability;

"(6) the number and percentage of English learners who have not attained English language proficiency within 5 years of initial classification as an English learner and first enrollment in the local educational agency; and

"(7) any other information that the State educational agency may require.

"(b) USE OF REPORT.—A report provided by an eligible entity under subsection (a) shall be used by the entity and the State educational agency for improvement of programs and activities under this part.

"(c) SPECIAL RULE FOR SPECIALLY QUALIFIED AGENCIES.—Each specially qualified agency receiving a grant under subpart 1 shall provide the reports described in subsection (a) to the Secretary subject to the same requirements as apply to eligible entities providing such evaluations to State educational agencies under such subsection.".

(i) BIENNIAL REPORTS.—Section 3122 (20 U.S.C. 6843), as redesignated by section 3001(2)(B), is amended—

*(1) in the section heading, by striking "**REPORTING REQUIREMENTS**" and inserting "**BIENNIAL REPORTS**";*

(2) in subsection (a)—

(A) by striking "evaluations" and inserting "reports"; and

(B) by striking "children who are limited English proficient" and inserting "English learners"; and

(3) in subsection (b)—

(A) in paragraph (1)—

(i) by striking "limited English proficient children" and inserting "English learners"; and

(ii) by striking "children who are limited English proficient" and inserting "English learners";

(B) in paragraph (2), by striking "limited English proficient children" and inserting "English learners";

(C) in paragraph (4), by striking "section 3111(b)(2)(C)" and inserting "section 3111(b)(2)(D)";

(D) in paragraph (5), by striking "limited English proficient children" and inserting "English learners";

(E) in paragraph (6), by striking "major findings of scientifically based research carried out under this part" and inserting "findings of the most recent evaluation related to English learners carried out under section 8601";

(F) in paragraph (8)—

(i) by striking "of limited English proficient children" and inserting "of English learners"; and

(ii) by striking "into classrooms where instruction is not tailored for limited English proficient children"; and

(G) in paragraph (9), by striking "title" and inserting "part".

(j) COORDINATION WITH RELATED PROGRAMS.—Section 3123 (20 U.S.C. 6844), as redesignated by section 3001(2)(B), is amended—

(1) by striking "children of limited English proficiency" and inserting "English learners";

(2) by striking "limited English proficient children" and inserting "English learners"; and

(3) by inserting after the period at the end the following: "The Secretary shall report to the Congress on parallel Federal programs in other agencies and departments.".

(k) RULES OF CONSTRUCTION.—Section 3124 (20 U.S.C. 6845), as redesignated by section 3001(2)(B), is amended—

(1) in paragraph (1), by striking "limited English proficient children" and inserting "English learners"; and

(2) in paragraph (2), by striking "limited English proficient children" and inserting "English learners".

(l) PROHIBITION.—Section 3128 (20 U.S.C. 6849), as redesignated by section 3001(2)(B), is amended by striking "limited English proficient children" and inserting "English learners".

(m) NATIONAL PROFESSIONAL DEVELOPMENT PROJECT.—Section 3131 (20 U.S.C. 6861) is amended to read as follows:

"SEC. 3131. NATIONAL PROFESSIONAL DEVELOPMENT PROJECT.

"The Secretary shall use funds made available under section 3111(c)(1)(C) to award grants on a competitive basis, for a period of not more than 5 years, to institutions of higher education or public or private entities with relevant experience and capacity (in consortia with State educational agencies or local educational agencies) to provide for professional development activities that will improve classroom instruction for English learners and assist educational personnel working with English learners to meet high professional standards, including standards for certification and licensure as teachers who work in language instruction educational programs or serve English learners. Grants awarded under this section may be used—

"(1) for effective preservice or inservice professional development programs that will improve the qualifications and skills of educational personnel involved in the education of English learners, including personnel who are not certified or licensed and educational paraprofessionals, and for other activities to increase teacher and school leader effectiveness in meeting the needs of English learners;

"(2) for the development of curricula or other instructional strategies appropriate to the needs of the consortia participants involved;

"(3) to support strategies that strengthen and increase parent, family, and community member engagement in the education of English learners;

"(4) to develop, share, and disseminate effective practices in the instruction of English learners and in increasing the student academic achievement of English learners, such as through the use of technology-based programs;

"(5) in conjunction with other Federal need-based student financial assistance programs, for financial assistance, and costs related to tuition, fees, and books for enrolling in courses required to complete the degree involved, to meet certification or licensing requirements for teachers who work in language instruction educational programs or serve English learners; and

"(6) as appropriate, to support strategies that promote school readiness of English learners and their transition from early childhood education programs, such as Head Start or State-run preschool programs, to elementary school programs.".

SEC. 3004. GENERAL PROVISIONS.

(a) DEFINITIONS.—Section 3201 (20 U.S.C. 7011), as redesignated by section 3001(5)(A), is amended—

(1) by striking paragraphs (3), (4), and (5);

(2) by inserting after paragraph (2) the following:

"(3) ELIGIBLE ENTITY.—The term 'eligible entity' means—

"(A) one or more local educational agencies; or

"(B) one or more local educational agencies, in consortia or collaboration with an institution of higher education, educational service agency, community-based organization, or State educational agency.

"(4) ENGLISH LEARNER WITH A DISABILITY.—The term 'English learner with a disability' means an English learner who is also a child with a disability, as that term is defined in section 602 of the Individuals with Disabilities Education Act.";

(3) by redesignating paragraphs (6) through (15) as paragraphs (5) through (14), respectively;

(4) in paragraph (7)(A), as redesignated by paragraph (3)—

(A) by striking "a limited English proficient child" and inserting "an English learner"; and

(B) by striking "challenging State academic content and student academic achievement standards, as required by section 1111(b)(1)" and inserting "challenging State academic standards"; and

(5) in paragraph (12), as redesignated by paragraph (3), by striking ", as defined in section 3141,".

(b) NATIONAL CLEARINGHOUSE.—Section 3202 (20 U.S.C. 7013), as redesignated by section 3001(5)(C), is amended—

(1) in the matter preceding paragraph (1)—

(A) by striking "The Secretary shall" and inserting the following:

"(a) IN GENERAL.—The Secretary shall"; and

(B) by striking "limited English proficient children" and inserting "English learners";

(2) in paragraph (4)—

(A) in subparagraph (A), by striking "limited English proficient children" and inserting "English learners, including English learners with a disability, that includes information on best practices on instructing and serving English learners"; and

(B) in subparagraph (B), by striking "limited English proficient children" and inserting "English learners"; and

(3) by adding at the end the following:

"(b) CONSTRUCTION.—Nothing in this section shall authorize the Secretary to hire additional personnel to execute subsection (a).".

(c) REGULATIONS.—Section 3203 (20 U.S.C. 7014), as redesignated by section 3001(5)(C), is amended—

(1) by striking "limited English proficient individuals" and inserting "English learners"; and

(2) by striking "limited English proficient children" and inserting "English learners".

TITLE IV—21ST CENTURY SCHOOLS

SEC. 4001. REDESIGNATIONS AND TRANSFERS.

(a) TITLE IV TRANSFERS AND RELATED AMENDMENTS.—

(1) Section 4303 (20 U.S.C. 7183) is amended—

(A) in subsection (b)(1), by striking "early childhood development (Head Start) services" and inserting "early childhood education programs";

(B) in subsection (c)(2)—

(i) in the paragraph heading, by striking "DEVELOPMENT SERVICES" and inserting "EDUCATION PROGRAMS"; and

(ii) by striking "development (Head Start) services" and inserting "education programs"; and

(C) in subsection (e)(3), by striking subparagraph (C) and inserting the following:

"(C) such other matters as justice may require.".

(2) Subpart 3 of part A of title IV (20 U.S.C. 7151) is—

(A) transferred to title IX (as amended by section 2001 of this Act);

(B) inserted so as to appear after subpart 3 of part E of such title (as so transferred and redesignated);

(C) redesignated as subpart 4 of such part; and

(D) amended by redesignating section 4141 as section 9551.

(3) Section 4155 (20 U.S.C. 7165) is—

(A) transferred to title IX (as amended by section 2001 of this Act and paragraph (2) of this subsection);

(B) inserted so as to appear after section 9536; and

(C) redesignated as section 9537.

(4) Part C of title IV (20 U.S.C. 7181 et seq.) (as amended by paragraph (1) of this subsection) is—

(A) transferred to title IX (as amended by section 2001 of this Act and paragraphs (2) and (3) of this subsection);

(B) inserted so as to appear after subpart 4 of part E of such title IX (as so transferred and redesignated); and

(C) amended—

*(i) by striking the part designation and heading and inserting "**SUBPART 5—ENVIRONMENTAL TOBACCO SMOKE**"; and*

(ii) by redesignating sections 4301 through 4304 as sections 9561 through 9564, respectively.

(5) Title IV (as amended by section 2001 of this Act and paragraphs (1) through (4) of this subsection) is further amended—

*(A) in the part heading of part A, by striking "**SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES**" and inserting "**STUDENT SUPPORT AND ACADEMIC ENRICHMENT GRANTS**";*

(B) by striking subparts 2 and 4 of part A;

(C) by redesignating subpart 5 of part A (as so transferred and redesignated by section 2001(4) of this Act) as subpart 2 of part A; and

(D) by redesignating section 4161 (as so redesignated) as section 4121.

(b) TITLE V TRANSFERS AND RELATED AMENDMENTS.—

(1) IN GENERAL.—Title V (20 U.S.C. 7201 et seq.) is amended—

(A) by striking part A;

(B) by striking subparts 2 and 3 of part B; and

(C) by striking part D.

(2) CHARTER SCHOOLS.—Part B of title V (20 U.S.C. 7221 et seq.) (as amended by paragraph (1) of this subsection) is—

(A) transferred to title IV (as amended by section 2001 of this Act and subsection (a) of this section);

(B) inserted so as to appear after part B of such title;

(C) redesignated as part C of such title; and

(D) further amended—

*(i) in the part heading, by striking "**PUBLIC CHARTER SCHOOLS**" and inserting "**EXPANDING OPPORTUNITY THROUGH QUALITY CHARTER SCHOOLS**";*

(ii) by striking the subpart heading for subpart 1; and

(iii) by redesignating sections 5201 through 5211 as sections 4301 through 4311, respectively.

(3) MAGNET SCHOOLS.—Part C of title V (20 U.S.C. 7231 et seq.) is—

(A) transferred to title IV (as amended by section 2001 of this Act, subsection (a) of this section, and paragraph (2) of this subsection)

(B) inserted so as to appear after part C of such title (as so transferred and redesignated);

(C) redesignated as part D of such title; and

(D) amended—

(i) by redesignating sections 5301 through 5307 as sections 4401 through 4407, respectively;

(ii) by striking sections 5308 and 5310; and

(iii) by redesignating sections 5309 and 5311 as sections 4408 and 4409, respectively.

(4) TITLE V.—Title V, as amended by this section, is repealed.

SEC. 4002. GENERAL PROVISIONS.

Title IV (20 U.S.C. 7101 et seq.), as redesignated and amended by section 4001, is further amended by striking sections 4001 through 4003 and inserting the following:

"SEC. 4001. GENERAL PROVISIONS.

"(a) PARENTAL CONSENT.—

"(1) IN GENERAL.—

"(A) INFORMED WRITTEN CONSENT.—A State, local educational agency, or other entity receiving funds under this title shall obtain prior written, informed consent from the parent of each child who is under 18 years of age to participate in any mental-health assessment or service that is funded under this title and conducted in connection with an elementary school or secondary school under this title.

"(B) CONTENTS.—Before obtaining the consent described in subparagraph (A), the entity shall provide the parent written notice describing in detail such mental health assessment or service, including the purpose for such assessment or service, the provider of such assessment or service, when such assessment or service will begin, and how long such assessment or service may last.

"(C) LIMITATION.—The informed written consent required under this paragraph shall not be a waiver of any rights or protections under section 444 of the General Education Provisions Act (20 U.S.C. 1232g).

"(2) EXCEPTION.—Notwithstanding paragraph (1)(A), the written, informed consent described in such paragraph shall not be required in—

"(A) an emergency, where it is necessary to protect the immediate health and safety of the child, other children, or entity personnel; or

"(B) other instances in which an entity actively seeks parental consent but such consent cannot be reasonably obtained, as determined by the State or local educational agency, including in the case of—

"(i) a child whose parent has not responded to the notice described in paragraph (1)(B); or

"(ii) a child who has attained 14 years of age and is an unaccompanied youth, as defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a).

"(b) PROHIBITED USE OF FUNDS.—No funds under this title may be used for medical services or drug treatment or rehabilitation, except for integrated student supports, specialized instructional support services, or referral to treatment for impacted students, which may include students who are victims of, or witnesses to, crime or who illegally use drugs.

"(c) PROHIBITION ON MANDATORY MEDICATION.—No child shall be required to obtain a prescription for a controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802) as a condition of—

"(1) receiving an evaluation or other service described under this title; or

"(2) attending a school receiving assistance under this title.".

PART A—STUDENT SUPPORT AND ACADEMIC ENRICHMENT GRANTS

SEC. 4101. STUDENT SUPPORT AND ACADEMIC ENRICHMENT GRANTS.

Subpart 1 of part A of title IV (20 U.S.C. 7101 et seq.) is amended to read as follows:

"Subpart 1—Student Support and Academic Enrichment Grants

"SEC. 4101. PURPOSE.

"The purpose of this subpart is to improve students' academic achievement by increasing the capacity of States, local educational agencies, schools, and local communities to—

"(1) provide all students with access to a well-rounded education;

"(2) improve school conditions for student learning; and

"(3) improve the use of technology in order to improve the academic achievement and digital literacy of all students.

"SEC. 4102. DEFINITIONS.

"In this subpart:

"(1) BLENDED LEARNING.—The term 'blended learning' means a formal education program that leverages both technology-based and face-to-face instructional approaches—

"(A) that include an element of online or digital learning, combined with supervised learning time, and student-led learning, in which the elements are connected to provide an integrated learning experience; and

"(B) in which students are provided some control over time, path, or pace.

"(2) CONTROLLED SUBSTANCE.—The term 'controlled substance' means a drug or other substance identified under Schedule I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)).

"(3) DIGITAL LEARNING.—The term 'digital learning' means any instructional practice that effectively uses technology to strengthen a student's learning experience and encompasses a wide spectrum of tools and practices, including—

"(A) interactive learning resources, digital learning content (which may include openly licensed content), software, or simulations, that engage students in academic content;

"(B) access to online databases and other primary source documents;

"(C) the use of data and information to personalize learning and provide targeted supplementary instruction;

"(D) online and computer-based assessments;

"(E) learning environments that allow for rich collaboration and communication, which may include student collaboration with content experts and peers;

"(F) hybrid or blended learning, which occurs under direct instructor supervision at a school or other location away from home and, at least in part, through online deliv-

ery of instruction with some element of student control over time, place, path, or pace; and

"(G) access to online course opportunities for students in rural or remote areas.

"(4) DRUG.—The term 'drug' includes—

"(A) controlled substances;

"(B) the illegal use of alcohol or tobacco, including smokeless tobacco products and electronic cigarettes; and

"(C) the harmful, abusive, or addictive use of substances, including inhalants and anabolic steroids.

"(5) DRUG AND VIOLENCE PREVENTION.—The term 'drug and violence prevention' means—

"(A) with respect to drugs, prevention, early intervention, rehabilitation referral, recovery support services, or education related to the illegal use of drugs, such as raising awareness about the consequences of drug use that are evidence-based (to the extent a State, in consultation with local educational agencies in the State, determines that such evidence is reasonably available); and

"(B) with respect to violence, the promotion of school safety, such that students and school personnel are free from violent and disruptive acts, including sexual harassment and abuse, and victimization associated with prejudice and intolerance, on school premises, going to and from school, and at school-sponsored activities, through the creation and maintenance of a school environment that is free of weapons and fosters individual responsibility and respect for the rights of others.

"(6) SCHOOL-BASED MENTAL HEALTH SERVICES PROVIDER.—The term 'school-based mental health services provider' includes a State-licensed or State-certified school counselor, school psychologist, school social worker, or other State licensed or certified mental health professional qualified under State law to provide mental health services to children and adolescents.

"(7) STATE.—The term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

"(8) STEM-FOCUSED SPECIALTY SCHOOL.—The term 'STEM-focused specialty school' means a school, or dedicated program within a school, that engages students in rigorous, relevant, and integrated learning experiences focused on science, technology, engineering, and mathematics, including computer science, which include authentic schoolwide research.

"SEC. 4103. FORMULA GRANTS TO STATES.

"(a) RESERVATIONS.—From the total amount appropriated under section 4112 for a fiscal year, the Secretary shall reserve—

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

"(2) one-half of 1 percent for the Secretary of the Interior for programs under this subpart in schools operated or funded by the Bureau of Indian Education; and

"(3) 2 percent for technical assistance and capacity building.

"(b) STATE ALLOTMENTS.—

"(1) ALLOTMENT.—

"(A) IN GENERAL.—Subject to subparagraphs (B) and (C), from the amount appropriated to carry out this subpart that remains after the Secretary makes the reservations under subsection (a), the Secretary shall allot to each State having a plan approved under subsection (c), an amount that bears the same relationship to the remainder as the amount the State received under subpart 2 of part A of title I for the preceding fiscal year bears to the amount all States received under that subpart for the preceding fiscal year.

"(B) SMALL STATE MINIMUM.—No State receiving an allotment under this paragraph shall receive less than one-half of 1 percent of the total amount allotted under this paragraph.

"(C) PUERTO RICO.—The amount allotted under this paragraph to the Commonwealth of Puerto Rico for a fiscal year may not exceed one-half of 1 percent of the total amount allotted under this paragraph.

"(2) REALLOTMENT.—If a State does not receive an allotment under this subpart for a fiscal year, the Secretary shall reallot the amount of the State's allotment to the remaining States in accordance with this subsection.

"(c) STATE PLAN.—

"(1) IN GENERAL.—In order to receive an allotment under this section for any fiscal year, a State shall submit a plan to the Secretary, at such time and in such manner as the Secretary may reasonably require.

"(2) CONTENTS.—Each plan submitted by a State under this section shall include the following:

"(A) A description of how the State educational agency will use funds received under this subpart for State-level activities.

"(B) A description of how the State educational agency will ensure that awards made to local educational agencies under this subpart are in amounts that are consistent with section 4105(a)(2).

"(C) Assurances that the State educational agency will—

"(i) review existing resources and programs across the State and will coordinate any new plans and resources under this subpart with such existing resources and programs;

"(ii) monitor the implementation of activities under this subpart and provide technical assistance to local educational agencies in carrying out such activities; and

"(iii) provide for equitable access for all students to the activities supported under this subpart, including aligning those activities with the requirements of other Federal laws.

"SEC. 4104. STATE USE OF FUNDS.

"(a) IN GENERAL.—Each State that receives an allotment under section 4103 for a fiscal year shall—

"(1) reserve not less than 95 percent of the allotment to make allocations to local educational agencies under section 4105;

"(2) reserve not more than 1 percent of the allotment for the administrative costs of carrying out its responsibilities under this subpart, including public reporting on how funds made available under this subpart are being expended by local educational agencies, including the degree to which the local educational agencies have made progress toward meeting the objectives and outcomes described in section 4106(e)(1)(E); and

"(3) use the amount made available to the State and not reserved under paragraphs (1) and (2) for activities described in subsection (b).

"(b) STATE ACTIVITIES.—Each State that receives an allotment under section 4103 shall use the funds available under subsection (a)(3) for activities and programs designed to meet the purposes of this subpart, which may include—

"(1) providing monitoring of, and training, technical assistance, and capacity building to, local educational agencies that receive an allotment under section 4105;

"(2) identifying and eliminating State barriers to the coordination and integration of programs, initiatives, and funding streams that meet the purposes of this subpart, so that local educational agencies can better coordinate with other agencies, schools, and community-based services and programs; or

"(3) supporting local educational agencies in providing programs and activities that—

"(A) offer well-rounded educational experiences to all students, as described in section 4107, including female students, minority students, English learners, children with disabilities, and low-income students who are often underrepresented in critical and enriching subjects, which may include—

"(i) increasing student access to and improving student engagement and achievement in—

"(I) high-quality courses in science, technology, engineering, and mathematics, including computer science;

"(II) activities and programs in music and the arts;

"(III) foreign languages;

"(IV) accelerated learning programs that provide—

"(aa) postsecondary level courses accepted for credit at institutions of higher education, including dual or concurrent enrollment programs, and early college high schools; or

"(bb) postsecondary level instruction and examinations that are accepted for credit at institutions of higher education, including Advanced Placement and International Baccalaureate programs;

"(V) American history, civics, economics, geography, social studies, or government education;

"(VI) environmental education; or

"(VII) other courses, activities, and programs or other experiences that contribute to a well-rounded education; or

"(ii) reimbursing low-income students to cover part or all of the costs of accelerated learning examination fees, as described in clause (i)(IV);

"(B) foster safe, healthy, supportive, and drug-free environments that support student academic achievement, as described in section 4108, which may include—

"(i) coordinating with any local educational agencies or consortia of such agencies implementing a youth PROMISE plan to reduce exclusionary discipline, as described in section 4108(5)(F);

"(ii) supporting local educational agencies to—

"(I) implement mental health awareness training programs that are evidence-based (to the extent the State determines that such evidence is reasonably available) to provide education to school personnel regarding resources available in the community for students with mental illnesses and other relevant resources relating to mental health or the safe de-escalation of crisis situations involving a student with a mental illness; or

"(II) expand access to or coordinate resources for school-based counseling and mental health programs, such as through school-based mental health services partnership programs;

"(iii) providing local educational agencies with resources that are evidence-based (to the extent the State determines that such evidence is reasonably available) addressing ways to integrate health and safety practices into school or athletic programs; and

"(iv) disseminating best practices and evaluating program outcomes relating to any local educational agency activities to promote student safety and violence prevention through effective communication as described in section 4108(5)(C)(iv); and

"(C) increase access to personalized, rigorous learning experiences supported by technology by—

"(i) providing technical assistance to local educational agencies to improve the ability of local educational agencies to—

"(I) identify and address technology readiness needs, including the types of technology infrastructure and access available to the students served by the local educational agency, including computer devices, access to school libraries, Internet connectivity, operating systems, software, related network infrastructure, and data security;

"(II) use technology, consistent with the principles of universal design for learning, to support the learning needs of all students, including children with disabilities and English learners; and

"(III) build capacity for principals, other school leaders, and local educational agency ad-

ministrators to support teachers in using data and technology to improve instruction and personalize learning;

"(ii) supporting schools in rural and remote areas to expand access to high-quality digital learning opportunities;

"(iii) developing or using strategies that are innovative or evidence-based (to the extent the State determines that such evidence is reasonably available) for the delivery of specialized or rigorous academic courses and curricula through the use of technology, including digital learning technologies and assistive technology, which may include increased access to online dual or concurrent enrollment opportunities, career and technical courses, and programs leading to a recognized postsecondary credential (as defined in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102));

"(iv) disseminating promising practices related to technology instruction, data security, and the acquisition and implementation of technology tools and applications, including through making such promising practices publicly available on the website of the State educational agency;

"(v) providing teachers, paraprofessionals, school librarians and media personnel, specialized instructional support personnel, and administrators with the knowledge and skills to use technology effectively, including effective integration of technology, to improve instruction and student achievement, which may include coordination with teacher, principal, and other school leader preparation programs; and

"(vi) making instructional content widely available through open educational resources, which may include providing tools and processes to support local educational agencies in making such resources widely available.

"(c) SPECIAL RULE.—A State that receives a grant under this subpart for fiscal year 2017 may use the amount made available to the State and not reserved under paragraphs (1) and (2) of subsection (a) for such fiscal year to cover part or all of the fees for accelerated learning examinations taken by low-income students during the 2016-2017 school year, in accordance with subsection (b)(3)(A)(ii).

"SEC. 4105. ALLOCATIONS TO LOCAL EDUCATIONAL AGENCIES.

"(a) ALLOCATIONS TO LOCAL EDUCATIONAL AGENCIES.—

"(1) IN GENERAL.—From the funds reserved by a State under section 4104(a)(1), the State shall allocate to each local educational agency in the State that has an application approved by the State educational agency under section 4106 an amount that bears the same relationship to the total amount of such reservation as the amount the local educational agency received under subpart 2 of part A of title I for the preceding fiscal year bears to the total amount received by all local edu-

cational agencies in the State under such subpart for the preceding fiscal year.

"(2) MINIMUM LOCAL EDUCATIONAL AGENCY ALLOCATION.—No allocation to a local educational agency under this subsection may be made in an amount that is less than $10,000, subject to subsection (b).

"(3) CONSORTIA.—Local educational agencies in a State may form a consortium with other surrounding local educational agencies and combine the funds each such agency in the consortium receives under this section to jointly carry out the local activities described in this subpart.

"(b) RATABLE REDUCTION.—If the amount reserved by the State under section 4104(a)(1) is insufficient to make allocations to local educational agencies in an amount equal to the minimum allocation described in subsection (a)(2), such allocations shall be ratably reduced.

"(c) ADMINISTRATIVE COSTS.—Of the amount received under subsection (a)(2), a local educational agency may reserve not more than 2 percent for the direct administrative costs of carrying out the local educational agency's responsibilities under this subpart.

"SEC. 4106. LOCAL EDUCATIONAL AGENCY APPLICATIONS.

"(a) ELIGIBILITY.—To be eligible to receive an allocation under section 4105(a), a local educational agency shall—

"(1) submit an application, which shall contain, at a minimum, the information described in subsection (e), to the State educational agency at such time, in such manner, and containing such information as the State educational agency may reasonably require; and

"(2) complete a needs assessment in accordance with subsection (d).

"(b) CONSORTIUM.—If a local educational agency desires to carry out the activities described in this subpart in consortium with one or more surrounding local educational agencies as described in section 4105(a)(3), such local educational agencies shall submit a single application as required under subsection (a).

"(c) CONSULTATION.—

"(1) IN GENERAL.—A local educational agency, or consortium of such agencies, shall develop its application through consultation with parents, teachers, principals, other school leaders, specialized instructional support personnel, students, community-based organizations, local government representatives (which may include a local law enforcement agency, local juvenile court, local child welfare agency, or local public housing agency), Indian tribes or tribal organizations that may be located in the region served by the local educational agency (where applicable), charter school teachers, principals, and other school leaders (if such agency or consortium of such agencies supports charter schools), and others with relevant and demonstrated expertise in programs and activities designed to meet the purpose of this subpart.

"(2) CONTINUED CONSULTATION.—The local educational agency, or consortium of such agencies, shall engage in continued consultation with the entities described in paragraph (1) in order to improve the local activities in order to meet the purpose of this subpart and to coordinate such implementation with

other related strategies, programs, and activities being conducted in the community.

"(d) NEEDS ASSESSMENT.—

"(1) IN GENERAL.—Except as provided in paragraph (2) and prior to receiving an allocation under this subpart, a local educational agency or consortium of such agencies shall conduct a comprehensive needs assessment of the local educational agency or agencies proposed to be served under this subpart in order to examine needs for improvement of—

"(A) access to, and opportunities for, a well-rounded education for all students;

"(B) school conditions for student learning in order to create a healthy and safe school environment; and

"(C) access to personalized learning experiences supported by technology and professional development for the effective use of data and technology.

"(2) EXCEPTION.—A local educational agency receiving an allocation under section 4105(a) in an amount that is less than $30,000 shall not be required to conduct a comprehensive needs assessment under paragraph (1).

"(3) FREQUENCY OF NEEDS ASSESSMENT.—Each local educational agency, or consortium of local educational agencies, shall conduct the needs assessment described in paragraph (1) once every 3 years.

"(e) CONTENTS OF LOCAL APPLICATION.—Each application submitted under this section by a local educational agency, or a consortium of such agencies, shall include the following:

"(1) DESCRIPTIONS.—A description of the activities and programming that the local educational agency, or consortium of such agencies, will carry out under this subpart, including a description of—

"(A) any partnership with an institution of higher education, business, nonprofit organization, community-based organization, or other public or private entity with a demonstrated record of success in implementing activities under this subpart;

"(B) if applicable, how funds will be used for activities related to supporting well-rounded education under section 4107;

"(C) if applicable, how funds will be used for activities related to supporting safe and healthy students under section 4108;

"(D) if applicable, how funds will be used for activities related to supporting the effective use of technology in schools under section 4109; and

"(E) the program objectives and intended outcomes for activities under this subpart, and how the local educational agency, or consortium of such agencies, will periodically evaluate the effectiveness of the activities carried out under this section based on such objectives and outcomes.

"(2) ASSURANCES.—Each application shall include assurances that the local educational agency, or consortium of such agencies, will—

"(A) prioritize the distribution of funds to schools served by the local educational agency, or consortium of such agencies, that—

"(i) are among the schools with the greatest needs, as determined by such local educational agency, or consortium;

"(ii) have the highest percentages or numbers of children counted under section 1124(c);

"(iii) are identified for comprehensive support and improvement under section 1111(c)(4)(D)(i);

"(iv) are implementing targeted support and improvement plans as described in section 1111(d)(2); or

"(v) are identified as a persistently dangerous public elementary school or secondary school under section 8532;

"(B) comply with section 8501 (regarding equitable participation by private school children and teachers);

"(C) use not less than 20 percent of funds received under this subpart to support one or more of the activities authorized under section 4107;

"(D) use not less than 20 percent of funds received under this subpart to support one or more activities authorized under section 4108;

"(E) use a portion of funds received under this subpart to support one or more activities authorized under section 4109(a), including an assurance that the local educational agency, or consortium of local educational agencies, will comply with section 4109(b); and

"(F) annually report to the State for inclusion in the report described in section 4104(a)(2) how funds are being used under this subpart to meet the requirements of subparagraphs (C) through (E).

"(f) SPECIAL RULE.—Any local educational agency receiving an allocation under section 4105(a)(1) in an amount less than $30,000 shall be required to provide only one of the assurances described in subparagraphs (C), (D), and (E) of subsection (e)(2).

"SEC. 4107. ACTIVITIES TO SUPPORT WELL-ROUNDED EDUCATIONAL OPPORTUNITIES.

"(a) IN GENERAL.—Subject to section 4106(f), each local educational agency, or consortium of such agencies, that receives an allocation under section 4105(a) shall use a portion of such funds to develop and implement programs and activities that support access to a well-rounded education and that—

"(1) are coordinated with other schools and community-based services and programs;

"(2) may be conducted in partnership with an institution of higher education, business, nonprofit organization, community-based organization, or other public or private entity with a demonstrated record of success in implementing activities under this section; and

"(3) may include programs and activities, such as—

"(A) college and career guidance and counseling programs, such as—

"(i) postsecondary education and career awareness and exploration activities;

"(ii) training counselors to effectively use labor market information in assisting students with postsecondary education and career planning; and

"(iii) financial literacy and Federal financial aid awareness activities;

"(B) programs and activities that use music and the arts as tools to support student success through the promotion of constructive student engagement, problem solving, and conflict resolution;

"(C) programming and activities to improve instruction and student engagement in science, technology, engineering, and mathematics, including computer science, (referred to in this section as 'STEM subjects') such as—

"(i) increasing access for students through grade 12 who are members of groups underrepresented in such subject fields, such as female students, minority students, English learners, children with disabilities, and economically disadvantaged students, to high-quality courses;

"(ii) supporting the participation of low-income students in nonprofit competitions related to STEM subjects (such as robotics, science research, invention, mathematics, computer science, and technology competitions);

"(iii) providing hands-on learning and exposure to science, technology, engineering, and mathematics and supporting the use of field-based or service learning to enhance the students' understanding of the STEM subjects;

"(iv) supporting the creation and enhancement of STEM-focused specialty schools;

"(v) facilitating collaboration among school, after-school program, and informal program personnel to improve the integration of programming and instruction in the identified subjects; and

"(vi) integrating other academic subjects, including the arts, into STEM subject programs to increase participation in STEM subjects, improve attainment of skills related to STEM subjects, and promote well-rounded education;

"(D) efforts to raise student academic achievement through accelerated learning programs described in section 4104(b)(3)(A)(i)(IV), such as—

"(i) reimbursing low-income students to cover part or all of the costs of accelerated learning examination fees, if the low-income students are enrolled in accelerated learning courses and plan to take accelerated learning examinations; or

"(ii) increasing the availability of, and enrollment in, accelerated learning courses, accelerated learning examinations, dual or concurrent enrollment programs, and early college high school courses;

"(E) activities to promote the development, implementation, and strengthening of programs to teach traditional

American history, civics, economics, geography, or government education;

"(F) foreign language instruction;

"(G) environmental education;

"(H) programs and activities that promote volunteerism and community involvement;

"(I) programs and activities that support educational programs that integrate multiple disciplines, such as programs that combine arts and mathematics; or

"(J) other activities and programs to support student access to, and success in, a variety of well-rounded education experiences.

"(b) SPECIAL RULE.—A local educational agency, or consortium of such agencies, that receives a subgrant under this subpart for fiscal year 2017 may use such funds to cover part or all of the fees for accelerated learning examinations taken by low-income students during the 2016-2017 school year, in accordance with subsection (a)(3)(D).

"SEC. 4108. ACTIVITIES TO SUPPORT SAFE AND HEALTHY STUDENTS.

"Subject to section 4106(f), each local educational agency, or consortium of such agencies, that receives an allocation under section 4105(a) shall use a portion of such funds to develop, implement, and evaluate comprehensive programs and activities that—

"(1) are coordinated with other schools and community-based services and programs;

"(2) foster safe, healthy, supportive, and drug-free environments that support student academic achievement;

"(3) promote the involvement of parents in the activity or program;

"(4) may be conducted in partnership with an institution of higher education, business, nonprofit organization, community-based organization, or other public or private entity with a demonstrated record of success in implementing activities described in this section; and

"(5) may include, among other programs and activities—

"(A) drug and violence prevention activities and programs that are evidence-based (to the extent the State, in consultation with local educational agencies in the State, determines that such evidence is reasonably available) including—

"(i) programs to educate students against the use of alcohol, tobacco, marijuana, smokeless tobacco products, and electronic cigarettes; and

"(ii) professional development and training for school and specialized instructional support personnel and interested community members in prevention, education, early identification, intervention mentoring, recovery support services and, where appropriate, rehabilitation referral, as related to drug and violence prevention;

"(B) in accordance with sections 4001 and 4111—

"(i) school-based mental health services, including early identification of mental health symptoms, drug use, and violence, and appropriate referrals to direct individual or group counseling services, which may be

provided by school-based mental health services providers; and

"(ii) school-based mental health services partnership programs that—

"(I) are conducted in partnership with a public or private mental health entity or health care entity; and

"(II) provide comprehensive school-based mental health services and supports and staff development for school and community personnel working in the school that are—

"(aa) based on trauma-informed practices that are evidence-based (to the extent the State, in consultation with local educational agencies in the State, determines that such evidence is reasonably available);

"(bb) coordinated (where appropriate) with early intervening services provided under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.); and

"(cc) provided by qualified mental and behavioral health professionals who are certified or licensed by the State involved and practicing within their area of expertise;

"(C) programs or activities that—

"(i) integrate health and safety practices into school or athletic programs;

"(ii) support a healthy, active lifestyle, including nutritional education and regular, structured physical education activities and programs, that may address chronic disease management with instruction led by school nurses, nurse practitioners, or other appropriate specialists or professionals to help maintain the well-being of students;

"(iii) help prevent bullying and harassment;

"(iv) improve instructional practices for developing relationship-building skills, such as effective communication, and improve safety through the recognition and prevention of coercion, violence, or abuse, including teen and dating violence, stalking, domestic abuse, and sexual violence and harassment;

"(v) provide mentoring and school counseling to all students, including children who are at risk of academic failure, dropping out of school, involvement in criminal or delinquent activities, or drug use and abuse;

"(vi) establish or improve school dropout and reentry programs; or

"(vii) establish learning environments and enhance students' effective learning skills that are essential for school readiness and academic success, such as by providing integrated systems of student and family supports;

"(D) high-quality training for school personnel, including specialized instructional support personnel, related to—

"(i) suicide prevention;

"(ii) effective and trauma-informed practices in classroom management;

"(iii) crisis management and conflict resolution techniques;

"(iv) human trafficking (defined, for purposes of this subparagraph, 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));

"(v) school-based violence prevention strategies;

"(vi) drug abuse prevention, including educating children facing substance abuse at home; and

"(vii) bullying and harassment prevention;

"(E) in accordance with sections 4001 and 4111, child sexual abuse awareness and prevention programs or activities, such as programs or activities designed to provide—

"(i) age-appropriate and developmentally-appropriate instruction for students in child sexual abuse awareness and prevention, including how to recognize child sexual abuse and how to safely report child sexual abuse; and

"(ii) information to parents and guardians of students about child sexual abuse awareness and prevention, including how to recognize child sexual abuse and how to discuss child sexual abuse with a child;

"(F) designing and implementing a locally-tailored plan to reduce exclusionary discipline practices in elementary and secondary schools that—

"(i) is consistent with best practices;

"(ii) includes strategies that are evidence-based (to the extent the State, in consultation with local educational agencies in the State, determines that such evidence is reasonably available); and

"(iii) is aligned with the long-term goal of prison reduction through opportunities, mentoring, intervention, support, and other education services, referred to as a 'youth PROMISE plan'; or

"(G) implementation of schoolwide positive behavioral interventions and supports, including through coordination with similar activities carried out under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), in order to improve academic outcomes and school conditions for student learning;

"(H) designating a site resource coordinator at a school or local educational agency to provide a variety of services, such as—

"(i) establishing partnerships within the community to provide resources and support for schools;

"(ii) ensuring that all service and community partners are aligned with the academic expectations of a community school in order to improve student success; and

"(iii) strengthening relationships between schools and communities; or

"(I) pay for success initiatives aligned with the purposes of this section.

"SEC. 4109. ACTIVITIES TO SUPPORT THE EFFECTIVE USE OF TECHNOLOGY.

"(a) USES OF FUNDS.—Subject to section 4106(f), each local educational agency, or consortium of such agencies, that receives an allocation under section 4015(a) shall use a portion of such funds to improve the use of technology to improve the academic achievement, academic growth, and digital literacy of all students, including by meeting the needs of such agency or consortium that are identified in the needs assessment conducted under section 4106(d) (if applicable), which may include—

"(1) providing educators, school leaders, and administrators with the professional learning tools, devices, content, and resources to—

"(A) personalize learning to improve student academic achievement;

"(B) discover, adapt, and share relevant high-quality educational resources;

"(C) use technology effectively in the classroom, including by administering computer-based assessments and blended learning strategies; and

"(D) implement and support school- and district-wide approaches for using technology to inform instruction, support teacher collaboration, and personalize learning;

"(2) building technological capacity and infrastructure, which may include—

"(A) procuring content and ensuring content quality; and

"(B) purchasing devices, equipment, and software applications in order to address readiness shortfalls;

"(3) developing or using effective or innovative strategies for the delivery of specialized or rigorous academic courses and curricula through the use of technology, including digital learning technologies and assistive technology;

"(4) carrying out blended learning projects, which shall include—

"(A) planning activities, which may include development of new instructional models (including blended learning technology software and platforms), the purchase of digital instructional resources, initial professional development activities, and one-time information technology purchases, except that such expenditures may not include expenditures related to significant construction or renovation of facilities; or

"(B) ongoing professional development for teachers, principals, other school leaders, or other personnel involved in the project that is designed to support the implementation and academic success of the project;

"(5) providing professional development in the use of technology (which may be provided through partnerships with outside organizations) to enable teachers and instructional leaders to increase student achievement in the areas of science, technology, engineering, and mathematics, including computer science; and

"(6) providing students in rural, remote, and underserved areas with the resources to take advantage of high-quality digital learning experiences, digital resources, and access to online courses taught by effective educators.

"(b) SPECIAL RULE.—A local educational agency, or consortium of such agencies, shall not use more than 15 percent of funds for purchasing technology infrastructure as described in subsection (a)(2)(B), which shall include technology infrastructure purchased for the activities under subsection (a)(4)(A).

"SEC. 4110. SUPPLEMENT, NOT SUPPLANT.

"Funds made available under this subpart shall be used to supplement, and not supplant, non-Federal funds that would otherwise be used for activities authorized under this subpart.

"SEC. 4111. RULE OF CONSTRUCTION.

"Nothing in this subpart may be construed to—

"(1) authorize activities or programming that encourages teenage sexual activity; or

"(2) prohibit effective activities or programming that meet the requirements of section 8526.

"SEC. 4112. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There are authorized to be appropriated to carry out this subpart $1,650,000,000 for fiscal year 2017 and $1,600,000,000 for each of fiscal years 2018 through 2020.

"(b) FORWARD FUNDING.—Section 420 of the General Education Provisions Act (20 U.S.C. 1223) shall apply to this subpart.".

PART B—21ST CENTURY COMMUNITY LEARNING CENTERS

SEC. 4201. 21ST CENTURY COMMUNITY LEARNING CENTERS.

(a) PROGRAM AUTHORIZED.—Part B of title IV (20 U.S.C. 7171 et seq.) is amended to read as follows:

"PART B—21ST CENTURY COMMUNITY LEARNING CENTERS

"SEC. 4201. PURPOSE; DEFINITIONS.

"(a) PURPOSE.—The purpose of this part is to provide opportunities for communities to establish or expand activities in community learning centers that—

"(1) provide opportunities for academic enrichment, including providing tutorial services to help students, particularly students who attend low-performing schools, to meet the challenging State academic standards;

"(2) offer students a broad array of additional services, programs, and activities, such as youth development activities, service learning, nutrition and health education, drug and violence prevention programs, counseling programs, arts, music, physical fitness and wellness programs, technology education programs, financial literacy programs, environmental literacy programs, mathematics, science, career and technical programs, internship or apprenticeship programs, and other ties to an in-demand industry sector or occupation for high school students

that are designed to reinforce and complement the regular academic program of participating students; and

"(3) offer families of students served by community learning centers opportunities for active and meaningful engagement in their children's education, including opportunities for literacy and related educational development.

"(b) DEFINITIONS.—In this part:

"(1) COMMUNITY LEARNING CENTER.—The term 'community learning center' means an entity that—

"(A) assists students to meet the challenging State academic standards by providing the students with academic enrichment activities and a broad array of other activities (such as programs and activities described in subsection (a)(2)) during nonschool hours or periods when school is not in session (such as before and after school or during summer recess) that—

"(i) reinforce and complement the regular academic programs of the schools attended by the students served; and

"(ii) are targeted to the students' academic needs and aligned with the instruction students receive during the school day; and

"(B) offers families of students served by such center opportunities for active and meaningful engagement in their children's education, including opportunities for literacy and related educational development.

"(2) COVERED PROGRAM.—The term 'covered program' means a program for which—

"(A) the Secretary made a grant under this part (as this part was in effect on the day before the effective date of this part under the Every Student Succeeds Act); and

"(B) the grant period had not ended on that effective date.

"(3) ELIGIBLE ENTITY.—The term 'eligible entity' means a local educational agency, community-based organization, Indian tribe or tribal organization (as such terms are defined in section 4 of the Indian Self-Determination and Education Act (25 U.S.C. 450b)), another public or private entity, or a consortium of 2 or more such agencies, organizations, or entities.

"(4) EXTERNAL ORGANIZATION.—The term 'external organization' means—

"(A) a nonprofit organization with a record of success in running or working with before and after school (or summer recess) programs and activities; or

"(B) in the case of a community where there is no such organization, a nonprofit organization in the community that enters into a written agreement or partnership with an organization described in subparagraph (A) to receive mentoring and guidance in running or working with before and after school (or summer recess) programs and activities.

"(5) RIGOROUS PEER-REVIEW PROCESS.—The term 'rigorous peer-review process' means a process by which—

"(A) employees of a State educational agency who are familiar with the programs and activities assisted under this part review all applications that the State receives for

awards under this part for completeness and applicant eligibility;

"(B) the State educational agency selects peer reviewers for such applications, who shall—

"(i) be selected for their expertise in providing effective academic, enrichment, youth development, and related services to children; and

"(ii) not include any applicant, or representative of an applicant, that has submitted an application under this part for the current application period; and

"(C) the peer reviewers described in subparagraph (B) review and rate the applications to determine the extent to which the applications meet the requirements under sections 4204(b) and 4205.

"(6) STATE.—The term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

"SEC. 4202. ALLOTMENTS TO STATES.

"(a) RESERVATION.—From the funds appropriated under section 4206 for any fiscal year, the Secretary shall reserve—

"(1) such amounts as may be necessary to make continuation awards to subgrant recipients under covered programs (under the terms of those grants);

"(2) not more than 1 percent for national activities, which the Secretary may carry out directly or through grants and contracts, such as providing technical assistance to eligible entities carrying out programs under this part or conducting a national evaluation; and

"(3) not more than 1 percent for payments to the outlying areas and the Bureau of Indian Education, to be allotted in accordance with their respective needs for assistance under this part, as determined by the Secretary, to enable the outlying areas and the Bureau to carry out the purpose of this part.

"(b) STATE ALLOTMENTS.—

"(1) DETERMINATION.—From the funds appropriated under section 4206 for any fiscal year and remaining after the Secretary makes reservations under subsection (a), the Secretary shall allot to each State for the fiscal year an amount that bears the same relationship to the remainder as the amount the State received under subpart 2 of part A of title I for the preceding fiscal year bears to the amount all States received under that subpart for the preceding fiscal year, except that no State shall receive less than an amount equal to one-half of 1 percent of the total amount made available to all States under this subsection.

"(2) REALLOTMENT OF UNUSED FUNDS.—If a State does not receive an allotment under this part for a fiscal year, the Secretary shall reallot the amount of the State's allotment to the remaining States in accordance with this part.

"(c) STATE USE OF FUNDS.—

"(1) IN GENERAL.—Each State that receives an allotment under this part shall reserve not less than 93 percent of the amount allotted to such State under subsection (b), for each fiscal year for awards to eligible entities under section 4204.

"(2) STATE ADMINISTRATION.—A State educational agency may use not more than 2 percent of the amount made available to the State under subsection (b) for—

"(A) the administrative costs of carrying out its responsibilities under this part;

"(B) establishing and implementing a rigorous peer-review process for subgrant applications described in section 4204(b) (including consultation with the Governor and other State agencies responsible for administering youth development programs and adult learning activities); and

"(C) awarding of funds to eligible entities (in consultation with the Governor and other State agencies responsible for administering youth development programs and adult learning activities).

"(3) STATE ACTIVITIES.—A State educational agency may use not more than 5 percent of the amount made available to the State under subsection (b) for the following activities:

"(A) Monitoring and evaluating programs and activities assisted under this part.

"(B) Providing capacity building, training, and technical assistance under this part.

"(C) Conducting a comprehensive evaluation (directly, or through a grant or contract) of the effectiveness of programs and activities assisted under this part.

"(D) Providing training and technical assistance to eligible entities that are applicants for or recipients of awards under this part.

"(E) Ensuring that any eligible entity that receives an award under this part from the State aligns the activities provided by the program with the challenging State academic standards.

"(F) Ensuring that any such eligible entity identifies and partners with external organizations, if available, in the community.

"(G) Working with teachers, principals, parents, the local workforce, the local community, and other stakeholders to review and improve State policies and practices to support the implementation of effective programs under this part.

"(H) Coordinating funds received under this part with other Federal and State funds to implement high-quality programs.

"(I) Providing a list of prescreened external organizations, as described under section 4203(a)(11).

"SEC. 4203. STATE APPLICATION.

"(a) IN GENERAL.—In order to receive an allotment under section 4202 for any fiscal year, a State shall submit to the Secretary, at such time as the Secretary may require, an application that—

"(1) designates the State educational agency as the agency responsible for the administration and supervision of programs assisted under this part;

"(2) describes how the State educational agency will use funds received under this part, including funds reserved for State-level activities;

"(3) contains an assurance that the State educational agency—

"(A) will make awards under this part to eligible entities that serve—

"(i) students who primarily attend—

"(I) schools implementing comprehensive support and improvement activities or targeted support and improvement activities under section 1111(d); and

"(II) other schools determined by the local educational agency to be in need of intervention and support; and

"(ii) the families of such students; and

"(B) will further give priority to eligible entities that propose in the application to serve students described in subclauses (I) and (II) of section 4204(i)(1)(A)(i);

"(4) describes the procedures and criteria the State educational agency will use for reviewing applications and awarding funds to eligible entities on a competitive basis, which shall include procedures and criteria that take into consideration the likelihood that a proposed community learning center will help participating students meet the challenging State academic standards and any local academic standards;

"(5) describes how the State educational agency will ensure that awards made under this part are—

"(A) of sufficient size and scope to support high-quality, effective programs that are consistent with the purpose of this part; and

"(B) in amounts that are consistent with section 4204(h);

"(6) describes the steps the State educational agency will take to ensure that programs implement effective strategies, including providing ongoing technical assistance and training, evaluation, dissemination of promising practices, and coordination of professional development for staff in specific content areas and youth development;

"(7) describes how programs under this part will be coordinated with programs under this Act, and other programs as appropriate;

"(8) contains an assurance that the State educational agency—

"(A) will make awards for programs for a period of not less than 3 years and not more than 5 years; and

"(B) will require each eligible entity seeking such an award to submit a plan describing how the activities to be funded through the award will continue after funding under this part ends;

"(9) contains an assurance that funds appropriated to carry out this part will be used to supplement, and not supplant, other Federal, State, and local public funds expended to provide programs and activities authorized under this part and other similar programs;

"(10) contains an assurance that the State educational agency will require eligible entities to describe in their applica-

tions under section 4204(b) how the transportation needs of participating students will be addressed;

"(11) describes how the State will—

"(A) prescreen external organizations that could provide assistance in carrying out the activities under this part; and

"(B) develop and make available to eligible entities a list of external organizations that successfully completed the prescreening process;

"(12) provides—

"(A) an assurance that the application was developed in consultation and coordination with appropriate State officials, including the chief State school officer, and other State agencies administering before and after school (or summer recess) programs and activities, the heads of the State health and mental health agencies or their designees, statewide after-school networks (where applicable) and representatives of teachers, local educational agencies, and community-based organizations; and

"(B) a description of any other representatives of teachers, parents, students, or the business community that the State has selected to assist in the development of the application, if applicable;

"(13) describes the results of the State's needs and resources assessment for before and after school (or summer recess) programs and activities, which shall be based on the results of ongoing State evaluation activities;

"(14) describes how the State educational agency will evaluate the effectiveness of programs and activities carried out under this part, which shall include, at a minimum—

"(A) a description of the performance indicators and performance measures that will be used to evaluate programs and activities with emphasis on alignment with the regular academic program of the school and the academic needs of participating students, including performance indicators and measures that—

"(i) are able to track student success and improvement over time;

"(ii) include State assessment results and other indicators of student success and improvement, such as improved attendance during the school day, better classroom grades, regular (or consistent) program attendance, and on-time advancement to the next grade level; and

"(iii) for high school students, may include indicators such as career competencies, successful completion of internships or apprenticeships, or work-based learning opportunities;

"(B) a description of how data collected for the purposes of subparagraph (A) will be collected; and

"(C) public dissemination of the evaluations of programs and activities carried out under this part; and

"(15) provides for timely public notice of intent to file an application and an assurance that the application will be available for public review after submission.

"(b) DEEMED APPROVAL.—An application submitted by a State educational agency pursuant to subsection (a) shall be deemed to be approved by the Secretary unless the Secretary makes a written determination, prior to the expiration of the 120-day period beginning on the date on which the Secretary received the application, that the application is not in compliance with this part.

"(c) DISAPPROVAL.—The Secretary shall not finally disapprove the application, except after giving the State educational agency notice and an opportunity for a hearing.

"(d) NOTIFICATION.—If the Secretary finds that the application is not in compliance, in whole or in part, with this part, the Secretary shall—

"(1) give the State educational agency notice and an opportunity for a hearing; and

"(2) notify the State educational agency of the finding of noncompliance and, in such notification—

"(A) cite the specific provisions in the application that are not in compliance; and

"(B) request additional information, only as to the noncompliant provisions, needed to make the application compliant.

"(e) RESPONSE.—If the State educational agency responds to the Secretary's notification described in subsection (d)(2) during the 45-day period beginning on the date on which the agency received the notification, and resubmits the application with the requested information described in subsection (d)(2)(B), the Secretary shall approve or disapprove such application prior to the later of—

"(1) the expiration of the 45-day period beginning on the date on which the application is resubmitted; or

"(2) the expiration of the 120-day period described in subsection (b).

"(f) FAILURE TO RESPOND.—If the State educational agency does not respond to the Secretary's notification described in subsection (d)(2) during the 45-day period beginning on the date on which the agency received the notification, such application shall be deemed to be disapproved.

"(g) LIMITATION.—The Secretary may not give a priority or a preference for States or eligible entities that seek to use funds made available under this part to extend the regular school day.

"SEC. 4204. LOCAL COMPETITIVE SUBGRANT PROGRAM.

"(a) IN GENERAL.—

"(1) COMMUNITY LEARNING CENTERS.—A State that receives funds under this part for a fiscal year shall provide the amount made available under section 4202(c)(1) to award subgrants to eligible entities for community learning centers in accordance with this part.

"(2) EXPANDED LEARNING PROGRAM ACTIVITIES.—A State that receives funds under this part for a fiscal year may use funds under section 4202(c)(1) to support those enrichment and engaging academic activities described in section 4205(a) that—

"(A) are included as part of an expanded learning program that provides students at least 300 additional program hours before, during, or after the traditional school day;

"(B) supplement but do not supplant regular school day requirements; and

"(C) are carried out by entities that meet the requirements of subsection (i).

"(b) APPLICATION.—

"(1) IN GENERAL.—To be eligible to receive a subgrant under this part, an eligible entity shall submit an application to the State educational agency at such time, in such manner, and including such information as the State educational agency may reasonably require.

"(2) CONTENTS.—Each application submitted under paragraph (1) shall include—

"(A) a description of the activities to be funded, including—

"(i) an assurance that the program will take place in a safe and easily accessible facility;

"(ii) a description of how students participating in the program carried out by the community learning center will travel safely to and from the center and home, if applicable; and

"(iii) a description of how the eligible entity will disseminate information about the community learning center (including its location) to the community in a manner that is understandable and accessible;

"(B) a description of how such activities are expected to improve student academic achievement as well as overall student success;

"(C) a demonstration of how the proposed program will coordinate Federal, State, and local programs and make the most effective use of public resources;

"(D) an assurance that the proposed program was developed and will be carried out—

"(i) in active collaboration with the schools that participating students attend (including through the sharing of relevant data among the schools), all participants of the eligible entity, and any partnership entities described in subparagraph (H), in compliance with applicable laws relating to privacy and confidentiality; and

"(ii) in alignment with the challenging State academic standards and any local academic standards;

"(E) a description of how the activities will meet the measures of effectiveness described in section 4205(b);

"(F) an assurance that the program will target students who primarily attend schools eligible for schoolwide programs under section 1114 and the families of such students;

"(G) an assurance that subgrant funds under this part will be used to increase the level of State, local, and other non-Federal funds that would, in the absence of funds under this part, be made available for programs and activities authorized under this part, and in no case supplant Federal, State, local, or non-Federal funds;

"(H) a description of the partnership between a local educational agency, a community-based organization, and another public entity or private entity, if appropriate;

"(I) an evaluation of the community needs and available resources for the community learning center, and a description of how the program proposed to be carried out in the center will address those needs (including the needs of working families);

"(J) a demonstration that the eligible entity will use best practices, including research or evidence-based practices, to provide educational and related activities that will complement and enhance academic performance, achievement, postsecondary and workforce preparation, and positive youth development of the students;

"(K) a description of a preliminary plan for how the community learning center will continue after funding under this part ends;

"(L) an assurance that the community will be given notice of an intent to submit an application and that the application and any waiver request will be available for public review after submission of the application;

"(M) if the eligible entity plans to use volunteers in activities carried out through the community learning center, a description of how the eligible entity will encourage and use appropriately qualified persons to serve as the volunteers; and

"(N) such other information and assurances as the State educational agency may reasonably require.

"(c) APPROVAL OF CERTAIN APPLICATIONS.—The State educational agency may approve an application under this part for a program to be located in a facility other than an elementary school or secondary school only if the program will be at least as available and accessible to the students to be served as if the program were located in an elementary school or secondary school.

"(d) PERMISSIVE LOCAL MATCH.—

"(1) IN GENERAL.—A State educational agency may require an eligible entity to match subgrant funds awarded under this part, except that such match may not exceed the amount of the subgrant and may not be derived from other Federal or State funds.

"(2) SLIDING SCALE.—The amount of a match under paragraph (1) shall be established based on a sliding scale that takes into account—

"(A) the relative poverty of the population to be targeted by the eligible entity; and

"(B) the ability of the eligible entity to obtain such matching funds.

"(3) IN-KIND CONTRIBUTIONS.—Each State educational agency that requires an eligible entity to match funds under this subsection shall permit the eligible entity to provide all or any portion of such match in the form of in-kind contributions.

"(4) CONSIDERATION.—Notwithstanding this subsection, a State educational agency shall not consider an eligible entity's ability to match funds when determining which eligible entities will receive subgrants under this part.

"(e) PEER REVIEW.—In reviewing local applications under this part, a State educational agency shall use a rigorous peer-review process or other methods to ensure the quality of funded projects.

"(f) GEOGRAPHIC DIVERSITY.—To the extent practicable, a State educational agency shall distribute subgrant funds under this part equitably among geographic areas within the State, including urban and rural communities.

"(g) DURATION OF AWARDS.—A subgrant awarded under this part shall be awarded for a period of not less than 3 years and not more than 5 years.

"(h) AMOUNT OF AWARDS.—A subgrant awarded under this part may not be made in an amount that is less than $50,000.

"(i) PRIORITY.—

"(1) IN GENERAL.—In awarding subgrants under this part, a State educational agency shall give priority to applications—

"(A) proposing to target services to—

"(i) students who primarily attend schools that—

"(I) are implementing comprehensive support and improvement activities or targeted support and improvement activities under section 1111(d) or other schools determined by the local educational agency to be in need of intervention and support to improve student academic achievement and other outcomes; and

"(II) enroll students who may be at risk for academic failure, dropping out of school, involvement in criminal or delinquent activities, or who lack strong positive role models; and

"(ii) the families of students described in clause (i);

"(B) submitted jointly by eligible entities consisting of not less than 1—

"(i) local educational agency receiving funds under part A of title I; and

"(ii) another eligible entity; and

"(C) demonstrating that the activities proposed in the application—

"(i) are, as of the date of the submission of the application, not accessible to students who would be served; or

"(ii) would expand accessibility to high-quality services that may be available in the community.

"(2) SPECIAL RULE.—The State educational agency shall provide the same priority under paragraph (1) to an application submitted by a local educational agency if the local educational agency demonstrates that it is unable to partner with a community-based organization in reasonable geographic proximity and of sufficient quality to meet the requirements of this part.

"(3) LIMITATION.—A State educational agency may not give a priority or a preference to eligible entities that seek to use funds made available under this part to extend the regular school day.

"(j) RENEWABILITY OF AWARDS.—A State educational agency may renew a subgrant provided under this part to an eligible entity, based on the eligible entity's performance during the preceding subgrant period.

"SEC. 4205. LOCAL ACTIVITIES.

"(a) AUTHORIZED ACTIVITIES.—Each eligible entity that receives an award under section 4204 may use the award funds to carry out a broad array of activities that advance student academic achievement and support student success, including—

"(1) academic enrichment learning programs, mentoring programs, remedial education activities, and tutoring services, that are aligned with—

"(A) the challenging State academic standards and any local academic standards; and

"(B) local curricula that are designed to improve student academic achievement;

"(2) well-rounded education activities, including such activities that enable students to be eligible for credit recovery or attainment;

"(3) literacy education programs, including financial literacy programs and environmental literacy programs;

"(4) programs that support a healthy and active lifestyle, including nutritional education and regular, structured physical activity programs;

"(5) services for individuals with disabilities;

"(6) programs that provide after-school activities for students who are English learners that emphasize language skills and academic achievement;

"(7) cultural programs;

"(8) telecommunications and technology education programs;

"(9) expanded library service hours;

"(10) parenting skills programs that promote parental involvement and family literacy;

"(11) programs that provide assistance to students who have been truant, suspended, or expelled to allow the students to improve their academic achievement;

"(12) drug and violence prevention programs and counseling programs;

"(13) programs that build skills in science, technology, engineering, and mathematics (referred to in this paragraph as 'STEM'), including computer science, and that foster innovation in learning by supporting nontraditional STEM education teaching methods; and

"(14) programs that partner with in-demand fields of the local workforce or build career competencies and career readiness and ensure that local workforce and career readiness skills are aligned with the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.) and the Workforce Innovation and Opportunity Act (29 U.S.C. 3101 et seq.).

"(b) MEASURES OF EFFECTIVENESS.—

"(1) IN GENERAL.—For a program or activity developed pursuant to this part to meet the measures of effectiveness, monitored by the State educational agency as described in section 4203(a)(14), such program or activity shall—

"(A) be based upon an assessment of objective data regarding the need for before and after school (or summer recess) programs and activities in the schools and communities;

"(B) be based upon an established set of performance measures aimed at ensuring the availability of high-quality academic enrichment opportunities;

"(C) if appropriate, be based upon evidence-based research that the program or activity will help students meet the challenging State academic standards and any local academic standards;

"(D) ensure that measures of student success align with the regular academic program of the school and the academic needs of participating students and include performance indicators and measures described in section 4203(a)(14)(A); and

"(E) collect the data necessary for the measures of student success described in subparagraph (D).

"(2) PERIODIC EVALUATION.—

"(A) IN GENERAL.—The program or activity shall undergo a periodic evaluation in conjunction with the State educational agency's overall evaluation plan as described in section 4203(a)(14), to assess the program's progress toward achieving the goal of providing high-quality opportunities for academic enrichment and overall student success.

"(B) USE OF RESULTS.—The results of evaluations under subparagraph (A) shall be—

"(i) used to refine, improve, and strengthen the program or activity, and to refine the performance measures;

"(ii) made available to the public upon request, with public notice of such availability provided; and

"(iii) used by the State to determine whether a subgrant is eligible to be renewed under section 4204(j).

"SEC. 4206. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this part $1,000,000,000 for fiscal year 2017 and $1,100,000,000 for each of fiscal years 2018 through 2020.".

PART C—EXPANDING OPPORTUNITY THROUGH QUALITY CHARTER SCHOOLS

SEC. 4301. CHARTER SCHOOLS.

Part C of title IV (20 U.S.C. 7221 et seq.), as redesignated by section 4001, is amended—

(1) by striking sections 4301 through 4305, as redesignated by section 4001, and inserting the following:

"SEC. 4301. PURPOSE.

"It is the purpose of this part to—

"(1) improve the United States education system and education opportunities for all people in the United States by supporting innovation in public education in public school settings that prepare students to compete and contribute to the global economy and a stronger Nation;

"(2) provide financial assistance for the planning, program design, and initial implementation of charter schools;

"(3) increase the number of high-quality charter schools available to students across the United States;

"(4) evaluate the impact of charter schools on student achievement, families, and communities, and share best practices between charter schools and other public schools;

"(5) encourage States to provide support to charter schools for facilities financing in an amount more nearly commensurate to the amount States typically provide for traditional public schools;

"(6) expand opportunities for children with disabilities, English learners, and other traditionally underserved students to attend charter schools and meet the challenging State academic standards;

"(7) support efforts to strengthen the charter school authorizing process to improve performance management, including transparency, oversight and monitoring (including financial audits), and evaluation of such schools; and

"(8) support quality, accountability, and transparency in the operational performance of all authorized public chartering agencies, including State educational agencies, local educational agencies, and other authorizing entities.

"SEC. 4302. PROGRAM AUTHORIZED.

"(a) IN GENERAL.—The Secretary may carry out a charter school program that supports charter schools that serve early childhood, elementary school, or secondary school students by—

"(1) supporting the startup of new charter schools, the replication of high-quality charter schools, and the expansion of high-quality charter schools;

"(2) assisting charter schools in accessing credit to acquire and renovate facilities for school use; and

"(3) carrying out national activities to support—

"(A) the activities described in paragraph (1);

"(B) the dissemination of best practices of charter schools for all schools;

"(C) the evaluation of the impact of the charter school program under this part on schools participating in such program; and

"(D) stronger charter school authorizing practices.

"(b) FUNDING ALLOTMENT.—From the amount made available under section 4311 for a fiscal year, the Secretary shall—

"(1) reserve 12.5 percent to support charter school facilities assistance under section 4304;

"(2) reserve 22.5 percent to carry out national activities under section 4305; and

"(3) use the remaining amount after the reservations under paragraphs (1) and (2) to carry out section 4303.

"(c) PRIOR GRANTS AND SUBGRANTS.—The recipient of a grant or subgrant under part B of title V (as such part was in effect on the day before the date of enactment of the Every Student Succeeds Act) shall continue to receive funds in accordance with the terms and conditions of such grant or subgrant.

"SEC. 4303. GRANTS TO SUPPORT HIGH-QUALITY CHARTER SCHOOLS.

"(a) STATE ENTITY DEFINED.—For purposes of this section, the term 'State entity' means—

"(1) a State educational agency;

"(2) a State charter school board;

"(3) a Governor of a State; or

"(4) a charter school support organization.

"(b) PROGRAM AUTHORIZED.—From the amount available under section 4302(b)(3), the Secretary shall award, on a competitive basis, grants to State entities having applications approved under subsection (f) to enable such entities to—

"(1) award subgrants to eligible applicants to enable eligible applicants to—

"(A) open and prepare for the operation of new charter schools;

"(B) open and prepare for the operation of replicated high-quality charter schools; or

"(C) expand high-quality charter schools; and

"(2) provide technical assistance to eligible applicants and authorized public chartering agencies in carrying out the activities described in paragraph (1), and work with authorized public chartering agencies in the State to improve authorizing quality, including developing capacity for, and conducting, fiscal oversight and auditing of charter schools.

"(c) STATE ENTITY USES OF FUNDS.—

"(1) IN GENERAL.—A State entity receiving a grant under this section shall—

"(A) use not less than 90 percent of the grant funds to award subgrants to eligible applicants, in accordance with the quality charter school program described in the State entity's application pursuant to subsection (f), for the purposes described in subsection (b)(1);

"(B) reserve not less than 7 percent of such funds to carry out the activities described in subsection (b)(2); and

"(C) reserve not more than 3 percent of such funds for administrative costs, which may include technical assistance.

"(2) CONTRACTS AND GRANTS.—A State entity may use a grant received under this section to carry out the activities described in subsection (b)(2) directly or through grants, contracts, or cooperative agreements.

"(3) RULE OF CONSTRUCTION.—

"(A) USE OF LOTTERY.—Nothing in this Act shall prohibit the Secretary from awarding grants to State entities, or prohibit State entities from awarding subgrants to eligible applicants, that use a weighted lottery to give slightly better chances for admission to all, or a subset of, educationally disadvantaged students if—

"(i) the use of weighted lotteries in favor of such students is not prohibited by State law, and such State law is consistent with laws described in section 4310(2)(G); and

"(ii) such weighted lotteries are not used for the purpose of creating schools exclusively to serve a particular subset of students.

"(B) STUDENTS WITH SPECIAL NEEDS.—Nothing in this paragraph shall be construed to prohibit schools from specializing in providing specific services for students with a

demonstrated need for such services, such as students who need specialized instruction in reading, spelling, or writing.

"(d) PROGRAM PERIODS; PEER REVIEW; DISTRIBUTION OF SUBGRANTS; WAIVERS.—

"(1) PROGRAM PERIODS.—

"(A) GRANTS.—A grant awarded by the Secretary to a State entity under this section shall be for a period of not more than 5 years.

"(B) SUBGRANTS.—A subgrant awarded by a State entity under this section shall be for a period of not more than 5 years, of which an eligible applicant may use not more than 18 months for planning and program design.

"(2) PEER REVIEW.—The Secretary, and each State entity awarding subgrants under this section, shall use a peer-review process to review applications for assistance under this section.

"(3) GRANT AWARDS.—

"(A) IN GENERAL.—The Secretary—

"(i) shall for each fiscal year for which funds are appropriated under section 4311—

"(I) award not less than 3 grants under this section; and

"(II) fully obligate the first 2 years of funds appropriated for the purpose of awarding grants under this section in the first fiscal year for which such grants are awarded; and

"(ii) prior to the start of the third year of the grant period and each succeeding year of each grant awarded under this section to a State entity—

"(I) shall review—

"(aa) whether the State entity is using the grant funds for the agreed upon uses of funds; and

"(bb) whether the full amount of the grant will be needed for the remainder of the grant period; and

"(II) may, as determined necessary based on that review, terminate or reduce the amount of the grant and reallocate the remaining grant funds to other State entities—

"(aa) by using such funds to award grants under this section to other State entities; or

"(bb) in a fiscal year in which the amount of such remaining funds is insufficient to award grants under item (aa), in accordance with subparagraph (B).

"(B) REMAINING FUNDING.—For a fiscal year for which there are remaining grant funds under this paragraph, but the amount of such funds is insufficient to award a grant to a State entity under this section, the Secretary shall use such remaining grants funds—

"(i) to supplement funding for grants under section 4305(a)(2), but not to supplant—

"(I) the funds reserved under section 4305(a)(2); and

"(II) funds otherwise reserved under section 4302(b)(2) to carry out national activities under section 4305;

"(ii) to award grants to State entities to carry out the activities described in subsection (b)(1) for the next fiscal year; or

"(iii) to award one year of a grant under subsection (b)(1) to a high-scoring State entity, in an amount at or above the minimum amount the State entity needs to be successful for such year.

"(4) DIVERSITY OF PROJECTS.—Each State entity awarding subgrants under this section shall award subgrants in a manner that, to the extent practicable and applicable, ensures that such subgrants—

"(A) are distributed throughout different areas, including urban, suburban, and rural areas; and

"(B) will assist charter schools representing a variety of educational approaches.

"(5) WAIVERS.—The Secretary may waive any statutory or regulatory requirement over which the Secretary exercises administrative authority, except any such requirement relating to the elements of a charter school described in section 4310(2), if—

"(A) the waiver is requested in an approved application under this section; and

"(B) the Secretary determines that granting such waiver will promote the purpose of this part.

"(e) LIMITATIONS.—

"(1) GRANTS.—No State entity may receive a grant under this section for use in a State in which a State entity is currently using a grant received under this section.

"(2) SUBGRANTS.—An eligible applicant may not receive more than 1 subgrant under this section for each individual charter school for a 5-year period, unless the eligible applicant demonstrates to the State entity that such individual charter school has at least 3 years of improved educational results for students enrolled in such charter school with respect to the elements described in subparagraphs (A) and (D) of section 4310(8).

"(f) APPLICATIONS.—A State entity desiring to receive a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require. The application shall include the following:

"(1) DESCRIPTION OF PROGRAM.—A description of the State entity's objectives in running a quality charter school program under this section and how the objectives of the program will be carried out, including—

"(A) a description of how the State entity will—

"(i) support the opening of charter schools through the startup of new charter schools and, if applicable, the replication of high-quality charter schools, and the expansion of high-quality charter schools (including the proposed number of new charter schools to be opened, high-quality charter schools to be opened as a result of the replication of a high-quality charter

school, or high-quality charter schools to be expanded under the State entity's program);

"(ii) inform eligible charter schools, developers, and authorized public chartering agencies of the availability of funds under the program;

"(iii) work with eligible applicants to ensure that the eligible applicants access all Federal funds that such applicants are eligible to receive, and help the charter schools supported by the applicants and the students attending those charter schools—

"(I) participate in the Federal programs in which the schools and students are eligible to participate;

"(II) receive the commensurate share of Federal funds the schools and students are eligible to receive under such programs; and

"(III) meet the needs of students served under such programs, including students with disabilities and English learners;

"(iv) ensure that authorized public chartering agencies, in collaboration with surrounding local educational agencies where applicable, establish clear plans and procedures to assist students enrolled in a charter school that closes or loses its charter to attend other high-quality schools;

"(v) in the case of a State entity that is not a State educational agency—

"(I) work with the State educational agency and charter schools in the State to maximize charter school participation in Federal and State programs for which charter schools are eligible; and

"(II) work with the State educational agency to operate the State entity's program under this section, if applicable;

"(vi) ensure that each eligible applicant that receives a subgrant under the State entity's program—

"(I) is using funds provided under this section for one of the activities described in subsection (b)(1); and

"(II) is prepared to continue to operate charter schools funded under this section in a manner consistent with the eligible applicant's application for such subgrant once the subgrant funds under this section are no longer available;

"(vii) support—

"(I) charter schools in local educational agencies with a significant number of schools identified by the State for comprehensive support and improvement under section 1111(c)(4)(D)(i); and

"(II) the use of charter schools to improve struggling schools, or to turn around struggling schools;

"(viii) work with charter schools on—

"(I) recruitment and enrollment practices to promote inclusion of all students, including by

eliminating any barriers to enrollment for educationally disadvantaged students (who include foster youth and unaccompanied homeless youth); and

"(II) supporting all students once they are enrolled to promote retention, including by reducing the overuse of discipline practices that remove students from the classroom;

"(ix) share best and promising practices between charter schools and other public schools;

"(x) ensure that charter schools receiving funds under the State entity's program meet the educational needs of their students, including children with disabilities and English learners;

"(xi) support efforts to increase charter school quality initiatives, including meeting the quality authorizing elements described in paragraph (2)(D);

"(xii)(I) in the case of a State entity not described in subclause (II), a description of how the State entity will provide oversight of authorizing activity, including how the State will help ensure better authorizing, such as by establishing authorizing standards that may include approving, monitoring, and re-approving or revoking the authority of an authorized public chartering agency based on the performance of the charter schools authorized by such agency in the areas of student achievement, student safety, financial and operational management, and compliance with all applicable statutes and regulations; and

"(II) in the case of a State entity described in subsection (a)(4), a description of how the State entity will work with the State to support the State's system of technical assistance and oversight, as described in subclause (I), of the authorizing activity of authorized public chartering agencies; and

"(xiii) work with eligible applicants receiving a subgrant under the State entity's program to support the opening of new charter schools or charter school models described in clause (i) that are high schools;

"(B) a description of the extent to which the State entity—

"(i) is able to meet and carry out the priorities described in subsection (g)(2);

"(ii) is working to develop or strengthen a cohesive statewide system to support the opening of new charter schools and, if applicable, the replication of high-quality charter schools, and the expansion of high-quality charter schools; and

"(iii) is working to develop or strengthen a cohesive strategy to encourage collaboration between charter schools and local educational agencies on the sharing of best practices;

"(C) a description of how the State entity will award subgrants, on a competitive basis, including—

"(i) a description of the application each eligible applicant desiring to receive a subgrant will be required to submit, which application shall include—

"(I) a description of the roles and responsibilities of eligible applicants, partner organizations, and charter management organizations, including the administrative and contractual roles and responsibilities of such partners;

"(II) a description of the quality controls agreed to between the eligible applicant and the authorized public chartering agency involved, such as a contract or performance agreement, how a school's performance in the State's accountability system and impact on student achievement (which may include student academic growth) will be one of the most important factors for renewal or revocation of the school's charter, and how the State entity and the authorized public chartering agency involved will reserve the right to revoke or not renew a school's charter based on financial, structural, or operational factors involving the management of the school;

"(III) a description of how the autonomy and flexibility granted to a charter school is consistent with the definition of a charter school in section 4310;

"(IV) a description of how the eligible applicant will solicit and consider input from parents and other members of the community on the implementation and operation of each charter school that will receive funds under the State entity's program;

"(V) a description of the eligible applicant's planned activities and expenditures of subgrant funds to support the activities described in subsection (b)(1), and how the eligible applicant will maintain financial sustainability after the end of the subgrant period; and

"(VI) a description of how the eligible applicant will support the use of effective parent, family, and community engagement strategies to operate each charter school that will receive funds under the State entity's program; and

"(ii) a description of how the State entity will review applications from eligible applicants;

"(D) in the case of a State entity that partners with an outside organization to carry out the State entity's quality charter school program, in whole or in part, a description of the roles and responsibilities of the partner;

"(E) a description of how the State entity will ensure that each charter school receiving funds under the State entity's program has considered and planned for the transportation needs of the school's students;

"(F) a description of how the State in which the State entity is located addresses charter schools in the State's open meetings and open records laws; and

"(G) a description of how the State entity will support diverse charter school models, including models that serve rural communities.

"(2) ASSURANCES.—Assurances that—

"(A) each charter school receiving funds through the State entity's program will have a high degree of autonomy over budget and operations, including autonomy over personnel decisions;

"(B) the State entity will support charter schools in meeting the educational needs of their students, as described in paragraph (1)(A)(x);

"(C) the State entity will ensure that the authorized public chartering agency of any charter school that receives funds under the State entity's program adequately monitors each charter school under the authority of such agency in recruiting, enrolling, retaining, and meeting the needs of all students, including children with disabilities and English learners;

"(D) the State entity will provide adequate technical assistance to eligible applicants to meet the objectives described in clause (viii) of paragraph (1)(A) and subparagraph (B) of this paragraph;

"(E) the State entity will promote quality authorizing, consistent with State law, such as through providing technical assistance to support each authorized public chartering agency in the State to improve such agency's ability to monitor the charter schools authorized by the agency, including by—

"(i) assessing annual performance data of the schools, including, as appropriate, graduation rates, student academic growth, and rates of student attrition;

"(ii) reviewing the schools' independent, annual audits of financial statements prepared in accordance with generally accepted accounting principles, and ensuring that any such audits are publically reported; and

"(iii) holding charter schools accountable to the academic, financial, and operational quality controls agreed to between the charter school and the authorized public chartering agency involved, such as through renewal, non-renewal, or revocation of the school's charter;

"(F) the State entity will work to ensure that charter schools are included with the traditional public schools in decisionmaking about the public school system in the State; and

"(G) the State entity will ensure that each charter school receiving funds under the State entity's program makes publicly available, consistent with the dissemination requirements of the annual State report card under section 1111(h), including on the website of the school, information

to help parents make informed decisions about the education options available to their children, including—

"(i) information on the educational program;

"(ii) student support services;

"(iii) parent contract requirements (as applicable), including any financial obligations or fees;

"(iv) enrollment criteria (as applicable); and

"(v) annual performance and enrollment data for each of the subgroups of students, as defined in section 1111(c)(2), except that such disaggregation of performance and enrollment data shall not be required in a case in which the number of students in a group is insufficient to yield statically reliable information or the results would reveal personally identifiable information about an individual student.

"(3) REQUESTS FOR WAIVERS.—Information about waivers, including—

"(A) a request and justification for waivers of any Federal statutory or regulatory provisions that the State entity believes are necessary for the successful operation of the charter schools that will receive funds under the State entity's program under this section or, in the case of a State entity defined in subsection (a)(4), a description of how the State entity will work with the State to request such necessary waivers, where applicable; and

"(B) a description of any State or local rules, generally applicable to public schools, that will be waived, or otherwise not apply to such schools.

"(g) SELECTION CRITERIA; PRIORITY.—

"(1) SELECTION CRITERIA.—The Secretary shall award grants to State entities under this section on the basis of the quality of the applications submitted under subsection (f), after taking into consideration—

"(A) the degree of flexibility afforded by the State's charter school law and how the State entity will work to maximize the flexibility provided to charter schools under such law;

"(B) the ambitiousness of the State entity's objectives for the quality charter school program carried out under this section;

"(C) the likelihood that the eligible applicants receiving subgrants under the program will meet those objectives and improve educational results for students;

"(D) the State entity's plan to—

"(i) adequately monitor the eligible applicants receiving subgrants under the State entity's program;

"(ii) work with the authorized public chartering agencies involved to avoid duplication of work for the charter schools and authorized public chartering agencies; and

"(iii) provide technical assistance and support for—

"(I) the eligible applicants receiving subgrants under the State entity's program; and

"(II) quality authorizing efforts in the State; and

"(E) the State entity's plan to solicit and consider input from parents and other members of the community on the implementation and operation of charter schools in the State.

"(2) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to a State entity to the extent that the entity meets the following criteria:

"(A) The State entity is located in a State that—

"(i) allows at least one entity that is not a local educational agency to be an authorized public chartering agency for developers seeking to open a charter school in the State; or

"(ii) in the case of a State in which local educational agencies are the only authorized public chartering agencies, the State has an appeals process for the denial of an application for a charter school.

"(B) The State entity is located in a State that ensures equitable financing, as compared to traditional public schools, for charter schools and students in a prompt manner.

"(C) The State entity is located in a State that provides charter schools one or more of the following:

"(i) Funding for facilities.

"(ii) Assistance with facilities acquisition.

"(iii) Access to public facilities.

"(iv) The ability to share in bonds or mill levies.

"(v) The right of first refusal to purchase public school buildings.

"(vi) Low- or no-cost leasing privileges.

"(D) The State entity is located in a State that uses best practices from charter schools to help improve struggling schools and local educational agencies.

"(E) The State entity supports charter schools that serve at-risk students through activities such as dropout prevention, dropout recovery, or comprehensive career counseling services.

"(F) The State entity has taken steps to ensure that all authorizing public chartering agencies implement best practices for charter school authorizing.

"(h) LOCAL USES OF FUNDS.—An eligible applicant receiving a subgrant under this section shall use such funds to support the activities described in subsection (b)(1), which shall include one or more of the following activities:

"(1) Preparing teachers, school leaders, and specialized instructional support personnel, including through paying the costs associated with—

"(A) providing professional development; and

"(B) hiring and compensating, during the eligible applicant's planning period specified in the application for subgrant funds that is required under this section, one or more of the following:

"(i) Teachers.

"(ii) School leaders.

"(iii) Specialized instructional support personnel.

"(2) Acquiring supplies, training, equipment (including technology), and educational materials (including developing and acquiring instructional materials).

"(3) Carrying out necessary renovations to ensure that a new school building complies with applicable statutes and regulations, and minor facilities repairs (excluding construction).

"(4) Providing one-time, startup costs associated with providing transportation to students to and from the charter school.

"(5) Carrying out community engagement activities, which may include paying the cost of student and staff recruitment.

"(6) Providing for other appropriate, non-sustained costs related to the activities described in subsection (b)(1) when such costs cannot be met from other sources.

"(i) REPORTING REQUIREMENTS.—Each State entity receiving a grant under this section shall submit to the Secretary, at the end of the third year of the 5-year grant period (or at the end of the second year of the grant period if the grant is less than 5 years), and at the end of such grant period, a report that includes the following:

"(1) The number of students served by each subgrant awarded under this section and, if applicable, the number of new students served during each year of the period of the subgrant.

"(2) A description of how the State entity met the objectives of the quality charter school program described in the State entity's application under subsection (f), including—

"(A) how the State entity met the objective of sharing best and promising practices described in subsection (f)(1)(A)(ix) in areas such as instruction, professional development, curricula development, and operations between charter schools and other public schools; and

"(B) if known, the extent to which such practices were adopted and implemented by such other public schools.

"(3) The number and amount of subgrants awarded under this section to carry out activities described in each of subparagraphs (A) through (C) of subsection (b)(1).

"(4) A description of—

"(A) how the State entity complied with, and ensured that eligible applicants complied with, the assurances included in the State entity's application; and

"(B) how the State entity worked with authorized public chartering agencies, and how the agencies worked with the management company or leadership of the schools that received subgrant funds under this section, if applicable.

"SEC. 4304. FACILITIES FINANCING ASSISTANCE.

"(a) GRANTS TO ELIGIBLE ENTITIES.—

"(1) IN GENERAL.—From the amount reserved under section 4302(b)(1), the Secretary shall use not less than 50 percent to award, on a competitive basis, not less than 3 grants to eligible entities that have the highest-quality applications approved under subsection (d), after considering the diversity of such applications, to demonstrate innovative methods of helping charter schools to address the cost of acquiring, constructing, and

renovating facilities by enhancing the availability of loans or bond financing.

"(2) ELIGIBLE ENTITY DEFINED.—For the purposes of this section, the term 'eligible entity' means—

"(A) a public entity, such as a State or local governmental entity;

"(B) a private nonprofit entity; or

"(C) a consortium of entities described in subparagraphs (A) and (B).

"(b) GRANTEE SELECTION.—The Secretary shall evaluate each application submitted under subsection (d), and shall determine whether the application is sufficient to merit approval.

"(c) GRANT CHARACTERISTICS.—Grants under subsection (a) shall be of sufficient size, scope, and quality so as to ensure an effective demonstration of an innovative means of enhancing credit for the financing of charter school acquisition, construction, or renovation.

"(d) APPLICATIONS.—

"(1) IN GENERAL.—An eligible entity desiring to receive a grant under this section shall submit an application to the Secretary in such form as the Secretary may reasonably require.

"(2) CONTENTS.—An application submitted under paragraph (1) shall contain—

"(A) a statement identifying the activities that the eligible entity proposes to carry out with funds received under subsection (a), including how the eligible entity will determine which charter schools will receive assistance, and how much and what types of assistance charter schools will receive;

"(B) a description of the involvement of charter schools in the application's development and the design of the proposed activities;

"(C) a description of the eligible entity's expertise in capital market financing;

"(D) a description of how the proposed activities will leverage the maximum amount of private-sector financing capital relative to the amount of government funding used and otherwise enhance credit available to charter schools, including how the eligible entity will offer a combination of rates and terms more favorable than the rates and terms that a charter school could receive without assistance from the eligible entity under this section;

"(E) a description of how the eligible entity possesses sufficient expertise in education to evaluate the likelihood of success of a charter school program for which facilities financing is sought; and

"(F) in the case of an application submitted by a State governmental entity, a description of the actions that the eligible entity has taken, or will take, to ensure that charter schools within the State receive the funding that charter schools need to have adequate facilities.

"(e) CHARTER SCHOOL OBJECTIVES.—An eligible entity receiving a grant under subsection (a) shall use the funds deposited in the reserve account established under subsection (f) to assist one or more

charter schools to access private-sector capital to accomplish one or more of the following objectives:

"(1) The acquisition (by purchase, lease, donation, or otherwise) of an interest (including an interest held by a third party for the benefit of a charter school) in improved or unimproved real property that is necessary to commence or continue the operation of a charter school.

"(2) The construction of new facilities, or the renovation, repair, or alteration of existing facilities, necessary to commence or continue the operation of a charter school.

"(3) The predevelopment costs required to assess sites for purposes of paragraph (1) or (2) and that are necessary to commence or continue the operation of a charter school.

"(f) RESERVE ACCOUNT.—

"(1) USE OF FUNDS.—To assist charter schools in accomplishing the objectives described in subsection (e), an eligible entity receiving a grant under subsection (a) shall, in accordance with State and local law, directly or indirectly, alone or in collaboration with others, deposit the funds received under subsection (a) (other than funds used for administrative costs in accordance with subsection (g)) in a reserve account established and maintained by the eligible entity for this purpose. Amounts deposited in such account shall be used by the eligible entity for one or more of the following purposes:

"(A) Guaranteeing, insuring, and reinsuring bonds, notes, evidences of debt, loans, and interests therein, the proceeds of which are used for an objective described in subsection (e).

"(B) Guaranteeing and insuring leases of personal and real property for an objective described in subsection (e).

"(C) Facilitating financing by identifying potential lending sources, encouraging private lending, and other similar activities that directly promote lending to, or for the benefit of, charter schools.

"(D) Facilitating the issuance of bonds by charter schools, or by other public entities for the benefit of charter schools, by providing technical, administrative, and other appropriate assistance (including the recruitment of bond counsel, underwriters, and potential investors and the consolidation of multiple charter school projects within a single bond issue).

"(2) INVESTMENT.—Funds received under subsection (a) and deposited in the reserve account established under paragraph (1) shall be invested in obligations issued or guaranteed by the United States or a State, or in other similarly low-risk securities.

"(3) REINVESTMENT OF EARNINGS.—Any earnings on funds received under subsection (a) shall be deposited in the reserve account established under paragraph (1) and used in accordance with this subsection.

"(g) LIMITATION ON ADMINISTRATIVE COSTS.—An eligible entity may use not more than 2.5 percent of the funds received under subsection (a) for the administrative costs of carrying out its responsibilities under this section (excluding subsection (k)).

"(h) AUDITS AND REPORTS.—

"(1) FINANCIAL RECORD MAINTENANCE AND AUDIT.—The financial records of each eligible entity receiving a grant under subsection (a) shall be maintained in accordance with generally accepted accounting principles and shall be subject to an annual audit by an independent public accountant.

"(2) REPORTS.—

"(A) GRANTEE ANNUAL REPORTS.—Each eligible entity receiving a grant under subsection (a) shall submit to the Secretary an annual report of the entity's operations and activities under this section (excluding subsection (k)).

"(B) CONTENTS.—Each annual report submitted under subparagraph (A) shall include—

"(i) a copy of the most recent financial statements, and any accompanying opinion on such statements, prepared by the independent public accountant reviewing the financial records of the eligible entity;

"(ii) a copy of any report made on an audit of the financial records of the eligible entity that was conducted under paragraph (1) during the reporting period;

"(iii) an evaluation by the eligible entity of the effectiveness of its use of the Federal funds provided under subsection (a) in leveraging private funds;

"(iv) a listing and description of the charter schools served during the reporting period, including the amount of funds used by each school, the type of project facilitated by the grant, and the type of assistance provided to the charter schools;

"(v) a description of the activities carried out by the eligible entity to assist charter schools in meeting the objectives set forth in subsection (e); and

"(vi) a description of the characteristics of lenders and other financial institutions participating in the activities carried out by the eligible entity under this section (excluding subsection (k)) during the reporting period.

"(C) SECRETARIAL REPORT.—The Secretary shall review the reports submitted under subparagraph (A) and shall provide a comprehensive annual report to Congress on the activities conducted under this section (excluding subsection (k)).

"(i) NO FULL FAITH AND CREDIT FOR GRANTEE OBLIGATION.—No financial obligation of an eligible entity entered into pursuant to this section (such as an obligation under a guarantee, bond, note, evidence of debt, or loan) shall be an obligation of, or guaranteed in any respect by, the United States. The full faith and credit of the United States is not pledged to the payment of funds that may be required to be paid under any obligation made by an eligible entity pursuant to any provision of this section.

"(j) RECOVERY OF FUNDS.—

"(1) IN GENERAL.—The Secretary, in accordance with chapter 37 of title 31, United States Code, shall collect—

"(A) all of the funds in a reserve account established by an eligible entity under subsection (f)(1) if the Secretary determines, not earlier than 2 years after the date on which

the eligible entity first received funds under subsection (a), that the eligible entity has failed to make substantial progress in carrying out the purposes described in subsection (f)(1); or

"(B) all or a portion of the funds in a reserve account established by an eligible entity under subsection (f)(1) if the Secretary determines that the eligible entity has permanently ceased to use all or a portion of the funds in such account to accomplish any purpose described in subsection (f)(1).

"(2) EXERCISE OF AUTHORITY.—The Secretary shall not exercise the authority provided in paragraph (1) to collect from any eligible entity any funds that are being properly used to achieve one or more of the purposes described in subsection (f)(1).

"(3) PROCEDURES.—The provisions of sections 451, 452, and 458 of the General Education Provisions Act shall apply to the recovery of funds under paragraph (1).

"(4) CONSTRUCTION.—This subsection shall not be construed to impair or affect the authority of the Secretary to recover funds under part D of the General Education Provisions Act (20 U.S.C. 1234 et seq.).

"(k) PER-PUPIL FACILITIES AID PROGRAM.—

"(1) DEFINITION OF PER-PUPIL FACILITIES AID PROGRAM.—In this subsection, the term 'per-pupil facilities aid program' means a program in which a State makes payments, on a per-pupil basis, to charter schools to provide the schools with financing—

"(A) that is dedicated solely to funding charter school facilities; or

"(B) a portion of which is dedicated for funding charter school facilities.

"(2) GRANTS.—

"(A) IN GENERAL.—From the amount reserved under section 4302(b)(1) and remaining after the Secretary makes grants under subsection (a), the Secretary shall make grants, on a competitive basis, to States to pay for the Federal share of the cost of establishing or enhancing, and administering, per-pupil facilities aid programs.

"(B) PERIOD.—The Secretary shall award grants under this subsection for periods of not more than 5 years.

"(C) FEDERAL SHARE.—The Federal share of the cost described in subparagraph (A) for a per-pupil facilities aid program shall be not more than—

"(i) 90 percent of the cost, for the first fiscal year for which the program receives assistance under this subsection;

"(ii) 80 percent for the second such year;

"(iii) 60 percent for the third such year;

"(iv) 40 percent for the fourth such year; and

"(v) 20 percent for the fifth such year.

"(D) STATE SHARE.—A State receiving a grant under this subsection may partner with 1 or more organizations, and such organizations may provide not more than 50 percent of the State share of the cost of establishing or enhanc-

ing, and administering, the per-pupil facilities aid program.

"(E) MULTIPLE GRANTS.—A State may receive more than 1 grant under this subsection, so long as the amount of total funds provided to charter schools increases with each successive grant.

"(3) USE OF FUNDS.—

"(A) IN GENERAL.—A State that receives a grant under this subsection shall use the funds made available through the grant to establish or enhance, and administer, a per-pupil facilities aid program for charter schools in the State of the applicant.

"(B) EVALUATIONS; TECHNICAL ASSISTANCE; DISSEMINATION.—From the amount made available to a State through a grant under this subsection for a fiscal year, the State may reserve not more than 5 percent to carry out evaluations, to provide technical assistance, and to disseminate information.

"(C) SUPPLEMENT, NOT SUPPLANT.—Funds made available under this subsection shall be used to supplement, and not supplant, State and local public funds expended to provide per-pupil facilities aid programs, operations financing programs, or other programs, for charter schools.

"(4) REQUIREMENTS.—

"(A) VOLUNTARY PARTICIPATION.—No State may be required to participate in a program carried out under this subsection.

"(B) STATE LAW.—

"(i) IN GENERAL.—To be eligible to receive a grant under this subsection, a State shall establish or enhance, and administer, a per-pupil facilities aid program for charter schools in the State, that—

"(I) is specified in State law; and

"(II) provides annual financing, on a per-pupil basis, for charter school facilities.

"(ii) SPECIAL RULE.—A State that is required under State law to provide its charter schools with access to adequate facility space, but that does not have a per-pupil facilities aid program for charter schools specified in State law, is eligible to receive a grant under this subsection if the State agrees to use the funds to develop a per-pupil facilities aid program consistent with the requirements of this subsection.

"(5) APPLICATIONS.—To be eligible to receive a grant under this subsection, a State shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"SEC. 4305. NATIONAL ACTIVITIES.

"(a) IN GENERAL.—From the amount reserved under section 4302(b)(2), the Secretary shall—

"(1) use not more than 80 percent of such funds to award grants in accordance with subsection (b);

"(2) use not more than 9 percent of such funds to award grants, on a competitive basis, to eligible applicants for the pur-

pose of carrying out the activities described in section 4303(h) in a State that did not receive a grant under section 4303; and

"(3) after the uses described in paragraphs (1) and (2), use the remainder of such funds to—

"(A) disseminate technical assistance to—

"(i) State entities in awarding subgrants under section 4303(b)(1); and

"(ii) eligible entities and States receiving grants under section 4304;

"(B) disseminate best practices regarding charter schools; and

"(C) evaluate the impact of the charter school program carried out under this part, including the impact on student achievement.

"(b) GRANTS FOR THE REPLICATION AND EXPANSION OF HIGH-QUALITY CHARTER SCHOOLS.—

"(1) IN GENERAL.—The Secretary shall make grants, on a competitive basis, to eligible entities having applications approved under paragraph (3) to enable such entities to open and prepare for the operation of one or more replicated high-quality charter schools or to expand one or more high-quality charter schools.

"(2) DEFINITION OF ELIGIBLE ENTITY.—For purposes of this subsection, the term 'eligible entity' means a charter management organization.

"(3) APPLICATION REQUIREMENTS.—An eligible entity desiring to receive a grant under this subsection shall submit an application to the Secretary at such time and in such manner as the Secretary may require. The application shall include the following:

"(A) EXISTING CHARTER SCHOOL DATA.—For each charter school currently operated or managed by the eligible entity—

"(i) student assessment results for all students and for each subgroup of students described in section 1111(c)(2);

"(ii) attendance and student retention rates for the most recently completed school year and, if applicable, the most recent available 4-year adjusted cohort graduation rates and extended-year adjusted cohort graduation rates; and

"(iii) information on any significant compliance and management issues encountered within the last 3 school years by any school operated or managed by the eligible entity, including in the areas of student safety and finance.

"(B) DESCRIPTIONS.—A description of—

"(i) the eligible entity's objectives for implementing a high-quality charter school program with funding under this subsection, including a description of the proposed number of high-quality charter schools the eligible entity proposes to open as a result of the replication of a high-quality charter school or to expand with funding under this subsection;

"(ii) the educational program that the eligible entity will implement in such charter schools, including—

"(I) information on how the program will enable all students to meet the challenging State academic standards;

"(II) the grade levels or ages of students who will be served; and

"(III) the instructional practices that will be used;

"(iii) how the operation of such charter schools will be sustained after the grant under this subsection has ended, which shall include a multi-year financial and operating model for the eligible entity;

"(iv) how the eligible entity will ensure that such charter schools will recruit and enroll students, including children with disabilities, English learners, and other educationally disadvantaged students; and

"(v) any request and justification for any waivers of Federal statutory or regulatory requirements that the eligible entity believes are necessary for the successful operation of such charter schools.

"(C) ASSURANCE.—An assurance that the eligible entity has sufficient procedures in effect to ensure timely closure of low-performing or financially mismanaged charter schools and clear plans and procedures in effect for the students in such schools to attend other high-quality schools.

"(4) SELECTION CRITERIA.—The Secretary shall select eligible entities to receive grants under this subsection, on the basis of the quality of the applications submitted under paragraph (3), after taking into consideration such factors as—

"(A) the degree to which the eligible entity has demonstrated success in increasing academic achievement for all students and for each of the subgroups of students described in section 1111(c)(2) attending the charter schools the eligible entity operates or manages;

"(B) a determination that the eligible entity has not operated or managed a significant proportion of charter schools that—

"(i) have been closed;

"(ii) have had the school's charter revoked due to problems with statutory or regulatory compliance; or

"(iii) have had the school's affiliation with the eligible entity revoked or terminated, including through voluntary disaffiliation; and

"(C) a determination that the eligible entity has not experienced significant problems with statutory or regulatory compliance that could lead to the revocation of a school's charter.

"(5) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to eligible entities that—

"(A) plan to operate or manage high-quality charter schools with racially and socioeconomically diverse student bodies;

"(B) demonstrate success in working with schools identified by the State for comprehensive support and improvement under section 1111(c)(4)(D)(i);

"(C) propose to use funds—

"(i) to expand high-quality charter schools to serve high school students; or

"(ii) to replicate high-quality charter schools to serve high school students; or

"(D) propose to operate or manage high-quality charter schools that focus on dropout recovery and academic reentry.

"(c) TERMS AND CONDITIONS.—Except as otherwise provided, grants awarded under paragraphs (1) and (2) of subsection (a) shall have the same terms and conditions as grants awarded to State entities under section 4303.";

(2) in section 4306 (20 U.S.C. 7221e), as redesignated by section 4001, by adding at the end the following:

"(c) NEW OR SIGNIFICANTLY EXPANDING CHARTER SCHOOLS.—For purposes of implementing the hold harmless protections in sections 1122(c) and 1125A(g)(3) for a newly opened or significantly expanded charter school under this part, a State educational agency shall calculate a hold-harmless base for the prior year that, as applicable, reflects the new or significantly expanded enrollment of the charter school.";

(3) in section 4308 (20 U.S.C. 7221g), as redesignated by section 4001, by inserting "as quickly as possible and" before "to the extent practicable";

(4) in section 4310 (20 U.S.C. 7221i), as redesignated by section 4001—

(A) in the matter preceding paragraph (1), by striking "subpart" and inserting "part";

(B) by redesignating paragraphs (1), (2), and (3) as paragraphs (2), (5), and (6), respectively;

(C) by redesignating paragraph (4) as paragraph (1), and moving such paragraph so as to precede paragraph (2), as redesignated by subparagraph (B);

(D) in paragraph (2), as redesignated by subparagraph (B)—

(i) in subparagraph (G), by striking ", and part B" and inserting ", the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), section 444 of the General Education Provisions Act (20 U.S.C. 1232g) (commonly referred to as the 'Family Educational Rights and Privacy Act of 1974'), and part B";

(ii) by striking subparagraph (H) and inserting the following:

"(H) is a school to which parents choose to send their children, and that—

"(i) admits students on the basis of a lottery, consistent with section 4303(c)(3)(A), if more students apply for admission than can be accommodated; or

"(ii) in the case of a school that has an affiliated charter school (such as a school that is part of the same network of schools), automatically enrolls students who are enrolled in the immediate prior grade

level of the affiliated charter school and, for any additional student openings or student openings created through regular attrition in student enrollment in the affiliated charter school and the enrolling school, admits students on the basis of a lottery as described in clause (i);";

(iii) by striking subparagraph (I) and inserting the following:

"(I) agrees to comply with the same Federal and State audit requirements as do other elementary schools and secondary schools in the State, unless such State audit requirements are waived by the State;";

(iv) in subparagraph (K), by striking "and" at the end;

(v) in subparagraph (L), by striking the period at the end and inserting "; and"; and

(vi) by adding at the end the following:

"(M) may serve students in early childhood education programs or postsecondary students.";

(E) by inserting after paragraph (2), as redesignated by subparagraph (B), the following:

"(3) CHARTER MANAGEMENT ORGANIZATION.—The term 'charter management organization' means a nonprofit organization that operates or manages a network of charter schools linked by centralized support, operations, and oversight.

"(4) CHARTER SCHOOL SUPPORT ORGANIZATION.—The term 'charter school support organization' means a nonprofit, nongovernmental entity that is not an authorized public chartering agency and provides, on a statewide basis—

"(A) assistance to developers during the planning, program design, and initial implementation of a charter school; and

"(B) technical assistance to operating charter schools.";

(F) in paragraph (6)(B), as redesignated by subparagraph (B), by striking "under section 5203(d)(3)"; and

(G) by adding at the end the following:

"(7) EXPAND.—The term 'expand', when used with respect to a high-quality charter school, means to significantly increase enrollment or add one or more grades to the high-quality charter school.

"(8) HIGH-QUALITY CHARTER SCHOOL.—The term 'high-quality charter school' means a charter school that—

"(A) shows evidence of strong academic results, which may include strong student academic growth, as determined by a State;

"(B) has no significant issues in the areas of student safety, financial and operational management, or statutory or regulatory compliance;

"(C) has demonstrated success in significantly increasing student academic achievement, including graduation rates where applicable, for all students served by the charter school; and

"(D) has demonstrated success in increasing student academic achievement, including graduation rates where applicable, for each of the subgroups of students, as defined

in section 1111(c)(2), except that such demonstration is not required in a case in which the number of students in a group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student.

"(9) REPLICATE.—The term 'replicate', when used with respect to a high-quality charter school, means to open a new charter school, or a new campus of a high-quality charter school, based on the educational model of an existing high-quality charter school, under an existing charter or an additional charter, if permitted or required by State law."; and

(5) by striking section 4311 (20 U.S.C. 7221j), as redesignated by section 4001, and inserting the following:

"SEC. 4311. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this part—

"(1) $270,000,000 for fiscal year 2017;
"(2) $270,000,000 for fiscal year 2018;
"(3) $300,000,000 for fiscal year 2019; and
"(4) $300,000,000 for fiscal year 2020.".

PART D—MAGNET SCHOOLS ASSISTANCE

SEC. 4401. MAGNET SCHOOLS ASSISTANCE.

Part D of title IV (20 U.S.C. 7201 et seq.), as amended by section 4001(b)(3), is further amended—

(1) in section 4401—

(A) in subsection (a)(2)—

(i) by striking "2,000,000" and inserting "2,500,000"; and

(ii) by striking "65" and inserting "69"; and

(B) in subsection (b)—

(i) in paragraph (2)—

(I) by striking "and implementation" and inserting ", implementation, and expansion"; and

(II) by striking "content standards and student academic achievement standards" and inserting "standards";

(ii) in paragraph (3), by striking "and design" and inserting ", design, and expansion";

(iii) in paragraph (4), by striking "vocational" and inserting "career"; and

(iv) in paragraph (6), by striking "productive";

(2) in section 4405(b)—

(A) in paragraph (1)—

(i) in subparagraph (A), by inserting "any available evidence on, or if such evidence is not available, a rationale, based on current research, for" before "how the proposed magnet school programs";

(ii) in subparagraph (B), by inserting ", including any evidence, or if such evidence is not available, a rationale based on current research findings, to support such description" before the semicolon;

(iii) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively; and

(iv) by inserting after subparagraph (C) the following:

"(D) how the applicant will assess, monitor, and evaluate the impact of the activities funded under this part on student achievement and integration;"; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking "section 5301(b)" and inserting "section 4401(b)"; and

(ii) in subparagraph (B), by striking "highly qualified" and inserting "effective";

(3) in section 4406, by striking paragraphs (2) and (3) and inserting the following:

"(2) propose to—

"(A) carry out a new, evidence-based magnet school program;

"(B) significantly revise an existing magnet school program, using evidence-based methods and practices, as available; or

"(C) replicate an existing magnet school program that has a demonstrated record of success in increasing student academic achievement and reducing isolation of minority groups;

"(3) propose to select students to attend magnet school programs by methods such as lottery, rather than through academic examination; and

"(4) propose to increase racial integration by taking into account socioeconomic diversity in designing and implementing magnet school programs.";

(4) in section 4407—

(A) in subsection (a)—

(i) in paragraph (3), by striking "highly qualified" and inserting "effective";

(ii) in paragraph (6), by striking "and" at the end;

(iii) in paragraph (7), by striking the period at the end and inserting a semicolon; and

(iv) by adding at the end the following:

"(8) to enable the local educational agency, or consortium of such agencies, or other organizations partnered with such agency or consortium, to establish, expand, or strengthen interdistrict and regional magnet programs; and

"(9) notwithstanding section 426 of the General Education Provisions Act (20 U.S.C. 1228), to provide transportation to and from the magnet school, provided that—

"(A) such transportation is sustainable beyond the grant period; and

"(B) the costs of providing transportation do not represent a significant portion of the grant funds received by the eligible local educational agency under this part .."; and

(B) by striking subsection (b) and inserting the following:

"(b) SPECIAL RULE.—Grant funds under this part may be used for activities described in paragraphs (2) and (3) of subsection (a) only if the activities are directly related to improving student aca-

demic achievement based on the challenging State academic standards or directly related to improving student reading skills or knowledge of mathematics, science, history, geography, English, foreign languages, art, or music, or to improving career, technical, and professional skills.";

(5) in section 4408—

(A) in subsection (a), by striking "3" and inserting "5";

(B) by striking subsection (c) and inserting the following:

"(c) AMOUNT.—No grant awarded under this part to a local educational agency, or a consortium of such agencies, shall be for more than $15,000,000 for the grant period described in subsection (a)."; and

(C) in subsection (d), by striking "July" and inserting "June";

(6) in section 4409—

(A) by striking subsection (a) and inserting the following:

"(a) AUTHORIZATION.—There are authorized to be appropriated to carry out this part the following amounts:

"(1) $94,000,000 for fiscal year 2017.

"(2) $96,820,000 for fiscal year 2018.

"(3) $102,387,150 for fiscal year 2019.

"(4) $108,530,379 for fiscal year 2020.".

(B) by redesignating subsection (b) as subsection (c); and

(C) by inserting after subsection (a) the following:

"(b) RESERVATION FOR TECHNICAL ASSISTANCE.—The Secretary may reserve not more than 1 percent of the funds appropriated under subsection (a) for any fiscal year to provide technical assistance and share best practices with respect to magnet school programs assisted under this part.".

PART E—FAMILY ENGAGEMENT IN EDUCATION PROGRAMS

SEC. 4501. FAMILY ENGAGEMENT IN EDUCATION PROGRAMS.

Title IV (20 U.S.C. 7101 et seq.), as amended by section 4001, is further amended by adding at the end the following:

"PART E—FAMILY ENGAGEMENT IN EDUCATION PROGRAMS

"SEC. 4501. PURPOSES.

"The purposes of this part are the following:

"(1) To provide financial support to organizations to provide technical assistance and training to State educational agencies and local educational agencies in the implementation and enhancement of systemic and effective family engagement policies, programs, and activities that lead to improvements in student development and academic achievement.

"(2) To assist State educational agencies, local educational agencies, community-based organizations, schools, and educators in strengthening partnerships among parents, teachers,

school leaders, administrators, and other school personnel in meeting the educational needs of children and fostering greater parental engagement.

"(3) To support State educational agencies, local educational agencies, schools, educators, and parents in developing and strengthening the relationship between parents and their children's school in order to further the developmental progress of children.

"(4) To coordinate activities funded under this part with parent involvement initiatives funded under section 1116 and other provisions of this Act.

"(5) To assist the Secretary, State educational agencies, and local educational agencies in the coordination and integration of Federal, State, and local services and programs to engage families in education.

"SEC. 4502. GRANTS AUTHORIZED.

"(a) STATEWIDE FAMILY ENGAGEMENT CENTERS.—From the amount appropriated under section 4506 and not reserved under subsection (d), the Secretary is authorized to award grants for each fiscal year to statewide organizations (or consortia of such organizations), to establish statewide family engagement centers that—

"(1) carry out parent education, and family engagement in education, programs; or

"(2) provide comprehensive training and technical assistance to State educational agencies, local educational agencies, schools identified by State educational agencies and local educational agencies, organizations that support family-school partnerships, and other organizations that carry out such programs.

"(b) MINIMUM AWARD.—In awarding grants under this section, the Secretary shall, to the extent practicable, ensure that a grant is awarded for a statewide family engagement center in an amount not less than $500,000.

"(c) MATCHING FUNDS FOR GRANT RENEWAL.—Each organization or consortium receiving assistance under this part shall demonstrate that, for each fiscal year after the first fiscal year for which the organization or consortium is receiving such assistance, a portion of the services provided by the organization or consortium is supported through non-Federal contributions, which may be in cash or in-kind.

"(d) TECHNICAL ASSISTANCE.—The Secretary shall reserve not more than 2 percent of the funds appropriated under section 4506 to carry out this part to provide technical assistance, by competitive grant or contract, for the establishment, development, and coordination of statewide family engagement centers.

"SEC. 4503. APPLICATIONS.

"(a) SUBMISSIONS.—Each statewide organization, or a consortium of such organizations, that desires a grant under this part shall submit an application to the Secretary at such time and in such manner as the Secretary may require, which shall include the information described in subsection (b).

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

"(1) A description of the applicant's approach to family engagement in education.

"(2) A description of how the State educational agency and any partner organization will support the statewide family engagement center that will be operated by the applicant including a description of the State educational agency and any partner organization's commitment of such support.

"(3) A description of the applicant's plan for building a statewide infrastructure for family engagement in education, that includes—

"(A) management and governance;

"(B) statewide leadership; or

"(C) systemic services for family engagement in education.

"(4) A description of the applicant's demonstrated experience in providing training, information, and support to State educational agencies, local educational agencies, schools, educators, parents, and organizations on family engagement in education policies and practices that are effective for parents (including low-income parents) and families, parents of English learners, minorities, students with disabilities, homeless children and youth, children and youth in foster care, and migrant students, including evaluation results, reporting, or other data exhibiting such demonstrated experience.

"(5) A description of the steps the applicant will take to target services to low-income students and parents.

"(6) An assurance that the applicant will—

"(A) establish a special advisory committee, the membership of which includes—

"(i) parents, who shall constitute a majority of the members of the special advisory committee;

"(ii) representatives of education professionals with expertise in improving services for disadvantaged children;

"(iii) representatives of local elementary schools and secondary schools, including students;

"(iv) representatives of the business community; and

"(v) representatives of State educational agencies and local educational agencies;

"(B) use not less than 65 percent of the funds received under this part in each fiscal year to serve local educational agencies, schools, and community-based organizations that serve high concentrations of disadvantaged students, including students who are English learners, minorities, students with disabilities, homeless children and youth, children and youth in foster care, and migrant students;

"(C) operate a statewide family engagement center of sufficient size, scope, and quality to ensure that the center is adequate to serve the State educational agency, local educational agencies, and community-based organizations;

"(D) ensure that the statewide family engagement center will retain staff with the requisite training and experience to serve parents in the State;

"(E) serve urban, suburban, and rural local educational agencies and schools;

"(F) work with—

"(i) other statewide family engagement centers assisted under this part; and

"(ii) parent training and information centers and community parent resource centers assisted under sections 671 and 672 of the Individuals with Disabilities Education Act (20 U.S.C. 1471; 1472);

"(G) use not less than 30 percent of the funds received under this part for each fiscal year to establish or expand technical assistance for evidence-based parent education programs;

"(H) provide assistance to State educational agencies, local educational agencies, and community-based organizations that support family members in supporting student academic achievement;

"(I) work with State educational agencies, local educational agencies, schools, educators, and parents to determine parental needs and the best means for delivery of services to address such needs;

"(J) conduct sufficient outreach to assist parents, including parents who the applicant may have a difficult time engaging with a school or local educational agency; and

"(K) conduct outreach to low-income students and parents, including low-income students and parents who are not proficient in English.

"(7) An assurance that the applicant will conduct training programs in the community to improve adult literacy, including financial literacy.

"(c) PRIORITY.—In awarding grants for activities described in this part, the Secretary shall give priority to statewide family engagement centers that will use funds under section 4504 for evidence-based activities, which, for the purposes of this part is defined as activities meeting the requirements of section 8101(21)(A)(i).

"SEC. 4504. USES OF FUNDS.

"(a) IN GENERAL.—Each statewide organization or consortium receiving a grant under this part shall use the grant funds, based on the needs determined under section 4503(b)(6)(I), to provide training and technical assistance to State educational agencies, local educational agencies, and organizations that support family-school partnerships, and activities, services, and training for local educational agencies, school leaders, educators, and parents—

"(1) to assist parents in participating effectively in their children's education and to help their children meet challenging State academic standards, such as by assisting parents—

"(A) to engage in activities that will improve student academic achievement, including understanding how parents can support learning in the classroom with activities at home and in after school and extracurricular programs;

"(B) to communicate effectively with their children, teachers, school leaders, counselors, administrators, and other school personnel;

"(C) to become active participants in the development, implementation, and review of school-parent compacts, family engagement in education policies, and school planning and improvement;

"(D) to participate in the design and provision of assistance to students who are not making academic progress;

"(E) to participate in State and local decisionmaking;

"(F) to train other parents; and

"(G) in learning and using technology applied in their children's education;

"(2) to develop and implement, in partnership with the State educational agency, statewide family engagement in education policy and systemic initiatives that will provide for a continuum of services to remove barriers for family engagement in education and support school reform efforts; and

"(3) to develop and implement parental involvement policies under this Act.

"(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit a statewide family engagement center from—

"(1) having its employees or agents meet with a parent at a site that is not on school grounds; or

"(2) working with another agency that serves children.

"(c) PARENTAL RIGHTS.—Notwithstanding any other provision of this section—

"(1) no person (including a parent who educates a child at home, a public school parent, or a private school parent) shall be required to participate in any program of parent education or developmental screening under this section; and

"(2) no program or center assisted under this section shall take any action that infringes in any manner on the right of parents to direct the education of their children.

"SEC. 4505. FAMILY ENGAGEMENT IN INDIAN SCHOOLS.

"The Secretary of the Interior, in consultation with the Secretary of Education, shall establish, or enter into contracts and cooperative agreements with, local tribes, tribal organizations, or Indian nonprofit parent organizations to establish and operate family engagement centers.

"SEC. 4506. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this part $10,000,000 for each of fiscal years 2017 through 2020.".".

PART F—NATIONAL ACTIVITIES

SEC. 4601. NATIONAL ACTIVITIES.

Title IV (20 U.S.C. 7101 et seq.), as amended by the previous provisions of this title, is further amended by adding at the end the following:

"PART F—NATIONAL ACTIVITIES

"SEC. 4601. AUTHORIZATION OF APPROPRIATIONS; RESERVATIONS.

"(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this part—

"(1) $200,741,000 for each of fiscal years 2017 and 2018; and

"(2) $220,741,000 for each of fiscal years 2019 and 2020.

"(b) RESERVATIONS.—From the amounts appropriated under subsection (a) for a fiscal year, the Secretary shall—

"(1) reserve $5,000,000 to carry out activities authorized under subpart 3; and

"(2) from the amounts remaining after the reservation under paragraph (1)—

"(A) carry out activities authorized under subpart 1 using—

"(i) 36 percent of such remainder for each of fiscal years 2017 and 2018; and

"(ii) 42 percent of such remainder for each of fiscal years 2019 and 2020;

"(B) carry out activities authorized under subpart 2 using—

"(i) 36 percent of such remainder for each of fiscal years 2017 and 2018; and

"(ii) 32 percent of such remainder for each of fiscal years 2019 and 2020; and

"(C) to carry out activities authorized under subpart 4—

"(i) 28 percent of such remainder for each of fiscal years 2017 and 2018; and

"(ii) 26 percent of such remainder for each of fiscal years 2019 and 2020.

"Subpart 1—Education Innovation and Research

"SEC. 4611. GRANTS FOR EDUCATION INNOVATION AND RESEARCH.

"(a) PROGRAM AUTHORIZED.—

"(1) IN GENERAL.—From funds reserved under section 4601(b)(2)(A), the Secretary shall make grants to eligible entities to enable the eligible entities to—

"(A) create, develop, implement, replicate, or take to scale entrepreneurial, evidence-based, field-initiated innovations to improve student achievement and attainment for high-need students; and

"(B) rigorously evaluate such innovations, in accordance with subsection (e).

"(2) DESCRIPTION OF GRANTS.—The grants described in paragraph (1) shall include—

"(A) early-phase grants to fund the development, implementation, and feasibility testing of a program, which prior research suggests has promise, for the purpose of determining whether the program can successfully improve student achievement or attainment for high-need students;

"(B) mid-phase grants to fund implementation and a rigorous evaluation of a program that has been successfully implemented under an early-phase grant described in subparagraph (A) or other effort meeting similar criteria, for the purpose of measuring the program's impact and cost effectiveness, if possible using existing administrative data; and

"(C) expansion grants to fund implementation and a rigorous replication evaluation of a program that has been found to produce sizable, important impacts under a mid-phase grant described in subparagraph (B) or other effort meeting similar criteria, for the purposes of—

"(i) determining whether such impacts can be successfully reproduced and sustained over time; and

"(ii) identifying the conditions in which the program is most effective.

"(b) ELIGIBLE ENTITY.—In this subpart, the term 'eligible entity' means any of the following:

"(1) A local educational agency.

"(2) A State educational agency.

"(3) The Bureau of Indian Education.

"(4) A consortium of State educational agencies or local educational agencies.

"(5) A nonprofit organization.

"(6) A State educational agency, a local educational agency, a consortium described in paragraph (4), or the Bureau of Indian Education, in partnership with—

"(A) a nonprofit organization;

"(B) a business;

"(C) an educational service agency; or

"(D) an institution of higher education.

"(c) RURAL AREAS.—

"(1) IN GENERAL.—In awarding grants under subsection (a), the Secretary shall ensure that not less than 25 percent of the funds made available for any fiscal year are awarded for programs that meet both of the following requirements:

"(A) The grantee is—

"(i) a local educational agency with an urban-centric district locale code of 32, 33, 41, 42, or 43, as determined by the Secretary;

"(ii) a consortium of such local educational agencies;

"(iii) an educational service agency or a nonprofit organization in partnership with such a local educational agency; or

"(iv) a grantee described in clause (i) or (ii) in partnership with a State educational agency.

"(B) A majority of the schools to be served by the program are designated with a locale code of 32, 33, 41, 42, or 43, or a combination of such codes, as determined by the Secretary.

"(2) EXCEPTION.—Notwithstanding paragraph (1), the Secretary shall reduce the amount of funds made available under such paragraph if the Secretary does not receive a sufficient number of applications of sufficient quality.

"(d) MATCHING FUNDS.—In order to receive a grant under subsection (a), an eligible entity shall demonstrate that the eligible entity will provide matching funds, in cash or through in-kind contributions, from Federal, State, local, or private sources in an amount equal to 10 percent of the funds provided under such grant, except that the Secretary may waive the matching funds requirement, on

a case-by-case basis, upon a showing of exceptional circumstances, such as—

"(1) the difficulty of raising matching funds for a program to serve a rural area;

"(2) the difficulty of raising matching funds in areas with a concentration of local educational agencies or schools with a high percentage of students aged 5 through 17—

"(A) who are in poverty, as counted in the most recent census data approved by the Secretary;

"(B) who are eligible for a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);

"(C) whose families receive assistance under the State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.); or

"(D) who are eligible to receive medical assistance under the Medicaid program; and

"(3) the difficulty of raising funds on tribal land.

"(e) EVALUATION.—Each recipient of a grant under this section shall conduct an independent evaluation of the effectiveness of the program carried out under such grant.

"(f) TECHNICAL ASSISTANCE.—The Secretary may reserve not more than 5 percent of the funds appropriated under section 4601(b)(2)(A) for each fiscal year to—

"(1) provide technical assistance for eligibility entities, which may include pre-application workshops, web-based seminars, and evaluation support; and

"(2) to disseminate best practices.

"Subpart 2—Community Support for School Success

"SEC. 4621. PURPOSES.

"The purposes of this subpart are to—

"(1) significantly improve the academic and developmental outcomes of children living in the most distressed communities of the United States, including ensuring school readiness, high school graduation, and access to a community-based continuum of high-quality services; and

"(2) provide support for the planning, implementation, and operation of full-service community schools that improve the coordination and integration, accessibility, and effectiveness of services for children and families, particularly for children attending high-poverty schools, including high-poverty rural schools.

"SEC. 4622. DEFINITIONS.

"In this subpart:

"(1) ELIGIBLE ENTITY.—The term 'eligible entity' means the following:

"(A) With respect to a grant for activities described in section 4623(a)(1)(A)—

"(i) an institution of higher education, as defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002);

"(ii) an Indian tribe or tribal organization, as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b); or

"(iii) one or more nonprofit entities working in formal partnership with not less than 1 of the following entities:

"(I) A high-need local educational agency.

"(II) An institution of higher education, as defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002).

"(III) The office of a chief elected official of a unit of local government.

"(IV) An Indian tribe or tribal organization, as defined under section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

"(B) With respect to a grant for activities described in section 4623(a)(1)(B), a consortium of—

"(i)(I) 1 or more local educational agencies; or

"(II) the Bureau of Indian Education; and

"(ii) 1 or more community-based organizations, nonprofit organizations, or other public or private entities.

"(2) FULL-SERVICE COMMUNITY SCHOOL.—The term 'full-service community school' means a public elementary school or secondary school that—

"(A) participates in a community-based effort to coordinate and integrate educational, developmental, family, health, and other comprehensive services through community-based organizations and public and private partnerships; and

"(B) provides access to such services in school to students, families, and the community, such as access during the school year (including before- and after-school hours and weekends), as well as during the summer.

"(3) PIPELINE SERVICES.—The term 'pipeline services' means a continuum of coordinated supports, services, and opportunities for children from birth through entry into and success in postsecondary education, and career attainment. Such services shall include, at a minimum, strategies to address through services or programs (including integrated student supports) the following:

"(A) High-quality early childhood education programs.

"(B) High-quality school and out-of-school-time programs and strategies.

"(C) Support for a child's transition to elementary school, from elementary school to middle school, from middle school to high school, and from high school into and through postsecondary education and into the workforce, including any comprehensive readiness assessment determined necessary.

"(D) Family and community engagement and supports, which may include engaging or supporting families at school or at home.

"(E) Activities that support postsecondary and workforce readiness, which may include job training, internship opportunities, and career counseling.

"(F) Community-based support for students who have attended the schools in the area served by the pipeline, or students who are members of the community, facilitating their continued connection to the community and success in postsecondary education and the workforce.

"(G) Social, health, nutrition, and mental health services and supports.

"(H) Juvenile crime prevention and rehabilitation programs.

"SEC. 4623. PROGRAM AUTHORIZED.

"(a) PROGRAM AUTHORIZED.—

"(1) IN GENERAL.—The Secretary shall use not less than 95 percent of the amounts made available under section 4601(b)(2)(B) to award grants, on a competitive basis and subject to subsection (e), to eligible entities for the following activities:

"(A) PROMISE NEIGHBORHOODS.—The implementation of a comprehensive, effective continuum of coordinated services that meets the purpose described in section 4621(1) by carrying out activities in neighborhoods with—

"(i) high concentrations of low-income individuals;

"(ii) multiple signs of distress, which may include high rates of poverty, childhood obesity, academic failure, and juvenile delinquency, adjudication, or incarceration; and

"(iii) schools implementing comprehensive support and improvement activities or targeted support and improvement activities under section 1111(d).

"(B) FULL-SERVICE COMMUNITY SCHOOLS.—The provision of assistance to public elementary schools or secondary schools to function as full-service community schools.

"(2) SUFFICIENT SIZE AND SCOPE.—Each grant awarded under this subpart shall be of sufficient size and scope to allow the eligible entity to carry out the applicable purposes of this subpart.

"(b) DURATION.—A grant awarded under this subpart shall be for a period of not more than 5 years, and may be extended for an additional period of not more than 2 years.

"(c) CONTINUED FUNDING.—Continued funding of a grant under this subpart, including a grant extended under subsection (b), after the third year of the initial grant period shall be contingent on the eligible entity's progress toward meeting—

"(1) with respect to a grant for activities described in section 4624, the performance metrics described in section 4624(h); and

"(2) with respect to a grant for activities described in section 4625, annual performance objectives and outcomes under section 4625(a)(4)(C).

"(d) MATCHING REQUIREMENTS.—

"(1) PROMISE NEIGHBORHOOD ACTIVITIES.—

"(A) MATCHING FUNDS.—Each eligible entity receiving a grant under this subpart for activities described in sec-

tion 4624 shall contribute matching funds in an amount equal to not less than 100 percent of the amount of the grant. Such matching funds shall come from Federal, State, local, and private sources.

"(B) PRIVATE SOURCES.—The Secretary shall require that a portion of the matching funds come from private sources, which may include in-kind contributions.

"(C) ADJUSTMENT.—The Secretary may adjust the matching funds requirement under this paragraph for applicants that demonstrate high need, including applicants from rural areas and applicants that wish to provide services on tribal lands.

"(D) FINANCIAL HARDSHIP WAIVER.—The Secretary may waive or reduce, on a case-by-case basis, the matching requirement under this paragraph, including the requirement for funds from private sources, for a period of 1 year at a time, if the eligible entity demonstrates significant financial hardship.

"(2) FULL-SERVICE COMMUNITY SCHOOLS ACTIVITIES.—

"(A) IN GENERAL.—Each eligible entity receiving a grant under this subpart for activities described in section 4625 shall provide matching funds from non-Federal sources, which may be provided in part with in-kind contributions.

"(B) SPECIAL RULE.—The Bureau of Indian Education may meet the requirement of subparagraph (A) using funds from other Federal sources.

"(3) SPECIAL RULES.—

"(A) IN GENERAL.—The Secretary may not require any eligible entity receiving a grant under this subpart to provide matching funds in an amount that exceeds the amount of the grant award.

"(B) CONSIDERATION.—Notwithstanding this subsection, the Secretary shall not consider the ability of an eligible entity to match funds when determining which applicants will receive grants under this subpart.

"(e) RESERVATION FOR RURAL AREAS.—

"(1) IN GENERAL.—From the amounts allocated under subsection (a) for grants to eligible entities, the Secretary shall use not less than 15 percent of such amounts to award grants to eligible entities that propose to carry out the activities described in such subsection in rural areas.

"(2) EXCEPTION.—The Secretary shall reduce the amount described in paragraph (1) if the Secretary does not receive a sufficient number of applications of sufficient quality.

"(f) MINIMUM NUMBER OF GRANTS.—For each fiscal year, the Secretary shall award under this subpart not fewer than 3 grants for activities described in section 4624 and not fewer than 10 grants for activities described in section 4625, subject to the availability of appropriations, the requirements of subsection (a)(2), and the number and quality of applications.

"SEC. 4624. PROMISE NEIGHBORHOODS.

"(a) APPLICATION REQUIREMENTS.—An eligible entity desiring a grant under this subpart for activities described in this section shall submit an application to the Secretary at such time and in such

manner as the Secretary may require, including, at a minimum, all of the following:

"(1) A plan to significantly improve the academic outcomes of children living in a neighborhood that is served by the eligible entity—

"(A) by providing pipeline services that address the needs of children in the neighborhood, as identified by the needs analysis described in paragraph (4); and

"(B) that is supported by effective practices.

"(2) A description of the neighborhood that the eligible entity will serve.

"(3) Measurable annual objectives and outcomes for the grant, in accordance with the metrics described in subsection (h), for each year of the grant.

"(4) An analysis of the needs and assets of the neighborhood identified in paragraph (1), including—

"(A) the size and scope of the population affected;

"(B) a description of the process through which the needs analysis was produced, including a description of how parents, families, and community members were engaged in such analysis;

"(C) an analysis of community assets and collaborative efforts (including programs already provided from Federal and non-Federal sources) within, or accessible to, the neighborhood, including, at a minimum, early learning opportunities, family and student supports, local businesses, local educational agencies, and institutions of higher education;

"(D) the steps that the eligible entity is taking, at the time of the application, to address the needs identified in the needs analysis; and

"(E) any barriers the eligible entity, public agencies, and other community-based organizations have faced in meeting such needs.

"(5) A description of—

"(A) all information that the entity used to identify the pipeline services to be provided, which shall not include information that is more than 3 years old; and

"(B) how the eligible entity will—

"(i) collect data on children served by each pipeline service; and

"(ii) increase the percentage of children served over time.

"(6) A description of the process used to develop the application, including the involvement of family and community members.

"(7) A description of how the pipeline services will facilitate the coordination of the following activities:

"(A) Providing early learning opportunities for children, including by—

"(i) providing opportunities for families to acquire the skills to promote early learning and child development; and

"(ii) ensuring appropriate diagnostic assessments and referrals for children with disabilities and children aged 3 through 9 experiencing developmental

delays, consistent with the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), where applicable.

"(B) Supporting, enhancing, operating, or expanding rigorous, comprehensive, effective educational improvements, which may include high-quality academic programs, expanded learning time, and programs and activities to prepare students for postsecondary education admissions and success.

"(C) Supporting partnerships between schools and other community resources with an integrated focus on academics and other social, health, and familial supports.

"(D) Providing social, health, nutrition, and mental health services and supports, for children, family members, and community members, which may include services provided within the school building.

"(E) Supporting evidence-based programs that assist students through school transitions, which may include expanding access to postsecondary education courses and postsecondary education enrollment aid or guidance, and other supports for at-risk youth.

"(8) A description of the strategies that will be used to provide pipeline services (including a description of which programs and services will be provided to children, family members, community members, and children within the neighborhood) to support the purpose described in section 4621(1).

"(9) An explanation of the process the eligible entity will use to establish and maintain family and community engagement, including—

"(A) involving representative participation by the members of such neighborhood in the planning and implementation of the activities of each grant awarded under this subpart for activities described in this section;

"(B) the provision of strategies and practices to assist family and community members in actively supporting student achievement and child development;

"(C) providing services for students, families, and communities within the school building; and

"(D) collaboration with institutions of higher education, workforce development centers, and employers to align expectations and programming with postsecondary education and workforce readiness,

"(10) An explanation of how the eligible entity will continuously evaluate and improve the continuum of high-quality pipeline services to provide for continuous program improvement and potential expansion.

"(b) PRIORITY.—In awarding grants for activities described in this section, the Secretary shall give priority to eligible entities that will use funds under subsection (d) for evidence-based activities, which, for purposes of this subsection, is defined as activities meeting the requirements of section 8101(21)(A)(i).

"(c) MEMORANDUM OF UNDERSTANDING.—As eligible entity shall, as part of the application described in subsection (a), submit a preliminary memorandum of understanding, signed by each partner entity or agency described in section 4622(1)(A)(3) (if applicable)

and detailing each partner's financial, programmatic, and long-term commitment with respect to the strategies described in the application.

"(d) USES OF FUNDS.—Each eligible entity that receives a grant under this subpart to carry out a program of activities described in this section shall use the grant funds to—

"(1) support planning activities to develop and implement pipeline services;

"(2) implement the pipeline services; and

"(3) continuously evaluate the success of the program and improve the program based on data and outcomes.

"(e) SPECIAL RULES.—

"(1) FUNDS FOR PIPELINE SERVICES.—Each eligible entity that receives a grant under this subpart for activities described in this section shall, for the first year of the grant, use not less than 50 percent of the grant funds, and, for the second year of the grant, use not less than 25 percent of the grant funds, to carry out the activities described in subsection (d)(1).

"(2) OPERATIONAL FLEXIBILITY.—Each eligible entity that operates a school in a neighborhood served by a grant program under this subpart for activities described in this section shall provide such school with the operational flexibility, including autonomy over staff, time, and budget, needed to effectively carry out the activities described in the application under subsection (a).

"(3) LIMITATION ON USE OF FUNDS FOR EARLY CHILDHOOD EDUCATION PROGRAMS.—Funds provided under this subpart for activities described in this section that are used to improve early childhood education programs shall not be used to carry out any of the following activities:

"(A) Assessments that provide rewards or sanctions for individual children or teachers.

"(B) A single assessment that is used as the primary or sole method for assessing program effectiveness.

"(C) Evaluating children, other than for the purposes of improving instruction, classroom environment, professional development, or parent and family engagement, or program improvement.

"(f) REPORT.—Each eligible entity that receives a grant under this subpart for activities described in this section shall prepare and submit an annual report to the Secretary, which shall include—

"(1) information about the number and percentage of children in the neighborhood who are served by the grant program, including a description of the number and percentage of children accessing each support or service offered as part of the pipeline services; and

"(2) information relating to the performance metrics described in subsection (h).

"(g) PUBLICLY AVAILABLE DATA.—Each eligible entity that receives a grant under this subpart for activities described in this section shall make publicly available, including through electronic means, the information described in subsection (f). To the extent practicable, such information shall be provided in a form and language accessible to parents and families in the neighborhood served

under the grant, and such information shall be a part of statewide longitudinal data systems.

"(h) PERFORMANCE INDICATORS.—

"(1) IN GENERAL.—The Secretary shall establish performance indicators under paragraph (2) and corresponding metrics to be used for the purpose of reporting under paragraph (3) and program evaluation under subsection (i).

"(2) INDICATORS.—The performance indicators established by the Secretary under paragraph (1) shall be indicators of improved academic and developmental outcomes for children, including indicators of school readiness, high school graduation, postsecondary education and career readiness, and other academic and developmental outcomes, to promote—

"(A) data-driven decision-making by eligible entities receiving funds under this subpart; and

"(B) access to a community-based continuum of high-quality services for children living in the most distressed communities of the United States, beginning at birth.

"(3) REPORTING.—Each eligible entity that receives a grant under this subpart for activities described in this section shall annually collect and report to the Secretary data on the performance indicators described in paragraph (2) for use by the Secretary in making a determination concerning continuation funding and grant extension under section 4623(b) for each eligible entity.

"(i) EVALUATION.—The Secretary shall reserve not more than 5 percent of the funds made available under section 4601(b)(2)(A) to provide technical assistance and evaluate the implementation and impact of the activities funded under this section, in accordance with section 8601.

"SEC. 4625. FULL-SERVICE COMMUNITY SCHOOLS.

"(a) APPLICATION.—An eligible entity that desires a grant under this subpart for activities described in this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require. The Secretary shall require that each such application include the following:

"(1) A description of the eligible entity.

"(2) A memorandum of understanding among all partner entities in the eligible entity that will assist the eligible entity to coordinate and provide pipeline services and that describes the roles the partner entities will assume.

"(3) A description of the capacity of the eligible entity to coordinate and provide pipeline services at 2 or more full-service community schools.

"(4) A comprehensive plan that includes descriptions of the following:

"(A) The student, family, and school community to be served, including demographic information.

"(B) A needs assessment that identifies the academic, physical, nonacademic, health, mental health, and other needs of students, families, and community residents.

"(C) Annual measurable performance objectives and outcomes, including an increase in the number and percentage of families and students targeted for services each year of the program, in order to ensure that children are—

"(i) prepared for kindergarten;

"(ii) achieving academically; and

"(iii) safe, healthy, and supported by engaged parents.

"(D) Pipeline services, including existing and additional pipeline services, to be coordinated and provided by the eligible entity and its partner entities, including an explanation of—

"(i) why such services have been selected;

"(ii) how such services will improve student academic achievement; and

"(iii) how such services will address the annual measurable performance objectives and outcomes established under subparagraph (C).

"(E) Plans to ensure that each full-service community school site has a full-time coordinator of pipeline services at such school, including a description of the applicable funding sources, plans for professional development for the personnel managing, coordinating, or delivering pipeline services, and plans for joint utilization and management of school facilities.

"(F) Plans for annual evaluation based upon attainment of the performance objectives and outcomes described in subparagraph (C).

"(G) Plans for sustaining the programs and services described in this subsection after the grant period.

"(5) An assurance that the eligible entity and its partner entities will focus services on schools eligible for a schoolwide program under section 1114(b).

"(b) PRIORITY.—In awarding grants under this subpart for activities described in this section, the Secretary shall give priority to eligible entities that—

"(1)(A) will serve a minimum of 2 or more full-service community schools eligible for a schoolwide program under section 1114(b), as part of a community- or district-wide strategy; or

"(B) include a local educational agency that satisfies the requirements of—

"(i) subparagraph (A), (B), or (C) of section 5211(b)(1); or

"(ii) subparagraphs (A) and (B) of section 5221(b)(1);

"(2) are consortiums comprised of a broad representation of stakeholders or consortiums demonstrating a history of effectiveness; and

"(3) will use funds for evidence-based activities described in subsection (e), defined for purposes of this paragraph as activities meeting the requirements of section 8101(21)(A)(i).

"(c) PLANNING.—The Secretary may authorize an eligible entity receiving a grant under this subpart for activities described in this section to use not more than 10 percent of the total amount of grant funds for planning purposes during the first year of the grant.

"(d) MINIMUM AMOUNT.—The Secretary may not award a grant under this subpart for activities described in this section to an eligible entity in an amount that is less than $75,000 for each year of the grant period, subject to the availability of appropriations.

"(e) USE OF FUNDS.—Grants awarded under this subpart for activities described in this section shall be used to—

"(1) coordinate not less than 3 existing pipeline services, as of the date of the grant award, and provide not less than 2 additional pipeline services, at 2 or more public elementary schools or secondary schools;

"(2) to the extent practicable, integrate multiple pipeline services into a comprehensive, coordinated continuum to achieve the annual measurable performance objectives and outcomes under subsection (a)(4)(C) to meet the holistic needs of children; and

"(3) if applicable, coordinate and integrate services provided by community-based organizations and government agencies with services provided by specialized instructional support personnel.

"(f) EVALUATIONS BY THE INSTITUTE OF EDUCATION SCIENCES.—The Secretary, acting through the Director of the Institute of Education Sciences, shall conduct evaluations of the effectiveness of grants under this subpart for activities described in this section in achieving the purpose described in section 4621(2).

"(g) EVALUATIONS BY GRANTEES.—The Secretary shall require each eligible entity receiving a grant under this subpart for activities described in this section to—

"(1) conduct annual evaluations of the progress achieved with the grant toward the purpose described in section 4621(2);

"(2) use such evaluations to refine and improve activities carried out through the grant and the annual measurable performance objectives and outcomes under subsection (a)(4)(C); and

"(3) make the results of such evaluations publicly available, including by providing public notice of such availability.

"(h) CONSTRUCTION CLAUSE.—Nothing in this section shall be construed to alter or otherwise affect the rights, remedies, and procedures afforded school or local educational agency employees under Federal, State, or local laws (including applicable regulations or court orders) or under the terms of collective bargaining agreements, memoranda of understanding, or other agreements between such employees and their employers.

"(i) SUPPLEMENT, NOT SUPPLANT.—Funds made available to an eligible entity through a grant under this subpart for activities described in this section may be used only to supplement, and not supplant, any other Federal, State, or local funds that would otherwise be available to carry out the activities assisted under this section.

"Subpart 3—National Activities for School Safety

"SEC. 4631. NATIONAL ACTIVITIES FOR SCHOOL SAFETY.

"(a) PROGRAM AUTHORIZED.—

"(1) IN GENERAL.—From the funds reserved under section 4601(b)(1), the Secretary—

"(A) shall use a portion of such funds for the Project School Emergency Response to Violence program (in this section referred to as 'Project SERV'), in order to provide education-related services to eligible entities; and

"(B) may use a portion of such funds to carry out other activities to improve students' safety and well-being, during and after the school day, under this section directly or through grants, contracts, or cooperative agreements with public or private entities or individuals, or other Federal agencies, such as providing technical assistance to States and local educational agencies carrying out activities under this section or conducting a national evaluation.

"(2) AVAILABILITY.—Amounts reserved under section 4601(b)(1) for Project SERV are authorized to remain available until expended for Project SERV.

"(b) PROJECT SERV.—

"(1) ADDITIONAL USE OF FUNDS.—Funds made available under subsection (a) for extended services grants under Project SERV may be used by an eligible entity 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.

"(2) APPLICATION PROCESS.—

"(A) IN GENERAL.—An eligible entity desiring to use a portion of extended services grant funds under Project SERV to initiate or strengthen a violence prevention activity shall—

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

"(ii) in the case of an eligible entity that has already received an extended services grant under Project SERV, submit an addition to the original application that includes the information described in subparagraph (B).

"(B) APPLICATION REQUIREMENTS.—An application, or addition to an application, for an extended services grant pursuant to subparagraph (A) shall include the following:

"(i) A demonstration of the need for funds due to a continued disruption or a substantial risk of disruption to the learning environment.

"(ii) An explanation of the proposed activities that are designed to restore and preserve the learning environment.

"(iii) A budget and budget narrative for the proposed activities.

"(3) AWARD BASIS.—Any award of funds under Project SERV for violence prevention activities under this section shall be subject to the discretion of the Secretary and the availability of funds.

"(4) PROHIBITED USE.—No funds provided to an eligible entity for violence prevention activities may be used for construction, renovation, or repair of a facility or for the permanent infrastructure of the eligible entity.

"(c) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term 'eligible entity' means—

"(1) a local educational agency, as defined in subparagraph (A), (B), or (C) of section 8101(30), or institution of higher edu-

cation in which the learning environment has been disrupted due to a violent or traumatic crisis; or

"(2) the Bureau of Indian Education in a case where the learning environment of a school operated or funded by the Bureau, including a school meeting the definition of a local educational agency under section 8101(30)(C), has been disrupted due to a violent or traumatic crisis.

"Subpart 4—Academic Enrichment

"SEC. 4641. AWARDS FOR ACADEMIC ENRICHMENT.

"(a) PROGRAM AUTHORIZED.—From funds reserved under section 4601(b)(2)(C), the Secretary shall award grants, contracts, or cooperative agreements, on a competitive basis, to eligible entities for the purposes of enriching the academic experience of students by promoting—

"(1) arts education for disadvantaged students and students who are children with disabilities, as described in section 4642;

"(2) school readiness through the development and dissemination of accessible instructional programming for preschool and elementary school children and their families, as described in section 4643; and

"(3) support for high-ability learners and high-ability learning, as described in section 4644.

"(b) ANNUAL AWARDS.—The Secretary shall annually make awards to fulfill each of the purposes described in paragraphs (1) through (3) of subsection (a).

"SEC. 4642. ASSISTANCE FOR ARTS EDUCATION.

"(a) AWARDS TO PROVIDE ASSISTANCE FOR ARTS EDUCATION.—

"(1) IN GENERAL.—Awards made to eligible entities to fulfill the purpose described in section 4641(a)(1), shall be used for a program (to be known as the 'Assistance for Arts Education program') to promote arts education for students, including disadvantaged students and students who are children with disabilities, through activities such as—

"(A) professional development for arts educators, teachers, and principals;

"(B) development and dissemination of accessible instructional materials and arts-based educational programming, including online resources, in multiple arts disciplines; and

"(C) community and national outreach activities that strengthen and expand partnerships among schools, local educational agencies, communities, or centers for the arts, including national centers for the arts.

"(b) CONDITIONS.—As conditions of receiving assistance made available under this section, the Secretary shall require each eligible entity receiving such assistance—

"(1) to coordinate, to the extent practicable, each project or program carried out with such assistance with appropriate activities of public or private cultural agencies, institutions, and organizations, including museums, arts education associations, libraries, and theaters; and

"(2) to use such assistance only to supplement, and not to supplant, any other assistance or funds made available from non-Federal sources for the activities assisted under this subpart.

"(c) CONSULTATION.—In carrying out this section, the Secretary shall consult with Federal agencies or institutions, arts educators (including professional arts education associations), and organizations representing the arts (including State and local arts agencies involved in arts education).

"(d) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to eligible entities that are eligible national nonprofit organizations.

"(e) DEFINITIONS.—In this section:

"(1) ELIGIBLE ENTITY.—The term 'eligible entity' means—

"(A) a local educational agency in which 20 percent or more of the students served by the local educational agency are from families with an income below the poverty line;

"(B) a consortium of such local educational agencies;

"(C) a State educational agency;

"(D) an institution of higher education;

"(E) a museum or cultural institution;

"(F) the Bureau of Indian Education;

"(G) an eligible national nonprofit organization; or

"(H) another private agency, institution, or organization.

"(2) ELIGIBLE NATIONAL NONPROFIT ORGANIZATION.—The term 'eligible national nonprofit organization' means an organization of national scope that—

"(A) is supported by staff, which may include volunteers, or affiliates at the State and local levels; and

"(B) demonstrates effectiveness or high-quality plans for addressing arts education activities for disadvantaged students or students who are children with disabilities.

"SEC. 4643. READY TO LEARN PROGRAMMING.

"(a) AWARDS TO PROMOTE SCHOOL READINESS THROUGH READY TO LEARN PROGRAMMING.—

"(1) IN GENERAL.—Awards made to eligible entities described in paragraph (3) to fulfill the purpose described in section 4641(a)(2) shall—

"(A) be known as 'Ready to Learn Programming awards'; and

"(B) be used to—

"(i) develop, produce, and distribute accessible educational and instructional video programming for preschool and elementary school children and their parents in order to facilitate student academic achievement;

"(ii) facilitate the development, directly or through contracts with producers of children's and family educational television programming, of educational programming for preschool and elementary school children, and the accompanying support materials and services that promote the effective use of such programming;

"(iii) facilitate the development of programming and digital content containing Ready-to-Learn programming and resources for parents and caregivers that is specially designed for nationwide distribution over public television stations' digital broadcasting channels and the Internet;

"(iv) contract with entities (such as public telecommunications entities) so that programming developed under this section is disseminated and distributed to the widest possible audience appropriate to be served by the programming, and through the use of the most appropriate distribution technologies; and

"(v) develop and disseminate education and training materials, including interactive programs and programs adaptable to distance learning technologies, that are designed—

"(I) to promote school readiness; and

"(II) to promote the effective use of materials developed under clauses (ii) and (iii) among parents, family members, teachers, principals and other school leaders, Head Start providers, providers of family literacy services, child care providers, early childhood educators, elementary school teachers, public libraries, and after-school program personnel caring for preschool and elementary school children.

"(2) AVAILABILITY.—In awarding or entering into grants, contracts, or cooperative agreements under this section, the Secretary shall ensure that eligible entities described in paragraph (3) make programming widely available, with support materials as appropriate, to young children, parents, child care workers, Head Start providers, and providers of family literacy services to increase the effective use of such programming.

"(3) ELIGIBLE ENTITIES.—To be eligible to receive a grant, contract, or cooperative agreement under this section, an entity shall be a public telecommunications entity that is able to demonstrate each of the following:

"(A) A capacity for the development and national distribution of educational and instructional television programming of high quality that is accessible by a large majority of disadvantaged preschool and elementary school children.

"(B) A capacity to contract with the producers of children's television programming for the purpose of developing educational television programming of high quality.

"(C) A capacity, consistent with the entity's mission and nonprofit nature, to negotiate such contracts in a manner that returns to the entity an appropriate share of any ancillary income from sales of any program-related products.

"(D) A capacity to localize programming and materials to meet specific State and local needs and to provide educational outreach at the local level.

"(4) COORDINATION OF ACTIVITIES.—An entity receiving a grant, contract, or cooperative agreement under this section

shall consult with the Secretary and the Secretary of Health and Human Services—

"(A) to maximize the use of high-quality educational programming by preschool and elementary school children, and make such programming widely available to Federally funded programs serving such populations; and

"(B) to coordinate activities with Federal programs that have major training components for early childhood development, including programs under the Head Start Act (42 U.S.C. 9831 et seq.) and State training activities funded under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.), regarding the availability and utilization of materials developed under paragraph (1)(B)(v) to enhance parent and child care provider skills in early childhood development and education.

"(b) APPLICATIONS.—To be eligible to receive a grant, contract, or cooperative agreement under subsection (a), an entity shall submit to the Secretary an application at such time and in such manner as the Secretary may reasonably require. The application shall include—

"(1) a description of the activities to be carried out under this section;

"(2) a list of the types of entities with which such entity will enter into contracts under subsection (a)(1)(B)(iv);

"(3) a description of the activities the entity will undertake widely to disseminate the content developed under this section; and

"(4) a description of how the entity will comply with subsection (a)(2).

"(c) REPORTS AND EVALUATIONS.—

"(1) ANNUAL REPORT TO SECRETARY.—An entity receiving a grant, contract, or cooperative agreement under this section shall prepare and submit to the Secretary an annual report. The report shall describe the program activities undertaken with funds received under the grant, contract, or cooperative agreement, including each of the following:

"(A) The programming that has been developed, directly or indirectly, by the eligible entity, and the target population of the programming.

"(B) The support and training materials that have been developed to accompany the programming, and the method by which the materials are distributed to consumers and users of the programming.

"(C) The means by which programming developed under this section has been distributed, including the distance learning technologies that have been utilized to make programming available, and the geographic distribution achieved through such technologies.

"(D) The initiatives undertaken by the entity to develop public-private partnerships to secure non-Federal support for the development, distribution, and broadcast of educational and instructional programming.

"(2) REPORT TO CONGRESS.—The Secretary shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and

the Workforce of the House of Representatives a biannual report that includes the following:

"(A) A summary of the activities assisted under subsection (a).

"(B) A description of the education and training materials made available under subsection (a)(1)(B)(v), the manner in which outreach has been conducted to inform parents and child care providers of the availability of such materials, and the manner in which such materials have been distributed in accordance with such subsection.

"(d) ADMINISTRATIVE COSTS.—An entity that receives a grant, contract, or cooperative agreement under this section may use up to 5 percent of the amount received under the grant, contract, or agreement for the normal and customary expenses of administering the grant, contract, or agreement.

"(e) FUNDING RULE.—Not less than 60 percent of the amount used by the Secretary to carry out this section for each fiscal year shall be used to carry out activities under clauses (ii) through (iv) of subsection (a)(1)(B).

"SEC. 4644. SUPPORTING HIGH-ABILITY LEARNERS AND LEARNING.

"(a) PURPOSE.—The purpose of this section is to promote and initiate a coordinated program, to be known as the 'Jacob K. Javits Gifted and Talented Students Education Program', of evidence-based research, demonstration projects, innovative strategies, and similar activities designed to build and enhance the ability of elementary schools and secondary schools nationwide to identify gifted and talented students and meet their special educational needs.

"(b) PROGRAM AUTHORIZED.—

"(1) IN GENERAL.—The Secretary (after consultation with experts in the field of the education of gifted and talented students) shall make awards to, or enter into contracts with, State educational agencies, local educational agencies, the Bureau of Indian Education, institutions of higher education, other public agencies, and other private agencies and organizations to assist such agencies, institutions, or organizations, or the Bureau, in carrying out programs or projects to fulfill the purpose described in section 4641(a)(3), including the training of personnel in the identification and education of gifted and talented students and in the use, where appropriate, of gifted and talented services, materials, and methods for all students.

"(2) APPLICATION.—Each entity seeking assistance under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may reasonably require. Each application shall describe how—

"(A) the proposed identification methods, as well as gifted and talented services, materials, and methods, can be adapted, if appropriate, for use by all students; and

"(B) the proposed programs can be evaluated.

"(c) USES OF FUNDS.—Programs and projects assisted under this section may include any of the following:

"(1) Conducting evidence-based research on methods and techniques for identifying and teaching gifted and talented students and for using gifted and talented programs and methods to identify and provide the opportunity for all students to be served, particularly low-income and at-risk students.

"(2) Establishing and operating programs and projects for identifying and serving gifted and talented students, including innovative methods and strategies (such as summer programs, mentoring programs, peer tutoring programs, service learning programs, and cooperative learning programs involving business, industry and education) for identifying and educating students who may not be served by traditional gifted and talented programs.

"(3) Providing technical assistance and disseminating information, which may include how gifted and talented programs and methods may be adapted for use by all students, particularly low-income and at-risk students.

"(d) CENTER FOR RESEARCH AND DEVELOPMENT.—

"(1) IN GENERAL.—The Secretary (after consultation with experts in the field of the education of gifted and talented students) shall establish a National Research Center for the Education of Gifted and Talented Children and Youth through grants to, or contracts with, one or more institutions of higher education or State educational agencies, or a combination or consortium of such institutions and agencies and other public or private agencies and organizations, for the purpose of carrying out activities described in subsection (c).

"(2) DIRECTOR.—The National Center shall be headed by a Director. The Secretary may authorize the Director to carry out such functions of the National Center as may be agreed upon through arrangements with institutions of higher education, State educational agencies, local educational agencies, or other public or private agencies and organizations.

"(e) COORDINATION.—Evidence-based activities supported under this section—

"(1) shall be carried out in consultation with the Institute of Education Sciences to ensure that such activities are coordinated with and enhance the research and development activities supported by the Institute; and

"(2) may include collaborative evidence-based activities that are jointly funded and carried out with such Institute.

"(f) GENERAL PRIORITY.—In carrying out this section, the Secretary shall give highest priority to programs and projects designed to—

"(1) develop new information that—

"(A) improves the capability of schools to plan, conduct, and improve programs to identify and serve gifted and talented students; or

"(B) assists schools in the identification of, and provision of services to, gifted and talented students (including economically disadvantaged individuals, individuals who are English learners, and children with disabilities) who may not be identified and served through traditional assessment methods; or

"(2) implement evidence-based activities, defined in this paragraph as activities meeting the requirements of section 8101(21)(A)(i).

"(g) PARTICIPATION OF PRIVATE SCHOOL CHILDREN AND TEACHERS.—In making grants and entering into contracts under this section, the Secretary shall ensure, where appropriate, that provision

is made for the equitable participation of students and teachers in private nonprofit elementary schools and secondary schools, including the participation of teachers and other personnel in professional development programs serving such students.

"(h) REVIEW, DISSEMINATION, AND EVALUATION.—The Secretary shall—

"(1) use a peer-review process in reviewing applications under this section;

"(2) ensure that information on the activities and results of programs and projects funded under this section is disseminated to appropriate State educational agencies, local educational agencies, and other appropriate organizations, including private nonprofit organizations; and

"(3) evaluate the effectiveness of programs under this section in accordance with section 8601, in terms of the impact on students traditionally served in separate gifted and talented programs and on other students, and submit the results of such evaluation to Congress not later than 2 years after the date of enactment of the Every Student Succeeds Act.

"(i) PROGRAM OPERATIONS.—The Secretary shall ensure that the programs under this section are administered within the Department by a person who has recognized professional qualifications and experience in the field of the education of gifted and talented students and who shall—

"(1) administer and coordinate the programs authorized under this section;

"(2) serve as a focal point of national leadership and information on the educational needs of gifted and talented students and the availability of educational services and programs designed to meet such needs;

"(3) assist the Director of the Institute of Education Sciences in identifying research priorities that reflect the needs of gifted and talented students; and

"(4) disseminate, and consult on, the information developed under this section with other offices within the Department.".

TITLE V—STATE INNOVATION AND LOCAL FLEXIBILITY

SEC. 5001. GENERAL PROVISIONS.

(a) TITLE VI REDESIGNATIONS.—Title VI (20 U.S.C. 7301 et seq.) is redesignated as title V and further amended—

(1) by redesignating sections 6121 through 6123 as sections 5101 through 5103, respectively;

(2) by redesignating sections 6201 and 6202 as sections 5201 and 5202, respectively;

(3) by redesignating sections 6211 through 6213 as sections 5211 through 5213, respectively;

(4) by redesignating sections 6221 through 6224 as sections 5221 through 5224, respectively; and

(5) by redesignating sections 6231 through 6234 as sections 5231 through 5234, respectively.

(b) STRUCTURAL AND CONFORMING AMENDMENTS.—Title V (as redesignated by subsection (a) of this section) is further amended—

(1) in part A, by striking subparts 1, 3, and 4;

(2) by striking "section 6212" each place it appears and inserting "section 5212";

(3) by striking "section 6223" each place it appears and inserting "section 5223"; and

(4) by striking "section 6234" each place it appears and inserting "section 5234".

SEC. 5002. FUNDING TRANSFERABILITY FOR STATE AND LOCAL EDUCATIONAL AGENCIES.

Part A of title V, as redesignated and amended by section 5001 of this Act, is further amended—

*(1) in the part heading, by striking "**IMPROVING ACADEMIC ACHIEVEMENT**" and inserting "**FUNDING TRANSFERABILITY FOR STATE AND LOCAL EDUCATIONAL AGENCIES**";*

*(2) by striking "**SUBPART 2—FUNDING TRANSFERABILITY FOR STATE AND LOCAL EDUCATIONAL AGENCIES**";*

(3) by striking "subpart" each place it appears and inserting "part";

(4) by amending section 5102 to read as follows:

"SEC. 5102. PURPOSE.

"The purpose of this part is to allow States and local educational agencies the flexibility to target Federal funds to the programs and activities that most effectively address the unique needs of States and localities.";

(5) in section 5103—

(A) in subsection (a)—

(i) in paragraph (1)—

(I) in the matter preceding subparagraph (A), by striking "not more than 50 percent of the non-administrative State funds" and inserting "all, or any lesser amount, of State funds"; and

(II) by striking subparagraphs (A) through (D) and inserting the following:

"(A) Part A of title II.

"(B) Part A of title IV.

"(C) Section 4202(c)(3)."; and

(ii) by striking paragraph (2) and inserting the following;

"(2) ADDITIONAL FUNDS.—In accordance with this part, a State may transfer any funds allotted to the State under a provision listed in paragraph (1) for a fiscal year to its allotment under any other of the following provisions:

"(A) Part A of title I.

"(B) Part C of title I.

"(C) Part D of title I.

"(D) Part A of title III.

"(E) Part B.".

(B) in subsection (b)—

(i) in paragraph (1)—

(I) in subparagraph (A), by striking "(except" and all that follows through "subparagraph (C))"

and inserting "may transfer all, or any lesser amount, of the funds allocated to it";

(II) by striking subparagraphs (B) and (C) and inserting:

"(B) ADDITIONAL FUNDS.—In accordance with this part, a local educational agency may transfer any funds allotted to such agency under a provision listed in paragraph (2) for a fiscal year to its allotment under any other of the following provisions:

"(i) Part A of title I.

"(ii) Part C of title I.

"(iii) Part D of title I.

"(iv) Part A of title III.

"(v) Part B.";

(ii) in paragraph (2)—

(I) in the matter preceding subparagraph (A), by striking "subparagraph (A), (B), or (C)" and inserting "subparagraph (A) or (B)"; and

(II) by striking subparagraphs (A) through (D) and inserting the following:

"(A) Part A of title II.

"(B) Part A of title IV.";

(C) by striking subsection (c) and inserting the following:

"(c) NO TRANSFER OF CERTAIN FUNDING.—A State or local educational agency may not transfer under this part to any other program any funds allotted or allocated to it for the following provisions:

"(1) Part A of title I.

"(2) Part C of title I.

"(3) Part D of title I.

"(4) Part A of title III.

"(5) Part B."; and

(D) in subsection (e)(2), by striking "section 9501" and inserting "section 8501".

SEC. 5003. RURAL EDUCATION INITIATIVE.

Part B of title V, as redesignated and amended by section 5001 of this Act, is further amended—

(1) in section 5211—

(A) in subsection (a)(1), by striking subparagraphs (A) through (E) and inserting the following:

"(A) Part A of title I.

"(B) Part A of title II.

"(C) Title III.

"(D) Part A or B of title IV.";

(B) in subsection (b)(1)—

(i) in subparagraph (A)(ii)—

(I) by striking "school" before "locale code"; and

(II) by striking "7 or 8, as determined by the Secretary; or" and inserting "41, 42, or 43, as determined by the Secretary;";

(ii) in subparagraph (B), by striking the period at the end and inserting "; or"; and

(iii) by adding at the end the following:

"(C) the local educational agency is a member of an educational service agency that does not receive funds under this subpart and the local educational agency meets the requirements of this part."; and

(C) in subsection (c), by striking paragraphs (1) through (3) and inserting the following:

"(1) Part A of title II.

"(2) Part A of title IV.";

(2) in section 5212—

(A) in subsection (a), by striking paragraphs (1) through (5) and inserting the following:

"(1) Part A of title I.

"(2) Part A of title II.

"(3) Title III.

"(4) Part A or B of title IV.";

(B) in subsection (b)—

(i) by striking paragraph (1) and inserting the following:

"(1) ALLOCATION.—

"(A) IN GENERAL.—Except as provided in paragraphs (3) and (4), the Secretary shall award a grant under subsection (a) to a local educational agency eligible under section 5211(b) for a fiscal year in an amount equal to the initial amount determined under paragraph (2) for the fiscal year minus the total amount received by the agency under the provisions of law described in section 5211(c) for the preceding fiscal year.

"(B) SPECIAL DETERMINATION.—For a local educational agency that is eligible under section 5211(b)(1)(C) and is a member of an educational service agency, the Secretary may determine the award amount by subtracting from the initial amount determined under paragraph (2), an amount that is equal to that local educational agency's per-pupil share of the total amount received by the educational service agency under the provisions described in section 5211(c), as long as a determination under this subparagraph would not disproportionately affect any State.";

(ii) by striking paragraph (2) and inserting the following:

"(2) DETERMINATION OF INITIAL AMOUNT.—

"(A) IN GENERAL.—The initial amount referred to in paragraph (1) is equal to $100 multiplied by the total number of students in excess of 50 students, in average daily attendance at the schools served by the local educational agency, plus $20,000, except that the initial amount may not exceed $60,000.

"(B) SPECIAL RULE.—For any fiscal year for which the amount made available to carry out this part is $265,000,000 or more, subparagraph (A) shall be applied—

"(i) by substituting '$25,000' for '$20,000'; and

"(ii) by substituting '$80,000' for '$60,000'."; and

(iii) by adding at the end the following:

"(4) HOLD HARMLESS.—For a local educational agency that is not eligible under this subpart due to amendments made by the Every Student Succeeds Act to section 5211(b)(1)(A)(ii) but

met the eligibility requirements under section 6211(b) as such section was in effect on the day before the date of enactment of the Every Student Succeeds Act, the agency shall receive—

"(A) for fiscal year 2017, 75 percent of the amount such agency received for fiscal year 2015;

"(B) for fiscal year 2018, 50 percent of the amount such agency received for fiscal year 2015; and

"(C) for fiscal year 2019, 25 percent of the amount such agency received for fiscal year 2015."; and

(C) by striking subsection (d);

(3) by striking section 5213;

(4) in section 5221—

(A) in subsection (a), by striking "section 6222(a)" and inserting "section 5222(a)";

(B) in subsection (b)—

(i) in paragraph (1)—

(I) by striking "(A) 20 percent" and inserting "(A)(i) 20 percent";

(II) by redesignating subparagraph (B) as clause (ii);

(III) in clause (ii) (as redesignated by subclause (II))—

(aa) by striking "school" before "locale code";

(bb) by striking "6, 7, or 8" and inserting "32, 33, 41, 42, or 43"; and

(cc) by striking the period at the end and inserting "; or"; and

(IV) by adding at the end the following:

"(B) the agency meets the criteria established in clause (i) of subparagraph (A) and the Secretary, in accordance with paragraph (2), grants the local educational agency's request to waive the criteria described in clause (ii) of such subparagraph.";

(ii) by redesignating paragraph (2) as paragraph (3); and

(iii) by inserting after paragraph (1) the following:

"(2) CERTIFICATION.—The Secretary shall determine whether to waive the criteria described in paragraph (1)(A)(ii) based on a demonstration by the local educational agency, and concurrence by the State educational agency, that the local educational agency is located in an area defined as rural by a governmental agency of the State.";

(C) in subsection (c)(1) by striking "Bureau of Indian Affairs" and inserting "Bureau of Indian Education";

(5) in section 5222(a), by striking paragraphs (1) through (7) and inserting the following:

"(1) Activities authorized under part A of title I.

"(2) Activities authorized under part A of title II.

"(3) Activities authorized under title III.

"(4) Activities authorized under part A of title IV.

"(5) Parental involvement activities.";

(6) in section 5223—

(A) in subsection (a), by striking "at such time, in such manner, and accompanied by such information" and inserting "at such time and in such manner"; and

(B) by striking subsection (b) and inserting the following:

"(b) CONTENTS.—Each application submitted under subsection (a) shall include information on—

"(1) program objectives and outcomes for activities under this subpart, including how the State educational agency or specially qualified agency will use funds to help all students meet the challenging State academic standards;

"(2) if the State educational agency will competitively award grants to eligible local educational agencies, as described in section 5221(b)(3)(A), the application under the section shall include—

"(A) the methods and criteria the State educational agency will use to review applications and award funds to local educational agencies on a competitive basis; and

"(B) how the State educational agency will notify eligible local educational agencies of the grant competition; and

"(3) a description of how the State educational agency will provide technical assistance to eligible local educational agencies to help such agencies implement the activities described in section 5222.";

(7) in section 5224—

*(A) by striking the section heading and all that follows through "Each" and inserting the following: "**REPORT**.—Each";*

(B) by striking subsections (b) through (e);

(C) in the matter preceding paragraph (1), by inserting "or specially qualified agency" after "Each State educational agency";

(D) by striking paragraph (1) and inserting the following:

"(1) if the report is submitted by a State educational agency, the method the State educational agency used to award grants to eligible local educational agencies, and to provide assistance to schools, under this subpart;"; and

(E) by striking paragraph (3) and inserting the following:

"(3) the degree to which progress has been made toward meeting the objectives and outcomes described in the application submitted under section 5223, including having all students in the State or the area served by the specially qualified agency, as applicable, meet the challenging State academic standards.";

(8) by inserting after section 5224 the following:

"SEC. 5225. CHOICE OF PARTICIPATION.

"(a) IN GENERAL.—If a local educational agency is eligible for funding under both this subpart and subpart 1, such local educational agency may receive funds under either this subpart or subpart 1 for a fiscal year, but may not receive funds under both subparts for such fiscal year.

"(b) NOTIFICATION.—A local educational agency eligible for funding under both this subpart and subpart 1 shall notify the Sec-

retary and the State educational agency under which of such subparts the local educational agency intends to receive funds for a fiscal year by a date that is established by the Secretary for the notification."; and

(9) in section 5234, by striking "$300,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years," and inserting "$169,840,000 for each of the fiscal years 2017 through 2020,".

SEC. 5004. GENERAL PROVISIONS.

Part C of title V, as redesignated by section 5001 of this Act, is amended to read as follows:

"PART C—GENERAL PROVISIONS

"SEC. 5301. PROHIBITION AGAINST FEDERAL MANDATES, DIRECTION, OR CONTROL.

"Nothing in this title shall be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control a State, local educational agency, or school's specific instructional content, academic standards and assessments, curriculum, or program of instruction, as a condition of eligibility to receive funds under this Act.

"SEC. 5302. RULE OF CONSTRUCTION ON EQUALIZED SPENDING.

"Nothing in this title shall be construed to mandate equalized spending per pupil for a State, local educational agency, or school.".

SEC. 5005. REVIEW RELATING TO RURAL LOCAL EDUCATIONAL AGENCIES.

(a) REVIEW AND REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary of Education shall—

(1) review the organization, structure, and process and procedures of the Department of Education for administering its programs and developing policy and regulations, in order to—

(A) assess the methods and manner through which, and the extent to which, the Department of Education takes into account, considers input from, and addresses the unique needs and characteristics of rural schools and rural local educational agencies; and

(B) determine actions that the Department of Education can take to meaningfully increase the consideration and participation of rural schools and rural local educational agencies in the development and execution of the processes, procedures, policies, and regulations of the Department of Education;

(2) make public a preliminary report containing the information described in paragraph (1) and provide Congress and the public with 60 days to comment on the proposed actions described in paragraph (1)(B); and

(3) issue a final report to the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Education and the Workforce of the House of Representatives, which shall describe the final actions developed pursuant to paragraph (1)(B) after taking into account the comments submitted under paragraph (2).

(b) IMPLEMENTATION.—Not later than 2 years after the date of enactment of this Act, the Secretary of Education shall—

(1) carry out each action described in the report under subsection (a)(3); or

(2) in a case in which an action is not carried out, provide a written explanation to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives of why the action was not carried out.

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

SEC. 6001. CONFORMING AMENDMENTS.

(a) REDESIGNATION OF TITLE.—Title VII (20 U.S.C. 7401 et seq.) is redesignated as title VI.

(b) REDESIGNATIONS AND CONFORMING AMENDMENTS.—The Act (20 U.S.C. 6301 et seq.) is amended—

(1) by redesignating sections 7101, 7102, 7111, 7112, 7113, 7114, 7115, 7116, 7117, 7118, 7119, 7121, 7122, 7131, 7132, 7133, 7134, 7135, 7136, 7141, 7142, 7143, 7144, 7151, 7152, 7201, 7202, 7203, 7204, 7205, 7206, 7207, 7301, 7302, 7303, 7304, 7305, and 7306, as sections 6101, 6102, 6111, 6112, 6113, 6114, 6115, 6116, 6117, 6118, 6119, 6121, 6122, 6131, 6132, 6133, 6134, 6135, 6136, 6141, 6142, 6143, 6144, 6151, 6152, 6201, 6202, 6203, 6204, 6205, 6206, 6207, 6301, 6302, 6303, 6304, 6305, and 6306, respectively;

(2) in section 6112 (as so redesignated), in subsection (b)(1), by striking "section 7117" and inserting "section 6117";

(3) in section 6113 (as so redesignated)—

(A) in subsection (a)(1)(A), is amended by striking "section 7117" and inserting "section 6117";

(B) in subsection (b)(1), by striking "section 7112" and inserting "section 6112";

(C) in subsection (d)(2)—

(i) by striking "section 7114" the first place it appears and inserting "section 6114"; and

(ii) by striking "section 7114(c)(4), section 7118(c), or section 7119" and inserting "section 6114(c)(4), section 6118(c), or section 6119"; and

(D) in subsection (e), by striking "section 7152(a)" and inserting "6152(a)";

(4) in section 6114 (as so redesignated)—

(A) in subsection (b)(4), by striking "section 7115" and inserting "section 6115"; and

(B) in subsection (c)(4)(D), by striking "section 7115(c)" and inserting "section 6115(c)";

(5) in section 6115 (as so redesignated)—

(A) in subsection (a)—

(i) in the matter preceding paragraph (1), by striking "section 7111" and inserting "section 6111"; and

(ii) in paragraph (1), by striking "section 7114(a)" and inserting "section 6114(a)"; and

(B) in subsection (c)—

(i) in paragraph (1), by striking "section 7114(c)(4)" and inserting "section 6114(c)(4)"; and

(ii) in paragraph (2), by striking "section 7111" and inserting "section 6111";

(6) in section 6116 (as so redesignated), in subsection (d)(9), by striking "section 7114(c)(4)" and inserting "section 6114(c)(4)";

(7) in section 6117 (as so redesignated)—

(A) in subsection (b)(1)(A)(i), by striking "section 7151" and inserting "section 6151";

(B) in subsection (c), by striking "section 7151" and inserting "section 6151";

(C) in subsection (f)(3), by striking "section 7113" and inserting "section 6113"; and

(D) in subsection (h)(1), by striking "section 7114" and inserting "section 6114";

(8) in section 6118 (as so redesignated), in subsection (a), by striking "section 7113" and inserting "section 6113";

(9) in section 6119 (as so redesignated), by striking "section 7114" and inserting "section 6114"; and

(10) in section 6205 (as so redesignated), in subsection (c)—

(A) in paragraph (1), by striking "section 7204" and inserting "section 6204"; and

(B) in paragraph (2), by striking "section 7204" and inserting "section 6204".

SEC. 6002. INDIAN EDUCATION.

(a) STATEMENT OF POLICY.—Section 6101 (20 U.S.C. 7401) (as redesignated by section 6001) is amended by adding at the end the following: "It is further the policy of the United States to ensure that Indian children do not attend school in buildings that are dilapidated or deteriorating, which may negatively affect the academic success of such children.".

(b) PURPOSE.—Section 6102 (20 U.S.C. 7402) (as redesignated by section 6001) is amended to read as follows:

"SEC. 6102. PURPOSE.

"It is the purpose of this part to support the efforts of local educational agencies, Indian tribes and organizations, postsecondary institutions, and other entities—

"(1) to meet the unique educational and culturally related academic needs of Indian students, so that such students can meet the challenging State academic standards;

"(2) to ensure that Indian students gain knowledge and understanding of Native communities, languages, tribal histories, traditions, and cultures; and

"(3) to ensure that teachers, principals, other school leaders, and other staff who serve Indian students have the ability to provide culturally appropriate and effective instruction and supports to such students.".

(c) PURPOSE.—Section 6111 (20 U.S.C. 7421) (as redesignated by section 6001) is amended to read as follows:

"SEC. 6111. PURPOSE.

"It is the purpose of this subpart to support the efforts of local educational agencies, Indian tribes and organizations, and other en-

tities in developing elementary school and secondary school programs for Indian students that are designed to—

"(1) meet the unique cultural, language, and educational needs of such students; and

"(2) ensure that all students meet the challenging State academic standards.".

(d) GRANTS TO LOCAL EDUCATIONAL AGENCIES AND TRIBES.—Section 6112 (20 U.S.C. 7422) (as redesignated by section 6001) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) IN GENERAL.—The Secretary may make grants, from allocations made under section 6113, and in accordance with this section and section 6113, to—

"(1) local educational agencies;

"(2) Indian tribes, as provided under subsection (c)(1);

"(3) Indian organizations, as provided under subsection (c)(1);

"(4) consortia of 2 or more local educational agencies, Indian tribes, Indian organizations, or Indian community-based organizations, if each local educational agency participating in such a consortium, if applicable—

"(A) provides an assurance that the eligible Indian children served by such local educational agency will receive the services of the programs funded under this subpart; and

"(B) is subject to all the requirements, assurances, and obligations applicable to local educational agencies under this subpart; and

"(5) Indian community-based organizations, as provided under subsection (d)(1).";

(2) in subsection (b)—

(A) in paragraph (1), by striking "A local educational agency shall" and inserting "Subject to paragraph (2), a local educational agency shall";

(B) by redesignating paragraph (2) as paragraph (3); and

(C) by inserting after paragraph (1) the following:

"(2) COOPERATIVE AGREEMENTS.—A local educational agency may enter into a cooperative agreement with an Indian tribe under this subpart if such Indian tribe—

"(A) represents not less than 25 percent of the eligible Indian children who are served by such local educational agency; and

"(B) requests that the local educational agency enter into a cooperative agreement under this subpart."; and

(3) by striking subsection (c) and inserting the following:

"(c) INDIAN TRIBES AND INDIAN ORGANIZATIONS.—

"(1) IN GENERAL.—If a local educational agency that is otherwise eligible for a grant under this subpart does not establish a committee under section 6114(c)(4) for such grant, an Indian tribe, an Indian organization, or a consortium of such entities, that represents more than one-half of the eligible Indian children who are served by such local educational agency may apply for such grant.

"(2) SPECIAL RULE.—

"(A) IN GENERAL.—The Secretary shall treat each Indian tribe, Indian organization, or consortium of such entities applying for a grant pursuant to paragraph (1) as if such tribe, Indian organization, or consortium were a local educational agency for purposes of this subpart.

"(B) EXCEPTIONS.—Notwithstanding subparagraph (A), such Indian tribe, Indian organization, or consortium shall not be subject to the requirements of subsections (b)(7) or (c)(4) of section 6114 or section 6118(c) or 6119.

"(3) ASSURANCE TO SERVE ALL INDIAN CHILDREN.—An Indian tribe, Indian organization, or consortium of such entities that is eligible to apply for a grant under paragraph (1) shall include, in the application required under section 6114, an assurance that the entity will use the grant funds to provide services to all Indian students served by the local educational agency.

"(d) INDIAN COMMUNITY-BASED ORGANIZATION.—

"(1) IN GENERAL.—If no local educational agency pursuant to subsection (b), and no Indian tribe, Indian organization, or consortium pursuant to subsection (c), applies for a grant under this subpart in a particular community, an Indian community-based organization serving the community of the local educational agency may apply for such grant.

"(2) APPLICABILITY OF SPECIAL RULE.—The Secretary shall apply the special rule in subsection (c)(2) to an Indian community-based organization applying for a grant under paragraph (1) in the same manner as such rule applies to an Indian tribe, Indian organization, or consortium described in that subsection.

"(3) DEFINITION OF INDIAN COMMUNITY-BASED ORGANIZATION.—In this subsection, the term 'Indian community-based organization' means any organization that—

"(A) is composed primarily of Indian parents, family members, and community members, tribal government education officials, and tribal members, from a specific community;

"(B) assists in the social, cultural, and educational development of Indians in such community;

"(C) meets the unique cultural, language, and academic needs of Indian students; and

"(D) demonstrates organizational and administrative capacity to manage the grant.".

(e) AMOUNT OF GRANTS.—Section 6113 (20 U.S.C. 7423) (as redesignated by section 6001) is amended—

(1) in subsection (b)(1), by striking "Bureau of Indian Affairs" and inserting "Bureau of Indian Education"; and

(2) in subsection (d)—

(A) in the subsection heading, by striking "INDIAN AFFAIRS" and inserting "INDIAN EDUCATION"; and

(B) in paragraph (1)(A)(i), by striking "Bureau of Indian Affairs" and inserting "Bureau of Indian Education".

(f) APPLICATIONS.—Section 6114 (20 U.S.C. 7424) (as redesignated by section 6001) is amended—

(1) in subsection (a), by striking "Each local educational agency" and inserting "Each entity described in section 6112(a)";

(2) in subsection (b)—

(A) in paragraph (1), by striking "American Indian and Alaska Native" and inserting "Indian";

(B) in paragraph (2)—

(i) in subparagraph (A), by striking "is consistent with the State and local plans" and inserting "is consistent with the State, tribal, and local plans"; and

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

"(B) includes program objectives and outcomes for activities under this subpart that are based on the same challenging State academic standards developed by the State under title I for all students;";

(C) by striking paragraph (3) and inserting the following:

"(3) explains how the grantee will use funds made available under this subpart to supplement other Federal, State, and local programs that meet the needs of Indian students;";

(D) in paragraph (5)(B), by striking "and" after the semicolon;

(E) in paragraph (6)—

(i) in subparagraph (B)—

(I) in clause (i), by striking "and" after the semicolon; and

(II) by adding at the end the following:

"(iii) the Indian tribes whose children are served by the local educational agency, consistent with section 444 of the General Education Provisions Act (20 U.S.C. 1232g) (commonly referred to as the 'Family Educational Rights and Privacy Act of 1974'); and"; and

(ii) in subparagraph (C), by striking the period at the end and inserting "; and"; and

(F) by adding at the end the following:

"(7) describes the process the local educational agency used to meaningfully collaborate with Indian tribes located in the community in a timely, active, and ongoing manner in the development of the comprehensive program and the actions taken as a result of such collaboration.";

(3) in subsection (c)—

(A) in paragraph (1), by striking "for the education of Indian children," and inserting "for services described in this subsection,";

(B) in paragraph (2)—

(i) in subparagraph (A), by striking "and" after the semicolon;

(ii) in subparagraph (B), by striking "served by such agency;" and inserting "served by such agency, and meet program objectives and outcomes for activities under this subpart; and"; and

(iii) by adding at the end the following:

"(C) determine the extent to which such activities by the local educational agency address the unique cultural, language, and educational needs of Indian students;";

(C) in paragraph (3)—

(i) in subparagraph (A), by striking "American Indian and Alaska Native" and inserting "Indian"; and

(ii) in subparagraph (C)—

(I) by inserting "representatives of Indian tribes on Indian lands located within 50 miles of any school that the agency will serve if such tribes have any children in such school, Indian organizations," after "parents of Indian children and teachers,"; and

(II) by striking "and" after the semicolon;

(D) in paragraph (4)—

(i) in subparagraph (A)—

(I) in clause (i), by inserting "and family members" after "parents";

(II) by redesignating clauses (ii) and (iii) as clauses (iii) and (iv), respectively; and

(III) by inserting after clause (i) the following:

"(ii) representatives of Indian tribes on Indian lands located within 50 miles of any school that the agency will serve if such tribes have any children in such school;";

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

"(B) a majority of whose members are parents and family members of Indian children;";

(iii) by striking subparagraph (C);

(iv) by redesignating subparagraphs (D) and (E) as subparagraphs (C) and (D), respectively; and

(v) in subparagraph (C) (as redesignated by clause (iv))—

(I) in clause (i), by striking "and" after the semicolon;

(II) in clause (ii), by striking "American Indian and Alaska Native" and inserting "Indian"; and

(III) by adding at the end the following:

"(iii) determined that the program will directly enhance the educational experience of Indian students; and"; and

(vi) in subparagraph (D), as redesignated by clause (iv), by striking the period at the end and inserting a semicolon; and

(E) by adding at the end the following:

"(5) the local educational agency will coordinate activities under this title with other Federal programs supporting educational and related services administered by such agency;

"(6) the local educational agency conducted outreach to parents and family members to meet the requirements under this paragraph;

"(7) the local educational agency will use funds received under this subpart only for activities described and authorized in this subpart; and

"(8) the local educational agency has set forth such policies and procedures, including policies and procedures relating to the hiring of personnel, as will ensure that the program for which assistance is sought will be operated and evaluated in consultation with, and with the involvement of, parents and family members of the children, and representatives of the area, to be served."; and

(4) by adding at the end the following:

"(d) TECHNICAL ASSISTANCE.—The Secretary shall, directly or by contract, provide technical assistance to a local educational agency or Bureau of Indian Education school upon request (in addition to any technical assistance available under other provisions of this Act or available through the Institute of Education Sciences) to support the services and activities provided under this subpart, including technical assistance for—

"(1) the development of applications under this subpart, including identifying eligible entities that have not applied for such grants and undertaking appropriate activities to encourage such entities to apply for grants under this subpart;

"(2) improvement in the quality of implementation, content, and evaluation of activities supported under this subpart; and

"(3) integration of activities under this subpart with other educational activities carried out by the local educational agency.".

(g) AUTHORIZED SERVICES AND ACTIVITIES.—Section 6115 (20 U.S.C. 7425) (as redesignated by section 6001) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting "solely for the services and activities described in such application" before the semicolon; and

(B) in paragraph (2), by striking "with special regard for" and inserting "to be responsive to";

(2) by striking subsection (b) and inserting the following:

"(b) PARTICULAR ACTIVITIES.—The services and activities referred to in subsection (a) may include—

"(1) activities that support Native American language programs and Native American language restoration programs, which may be taught by traditional leaders;

"(2) culturally related activities that support the program described in the application submitted by the local educational agency;

"(3) early childhood and family programs that emphasize school readiness;

"(4) enrichment programs that focus on problem solving and cognitive skills development and directly support the attainment of challenging State academic standards;

"(5) integrated educational services in combination with other programs that meet the needs of Indian children and their families, including programs that promote parental involvement in school activities and increase student achievement;

"(6) career preparation activities to enable Indian students to participate in programs such as the programs supported by

the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.), including programs for tech-prep education, mentoring, and apprenticeship;

"(7) activities to educate individuals so as to prevent violence, suicide, and substance abuse;

"(8) the acquisition of equipment, but only if the acquisition of the equipment is essential to achieve the purpose described in section 6111;

"(9) activities that promote the incorporation of culturally responsive teaching and learning strategies into the educational program of the local educational agency;

"(10) family literacy services;

"(11) activities that recognize and support the unique cultural and educational needs of Indian children, and incorporate appropriately qualified tribal elders and seniors;

"(12) dropout prevention strategies for Indian students; and

"(13) strategies to meet the educational needs of at-risk Indian students in correctional facilities, including such strategies that support Indian students who are transitioning from such facilities to schools served by local educational agencies.";

(3) in subsection (c)—

(A) in paragraph (1), by striking "and" after the semicolon;

(B) in paragraph (2), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(3) the local educational agency identifies in its application how the use of such funds in a schoolwide program will produce benefits to Indian students that would not be achieved if the funds were not used in a schoolwide program."; and

(4) by adding at the end the following:

"(e) LIMITATION ON THE USE OF FUNDS.—Funds provided to a grantee under this subpart may not be used for long-distance travel expenses for training activities that are available locally or regionally.".

(h) INTEGRATION OF SERVICES AUTHORIZED.—Section 6116 (20 U.S.C. 7426) (as redesignated by section 6001) is amended—

(1) in subsection (g), in the matter preceding paragraph (1)—

(A) by striking "No Child Left Behind Act of 2001" and inserting "Every Student Succeeds Act";

(B) by inserting "the Secretary of Health and Human Services," after "the Secretary of the Interior,"; and

(C) by inserting "and coordination" after "providing for the implementation"; and

(2) in subsection (o)—

(A) in paragraph (1), by striking "the No Child Left Behind Act of 2001" and inserting "the Every Student Succeeds Act"; and

(B) in paragraph (2)—

(i) by striking "the No Child Left Behind Act of 2001" and inserting "the Every Student Succeeds Act"; and

(ii) by striking the second sentence.

(i) STUDENT ELIGIBILITY FORMS.—Section 6117 (20 U.S.C. 7427) (as redesignated by section 6001) is amended—

(1) in subsection (a), by adding at the end the following: "All individual data collected shall be protected by the local educational agencies and only aggregated data shall be reported to the Secretary.";

(2) by striking subsection (d);

(3) by redesignating subsections (e), (f), (g), and (h), as subsections (d), (e), (f), and (g), respectively;

(4) by striking subsection (d), as redesignated by paragraph (4), and inserting the following:

"(d) DOCUMENTATION AND TYPES OF PROOF.—

"(1) TYPES OF PROOF.—For purposes of determining whether a child is eligible to be counted for the purpose of computing the amount of a grant award under section 6113, the membership of the child, or any parent or grandparent of the child, in a tribe or band of Indians (as so defined) may be established by proof other than an enrollment number, notwithstanding the availability of an enrollment number for a member of such tribe or band. Nothing in subsection (b) shall be construed to require the furnishing of an enrollment number.

"(2) NO NEW OR DUPLICATIVE DETERMINATIONS.—Once a child is determined to be an Indian eligible to be counted for such grant award, the local educational agency shall maintain a record of such determination and shall not require a new or duplicate determination to be made for such child for a subsequent application for a grant under this subpart.

"(3) PREVIOUSLY FILED FORMS.—An Indian student eligibility form that was on file as required by this section on the day before the date of enactment of the Every Student Succeeds Act and that met the requirements of this section, as this section was in effect on the day before the date of the enactment of such Act, shall remain valid for such Indian student.";

(5) in subsection (f), as redesignated by paragraph (4), by striking "Bureau of Indian Affairs" and inserting "Bureau of Indian Education"; and

(6) in subsection (g), as redesignated by paragraph (4), by striking "subsection (g)(1)" and inserting "subsection (f)(1)".

(j) PAYMENTS.—Section 6118 (20 U.S.C. 7428) (as redesignated by section 6001) is amended, by striking subsection (c) and inserting the following:

"(c) REDUCTION OF PAYMENT FOR FAILURE TO MAINTAIN FISCAL EFFORT.—Each local educational agency shall maintain fiscal effort in accordance with section 8521 or be subject to reduced payments under this subpart in accordance with such section 8521.".

(k) IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN AND YOUTH.—Section 6121 (20 U.S.C. 7441) (as redesignated by section 6001) is amended—

(1) by striking the section header and inserting the following:

"SEC. 6121. IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN AND YOUTH.";

(2) in subsection (a)—

(A) in paragraph (1), by inserting "and youth" after "Indian children"; and

(B) in paragraph (2)(B), by striking "American Indian and Alaska Native children" and inserting "Indian children and youth";

(3) in subsection (b), by striking "Indian institution (including an Indian institution of higher education)" and inserting "a Tribal College or University (as defined in section 316(b) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b)))";

(4) by striking subsection (c) and inserting the following:

"(c) GRANTS AUTHORIZED.—The Secretary shall award grants to eligible entities to enable such entities to carry out activities that meet the purpose of this section, including—

"(1) innovative programs related to the educational needs of educationally disadvantaged Indian children and youth;

"(2) educational services that are not available to such children and youth in sufficient quantity or quality, including remedial instruction, to raise the achievement of Indian children in one or more of the subjects of English, mathematics, science, foreign languages, art, history, and geography;

"(3) bilingual and bicultural programs and projects;

"(4) special health and nutrition services, and other related activities, that address the special health, social, and psychological problems of Indian children and youth;

"(5) special compensatory and other programs and projects designed to assist and encourage Indian children and youth to enter, remain in, or reenter school, and to increase the rate of high school graduation for Indian children and youth;

"(6) comprehensive guidance, counseling, and testing services;

"(7) early childhood education programs that are effective in preparing young children to make sufficient academic growth by the end of grade 3, including kindergarten and pre-kindergarten programs, family-based preschool programs that emphasize school readiness, screening and referral, and the provision of services to Indian children and youth with disabilities;

"(8) partnership projects between local educational agencies and institutions of higher education that allow secondary school students to enroll in courses at the postsecondary level to aid such students in the transition from secondary to postsecondary education;

"(9) partnership projects between schools and local businesses for career preparation programs designed to provide Indian youth with the knowledge and skills such youth need to make an effective transition from school to a high-skill career;

"(10) programs designed to encourage and assist Indian students to work toward, and gain entrance into, institutions of higher education;

"(11) family literacy services;

"(12) activities that recognize and support the unique cultural and educational needs of Indian children and youth, and incorporate traditional leaders;

"(13) high-quality professional development of teaching professionals and paraprofessionals; or

"(14) other services that meet the purpose described in this section."; and

(5) in subsection (d)—

(A) in paragraph (1)(C), by striking "make a grant payment for a grant described in this paragraph to an eligible entity after the initial year of the multiyear grant only if the Secretary determines" and inserting "award grants for an initial period of not more than 3 years and may renew such grants for not more than an additional 2 years if the Secretary determines"; and

(B) in paragraph (3)(B)—

(i) in clause (i), by striking "parents of Indian children" and inserting "parents and family of Indian children"; and

(ii) in clause (iii), by striking "information demonstrating that the proposed program for the activities is a scientifically based research program" and inserting "information demonstrating that the proposed program is an evidence-based program".

(l) PROFESSIONAL DEVELOPMENT FOR TEACHERS AND EDUCATION PROFESSIONALS.—Section 6122 (20 U.S.C. 7442) (as redesignated by section 6001) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1) and inserting the following:

"(1) to increase the number of qualified Indian teachers and administrators serving Indian students;";

(B) by striking paragraph (2) and inserting the following:

"(2) to provide pre- and in-service training and support to qualified Indian individuals to enable such individuals to become effective teachers, principals, other school leaders, administrators, paraprofessionals, counselors, social workers, and specialized instructional support personnel;";

(C) in paragraph (3), by striking the period at the end and inserting "; and"; and

(D) by adding at the end the following:

"(4) to develop and implement initiatives to promote retention of effective teachers, principals, and school leaders who have a record of success in helping low-achieving Indian students improve their academic achievement, outcomes, and preparation for postsecondary education or employment.";

(2) in subsection (b)—

(A) in paragraph (1), by striking "including an Indian institution of higher education" and inserting "including a Tribal College or University, as defined in section 316(b) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b))"; and

(B) in paragraph (4), by inserting "in a consortium with at least one Tribal College or University, as defined in section 316(b) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b)), where feasible" before the period at the end;

(3) in subsection (d)(1)—

(A) in the first sentence, by striking "purposes" and inserting "purpose"; and

(B) by striking the second sentence and inserting "Such activities may include—

"(A) continuing education programs, symposia, workshops, and conferences;

"(B) teacher mentoring programs, professional guidance, and instructional support provided by educators, local traditional leaders, or cultural experts, as appropriate for teachers during their first 3 years of employment as teachers;

"(C) direct financial support; and

"(D) programs designed to train traditional leaders and cultural experts to assist those personnel referenced in subsection (a)(2), as appropriate, with relevant Native language and cultural mentoring, guidance, and support."; and

(4) by striking subsection (e) and inserting the following:

"(e) APPLICATION.—Each eligible entity desiring a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may reasonably require. At a minimum, an application under this section shall describe how the eligible entity will—

"(1) recruit qualified Indian individuals, such as students who may not be of traditional college age, to become teachers, principals, or school leaders;

"(2) use funds made available under the grant to support the recruitment, preparation, and professional development of Indian teachers or principals in local educational agencies that serve a high proportion of Indian students; and

"(3) assist participants in meeting the requirements under subsection (h).";

(5) in subsection (f)—

(A) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively;

(B) by inserting before paragraph (2), as redesignated by subparagraph (A), the following:

"(1) may give priority to Tribal Colleges and Universities;"; and

(C) in paragraph (3), as redesignated by subparagraph (A), by striking "basis of" and all that follows through the period at the end and inserting "basis of the length of any period for which the eligible entity has received a grant.";

(6) by striking subsection (g) and inserting the following:

"(g) GRANT PERIOD.—The Secretary shall award grants under this section for an initial period of not more than 3 years, and may renew such grants for an additional period of not more than 2 years if the Secretary finds that the grantee is achieving the objectives of the grant."; and

(7) in subsection (h)(1)(A)(ii), by striking "people" and inserting "students in a local educational agency that serves a high proportion of Indian students".

(m) NATIONAL RESEARCH ACTIVITIES.—Section 6131 (20 U.S.C. 7451) (as redesignated by section 6001) is amended—

(1) in subsection (a), by striking "under section 7152(b)" and inserting "to carry out this subpart"; and

(2) in subsection (c)(2), by inserting ", the Bureau of Indian Education," after "Office of Indian Education Programs".

(n) IN-SERVICE TRAINING FOR TEACHERS OF INDIAN CHILDREN; FELLOWSHIPS FOR INDIAN STUDENTS; GIFTED AND TALENTED INDIAN STUDENTS.—Title VI (20 U.S.C. 7401 et seq.) (as redesignated by section 6001) is amended—

(1) by striking sections 6132, 6133, and 6134 (as redesignated by section 6001); and

(2) by redesignating section 6135 (as redesignated by section 6001) as section 6132.

(o) NATIVE AMERICAN LANGUAGE.—Title VI (20 U.S.C. 7401 et seq.) (as redesignated by section 6001) is amended by inserting after section 6132 (as redesignated by subsection (n)(2)) the following:

"SEC. 6133. NATIVE AMERICAN AND ALASKA NATIVE LANGUAGE IMMERSION SCHOOLS AND PROGRAMS.

"(a) PURPOSES.—The purposes of this section are—

"(1) to establish a grant program to support schools that use Native American and Alaska Native languages as the primary language of instruction;

"(2) to maintain, protect, and promote the rights and freedom of Native Americans and Alaska Natives to use, practice, maintain, and revitalize their languages, as envisioned in the Native American Languages Act (25 U.S.C. 2901 et seq.); and

"(3) to support the Nation's First Peoples' efforts to maintain and revitalize their languages and cultures, and to improve educational opportunities and student outcomes within Native American and Alaska Native communities.

"(b) PROGRAM AUTHORIZED.—

"(1) IN GENERAL.—From funds reserved under section 6152(c), the Secretary shall reserve 20 percent to make grants to eligible entities to develop and maintain, or to improve and expand, programs that support schools, including elementary school and secondary school education sites and streams, using Native American and Alaska Native languages as the primary languages of instruction.

"(2) ELIGIBLE ENTITIES.—In this subsection, the term 'eligible entity' means any of the following entities that has a plan to develop and maintain, or to improve and expand, programs that support the entity's use of a Native American or Alaska Native language as the primary language of instruction in elementary schools or secondary schools, or both:

"(A) An Indian tribe.

"(B) A Tribal College or University (as defined in section 316 of the Higher Education Act of 1965 (20 U.S.C. 1059c)).

"(C) A tribal education agency.

"(D) A local educational agency, including a public charter school that is a local educational agency under State law.

"(E) A school operated by the Bureau of Indian Education.

"(F) An Alaska Native Regional Corporation (as described in section 3(g) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(g))).

"(G) A private, tribal, or Alaska Native nonprofit organization.

"(H) A nontribal for-profit organization.

"(c) APPLICATION.—

"(1) IN GENERAL.—An eligible entity that desires to receive a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require, including the following:

"(A) The name of the Native American or Alaska Native language to be used for instruction at the school supported by the eligible entity.

"(B) The number of students attending such school.

"(C) The number of hours of instruction in or through 1 or more Native American or Alaska Native languages being provided to targeted students at such school, if any.

"(D) A description of how the eligible entity will—

"(i) use the funds provided to meet the purposes of this section;

"(ii) implement the activities described in subsection (e);

"(iii) ensure the implementation of rigorous academic content; and

"(iv) ensure that students progress toward high-level fluency goals.

"(E) Information regarding the school's organizational governance or affiliations, including information about—

"(i) the school governing entity (such as a local educational agency, tribal education agency or department, charter organization, private organization, or other governing entity);

"(ii) the school's accreditation status;

"(iii) any partnerships with institutions of higher education; and

"(iv) any indigenous language schooling and research cooperatives.

"(F) An assurance that—

"(i) the school is engaged in meeting State or tribally designated long-term goals for students, as may be required by applicable Federal, State, or tribal law;

"(ii) the school provides assessments of students using the Native American or Alaska Native language of instruction, where possible;

"(iii) the qualifications of all instructional and leadership personnel at such school is sufficient to deliver high-quality education through the Native American or Alaska Native language used in the school; and

"(iv) the school will collect and report to the public data relative to student achievement and, if appropriate, rates of high school graduation, career readiness, and enrollment in postsecondary education or workforce development programs, of students who are enrolled in the school's programs.

"(2) LIMITATION.—The Secretary shall not give a priority in awarding grants under this section based on the information described in paragraph (1)(E).

"(3) SUBMISSION OF CERTIFICATION.—

"(A) IN GENERAL.—An eligible entity that is a public elementary school or secondary school (including a public

charter school or a school operated by the Bureau of Indian Education) or a nontribal for-profit or nonprofit organization shall submit, along with the application requirements described in paragraph (1), a certification described in subparagraph (B) indicating that—

"(i) the school or organization has the capacity to provide education primarily through a Native American or an Alaska Native language; and

"(ii) there are sufficient speakers of the target language at the school or available to be hired by the school or organization.

"(B) CERTIFICATION.—The certification described in subparagraph (A) shall be from one of the following entities, on whose land the school or program is located, that is an entity served by such school, or that is an entity whose members (as defined by that entity) are served by the school:

"(i) A Tribal College or University (as defined in section 316 of the Higher Education Act of 1965 (20 U.S.C. 1059c)).

"(ii) A Federally recognized Indian tribe or tribal organization.

"(iii) An Alaska Native Regional Corporation or an Alaska Native nonprofit organization.

"(iv) A Native Hawaiian organization.

"(d) AWARDING OF GRANTS.—In awarding grants under this section, the Secretary shall—

"(1) determine the amount of each grant and the duration of each grant, which shall not exceed 3 years; and

"(2) ensure, to the maximum extent feasible, that diversity in languages is represented.

"(e) ACTIVITIES AUTHORIZED.—

"(1) REQUIRED ACTIVITIES.—An eligible entity that receives a grant under this section shall use such funds to carry out the following activities:

"(A) Supporting Native American or Alaska Native language education and development.

"(B) Providing professional development for teachers and, as appropriate, staff and administrators to strengthen the overall language and academic goals of the school that will be served by the grant program.

"(2) ALLOWABLE ACTIVITIES.—An eligible entity that receives a grant under this section may use such funds to carry out the following activities:

"(A) Developing or refining curriculum, including teaching materials and activities, as appropriate.

"(B) Creating or refining assessments written in the Native American or Alaska Native language of instruction that measure student proficiency and that are aligned with State or tribal academic standards.

"(C) Carrying out other activities that promote the maintenance and revitalization of the Native American or Alaska Native language relevant to the grant program.

"(f) REPORT TO SECRETARY.—Each eligible entity that receives a grant under this section shall prepare and submit an annual report to the Secretary, which shall include—

"(1) the activities the entity carried out to meet the purposes of this section; and

"(2) the number of children served by the program and the number of instructional hours in the Native American or Alaska Native language.

"(g) ADMINISTRATIVE COSTS.—Not more than 5 percent of the funds provided to a grantee under this section for any fiscal year may be used for administrative purposes.".

(p) GRANTS TO TRIBES FOR EDUCATION ADMINISTRATIVE PLANNING, DEVELOPMENT, AND COORDINATION.—Section 6132 (20 U.S.C. 7455) (as redesignated by subsection (n)) is amended to read as follows:

"SEC. 6132. GRANTS TO TRIBES FOR EDUCATION ADMINISTRATIVE PLANNING, DEVELOPMENT, AND COORDINATION.

"(a) IN GENERAL.—The Secretary may award grants under this section to eligible applicants to enable the eligible applicants to—

"(1) promote tribal self-determination in education;

"(2) improve the academic achievement of Indian children and youth; and

"(3) promote the coordination and collaboration of tribal educational agencies with State educational agencies and local educational agencies to meet the unique educational and culturally related academic needs of Indian students.

"(b) DEFINITIONS.—In this section:

"(1) ELIGIBLE APPLICANT.—In this section, the term 'eligible applicant' means—

"(A) an Indian tribe or tribal organization approved by an Indian tribe; or

"(B) a tribal educational agency.

"(2) INDIAN TRIBE.—The term 'Indian tribe' means a federally recognized tribe or a State-recognized tribe.

"(3) TRIBAL EDUCATIONAL AGENCY.—The term 'tribal educational agency' means the agency, department, or instrumentality of an Indian tribe that is primarily responsible for supporting tribal students' elementary and secondary education.

"(c) GRANT PROGRAM.—The Secretary may award grants to—

"(1) eligible applicants described under subsection (b)(1)(A) to plan and develop a tribal educational agency, if the tribe or organization has no current tribal educational agency, for a period of not more than 1 year; and

"(2) eligible applicants described under subsection (b)(1)(B), for a period of not more than 3 years, in order to—

"(A) directly administer education programs, including formula grant programs under this Act, consistent with State law and under a written agreement between the parties;

"(B) build capacity to administer and coordinate such education programs, and to improve the relationship and coordination between such applicants and the State educational agencies and local educational agencies that educate students from the tribe;

"(C) receive training and support from the State educational agency and local educational agency, in areas such as data collection and analysis, grants management and monitoring, fiscal accountability, and other areas as needed;

"(D) train and support the State educational agency and local educational agency in areas related to tribal history, language, or culture;

"(E) build on existing activities or resources rather than replacing other funds; and

"(F) carry out other activities, consistent with the purposes of this section.

"(d) GRANT APPLICATION.—

"(1) IN GENERAL.—Each eligible applicant desiring a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may reasonably prescribe.

"(2) CONTENTS.—Each application described in paragraph (1) shall contain—

"(A) a statement describing the activities to be conducted, and the objectives to be achieved, under the grant;

"(B) a description of the method to be used for evaluating the effectiveness of the activities for which assistance is sought and for determining whether such objectives are achieved; and

"(C) for applications for activities under subsection (c)(2), evidence of—

"(i) a preliminary agreement with the appropriate State educational agency, 1 or more local educational agencies, or both the State educational agency and a local educational agency; and

"(ii) existing capacity as a tribal educational agency.

"(3) APPROVAL.—The Secretary may approve an application submitted by an eligible applicant under this subsection if the application, including any documentation submitted with the application—

"(A) demonstrates that the eligible applicant has consulted with other education entities, if any, within the territorial jurisdiction of the applicant that will be affected by the activities to be conducted under the grant;

"(B) provides for consultation with such other education entities in the operation and evaluation of the activities conducted under the grant; and

"(C) demonstrates that there will be adequate resources provided under this section or from other sources to complete the activities for which assistance is sought.

"(e) RESTRICTIONS.—

"(1) IN GENERAL.—An Indian tribe may not receive funds under this section if the tribe receives funds under section 1140 of the Education Amendments of 1978 (20 U.S.C. 2020).

"(2) DIRECT SERVICES.—No funds under this section may be used to provide direct services.

"(f) SUPPLEMENT, NOT SUPPLANT.—Funds under this section shall be used to supplement, and not supplant, other Federal, State, and local programs that meet the needs of tribal students.".

(q) IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR ADULT INDIANS.—Title VI (20 U.S.C. 7401 et seq.) (as redesignated by section 6001) is amended by striking section 6136.

(r) NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION.—Section 6141(b)(1) (20 U.S.C. 7471(b)(1)) (as redesignated by section 6001) is amended by inserting "and the Secretary of the Interior" after "advise the Secretary".

(s) DEFINITIONS.—Section 6151 (20 U.S.C. 7491) (as redesignated by section 6001) is amended by adding at the end the following:

"(4) TRADITIONAL LEADERS.—The term 'traditional leaders' has the meaning given the term in section 103 of the Native American Languages Act (25 U.S.C. 2902).".

(t) AUTHORIZATIONS OF APPROPRIATIONS.—Section 6152 (20 U.S.C. 7492) (as redesignated by section 6001) is amended—

(1) in subsection (a), by striking "$96,400,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years" and inserting "$100,381,000 for fiscal year 2017, $102,388,620 for fiscal year 2018, $104,436,392 for fiscal year 2019, and $106,525,120 for fiscal year 2020";

(2) in subsection (b)—

(A) in the subsection heading, by striking "SUBPARTS 2 AND 3" and inserting "SUBPART 2";

(B) by striking "subparts 2 and 3" and inserting "subpart 2"; and

(C) by striking "$24,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years" and inserting "$17,993,000 for each of fiscal years 2017 through 2020"; and

(3) by adding at the end the following:

"(c) SUBPART 3.—For the purpose of carrying out subpart 3, there are authorized to be appropriated $5,565,000 for each of fiscal years 2017 through 2020.".

SEC. 6003. NATIVE HAWAIIAN EDUCATION.

(a) FINDINGS.—Section 6202 (20 U.S.C. 7512) (as redesignated by section 6001) is amended by striking paragraphs (14) through (21).

(b) NATIVE HAWAIIAN EDUCATION COUNCIL.—Section 6204 (20 U.S.C. 7514) (as redesignated by section 6001) is amended to read as follows:

"SEC. 6204. NATIVE HAWAIIAN EDUCATION COUNCIL.

"(a) GRANT AUTHORIZED.—In order to better effectuate the purposes of this part through the coordination of educational and related services and programs available to Native Hawaiians, including those programs that receive funding under this part, the Secretary shall award a grant to the education council described under subsection (b).

"(b) EDUCATION COUNCIL.—

"(1) ELIGIBILITY.—To be eligible to receive the grant under subsection (a), the council shall be an education council (re-

ferred to in this section as the 'Education Council') that meets the requirements of this subsection.

"(2) COMPOSITION.—The Education Council shall consist of 15 members, of whom—

"(A) 1 shall be the President of the University of Hawaii (or a designee);

"(B) 1 shall be the Governor of the State of Hawaii (or a designee);

"(C) 1 shall be the Superintendent of the State of Hawaii Department of Education (or a designee);

"(D) 1 shall be the chairperson of the Office of Hawaiian Affairs (or a designee);

"(E) 1 shall be the executive director of Hawaii's Charter School Network (or a designee);

"(F) 1 shall be the chief executive officer of the Kamehameha Schools (or a designee);

"(G) 1 shall be the Chief Executive Officer of the Queen Liliuokalani Trust (or a designee);

"(H) 1 shall be appointed by the Secretary, in a timely manner, and chosen from a list of 5 individuals who represent one or more private grant-making entities that is submitted to the Secretary by the Education Council;

"(I) 1 shall be the Mayor of the County of Hawaii (or a designee);

"(J) 1 shall be the Mayor of Maui County (or a designee from the Island of Maui);

"(K) 1 shall be the Mayor of the County of Kauai (or a designee);

"(L) 1 shall be appointed by the Secretary, in a timely manner, and chosen from a list of 5 individuals who are from the Island of Molokai or the Island of Lanai that is submitted to the Secretary by the Mayor of Maui County;

"(M) 1 shall be the Mayor of the City and County of Honolulu (or a designee);

"(N) 1 shall be the chairperson of the Hawaiian Homes Commission (or a designee); and

"(O) 1 shall be the chairperson of the Hawaii Workforce Development Council (or a designee representing the private sector).

"(3) REQUIREMENTS.—Any designee serving on the Education Council shall demonstrate, as determined by the individual who appointed such designee with input from the Native Hawaiian community, not less than 5 years of experience as a consumer or provider of Native Hawaiian educational or cultural activities, with traditional cultural experience given due consideration.

"(4) LIMITATION.—A member (including a designee), while serving on the Education Council, shall not be a direct recipient or administrator of grant funds that are awarded under this part.

"(5) TERM OF MEMBERS.—A member who is a designee shall serve for a term of not more than 4 years.

"(6) CHAIR; VICE CHAIR.—

"(A) SELECTION.—The Education Council shall select a Chairperson and a Vice Chairperson from among the members of the Education Council.

"(B) TERM LIMITS.—The Chairperson and Vice Chairperson shall each serve for a 2-year term.

"(7) ADMINISTRATIVE PROVISIONS RELATING TO EDUCATION COUNCIL.—The Education Council shall meet at the call of the Chairperson of the Council, or upon request by a majority of the members of the Education Council, but in any event not less often than every 120 days.

"(8) NO COMPENSATION.—None of the funds made available through the grant may be used to provide compensation to any member of the Education Council or member of a working group established by the Education Council, for functions described in this section.

"(c) USE OF FUNDS FOR COORDINATION ACTIVITIES.—The Education Council shall use funds made available through a grant under subsection (a) to carry out each of the following activities:

"(1) Providing advice about the coordination of, and serving as a clearinghouse for, the educational and related services and programs available to Native Hawaiians, including the programs assisted under this part.

"(2) Assessing the extent to which such services and programs meet the needs of Native Hawaiians, and collecting data on the status of Native Hawaiian education.

"(3) Providing direction and guidance, through the issuance of reports and recommendations, to appropriate Federal, State, and local agencies in order to focus and improve the use of resources, including resources made available under this part, relating to Native Hawaiian education, and serving, where appropriate, in an advisory capacity.

"(4) Awarding grants, if such grants enable the Education Council to carry out the activities described in paragraphs (1) through (3).

"(5) Hiring an executive director, who shall assist in executing the duties and powers of the Education Council, as described in subsection (d).

"(d) USE OF FUNDS FOR TECHNICAL ASSISTANCE.—The Education Council shall use funds made available through a grant under subsection (a) to—

"(1) provide technical assistance to Native Hawaiian organizations that are grantees or potential grantees under this part;

"(2) obtain from such grantees information and data regarding grants awarded under this part, including information and data about—

"(A) the effectiveness of such grantees in meeting the educational priorities established by the Education Council, as described in paragraph (6)(D), using metrics related to these priorities; and

"(B) the effectiveness of such grantees in carrying out any of the activities described in paragraph (3) of section 6205(a) that are related to the specific goals and purposes of each grantee's grant project, using metrics related to these goals and purposes;

"(3) assess and define the educational needs of Native Hawaiians;

"(4) assess the programs and services available to address the educational needs of Native Hawaiians;

"(5) assess and evaluate the individual and aggregate impact achieved by grantees under this part in improving Native Hawaiian educational performance and meeting the goals of this part, using metrics related to these goals; and

"(6) prepare and submit to the Secretary, at the end of each calendar year, an annual report that contains—

"(A) a description of the activities of the Education Council during the calendar year;

"(B) a description of significant barriers to achieving the goals of this part;

"(C) a summary of each community consultation session described in subsection (e); and

"(D) recommendations to establish priorities for funding under this part, based on an assessment of—

"(i) the educational needs of Native Hawaiians;

"(ii) programs and services available to address such needs;

"(iii) the effectiveness of programs in improving the educational performance of Native Hawaiian students to help such students meet challenging State academic standards under section 1111(b)(1); and

"(iv) priorities for funding in specific geographic communities.

"(e) USE OF FUNDS FOR COMMUNITY CONSULTATIONS.—The Education Council shall use funds made available through the grant under subsection (a) to hold not less than 1 community consultation each year on each of the islands of Hawaii, Maui, Molokai, Lanai, Oahu, and Kauai, at which—

"(1) not fewer than 3 members of the Education Council shall be in attendance;

"(2) the Education Council shall gather community input regarding—

"(A) current grantees under this part, as of the date of the consultation;

"(B) priorities and needs of Native Hawaiians; and

"(C) other Native Hawaiian education issues; and

"(3) the Education Council shall report to the community on the outcomes of the activities supported by grants awarded under this part.

"(f) FUNDING.—For each fiscal year, the Secretary shall use the amount described in section 6205(c)(2), to make a payment under the grant. Funds made available through the grant shall remain available until expended.".

(c) PROGRAM AUTHORIZED.—Section 6205 (20 U.S.C. 7515) (as redesignated by section 6001) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in subparagraph (C), by striking "and" after the semicolon;

(ii) by redesignating subparagraph (D) as subparagraph (E); and

(iii) by inserting after subparagraph (C) the following:

"(D) charter schools; and";

(B) in paragraph (3)—

(i) in subparagraph (C)—

(I) by striking "third grade" and inserting "grade 3"; and

(II) by striking "fifth and sixth grade" and inserting "grades 5 and 6";

(ii) in subparagraph (D)(ii), by striking "of those students" and inserting "of such students";

(iii) in subparagraph (E)(ii), by striking "students' educational progress" and inserting "educational progress of such students";

(iv) in subparagraph (G)(ii), by striking "concentrations" and all that follows through "; and" and inserting "high concentrations of Native Hawaiian students to meet the unique needs of such students; and"; and

(v) in subparagraph (H)—

(I) in the matter preceding clause (i), by striking "families" and inserting "students, parents, families,";

(II) in clause (i), by striking "preschool programs" and inserting "early childhood education programs";

(III) by striking clause (ii) and inserting the following:

"(ii) before, after, and summer school programs, expanded learning time, or weekend academies;"; and

(IV) in clause (iii), by striking "vocational and adult education programs" and inserting "career and technical education programs"; and

(vi) by striking clauses (i) through (v) of subparagraph (I) and inserting the following:

"(i) family literacy services; and

"(ii) counseling, guidance, and support services for students;"; and

(C) by striking paragraph (4); and

(2) in subsection (c)—

(A) in paragraph (1), by striking "such sums as may be necessary for fiscal year 2002 and each of the 5 succeeding fiscal years" and inserting "$32,397,000 for each of fiscal years 2017 through 2020"; and

(B) in paragraph (2), by striking "for fiscal year 2002 and each of the 5 succeeding fiscal years" and inserting "for each of fiscal years 2017 through 2020".

(d) DEFINITIONS.—Section 6207 (20 U.S.C. 7517) (as redesignated by section 6001) is amended—

(1) by redesignating paragraphs (1) through (6) as paragraphs (2) through (7), respectively; and

(2) by inserting before paragraph (2), as redesignated by paragraph (1), the following:

"(1) COMMUNITY CONSULTATION.—The term 'community consultation' means a public gathering—

"(A) to discuss Native Hawaiian education concerns; and

"(B) about which the public has been given not less than 30 days notice.".

SEC. 6004. ALASKA NATIVE EDUCATION.

(a) FINDINGS.—Section 6302 (20 U.S.C. 7542) (as redesignated by section 6001) is amended by striking paragraphs (1) through (7) and inserting the following:

"(1) It is the policy of the Federal Government to maximize the leadership of and participation by Alaska Natives in the planning and the management of Alaska Native education programs and to support efforts developed by and undertaken within the Alaska Native community to improve educational opportunity for all students.

"(2) Many Alaska Native children enter and exit school with serious educational disadvantages.

"(3) Overcoming the magnitude of the geographic challenges, historical inequities, and other barriers to successfully improving educational outcomes for Alaska Native students in rural, village, and urban settings is challenging. Significant disparities between academic achievement of Alaska Native students and non-Native students continue, including lower graduation rates, increased school dropout rates, and lower achievement scores on standardized tests.

"(4) The preservation of Alaska Native cultures and languages and the integration of Alaska Native cultures and languages into education, positive identity development for Alaska Native students, and local, place-based, and culture-based programming are critical to the attainment of educational success and the long-term well-being of Alaska Native students.

"(5) Improving educational outcomes for Alaska Native students increases access to employment opportunities.

"(6) The Federal Government should lend support to efforts developed by and undertaken within the Alaska Native community to improve educational opportunity for Alaska Native students. In 1983, pursuant to Public Law 98–63, Alaska ceased to receive educational funding from the Bureau of Indian Affairs. The Bureau of Indian Education does not operate any schools in Alaska, nor operate or fund Alaska Native education programs. The program under this part supports the Federal trust responsibility of the United States to Alaska Natives.".

(b) PURPOSES.—Section 6303 (20 U.S.C. 7543) (as redesignated by section 6001) is amended—

(1) in paragraph (1), by inserting "and address" after "To recognize";

(2) by striking paragraph (3);

(3) by redesignating paragraphs (2) and (4) as paragraphs (4) and (5), respectively;

(4) by inserting after paragraph (1) the following:

"(2) To recognize the role of Alaska Native languages and cultures in the educational success and long-term well-being of Alaska Native students.

"(3) To integrate Alaska Native cultures and languages into education, develop Alaska Native students' positive identity,

and support local place-based and culture-based curriculum and programming.";

(5) in paragraph (4), as redesignated by paragraph (3), by striking "of supplemental educational programs to benefit Alaska Natives." and inserting ", management, and expansion of effective supplemental educational programs to benefit Alaska Natives."; and

(6) by adding at the end the following:

"(6) To ensure the maximum participation by Alaska Native educators and leaders in the planning, development, implementation, management, and evaluation of programs designed to serve Alaska Native students.".

(c) PROGRAM AUTHORIZED.—Section 6304 (20 U.S.C. 7544) (as redesignated by section 6001) is amended to read as follows:

"SEC. 6304. PROGRAM AUTHORIZED.

"(a) GENERAL AUTHORITY.—

"(1) GRANTS AND CONTRACTS.—The Secretary is authorized to make grants to, or enter into contracts with—

"(A) Alaska Native organizations with experience operating programs that fulfill the purposes of this part;

"(B) Alaska Native organizations that do not have the experience described in subparagraph (A) but are in partnership with—

"(i) a State educational agency or a local educational agency; or

"(ii) an Alaska Native organization that operates a program that fulfills the purposes of this part;

"(C) an entity located in Alaska, and predominately governed by Alaska Natives, that does not meet the definition of an Alaska Native organization under this part but—

"(i) has experience operating programs that fulfill the purposes of this part; and

"(ii) is granted an official charter or sanction, as described in the definition of a tribal organization under section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b), from at least one Alaska Native tribe or Alaska Native organization to carry out programs that meet the purposes of this part.

"(2) MANDATORY ACTIVITIES.—Activities provided through the programs carried out under this part shall include the following:

"(A) The development and implementation of plans, methods, strategies, and activities to improve the educational outcomes of Alaska Natives.

"(B) The collection of data to assist in the evaluation of the programs carried out under this part.

"(3) PERMISSIBLE ACTIVITIES.—Activities provided through programs carried out under this part may include the following:

"(A) The development of curricula and programs that address the educational needs of Alaska Native students, including the following:

"(i) Curriculum materials that are culturally informed and reflect the cultural diversity, languages,

history, or the contributions of Alaska Native people, including curricula intended to preserve and promote Alaska Native culture.

"(ii) Instructional programs that make use of Alaska Native languages and cultures.

"(iii) Networks that develop, test, and disseminate best practices and introduce successful programs, materials, and techniques to meet the educational needs of Alaska Native students in urban and rural schools.

"(B) Training and professional development activities for educators, including the following:

"(i) Pre-service and in-service training and professional development programs to prepare teachers to develop appreciation for, and understanding of, Alaska Native history, cultures, values, and ways of knowing and learning in order to effectively address the cultural diversity and unique needs of Alaska Native students and improve the teaching methods of educators.

"(ii) Recruitment and preparation of Alaska Native teachers.

"(iii) Programs that will lead to the certification and licensing of Alaska Native teachers, principals, other school leaders, and superintendents.

"(C) Early childhood and parenting education activities designed to improve the school readiness of Alaska Native children, including—

"(i) the development and operation of home visiting programs for Alaska Native preschool children, to ensure the active involvement of parents in their children's education from the earliest ages;

"(ii) training, education, and support, including in-home visitation, for parents and caregivers of Alaska Native children to improve parenting and caregiving skills (including skills relating to discipline and cognitive development, reading readiness, observation, storytelling, and critical thinking);

"(iii) family literacy services;

"(iv) activities carried out under the Head Start Act (42 U.S.C. 9831 et seq.);

"(v) programs for parents and their infants, from the prenatal period of the infant through age 3;

"(vi) early childhood education programs; and

"(vii) native language immersion within early childhood education programs, Head Start, or preschool programs.

"(D) The development and operation of student enrichment programs, including programs in science, technology, engineering, and mathematics that—

"(i) are designed to prepare Alaska Native students to excel in such subjects;

"(ii) provide appropriate support services to enable such students to benefit from the programs; and

"(iii) include activities that recognize and support the unique cultural and educational needs of Alaska

Native children and incorporate appropriately qualified Alaska Native elders and other tradition bearers.

"(E) Research and data collection activities to determine the educational status and needs of Alaska Native children and adults and other such research and evaluation activities related to programs funded under this part.

"(F) Activities designed to enable Alaska Native students served under this part to meet the challenging State academic standards or increase the graduation rates of Alaska Native students, such as—

"(i) remedial and enrichment programs;

"(ii) culturally based education programs, such as—

"(I) programs of study and other instruction in Alaska Native history and ways of living to share the rich and diverse cultures of Alaska Natives among Alaska Native youth and elders, non-Native students and teachers, and the larger community;

"(II) instructing Alaska Native youth in leadership, communication, and Alaska Native culture, arts, history, and languages;

"(III) intergenerational learning and internship opportunities to Alaska Native youth and young adults;

"(IV) providing cultural immersion activities aimed at Alaska Native cultural preservation;

"(V) native language instruction and immersion activities, including native language immersion nests or schools;

"(VI) school-within-a-school model programs; and

"(VII) preparation for postsecondary education and career planning; and

"(iii) comprehensive school or community-based support services, including services that—

"(I) address family instability and trauma; and

"(II) improve conditions for learning at home, in the community, and at school.

"(G) Student and teacher exchange programs, cross-cultural immersion programs, and culture camps designed to build mutual respect and understanding among participants.

"(H) Education programs for at-risk urban Alaska Native students that are designed to improve academic proficiency and graduation rates, use strategies otherwise permissible under this part, and incorporate a strong data collection and continuous evaluation component.

"(I) Strategies designed to increase the involvement of parents in their children's education.

"(J) Programs and strategies that increase connections between and among schools, families, and communities, including positive youth-adult relationships, to—

"(i) promote the academic progress and positive development of Alaska Native children and youth; and

"(ii) improve conditions for learning at home, in the community, and at school.

"(K) Career preparation activities to enable Alaska Native children and adults to prepare for meaningful employment, including programs providing tech-prep, mentoring, training, and apprenticeship activities.

"(L) Support for the development and operational activities of regional vocational schools in rural areas of Alaska to provide students with necessary resources to prepare for skilled employment opportunities.

"(M) Regional leadership academies that demonstrate effectiveness in building respect and understanding, and fostering a sense of Alaska Native identity in Alaska Native students to promote their pursuit of and success in completing higher education or career training.

"(N) Other activities, consistent with the purposes of this part, to meet the educational needs of Alaska Native children and adults.

"(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $31,453,000 for each of fiscal years 2017 through 2020.".

(d) ADMINISTRATIVE PROVISIONS.—Section 6305 (20 U.S.C. 7545) (as redesignated by section 6001) is amended to read as follows:

"SEC. 6305. ADMINISTRATIVE PROVISIONS.

"Not more than 5 percent of funds provided to an award recipient under this part for any fiscal year may be used for administrative purposes.".

(e) DEFINITIONS.—Section 6306 (20 U.S.C. 7546) (as redesignated by section 6001) is amended—

(1) in paragraph (1), by inserting "(43 U.S.C. 1602(b)) and includes the descendants of individuals so defined" after "Settlement Act";

(2) by striking paragraph (2) and inserting the following:

"(2) ALASKA NATIVE ORGANIZATION.—The term 'Alaska Native organization' means an organization that has or commits to acquire expertise in the education of Alaska Natives and is—

"(A) an Indian tribe, as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b), that is an Indian tribe located in Alaska;

"(B) a 'tribal organization', as defined in section 4 of such Act (25 U.S.C. 450b), that is a tribal organization located in Alaska; or

"(C) an organization listed in clauses (i) through (xii) of section 419(4)(B) of the Social Security Act (42 U.S.C. 619(4)(B)(i) through (xii)), or the successor of an entity so listed.".

SEC. 6005. REPORT ON NATIVE AMERICAN LANGUAGE MEDIUM EDUCATION.

(a) DEFINITIONS.—In this section:

(1) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given such term in section 8101 of the Elementary and Secondary Education Act of 1965.

(2) LOCAL EDUCATIONAL AGENCY.—The term "local educational agency" has the meaning given such term in section 8101 of the Elementary and Secondary Education Act of 1965.

(3) NATIVE AMERICAN; NATIVE AMERICAN LANGUAGE.—The terms "Native American" and "Native American language" have the meanings given such terms in section 103 of the Native American Languages Act of 1990 (25 U.S.C. 2902).

(4) STATE EDUCATIONAL AGENCY.—The term "State educational agency" has the meaning given such term in section 8101 of the Elementary and Secondary Education Act of 1965.

(b) STUDY.—By not later than 18 months after the date of enactment of this Act, the Secretary of Education, in collaboration with the Secretary of the Interior, shall—

(1) conduct a study to evaluate all levels of education being provided primarily through the medium of Native American languages; and

(2) report on the findings of such study.

(c) CONSULTATION.—In carrying out the study conducted under subsection (b), the Secretary shall consult with—

(1) institutions of higher education that conduct Native American language immersion programs, including teachers of such programs;

(2) State educational agencies and local educational agencies;

(3) Indian tribes and tribal organizations, as such terms are defined by section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b) that sponsor Native American language immersion schools; and

(4) experts in the fields of Native American or Alaska Native language and Native American language medium education, including scholars who are fluent in Native American languages.

(d) SCOPE OF STUDY.—The study conducted under subsection (b) shall evaluate the components, policies, and practices of successful Native American language immersion schools and programs, including—

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

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

(3) 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 American 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 American language of instruction and in English compare; and

(4) the academic outcomes, 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 American language.

(e) RECOMMENDATIONS.—Not later than 18 months after the date of enactment of this Act, the Secretary of Education, in collaboration with the Secretary of the Interior, shall—

(1) develop a report that includes findings and conclusions regarding the study conducted under subsection (b), including recommendations for such legislative and administrative actions as the Secretary of Education considers to be appropriate;

(2) consult with the entities described in subsection (c) in reviewing such findings and conclusions; and

(3) submit the report 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.

SEC. 6006. REPORT ON RESPONSES TO INDIAN STUDENT SUICIDES.

(a) PREPARATION.—

(1) IN GENERAL.—The Secretary of Education, in coordination with the Secretary of the Interior and the Secretary of Health and Human Services, shall prepare a report on efforts to address outbreaks of suicides among elementary school and secondary school students (referred to in this section as "student suicides") that occurred within 1 year prior to the date of enactment of this Act in Indian country (as defined in section 1151 of title 18, United States Code).

(2) CONTENTS.—The report described in paragraph (1) shall include information on—

(A) the Federal response to the occurrence of high numbers of student suicides in Indian country (as so defined);

(B) a list of Federal resources available to prevent and respond to outbreaks of student suicides, including the availability and use of tele-behavioral health care;

(C) any barriers to timely implementation of programs or interagency collaboration regarding student suicides;

(D) interagency collaboration efforts to streamline access to programs regarding student suicides, including information on how the Department of Education, the Department of the Interior, and the Department of Health and Human Services work together on administration of such programs;

(E) recommendations to improve or consolidate resources or programs described in subparagraph (B) or (D); and

(F) feedback from Indian tribes to the Federal response described in subparagraph (A).

(b) SUBMISSION.—Not later than 270 days after the date of enactment of this Act, the Secretary of Education shall submit the report described in subsection (a) to the appropriate committees of Congress.

TITLE VII—IMPACT AID

SEC. 7001. GENERAL PROVISIONS.

(a) IMPACT AID IMPROVEMENT ACT OF 2012.—Section 563(c) of National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 1748; 20 U.S.C. 6301 note) (also known as the "Impact Aid Improvement Act of 2012"), as amended by section 563 of division A of Public Law 113–291, is amended—

(1) by striking paragraphs (1) and (4); and

(2) by redesignating paragraphs (2) and (3), as paragraphs (1) and (2), respectively.

(b) REPEAL.—Section 309 of division H of the Consolidated Appropriations Act, 2014 (Public Law 113–76; 20 U.S.C. 7702 note) is repealed.

(c) TITLE VII REDESIGNATIONS.—Title VIII (20 U.S.C. 7701 et seq.) is redesignated as title VII and further amended—

(1) by redesignating sections 8001 through 8005 as sections 7001 through 7005, respectively; and

(2) by redesignating sections 8007 through 8014 as sections 7007 through 7014, respectively.

(d) CONFORMING AMENDMENTS.—Title VII (as redesignated by subsection (c) of this section) is further amended—

(1) by striking "section 8002" each place it appears and inserting "section 7002";

(2) by striking "section 8003" each place it appears and inserting "section 7003";

(3) by striking "section 8003(a)(1)" each place it appears and inserting "section 7003(a)(1)";

(4) by striking "section 8003(a)(1)(C)" each place it appears and inserting "section 7003(a)(1)(C)";

(5) by striking "section 8003(a)(2)" each place it appears and inserting "section 7003(a)(2)";

(6) by striking "section 8003(b)" each place it appears and inserting "section 7003(b)";

(7) by striking "section 8003(b)(1)" each place it appears and inserting "section 7003(b)(1)";

(8) by striking "section 8003(b)(2)" each place it appears and inserting "section 7003(b)(2)";

(9) by striking "section 8014(a)" each place it appears and inserting "section 7014(a)";

(10) by striking "section 8014(b)" each place it appears and inserting "section 7014(b)"; and

(11) by striking "section 8014(e)" each place it appears and inserting "section 7014(d)".

SEC. 7002. PURPOSE.

Section 7001, as redesignated by section 7001 of this Act, is amended in the matter preceding paragraph (1), by striking "challenging State standards" and inserting "the same challenging State academic standards".

SEC. 7003. PAYMENTS RELATING TO FEDERAL ACQUISITION OF REAL PROPERTY.

Section 7002, as redesignated and amended by section 7001 of this Act, is further amended—

(1) in subsection (a)(1)(C), by striking the matter preceding clause (i) and inserting the following:

"(C) had an assessed value according to original records (including facsimiles or other reproductions of those records) documenting the assessed value of such property (determined as of the time or times when so acquired) prepared by the local officials referred to in subsection (b)(3) or, when such original records are not available due to unintentional destruction (such as natural disaster, fire, flooding, pest infestation, or deterioration due to age), other records, including Federal agency records, local historical records, or other records that the Secretary determines to be appropriate and reliable, aggregating 10 percent or more of the assessed value of—";

(2) in subsection (b)—

(A) in paragraph (1)(C) by striking "section 8003(b)(1)(C)" and inserting "section 7003(b)(1)(C)";

(B) in paragraph (3), by striking subparagraph (B) and inserting the following:

"(B) SPECIAL RULE.—In the case of Federal property eligible under this section that is within the boundaries of 2 or more local educational agencies that are eligible under this section, any of such agencies may ask the Secretary to calculate (and the Secretary shall calculate) the taxable value of the eligible Federal property that is within its boundaries by—

"(i) first calculating the per-acre value of the eligible Federal property separately for each eligible local educational agency that shared the Federal property, as provided in subparagraph (A)(ii);

"(ii) then averaging the resulting per-acre values of the eligible Federal property from each eligible local educational agency that shares the Federal property; and

"(iii) then applying the average per-acre value to determine the total taxable value of the eligible Federal property under subparagraph (A)(iii) for the requesting local educational agency.";

(3) in subsection (e)(2), by adding at the end the following: "For each fiscal year beginning on or after the date of enactment of the Every Student Succeeds Act, the Secretary shall treat local educational agencies chartered in 1871 having more than 70 percent of the county in Federal ownership as meeting the eligibility requirements of subparagraphs (A) and (C) of subsection (a)(1).";

(4) by striking subsection (f) and inserting the following:

"(f) SPECIAL RULE.—For each fiscal year beginning on or after the date of enactment of the Every Student Succeeds Act, a local educational agency shall be deemed to meet the requirements of subsection (a)(1)(C) if the agency was eligible under paragraph (1) or

(3) of section 8002(f) as such section was in effect on the day before the date of enactment of the Every Student Succeeds Act.";

(5) by striking subsection (g) and inserting the following:

"(g) FORMER DISTRICTS.—

"(1) CONSOLIDATIONS.—For fiscal year 2006 and each succeeding fiscal year, if a local educational agency described in paragraph (2) is formed at any time after 1938 by the consolidation of 2 or more former school districts, the local educational agency may elect to have the Secretary determine its eligibility for assistance under this section for any fiscal year on the basis of 1 or more of those former districts, as designated by the local educational agency.

"(2) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—A local educational agency referred to in paragraph (1) is—

"(A) any local educational agency that, for fiscal year 1994 or any preceding fiscal year, applied, and was determined to be eligible under, section 2(c) of the Act of September 30, 1950 (Public Law 874, 81st Congress) as that section was in effect for that fiscal year; or

"(B) a local educational agency—

"(i) that was formed by the consolidation of 2 or more districts, at least 1 of which was eligible for assistance under this section for the fiscal year preceding the year of the consolidation; and

"(ii) which includes the designation referred to in paragraph (1) in its application under section 7005 for a fiscal year beginning on or after the date of enactment of the Every Student Succeeds Act or any timely amendment to such application.

"(3) AMOUNT.—A local educational agency eligible under paragraph (1) shall receive a foundation payment as provided for under subparagraphs (A) and (B) of subsection (h)(1), except that the foundation payment shall be calculated based on the most recent payment received by the local educational agency based on its status prior to consolidation.";

(6) in subsection (h)(4), by striking "For each local educational agency that received a payment under this section for fiscal year 2010 through the fiscal year in which the Impact Aid Improvement Act of 2012 is enacted" and inserting "For each local educational agency that received a payment under this section for fiscal year 2010 or any succeeding fiscal year";

(7) by repealing subsections (k) and (m);

(8) by redesignating subsection (l) as subsection (j);

(9) in subsection (j) (as redesignated by paragraph (8)), by striking "(h)(4)(B)" and inserting "(h)(2)";

(10) by redesignating subsection (n) as subsection (k); and

(11) in subsection (k)(1) (as redesignated by paragraph (10)), by striking "section 8013(5)(C)(iii)" and inserting "section 7013(5)(C)(iii)".

SEC. 7004. PAYMENTS FOR ELIGIBLE FEDERALLY CONNECTED CHILDREN.

Section 7003, as redesignated and amended by section 7001 of this Act, is further amended—

(1) in subsection (a)(5)(A), by striking "to be children" and all that follows through the period at the end and inserting "or

under lease of off-base property under subchapter IV of chapter 169 of title 10, United States Code, to be children described under paragraph (1)(B), if the property described is—

"(i) within the fenced security perimeter of the military facility; or

"(ii) attached to, and under any type of force protection agreement with, the military installation upon which such housing is situated.";

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking subparagraph (E); and

(ii) by redesignating subparagraphs (F) and (G) as subparagraphs (E) and (F), respectively;

(B) in paragraph (2), by striking subparagraphs (B) through (H) and inserting the following:

"(B) ELIGIBILITY FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—

"(i) IN GENERAL.—A heavily impacted local educational agency is eligible to receive a basic support payment under subparagraph (A) with respect to a number of children determined under subsection (a)(1) if the agency—

"(I) is a local educational agency—

"(aa) whose boundaries are the same as a Federal military installation or an island property designated by the Secretary of the Interior to be property that is held in trust by the Federal Government; and

"(bb) that has no taxing authority;

"(II) is a local educational agency that—

"(aa) has an enrollment of children described in subsection (a)(1) that constitutes a percentage of the total student enrollment of the agency that is not less than 45 percent;

"(bb) has a per-pupil expenditure that is less than—

"(AA) for an agency that has a total student enrollment of 500 or more students, 125 percent of the average per-pupil expenditure of the State in which the agency is located; or

"(BB) for any agency that has a total student enrollment of less than 500 students, 150 percent of the average per-pupil expenditure of the State in which the agency is located or the average per-pupil expenditure of 3 or more comparable local educational agencies in the State in which the agency is located; and

"(cc) is an agency that has a tax rate for general fund purposes that is not less than 95 percent of the average tax rate for general fund purposes of comparable local educational agencies in the State;

"(III) is a local educational agency that—

"(aa) has a tax rate for general fund purposes which is not less than 125 percent of the average tax rate for general fund purposes for comparable local educational agencies in the State; and

"(bb)(AA) has an enrollment of children described in subsection (a)(1) that constitutes a percentage of the total student enrollment of the agency that is not less than 30 percent; or

"(BB) has an enrollment of children described in subsection (a)(1) that constitutes a percentage of the total student enrollment of the agency that is not less than 20 percent, and for the 3 fiscal years preceding the fiscal year for which the determination is made, the average enrollment of children who are not described in subsection (a)(1) and who are eligible for a free or reduced price lunch under the Richard B. Russell National School Lunch Act constitutes a percentage of the total student enrollment of the agency that is not less than 65 percent;

"(IV) is a local educational agency that has a total student enrollment of not less than 25,000 students, of which—

"(aa) not less than 50 percent are children described in subsection (a)(1); and

"(bb) not less than 5,000 of such children are children described in subparagraphs (A) and (B) of subsection (a)(1); or

"(V) is a local educational agency that—

"(aa) has an enrollment of children described in subsection (a)(1) including, for purposes of determining eligibility, those children described in subparagraphs (F) and (G) of such subsection, that is not less than 35 percent of the total student enrollment of the agency;

"(bb) has a per-pupil expenditure described in subclause (II)(bb) (except that a local educational agency with a total student enrollment of less than 350 students shall be deemed to have satisfied such per-pupil expenditure requirement) and has a tax rate for general fund purposes which is not less than 95 percent of the average tax rate for general fund purposes for comparable local educational agencies in the State; and

"(cc) was eligible to receive assistance under subparagraph (A) for fiscal year 2001.

"(ii) LOSS OF ELIGIBILITY.—

"(I) IN GENERAL.—Subject to subclause (II), a heavily impacted local educational agency that met the requirements of clause (i) for a fiscal year shall be ineligible to receive a basic support payment

under subparagraph (A) if the agency fails to meet the requirements of clause (i) for a subsequent fiscal year, except that such agency shall continue to receive a basic support payment under this paragraph for the fiscal year for which the ineligibility determination is made.

"(II) LOSS OF ELIGIBILITY DUE TO FALLING BELOW 95 PERCENT OF THE AVERAGE TAX RATE FOR GENERAL FUND PURPOSES.—In the case of a heavily impacted local educational agency described in subclause (II) or (V) of clause (i) that is eligible to receive a basic support payment under subparagraph (A), but that has had, for 2 consecutive fiscal years, a tax rate for general fund purposes that falls below 95 percent of the average tax rate for general fund purposes of comparable local educational agencies in the State, such agency shall be determined to be ineligible under clause (i) and ineligible to receive a basic support payment under subparagraph (A) for each fiscal year succeeding such 2 consecutive fiscal years for which the agency has such a tax rate for general fund purposes, and until the fiscal year for which the agency resumes such eligibility in accordance with clause (iii).

"(III) TAKEN OVER BY STATE BOARD OF EDUCATION.—In the case of a heavily impacted local educational agency that is eligible to receive a basic support payment under subparagraph (A), but that has been taken over by a State board of education in any 2 previous years, such agency shall be deemed to maintain heavily impacted status for 2 fiscal years following the date of enactment of the Every Student Succeeds Act.

"(iii) RESUMPTION OF ELIGIBILITY.—A heavily impacted local educational agency described in clause (i) that becomes ineligible under such clause for 1 or more fiscal years may resume eligibility for a basic support payment under this paragraph for a subsequent fiscal year only if the agency meets the requirements of clause (i) for that subsequent fiscal year, except that such agency shall not receive a basic support payment under this paragraph until the fiscal year succeeding the fiscal year for which the eligibility determination is made.

"(C) MAXIMUM AMOUNT FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—

"(i) IN GENERAL.—Except as provided in subparagraph (D), the maximum amount that a heavily impacted local educational agency is eligible to receive under this paragraph for any fiscal year is the sum of the total weighted student units, as computed under subsection (a)(2) and subject to clause (ii), multiplied by the greater of—

"(I) four-fifths of the average per-pupil expenditure of the State in which the local educational agency is located for the third fiscal year preceding the fiscal year for which the determination is made; or

"(II) four-fifths of the average per-pupil expenditure of all of the States for the third fiscal year preceding the fiscal year for which the determination is made.

"(ii) CALCULATION OF WEIGHTED STUDENT UNITS.—

"(I) IN GENERAL.—

"(aa) PERCENTAGE ENROLLMENT.—For a local educational agency in which 35 percent or more of the total student enrollment of the schools of the agency are children described in subparagraph (D) or (E) (or a combination thereof) of subsection (a)(1), and that has an enrollment of children described in subparagraph (A), (B), or (C) of such subsection equal to at least 10 percent of the agency's total enrollment, the Secretary shall calculate the weighted student units of those children described in subparagraph (D) or (E) of such subsection by multiplying the number of such children by a factor of 0.55.

"(bb) EXCEPTION.—Notwithstanding item (aa), a local educational agency that received a payment under this paragraph for fiscal year 2013 shall not be required to have an enrollment of children described in subparagraph (A), (B), or (C) of subsection (a)(1) equal to at least 10 percent of the agency's total enrollment and shall be eligible for the student weight as provided for in item (aa).

"(II) ENROLLMENT OF 100 OR FEWER CHILDREN.—For a local educational agency that has an enrollment of 100 or fewer children described in subsection (a)(1), the Secretary shall calculate the total number of weighted student units for purposes of subsection (a)(2) by multiplying the number of such children by a factor of 1.75.

"(III) ENROLLMENT OF MORE THAN 100 CHILDREN BUT LESS THAN 1000.—For a local educational agency that is not described under subparagraph (B)(i)(I) and has an enrollment of more than 100 but not more than 1,000 children described in subsection (a)(1), the Secretary shall calculate the total number of weighted student units for purposes of subsection (a)(2) by multiplying the number of such children by a factor of 1.25.

"(D) MAXIMUM AMOUNT FOR LARGE HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—

"(i) IN GENERAL.—

"(I) FORMULA.—Subject to clause (ii), the maximum amount that a heavily impacted local edu-

cational agency described in subclause (II) is eligible to receive under this paragraph for any fiscal year shall be determined in accordance with the formula described in paragraph (1)(C).

"(II) HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCY.—A heavily impacted local educational agency described in this subclause is a local educational agency that has a total student enrollment of not less than 25,000 students, of which not less than 50 percent are children described in subsection (a)(1) and not less than 5,000 of such children are children described in subparagraphs (A) and (B) of subsection (a)(1).

"(ii) FACTOR.—For purposes of calculating the maximum amount described in clause (i), the factor used in determining the weighted student units under subsection (a)(2) with respect to children described in subparagraphs (A) and (B) of subsection (a)(1) shall be 1.35.

"(E) DATA.—For purposes of providing assistance under this paragraph, the Secretary shall use student, revenue, expenditure, and tax data from the third fiscal year preceding the fiscal year for which the local educational agency is applying for assistance under this paragraph.

"(F) DETERMINATION OF AVERAGE TAX RATES FOR GENERAL FUND PURPOSES.—

"(i) IN GENERAL.—Except as provided in clause (ii), for the purpose of determining the average tax rates for general fund purposes for local educational agencies in a State under this paragraph, the Secretary shall use either—

"(I) the average tax rate for general fund purposes for comparable local educational agencies, as determined by the Secretary in regulations; or

"(II) the average tax rate of all the local educational agencies in the State.

"(ii) FISCAL YEARS 2010–2015.—

"(I) IN GENERAL.—For fiscal years 2010 through 2015, any local educational agency that was found ineligible to receive a payment under subparagraph (A) because the Secretary determined that it failed to meet the average tax rate requirement for general fund purposes in subparagraph (B)(i)(II)(cc), shall be considered to have met that requirement, if its State determined, through an alternate calculation of average tax rates for general fund purposes, that such local educational agency met that requirement.

"(II) SUBSEQUENT FISCAL YEARS AFTER 2015.—For any succeeding fiscal year after 2015, any local educational agency identified in subclause (I) may continue to have its State use that alternate methodology to calculate whether the average tax rate requirement for general fund purposes under subparagraph (B)(i)(II)(cc) is met.

"(III) AVAILABILITY OF FUNDS.—Notwithstanding any other provision of law limiting the period during which the Secretary may obligate funds appropriated for any fiscal year after 2012, the Secretary shall reserve a total of $14,000,000 from funds that remain unobligated under this section from fiscal years 2015 or 2016 in order to make payments under this clause for fiscal years 2011 through 2014.

"(G) ELIGIBILITY FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES AFFECTED BY PRIVATIZATION OF MILITARY HOUSING.—

"(i) ELIGIBILITY.—For any fiscal year, a heavily impacted local educational agency that received a basic support payment under this paragraph for the prior fiscal year, but is ineligible for such payment for the current fiscal year under subparagraph (B) due to the conversion of military housing units to private housing described in clause (iii), or as the direct result of base realignment and closure or modularization as determined by the Secretary of Defense and force structure change or force relocation, shall be deemed to meet the eligibility requirements under subparagraph (B) for the period during which the housing units are undergoing such conversion or during such time as activities associated with base closure and realignment, modularization, force structure change, or force relocation are ongoing.

"(ii) AMOUNT OF PAYMENT.—The amount of a payment to a heavily impacted local educational agency for a fiscal year by reason of the application of clause (i), and calculated in accordance with subparagraph (C) or (D), as the case may be, shall be based on the number of children in average daily attendance in the schools of such agency for the fiscal year and under the same provisions of subparagraph (C) or (D) under which the agency was paid during the prior fiscal year.

"(iii) CONVERSION OF MILITARY HOUSING UNITS TO PRIVATE HOUSING DESCRIBED.—For purposes of clause (i), 'conversion of military housing units to private housing' means the conversion of military housing units to private housing units pursuant to subchapter IV of chapter 169 of title 10, United States Code, or pursuant to any other related provision of law.";

(C) in paragraph (3)—

(i) in subparagraph (B), by striking clause (iii) and inserting the following:

"(iii) In the case of a local educational agency providing a free public education to students enrolled in kindergarten through grade 12, that enrolls students described in subparagraphs (A), (B), and (D) of subsection (a)(1) only in grades 9 through 12, and that received a final payment for fiscal year 2009 calculated under section 8003(b)(3) (as such section was in effect on the day before the date of enactment of the Every Student Succeeds Act) for students in

grades 9 through 12, the Secretary shall, in calculating the agency's payment, consider only that portion of such agency's total enrollment of students in grades 9 through 12 when calculating the percentage under clause (i)(I) and only that portion of the total current expenditures attributed to the operation of grades 9 through 12 in such agency when calculating the percentage under clause (i)(II).";

(ii) in subparagraph (C), by striking "subparagraph (D) or (E) of paragraph (2), as the case may be" and inserting "subparagraph (C) or (D) of paragraph (2), as the case may be"; and

(iii) by striking subparagraph (D) and inserting the following:

"(D) RATABLE DISTRIBUTION.—For fiscal years described in subparagraph (A), for which the sums available exceed the amount required to pay each local educational agency 100 percent of its threshold payment, the Secretary shall distribute the excess sums to each eligible local educational agency that has not received its full amount computed under paragraphs (1) or (2) (as the case may be) by multiplying—

"(i) a percentage, the denominator of which is the difference between the full amount computed under paragraph (1) or (2) (as the case may be) for all local educational agencies and the amount of the threshold payment (as calculated under subparagraphs (B) and (C)) of all local educational agencies, and the numerator of which is the aggregate of the excess sums, by

"(ii) the difference between the full amount computed under paragraph (1) or (2) (as the case may be) for the agency and the amount of the threshold payment (as calculated under subparagraphs (B) or (C)) of the agency, except that no local educational agency shall receive more than 100 percent of the maximum payment calculated under subparagraph (C) or (D) of paragraph (2).

"(E) INSUFFICIENT PAYMENTS.—For each fiscal year described in subparagraph (A) for which the sums appropriated are insufficient to pay each local educational agency all of the local educational agency's threshold payment described in subparagraph (B), the Secretary shall ratably reduce the payment to each local educational agency under this paragraph.

"(F) INCREASES.—

"(i) INCREASES BASED ON INSUFFICIENT FUNDS.—If additional funds become available under 7014(b) for making payments under paragraphs (1) and (2) and those funds are not sufficient to increase each local educational agency's threshold payment above 100 percent of its threshold payment described in subparagraph (B), payments that were reduced under subparagraph (E) shall be increased by the Secretary on the same basis as such payments were reduced.

"(ii) INCREASES BASED ON SUFFICIENT FUNDS.—If additional funds become available under section

7014(b) for making payments under paragraphs (1) and (2) and those funds are sufficient to increase each local educational agency's threshold payment above 100 percent of its threshold payment described in subparagraph (B), the payment for each local educational agency shall be 100 percent of its threshold payment. The Secretary shall then distribute the excess sums to each eligible local educational agency in accordance with subparagraph (D).

"(G) PROVISION OF TAX RATE AND RESULTING PERCENTAGE.—As soon as practicable following the payment of funds under paragraph (2) to an eligible local educational agency, the Secretary shall provide the local educational agency with a description of—

"(i) the tax rate of the local educational agency; and

"(ii) the percentage such tax rate represents of the average tax rate for general fund purposes of comparable local educational agencies in the State as determined under subclauses (II)(cc), III(aa), or (V)(bb) of paragraph (2)(B)(i) (as the case may be)."; and

(D) in paragraph (4)—

(i) in subparagraph (A), by striking "through (D)" and inserting "and (C)"; and

(ii) in subparagraph (B), by striking "subparagraph (D) or (E)" and inserting "subparagraph (C) or (D)";

(3) in subsection (c), by striking paragraph (2) and inserting the following:

"(2) EXCEPTION.—Calculation of payments for a local educational agency shall be based on data from the fiscal year for which the agency is making an application for payment if such agency—

"(A) is newly established by a State, for the first year of operation of such agency only;

"(B) was eligible to receive a payment under this section for the previous fiscal year and has had an overall increase in enrollment (as determined by the Secretary in consultation with the Secretary of Defense, the Secretary of the Interior, or the heads of other Federal agencies)—

"(i)(I) of not less than 10 percent of children described in—

"(aa) subparagraph (A), (B), (C), or (D) of subsection (a)(1); or

"(bb) subparagraphs (F) and (G) of subsection (a)(1), but only to the extent that such children are civilian dependents of employees of the Department of Defense or the Department of the Interior; or

"(II) of not less than 100 of such children; and

"(ii) that is the direct result of closure or realignment of military installations under the base closure process or the relocation of members of the Armed Forces and civilian employees of the Department of Defense as part of the force structure changes or move-

ments of units or personnel between military installations or because of actions initiated by the Secretary of the Interior or the head of another Federal agency; or

"(C) was eligible to receive a payment under this section for the previous fiscal year and has had an increase in enrollment (as determined by the Secretary)—

"(i) of not less than 10 percent of children described in subsection (a)(1) or not less than 100 of such children; and

"(ii) that is the direct result of the closure of a local educational agency that received a payment under subsection (b)(1) or (b)(2) for the previous fiscal year.";

(4) in subsection (d)(1), by striking "section 8014(c)" and inserting "section 7014(c)";

(5) in subsection (e)—

(A) by redesignating paragraph (3) as paragraph (4);

(B) by striking paragraphs (1) and (2) and inserting the following:

"(1) IN GENERAL.—In the case of any local educational agency eligible to receive a payment under subsection (b) whose calculated payment amount for a fiscal year is reduced by 20 percent, as compared to the amount received for the previous fiscal year, the Secretary shall pay the local educational agency, for the year of the reduction and the following 2 years, the amount determined under paragraph (2).

"(2) AMOUNT OF REDUCTION.—Subject to paragraph (3), A local educational agency described in paragraph (1) shall receive—

"(A) for the first year for which the reduced payment is determined, an amount that is not less than 90 percent of the total amount that the local educational agency received under subsection (b) for the previous fiscal year;

"(B) for the second year following such reduction, an amount that is not less than 85 percent of the total amount that the local educational agency received under subparagraph (A); and

"(C) for the third year following such reduction, an amount that is not less than 80 percent of the total amount that the local educational agency received under subparagraph (B).

"(3) SPECIAL RULE.—For any fiscal year for which a local educational agency would receive a payment under subsection (b) in excess of the amount determined under paragraph (2), the payment received by the local educational agency for such fiscal year shall be calculated under paragraph (1) or (2) of subsection (b)."; and

(6) by striking subsection (g).

SEC. 7005. POLICIES AND PROCEDURES RELATING TO CHILDREN RESIDING ON INDIAN LANDS.

Section 7004(e)(9), as redesignated and amended by section 7001 of this Act, is further amended by striking "Affairs" both places the term appears and inserting "Education".

SEC. 7006. APPLICATION FOR PAYMENTS UNDER SECTIONS 7002 AND 7003.

Section 7005, as redesignated and amended by section 7001 of this Act, is further amended—

*(1) in the section heading, by striking "**8002 AND 8003**" and inserting "**7002 AND 7003**";*

(2) by striking "or 8003" each place it appears and inserting "or 7003";

(3) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking ", and shall contain such information,"; and

(B) by striking "section 8004" and inserting "section 7004"; and

(4) in subsection (d)(2), by striking "section 8003(e)" and inserting "section 7003(e)";

SEC. 7007. CONSTRUCTION.

Section 7007, as redesignated and amended by section 7001 of this Act, is further amended—

(1) in subsection (a)—

(A) in paragraph (3)(A)(i)—

(i) by redesignating the first subclause (II) as subclause (I);

(ii) in subclause (II), by striking "section 8008(a)" and inserting "section 7008(a)"; and

(B) in paragraph (4), by striking "section 8013(3)" and inserting "section 7013(3)"; and

(2) in subsection (b)—

(A) in paragraph (3)(C)(i)(I), by adding at the end the following:

"(cc) Not less than 10 percent of the property acreage in the agency is exempt from State and local taxation under Federal law."; and

(B) in paragraph (6)—

(i) in the matter preceding subparagraph (A), by striking ", in such manner, and accompanied by such information" and inserting "and in such manner";

(ii) in subparagraph (A), by inserting before the period at the end the following: ", and containing such additional information as may be necessary to meet any award criteria for a grant under this subsection as provided by any other Act"; and

(iii) by striking subparagraph (F).

SEC. 7008. FACILITIES.

Section 7008(a), as redesignated by section 7001 of this Act, is amended by striking "section 8014(f)" and inserting "section 7014(e)".

SEC. 7009. STATE CONSIDERATION OF PAYMENTS IN PROVIDING STATE AID.

Section 7009, as redesignated and amended by section 7001 of this Act, is further amended—

(1) by striking "section 8011(a)" each place it appears and inserting "section 7011(a)";

(2) in subsection (b)(1)—

(A) by striking "or 8003(b)" and inserting "or 7003(b)"; and

(B) by striking "section 8003(a)(2)(B)" and inserting "section 7003(a)(2)(B)"; and

(3) in subsection (c)(1)(B), by striking "and contain the information" and inserting "that" after "form".

SEC. 7010. FEDERAL ADMINISTRATION.

Section 7010, as redesignated and amended by section 7001 of this Act, is further amended—

(1) in subsection (c)—

(A) in paragraph (1), in the paragraph heading, by striking "8003(a)(1)" and inserting "7003(a)(1)";

(B) in paragraph (2)(D), by striking "section 8009(b)" and inserting "section 7009(b)"; and

(2) in subsection (d)(2), by striking "section 8014" and inserting "section 7014".

SEC. 7011. ADMINISTRATIVE HEARINGS AND JUDICIAL REVIEW.

Section 7011(a), as redesignated by section 7001 of this Act, is amended by striking "or under the Act" and all that follows through "1994)".

SEC. 7012. DEFINITIONS.

Section 7013, as redesignated by section 7001 of this Act, is amended—

(1) in paragraph (1), by striking "and Marine Corps" and inserting "Marine Corps, and Coast Guard";

(2) in paragraph (4), by striking "and title VI";

(3) in paragraph (5)(A)—

(A) in clause (ii), by striking subclause (III) and inserting the following:

"(III) conveyed at any time under the Alaska Native Claims Settlement Act to a Native individual, Native group, or village or regional corporation (including single family occupancy properties that may have been subsequently sold or leased to a third party), except that property that is conveyed under such Act—

"(aa) that is not taxed is, for the purposes of this paragraph, considered tax-exempt due to Federal law; and

"(bb) is considered Federal property for the purpose of this paragraph if the property is located within a Regional Educational Attendance Area that has no taxing power;"; and

(B) in clause (iii)—

(i) in subclause (II), by striking "Stewart B. McKinney Homeless Assistance Act" and inserting "McKinney-Vento Homeless Assistance Act (42 U.S.C. 11411)"; and

(ii) by striking subclause (III) and inserting the following:

"(III) used for affordable housing assisted under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.); or".

SEC. 7013. AUTHORIZATION OF APPROPRIATIONS.

Section 7014, as amended and redesignated by section 7001 of this Act, is further amended—

(1) in subsection (a), by striking "$32,000,000 for fiscal year 2000 and such sums as may be necessary for each of the seven succeeding fiscal years" and inserting "$66,813,000 for each of fiscal years 2017 through 2019, and $71,997,917 for fiscal year 2020";

(2) in subsection (b), by striking "$809,400,000 for fiscal year 2000 and such sums as may be necessary for each of the seven succeeding fiscal years" and inserting "$1,151,233,000 for each of fiscal years 2017 through 2019, and $1,240,572,618 for fiscal year 2020";

(3) in subsection (c)—

(A) by striking "section 8003(d)" and inserting "section 7003(d)"; and

(B) by striking "$50,000,000 for fiscal year 2000 and such sums as may be necessary for each of the seven succeeding fiscal years" and inserting "$48,316,000 for each of fiscal years 2017 through 2019, and $52,065,487 for fiscal year 2020";

(4) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively;

(5) in subsection (d) (as redesignated by paragraph (4))—

(A) by striking "section 8007" and inserting "section 7007"; and

(B) by striking "$10,052,000 for fiscal year 2000 and such sums as may be necessary for fiscal year 2001, $150,000,000 for fiscal year 2002, and such sums as may be necessary for each of the five succeeding fiscal years" and inserting "$17,406,000 for each of fiscal years 2017 through 2019, and $18,756,765 for fiscal year 2020"; and

(6) in subsection (e) (as redesignated by paragraph (4))—

(A) by striking "section 8008" and inserting "section 7008"; and

(B) by striking "$5,000,000 for fiscal year 2000 and such sums as may be necessary for each of the seven succeeding fiscal years" and inserting "$4,835,000 for each of fiscal years 2017 through 2019, and $5,210,213 for fiscal year 2020".

TITLE VIII—GENERAL PROVISIONS

SEC. 8001. GENERAL PROVISIONS.

(a) TITLE IX REDESIGNATIONS.—Title IX (20 U.S.C. 7801 et seq.) (as amended by sections 2001 and 4001 of this Act) is redesignated as title VIII and further amended—

(1) by redesignating sections 9101 through 9103 as sections 8101 through 8103, respectively;

(2) by redesignating sections 9201 through 9204 as sections 8201 through 8204, respectively;

(3) by redesignating sections 9301 through 9306 as sections 8301 through 8306, respectively;

(4) by redesignating section 9401 as section 8401;

(5) by redesignating sections 9501 through 9506 as sections 8501 through 8506, respectively;

(6) by redesignating sections 9521 through 9537 as sections 8521 through 8537, respectively;

(7) by redesignating sections 9541 through 9548 as sections 8551 through 8558, respectively;

(8) by redesignating section 9551 as 8561;

(9) by redesignating sections 9561 through 9564 as sections 8571 through 8574, respectively; and

(10) by redesignating section 9601 as section 8601.

(b) STRUCTURAL AND CONFORMING AMENDMENTS.—Title VIII (as redesignated by subsection (a) of this section) is further amended—

(1) by redesignating parts E and F as parts F and G, respectively;

(2) by striking "9305" each place it appears and inserting "8305";

(3) by striking "9302" each place it appears and inserting "8302"; and

(4) by striking "9501" each place it appears and inserting "8501".

SEC. 8002. DEFINITIONS.

Section 8101, as redesignated and amended by section 8001 of this Act, is further amended—

(1) by striking paragraphs (3), (11), (19), (23), (35), (36), (37), and (42);

(2) by redesignating paragraphs (4), (5), (6), (7), (8), (9), (10), (12), (13), (14), (15), (16), (17), (18), (20), (21), (22), (24), (25), (26), (27), (28), (29), (30), (31), (32), (33), (34), (38), (39), (41), and (43) as paragraphs (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), (14), (18), (19), (24), (26), (27), (29), (20), (30), (31), (34), (35), (36), (38), (39), (41), (42), (45), (46), (49), and (50), respectively, and by transferring such paragraph (20) (as so redesignated) so as to follow such paragraph (19) (as so redesignated);

(3) by striking paragraphs (11) and (12) (as so redesignated by paragraph (2)) and inserting the following:

"(11) COVERED PROGRAM.—The term 'covered program' means each of the programs authorized by—

"(A) part A of title I;

"(B) part C of title I;

"(C) part D of title I;

"(D) part A of title II;

"(E) part A of title III;

"(F) part A of title IV;

"(G) part B of title IV; and

"(H) subpart 2 of part B of title V.

"(12) CURRENT EXPENDITURES.—The term 'current expenditures' means expenditures for free public education—

"(A) including expenditures for administration, instruction, attendance and health services, pupil transportation services, operation and maintenance of plant, fixed charges, and net expenditures to cover deficits for food services and student body activities; but

"(B) not including expenditures for community services, capital outlay, and debt service, or any expenditures made from funds received under title I.";

(4) by inserting after paragraph (14) (as so redesignated by paragraph (2)) the following:

"(15) DUAL OR CONCURRENT ENROLLMENT PROGRAM.—The term 'dual or concurrent enrollment program' means a program offered by a partnership between at least one institution of higher education and at least one local educational agency through which a secondary school student who has not graduated from high school with a regular high school diploma is able to enroll in one or more postsecondary courses and earn postsecondary credit that—

"(A) is transferable to the institutions of higher education in the partnership; and

"(B) applies toward completion of a degree or recognized educational credential as described in the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

"(16) EARLY CHILDHOOD EDUCATION PROGRAM.—The term 'early childhood education program' has the meaning given the term in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003).

"(17) EARLY COLLEGE HIGH SCHOOL.—The term 'early college high school' means a partnership between at least one local educational agency and at least one institution of higher education that allows participants to simultaneously complete requirements toward earning a regular high school diploma and earn not less than 12 credits that are transferable to the institutions of higher education in the partnership as part of an organized course of study toward a postsecondary degree or credential at no cost to the participant or participant's family.";

(5) in paragraph (20) (as so redesignated and transferred by paragraph (2))—

(A) in the paragraph heading, by striking "LIMITED ENGLISH PROFICIENT" and inserting "ENGLISH LEARNER";

(B) in the matter preceding subparagraph (A), by striking "limited English proficient" and inserting "English learner"; and

(C) in subparagraph (D)(i), by striking "State's proficient level of achievement on State assessments described in section 1111(b)(3)" and inserting "challenging State academic standards";

(6) by inserting after paragraph (20) (as so redesignated and transferred by paragraph (2)), the following:

"(21) EVIDENCE-BASED.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'evidence-based', when used with respect to a State, local educational agency, or school activity, means an activity, strategy, or intervention that—

"(i) demonstrates a statistically significant effect on improving student outcomes or other relevant outcomes based on—

"(I) strong evidence from at least 1 well-designed and well-implemented experimental study;

"(II) moderate evidence from at least 1 well-designed and well-implemented quasi-experimental study; or

"(III) promising evidence from at least 1 well-designed and well-implemented correlational study with statistical controls for selection bias; or

"(ii)(I) demonstrates a rationale based on high-quality research findings or positive evaluation that such activity, strategy, or intervention is likely to improve student outcomes or other relevant outcomes; and

"(II) includes ongoing efforts to examine the effects of such activity, strategy, or intervention.

"(B) DEFINITION FOR SPECIFIC ACTIVITIES FUNDED UNDER THIS ACT.—When used with respect to interventions or improvement activities or strategies funded under section 1003, the term 'evidence-based' means a State, local educational agency, or school activity, strategy, or intervention that meets the requirements of subclause (I), (II), or (III) of subparagraph (A)(i).

"(22) EXPANDED LEARNING TIME.—The term 'expanded learning time' means using a longer school day, week, or year schedule to significantly increase the total number of school hours, in order to include additional time for—

"(A) activities and instruction for enrichment as part of a well-rounded education; and

"(B) instructional and support staff to collaborate, plan, and engage in professional development (including professional development on family and community engagement) within and across grades and subjects.

"(23) EXTENDED-YEAR ADJUSTED COHORT GRADUATION RATE.—

"(A) IN GENERAL.—The term 'extended-year adjusted cohort graduation rate' means the fraction—

"(i) the denominator of which consists of the number of students who form the original cohort of entering first-time students in grade 9 enrolled in the high school no later than the date by which student membership data must be collected annually by State educational agencies for submission to the National Center for Education Statistics under section 153 of the Education Sciences Reform Act of 2002 (20 U.S.C. 9543), adjusted by—

"(I) adding the students who joined that cohort, after the date of the determination of the original cohort; and

"(II) subtracting only those students who left that cohort, after the date of the determination of the original cohort, as described in subparagraph (B); and

"(ii) the numerator of which—

"(I) consists of the sum of—

"(aa) the number of students in the cohort, as adjusted under clause (i), who earned a regular high school diploma before, during, or at the conclusion of—

"(AA) one or more additional years beyond the fourth year of high school; or

"(BB) a summer session immediately following the additional year of high school; and

"(bb) all students with the most significant cognitive disabilities in the cohort, as adjusted under clause (i), assessed using the alternate assessment aligned to alternate academic achievement standards under section 1111(b)(2)(D) and awarded a State-defined alternate diploma that is—

"(AA) standards-based;

"(BB) aligned with the State requirements for the regular high school diploma; and

"(CC) obtained within the time period for which the State ensures the availability of a free appropriate public education under section 612(a)(1) of the Individuals with Disabilities Education Act (20 U.S.C. 1412(a)(1)); and

"(II) shall not include any student awarded a recognized equivalent of a diploma, such as a general equivalency diploma, certificate of completion, certificate of attendance, or similar lesser credential.

"(B) COHORT REMOVAL.—To remove a student from a cohort, a school or local educational agency shall require documentation, or obtain documentation from the State educational agency, to confirm that the student has transferred out, emigrated to another country, or transferred to a prison or juvenile facility, or is deceased.

"(C) TRANSFERRED OUT.— For purposes of this paragraph, the term 'transferred out' has the meaning given the term in clauses (i), (ii), and (iii) of paragraph (25)(C).

"(D) SPECIAL RULES.—

"(i) SCHOOLS STARTING AFTER GRADE 9.—For those high schools that start after grade 9, the original cohort shall be calculated for the earliest high school grade students attend no later than the date by which student membership data is collected annually by State educational agencies for submission to the National Center for Education Statistics pursuant to section 153 of the Education Sciences Reform Act of 2002 (20 U.S.C. 9543).

"(ii) VERY SMALL SCHOOLS.—A State educational agency may calculate the extended year adjusted cohort graduation rate described under this paragraph for a high school with an average enrollment over a 4-year period of less than 100 students for the purposes of section 1111(c)(4) by—

"(I) averaging the extended-year adjusted cohort graduation rate of the school over a period of three years; or

"(II) establishing a minimum number of students that must be included in the cohort described in clause (i) of subparagraph (A) that will provide a valid graduation rate calculation as determined by the Secretary, below which the school shall be exempt from differentiation and identification under such section.";

(7) by inserting after paragraph (24) (as so redesignated by paragraph (2)) the following:

"(25) FOUR-YEAR ADJUSTED COHORT GRADUATION RATE.—

"(A) IN GENERAL.—The term 'four-year adjusted cohort graduation rate' means the fraction—

"(i) the denominator of which consists of the number of students who form the original cohort of entering first-time students in grade 9 enrolled in the high school no later than the date by which student membership data is collected annually by State educational agencies for submission to the National Center for Education Statistics pursuant to section 153 of the Education Sciences Reform Act of 2002 (20 U.S.C. 9543), adjusted by—

"(I) adding the students who joined that cohort, after the date of the determination of the original cohort; and

"(II) subtracting only those students who left that cohort, after the date of the determination of the original cohort, as described in subparagraph (B); and

"(ii) the numerator of which—

"(I) consists of the sum of—

"(aa) the number of students in the cohort, as adjusted under clause (i), who earned a regular high school diploma before, during, or at the conclusion of—

"(AA) the fourth year of high school; or

"(BB) a summer session immediately following the fourth year of high school; and

"(bb) all students with the most significant cognitive disabilities in the cohort, as adjusted under clause (i), assessed using the alternate assessment aligned to alternate academic achievement standards under section 1111(b)(2)(D) and awarded a State-defined alternate diploma that is—

"(AA) standards-based;

"(BB) aligned with the State requirements for the regular high school diploma; and

"(CC) obtained within the time period for which the State ensures the availability of a free appropriate public education under section 612(a)(1) of the Indi-

viduals with Disabilities Education Act (20 U.S.C. 1412(a)(1); and

"(II) shall not include any student awarded a recognized equivalent of a diploma, such as a general equivalency diploma, certificate of completion, certificate of attendance, or similar lesser credential.

"(B) COHORT REMOVAL.—To remove a student from a cohort, a school or local educational agency shall require documentation, or obtain documentation from the State educational agency, to confirm that the student has transferred out, emigrated to another country, or transferred to a prison or juvenile facility, or is deceased.

"(C) TRANSFERRED OUT.—

"(i) IN GENERAL.—For purposes of this paragraph, the term 'transferred out' means that a student, as confirmed by the high school or local educational agency in accordance with clause (ii), has transferred to—

"(I) another school from which the student is expected to receive a regular high school diploma; or

"(II) another educational program from which the student is expected to receive a regular high school diploma or an alternate diploma that meets the requirements of subparagraph (A)(ii)(I)(bb).

"(ii) CONFIRMATION REQUIREMENTS.—

"(I) DOCUMENTATION REQUIRED.—The confirmation of a student's transfer to another school or educational program described in clause (i) requires documentation of such transfer from the receiving school or program in which the student enrolled.

"(II) LACK OF CONFIRMATION.—A student who was enrolled in a high school, but for whom there is no confirmation of the student having transferred out, shall remain in the adjusted cohort.

"(iii) PROGRAMS NOT PROVIDING CREDIT.—Except as provided in subparagraph (A)(ii)(I)(bb), a student who is retained in grade or who is enrolled in a program leading to a general equivalency diploma, or other alternative educational program that does not issue or provide credit toward the issuance of a regular high school diploma, shall not be considered transferred out and shall remain in the adjusted cohort.

"(D) SPECIAL RULES.—

"(i) SCHOOLS STARTING AFTER GRADE 9.—For those high schools that start after grade 9, the original cohort shall be calculated for the earliest high school grade students attend no later than the date by which student membership data must be collected annually by State educational agencies for submission to the National Center for Education Statistics pursuant to section 153 of the Education Sciences Reform Act of 2002 (20 U.S.C. 9543).

"(ii) VERY SMALL SCHOOLS.—A State educational agency may calculate the four-year adjusted cohort graduation rate described under this paragraph for a high school with an average enrollment over a 4-year period of less than 100 students for the purposes of section 1111(c)(4) by—

"(I) averaging the four-year adjusted cohort graduation rate of the school over a period of three years; or

"(II) establishing a minimum number of students that must be included in the cohort described in clause (i) of subparagraph (A) that will provide a valid graduation rate calculation as determined by the Secretary, below which the school shall be exempt from differentiation and identification under such section.";

(8) by inserting after paragraph (27) (as so redesignated by paragraph (2)) the following:

"(28) HIGH SCHOOL.—The term 'high school' means a secondary school that—

"(A) grants a diploma, as defined by the State; and

"(B) includes, at least, grade 12.";

(9) in paragraph (30) (as so redesignated by paragraph (2)), in subparagraph (C)—

(A) by striking the subparagraph designation and heading and inserting "(C) BUREAU OF INDIAN EDUCATION SCHOOLS.—"; and

(B) by striking "Affairs" both places the term appears and inserting "Education";

(10) by inserting after paragraph (31) (as redesignated by paragraph (2)) the following:

"(32) MIDDLE GRADES.—The term middle grades means any of grades 5 through 8.

"(33) MULTI-TIER SYSTEM OF SUPPORTS.—The term 'multi-tier system of supports' means a comprehensive continuum of evidence-based, systemic practices to support a rapid response to students' needs, with regular observation to facilitate data-based instructional decisionmaking.";

(11) in paragraph (35) (as so redesignated by paragraph (2)), by striking "pupil services" and inserting "specialized instructional support";

(12) by striking paragraph (36) (as so redesignated by paragraph (2)) and inserting the following:

"(36) OUTLYING AREA.—The term 'outlying area'—

"(A) means American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the United States Virgin Islands;

"(B) means the Republic of Palau, to the extent permitted under section 105(f)(1)(B)(ix) of the Compact of Free Association Amendments Act of 2003 (Public Law 108-188; 117 Stat. 2751) and until an agreement for the extension of United States education assistance under the Compact of Free Association becomes effective for the Republic of Palau; and

"(C) for the purpose of any discretionary grant program under this Act, includes the Republic of the Marshall Islands and the Federated States of Micronesia, to the extent permitted under section 105(f)(1)(B)(viii) of the Compact of Free Association Amendments Act of 2003 (Public Law 108–188; 117 Stat. 2751).";

(13) by inserting after paragraph (36) (as so redesignated by paragraph (2)), the following:

"(37) PARAPROFESSIONAL.—The term 'paraprofessional', also known as a 'paraeducator', includes an education assistant and instructional assistant.";

(14) in paragraph (39) (as so redesignated by paragraph (2))—

(A) in subparagraph (C), by inserting "and" after the semicolon; and

(B) in subparagraph (D), by striking "section 1118" and inserting "section 1116";

(15) by inserting after paragraph (39) (as so redesignated by paragraph (2)) the following:

"(40) PAY FOR SUCCESS INITIATIVE.—The term 'pay for success initiative' means a performance-based grant, contract, or cooperative agreement awarded by a public entity in which a commitment is made to pay for improved outcomes that result in social benefit and direct cost savings or cost avoidance to the public sector. Such an initiative shall include—

"(A) a feasibility study on the initiative describing how the proposed intervention is based on evidence of effectiveness;

"(B) a rigorous, third-party evaluation that uses experimental or quasi-experimental design or other research methodologies that allow for the strongest possible causal inferences to determine whether the initiative has met its proposed outcomes;

"(C) an annual, publicly available report on the progress of the initiative; and

"(D) a requirement that payments are made to the recipient of a grant, contract, or cooperative agreement only when agreed upon outcomes are achieved, except that the entity may make payments to the third party conducting the evaluation described in subparagraph (B).";

(16) by striking paragraph (42) (as so redesignated by paragraph (2)) and inserting the following:

"(42) PROFESSIONAL DEVELOPMENT.—The term 'professional development' means activities that—

"(A) are an integral part of school and local educational agency strategies for providing educators (including teachers, principals, other school leaders, specialized instructional support personnel, paraprofessionals, and, as applicable, early childhood educators) with the knowledge and skills necessary to enable students to succeed in a well-rounded education and to meet the challenging State academic standards; and

"(B) are sustained (not stand-alone, 1-day, or short term workshops), intensive, collaborative, job-embedded,

data-driven, and classroom-focused, and may include activities that—

"(i) improve and increase teachers'—

"(I) knowledge of the academic subjects the teachers teach;

"(II) understanding of how students learn; and

"(III) ability to analyze student work and achievement from multiple sources, including how to adjust instructional strategies, assessments, and materials based on such analysis;

"(ii) are an integral part of broad schoolwide and districtwide educational improvement plans;

"(iii) allow personalized plans for each educator to address the educator's specific needs identified in observation or other feedback;

"(iv) improve classroom management skills;

"(v) support the recruitment, hiring, and training of effective teachers, including teachers who became certified through State and local alternative routes to certification;

"(vi) advance teacher understanding of—

"(I) effective instructional strategies that are evidence-based; and

"(II) strategies for improving student academic achievement or substantially increasing the knowledge and teaching skills of teachers;

"(vii) are aligned with, and directly related to, academic goals of the school or local educational agency;

"(viii) are developed with extensive participation of teachers, principals, other school leaders, parents, representatives of Indian tribes (as applicable), and administrators of schools to be served under this Act;

"(ix) are designed to give teachers of English learners, and other teachers and instructional staff, the knowledge and skills to provide instruction and appropriate language and academic support services to those children, including the appropriate use of curricula and assessments;

"(x) to the extent appropriate, provide training for teachers, principals, and other school leaders in the use of technology (including education about the harms of copyright piracy), so that technology and technology applications are effectively used in the classroom to improve teaching and learning in the curricula and academic subjects in which the teachers teach;

"(xi) as a whole, are regularly evaluated for their impact on increased teacher effectiveness and improved student academic achievement, with the findings of the evaluations used to improve the quality of professional development;

"(xii) are designed to give teachers of children with disabilities or children with developmental delays, and other teachers and instructional staff, the knowledge and skills to provide instruction and academic support services, to those children, including positive behav-

ioral interventions and supports, multi-tier system of supports, and use of accommodations;

"(xiii) include instruction in the use of data and assessments to inform and instruct classroom practice;

"(xiv) include instruction in ways that teachers, principals, other school leaders, specialized instructional support personnel, and school administrators may work more effectively with parents and families;

"(xv) involve the forming of partnerships with institutions of higher education, including, as applicable, Tribal Colleges and Universities as defined in section 316(b) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b)), to establish school-based teacher, principal, and other school leader training programs that provide prospective teachers, novice teachers, principals, and other school leaders with an opportunity to work under the guidance of experienced teachers, principals, other school leaders, and faculty of such institutions;

"(xvi) create programs to enable paraprofessionals (assisting teachers employed by a local educational agency receiving assistance under part A of title I) to obtain the education necessary for those paraprofessionals to become certified and licensed teachers;

"(xvii) provide follow-up training to teachers who have participated in activities described in this paragraph that are designed to ensure that the knowledge and skills learned by the teachers are implemented in the classroom; and

"(xviii) where practicable, provide jointly for school staff and other early childhood education program providers, to address the transition to elementary school, including issues related to school readiness.";

(17) by inserting after paragraph (42) (as so redesignated by paragraph (2)) the following:

"(43) REGULAR HIGH SCHOOL DIPLOMA.—The term 'regular high school diploma'—

"(A) means the standard high school diploma awarded to the preponderance of students in the State that is fully aligned with State standards, or a higher diploma, except that a regular high school diploma shall not be aligned to the alternate academic achievement standards described in section 1111(b)(1)(E); and

"(B) does not include a recognized equivalent of a diploma, such as a general equivalency diploma, certificate of completion, certificate of attendance, or similar lesser credential.

"(44) SCHOOL LEADER.—The term 'school leader' means a principal, assistant principal, or other individual who is—

"(A) an employee or officer of an elementary school or secondary school, local educational agency, or other entity operating an elementary school or secondary school; and

"(B) responsible for the daily instructional leadership and managerial operations in the elementary school or secondary school building.";

(18) by inserting after paragraph (46) (as so redesignated by paragraph (2)) the following:

"(47) SPECIALIZED INSTRUCTIONAL SUPPORT PERSONNEL; SPECIALIZED INSTRUCTIONAL SUPPORT SERVICES.—

"(A) SPECIALIZED INSTRUCTIONAL SUPPORT PERSONNEL.—The term 'specialized instructional support personnel' means—

"(i) school counselors, school social workers, and school psychologists; and

"(ii) other qualified professional personnel, such as school nurses, speech language pathologists, and school librarians, involved in providing assessment, diagnosis, counseling, educational, therapeutic, and other necessary services (including related services as that term is defined in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401)) as part of a comprehensive program to meet student needs.

"(B) SPECIALIZED INSTRUCTIONAL SUPPORT SERVICES.—The term 'specialized instructional support services' means the services provided by specialized instructional support personnel.";

(19) by striking the undesignated paragraph between paragraph (47) (as inserted by paragraph (18)) and paragraph (49) (as so redesignated by paragraph (2)) and inserting the following:

"(48) STATE.—The term 'State' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and each of the outlying areas.";

(20) by striking paragraph (50) (as so redesignated by paragraph (2)) and inserting the following:

"(50) TECHNOLOGY.—The term 'technology' means modern information, computer and communication technology products, services, or tools, including, the Internet and other communications networks, computer devices and other computer and communications hardware, software applications, data systems, and other electronic content (including multimedia content) and data storage."; and

(21) by adding at the end the following:

"(51) 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).

"(52) WELL-ROUNDED EDUCATION.—The term 'well-rounded education' means courses, activities, and programming in subjects such as English, reading or language arts, writing, science, technology, engineering, mathematics, foreign languages, civics and government, economics, arts, history, geography, computer science, music, career and technical education, health, physical education, and any other subject, as determined by the State or local educational agency, with the purpose of providing all students access to an enriched curriculum and educational experience.".

SEC. 8003. APPLICABILITY OF TITLE.

Section 8102, as redesignated by section 8001 of this Act, is further amended by striking "Parts B, C, D, and E of this title do not

apply to title VIII" and inserting "Parts B, C, D, E, and F of this title do not apply to title VII".

SEC. 8004. APPLICABILITY TO BUREAU OF INDIAN EDUCATION OPERATED SCHOOLS.

Section 8103, as redesignated by section 8001 of this Act, is amended—

*(1) in the section heading, by striking "**BUREAU OF INDIAN AFFAIRS**" and inserting "**BUREAU OF INDIAN EDUCATION**"; and*

(2) by striking "Bureau of Indian Affairs" each place the term appears and inserting "Bureau of Indian Education".

SEC. 8005. CONSOLIDATION OF STATE ADMINISTRATIVE FUNDS FOR ELEMENTARY AND SECONDARY EDUCATION PROGRAMS.

Section 8201(b)(2), as redesignated by section 8001 of this Act, is amended—

(1) in subparagraph (G), by striking "and" after the semicolon;

(2) in subparagraph (H), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(I) implementation of fiscal support teams that provide technical fiscal support assistance, which shall include evaluating fiscal, administrative, and staffing functions, and any other key operational function.".

SEC. 8006. CONSOLIDATION OF FUNDS FOR LOCAL ADMINISTRATION.

Section 8203, as redesignated by section 8001 of this Act, is amended—

(1) in subsection (b), by striking "Within 1 year after the date of enactment of the No Child Left Behind Act of 2001, a State" and inserting "A State"; and

(2) by striking subsection (d) and inserting the following:

"(d) USES OF ADMINISTRATIVE FUNDS.—

"(1) IN GENERAL.—A local educational agency that consolidates administrative funds under this section may use the consolidated funds for the administration of the programs and for uses, at the school district and school levels, comparable to those described in section 8201(b)(2).

"(2) FISCAL SUPPORT TEAMS.—A local educational agency that uses funds as described in section 8201(b)(2)(I) may contribute State or local funds to expand the reach of such support without violating any supplement, not supplant requirement of any program contributing administrative funds.".

SEC. 8007. CONSOLIDATED SET-ASIDE FOR DEPARTMENT OF THE INTERIOR FUNDS.

Section 8204, as redesignated and amended by section 8001 of this Act, is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking "part A of title VII" and inserting "part A of title VI"; and

(B) in paragraph (2), by striking subparagraph (B) and inserting the following:

"(B) CONTENTS.—The agreement shall—

"(i) set forth the plans of the Secretary of the Interior for the use of the amount transferred and the

achievement measures to assess program effectiveness, including program objectives; and

"(ii) be developed in consultation with Indian tribes."; and

(2) by adding at the end the following:

"(c) ACCOUNTABILITY SYSTEM.—

"(1) For the purposes of part A of title I, the Secretary of Interior, in consultation with the Secretary, if the Secretary of the Interior requests the consultation, using a negotiated rulemaking process to develop regulations for implementation no later than the 2017-2018 academic year, shall define the standards, assessments, and accountability system consistent with section 1111, for the schools funded by the Bureau of Indian Education on a national, regional, or tribal basis, as appropriate, taking into account the unique circumstances and needs of such schools and the students served by such schools.

"(2) The tribal governing body or school board of a school funded by the Bureau of Indian Affairs may waive, in part or in whole, the requirements established pursuant to paragraph (1) where such requirements are determined by such body or school board to be inappropriate. If such requirements are waived, the tribal governing body or school board shall, within 60 days, submit to the Secretary of Interior a proposal for alternative standards, assessments, and an accountability system, if applicable, consistent with section 1111, that takes into account the unique circumstances and needs of such school or schools and the students served. The Secretary of the Interior and the Secretary shall approve such standards, assessments, and accountability system unless the Secretary determines that the standards, assessments, and accountability system do not meet the requirements of section 1111, taking into account the unique circumstances and needs of such school or schools and the students served.

"(3) TECHNICAL ASSISTANCE.—The Secretary of Interior and the Secretary shall, either directly or through a contract, provide technical assistance, upon request, to a tribal governing body or school board of a school funded by the Bureau of Indian Affairs that seeks a waiver under paragraph (2).".

SEC. 8008. DEPARTMENT STAFF.

Title VIII, as redesignated and amended by section 8001 of this Act, is further amended by adding after section 8204 the following:

"SEC. 8205. DEPARTMENT STAFF.

"The Secretary shall—

"(1) not later than 60 days after the date of enactment of the Every Student Succeeds Act, identify the number of Department full-time equivalent employees who worked on or administered each education program or project authorized under this Act, as such program or project was in effect on the day before such date of enactment, and publish such information on the Department's website;

"(2) not later than 60 days after such date of enactment, identify the number of full-time equivalent employees who worked on or administered each program or project authorized under this Act, as such program or project was in effect on the

day before such date of enactment, that has been eliminated or consolidated since such date of enactment;

"(3) not later than 1 year after such date of enactment, reduce the workforce of the Department by the number of full-time equivalent employees the Department identified under paragraph (2); and

"(4) not later than 1 year after such date of enactment, report to Congress on—

"(A) the number of full-time equivalent employees associated with each program or project authorized under this Act and administered by the Department;

"(B) the number of full-time equivalent employees who were determined to be associated with eliminated or consolidated programs or projects described in paragraph (2);

"(C) how the Secretary has reduced the number of full-time equivalent employees as described in paragraph (3);

"(D) the average salary of the full-time equivalent employees described in subparagraph (B) whose positions were eliminated; and

"(E) the average salary of the full-time equivalent employees who work on or administer a program or project authorized by the Department under this Act, disaggregated by employee function within each such program or project.".

SEC. 8009. OPTIONAL CONSOLIDATED STATE PLANS OR APPLICATIONS.

Section 8302(b)(1), as redesignated by section 8001 of this Act, is amended by striking "nonprofit".

SEC. 8010. GENERAL APPLICABILITY OF STATE EDUCATIONAL AGENCY ASSURANCES.

Section 8304(a)(2), as redesignated by section 8001 of this Act, is amended by striking "nonprofit" and inserting "eligible" each place the term appears.

SEC. 8011. RURAL CONSOLIDATED PLAN.

Section 8305, as redesignated and amended by section 8001 of this Act, is amended by adding at the end the following:

"(e) RURAL CONSOLIDATED PLAN.—

"(1) IN GENERAL.—Two or more eligible local educational agencies, a consortium of eligible local educational service agencies, or an educational service agency on behalf of eligible local educational agencies may submit plans or applications for 1 or more covered programs to the State educational agency on a consolidated basis, if each eligible local educational agency impacted elects to participate in the joint application or elects to allow the educational service agency to apply on its behalf.

"(2) ELIGIBLE LOCAL EDUCATIONAL AGENCY.—For the purposes of this subsection, the term 'eligible local educational agency' means a local educational agency that is an eligible local educational agency under part B of title V.".

SEC. 8012. OTHER GENERAL ASSURANCES.

Section 8306(a), as redesignated and amended by section 8001 of this Act, is further amended—

(1) in the matter preceding paragraph (1), by striking "whether separately or pursuant to section 8305,"; and

(2) in paragraph (2), by striking "nonprofit" each place it appears and inserting "eligible".

SEC. 8013. WAIVERS OF STATUTORY AND REGULATORY REQUIREMENTS.

Section 8401, as redesignated by section 8001 of this Act, is amended—

(1) by striking subsection (a) and inserting the following:

"(a) IN GENERAL.—

"(1) REQUEST FOR WAIVER BY STATE OR INDIAN TRIBE.—A State educational agency or Indian tribe that receives funds under a program authorized under this Act may submit a request to the Secretary to waive any statutory or regulatory requirement of this Act.

"(2) LOCAL EDUCATIONAL AGENCY AND SCHOOL REQUESTS SUBMITTED THROUGH THE STATE.—

"(A) REQUEST FOR WAIVER BY LOCAL EDUCATIONAL AGENCY.—A local educational agency that receives funds under a program authorized under this Act and desires a waiver of any statutory or regulatory requirement of this Act shall submit a request containing the information described in subsection (b)(1) to the appropriate State educational agency. The State educational agency may then submit the request to the Secretary if the State educational agency determines the waiver appropriate.

"(B) REQUEST FOR WAIVER BY SCHOOL.—An elementary school or secondary school that desires a waiver of any statutory or regulatory requirement of this Act shall submit a request containing the information described in subsection (b)(1) to the local educational agency serving the school. The local educational agency may then submit the request to the State educational agency in accordance with subparagraph (A) if the local educational agency determines the waiver appropriate.

"(3) RECEIPT OF WAIVER.—Except as provided in subsection (b)(4) or (c), the Secretary may waive any statutory or regulatory requirement of this Act for which a waiver request is submitted to the Secretary pursuant to this subsection.";

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A)—

(I) by striking ", local educational agency," and inserting ", acting on its own behalf or on behalf of a local educational agency in accordance with subsection (a)(2),"; and

(II) by inserting ", which shall include a plan" after "to the Secretary";

(ii) by redesignating subparagraph (E) as subparagraph (F);

(iii) by striking subparagraphs (B), (C), and (D) and inserting the following:

"(B) describes which Federal statutory or regulatory requirements are to be waived;

"(C) describes how the waiving of such requirements will advance student academic achievement;

"(D) describes the methods the State educational agency, local educational agency, school, or Indian tribe will use to monitor and regularly evaluate the effectiveness of the implementation of the plan;

"(E) includes only information directly related to the waiver request; and"; and

(iv) in subparagraph (F), as redesignated by clause (ii), by inserting "and, if the waiver relates to provisions of subsections (b) or (h) of section 1111, describes how the State educational agency, local educational agency, school, or Indian tribe will maintain or improve transparency in reporting to parents and the public on student achievement and school performance, including the achievement of the subgroups of students identified in section 1111(b)(2)(B)(xi)" after "waivers are requested";

(B) in paragraph (2)(B)(i)(II), by striking "(on behalf of, and based on the requests of, local educational agencies)" and inserting "(on behalf of those agencies or on behalf of, and based on the requests of, local educational agencies in the State)";

(C) in paragraph (3)—

(i) in subparagraph (A)—

(I) in the matter preceding clause (i), by inserting "or on behalf of local educational agencies in the State under subsection (a)(2)," after "acting on its own behalf,"; and

(II) by striking clauses (i) through (iii) and inserting the following:

"(i) provide the public and any interested local educational agency in the State with notice and a reasonable opportunity to comment and provide input on the request, to the extent that the request impacts the local educational agency;

"(ii) submit the comments and input to the Secretary, with a description of how the State addressed the comments and input; and

"(iii) provide notice and a reasonable time to comment to the public and local educational agencies in the manner in which the applying agency customarily provides similar notice and opportunity to comment to the public."; and

(ii) in subparagraph (B), by striking clauses (i) and (ii) and inserting the following:

"(i) the request shall be reviewed and approved by the State educational agency in accordance with subsection (a)(2) before being submitted to the Secretary and be accompanied by the comments, if any, of the State educational agency and the public; and

"(ii) notice and a reasonable opportunity to comment regarding the waiver request shall be provided to the State educational agency and the public by the agency requesting the waiver in the manner in which that agency customarily provides similar notice and opportunity to comment to the public.".

(D) by adding at the end the following:

"(4) WAIVER DETERMINATION, DEMONSTRATION, AND REVISION.—

"(A) IN GENERAL.—The Secretary shall issue a written determination regarding the initial approval or disapproval of a waiver request not more than 120 days after the date on which such request is submitted. Initial disapproval of such request shall be based on the determination of the Secretary that—

"(i) the waiver request does not meet the requirements of this section;

"(ii) the waiver is not permitted under subsection (c);

"(iii) the description required under paragraph (1)(C) in the plan provides insufficient information to demonstrate that the waiving of such requirements will advance student academic achievement consistent with the purposes of this Act; or

"(iv) the waiver request does not provide for adequate evaluation to ensure review and continuous improvement of the plan.

"(B) WAIVER DETERMINATION AND REVISION.—Upon the initial determination of disapproval under subparagraph (A), the Secretary shall—

"(i) immediately—

"(I) notify the State educational agency, local educational agency (through the State educational agency), school (through the local educational agency), or Indian tribe, as applicable, of such determination; and

"(II) provide detailed reasons for such determination in writing to the applicable entity under subclause (I) to the public, such as posting in a clear and easily accessible format to the Department's website;

"(ii) offer the State educational agency, local educational agency (through the State educational agency), school (through the local educational agency), or Indian tribe an opportunity to revise and resubmit the waiver request by a date that is not more than 60 days after the date of such determination; and

"(iii) if the Secretary determines that the resubmission under clause (ii) does not meet the requirements of this section, at the request of the State educational agency, local educational agency, school, or Indian tribe, conduct a hearing not more than 30 days after the date of such resubmission.

"(C) WAIVER DISAPPROVAL.—The Secretary may ultimately disapprove a waiver request if—

"(i) the State educational agency, local educational agency, school, or Indian tribe has been notified and offered an opportunity to revise and resubmit the waiver request, as described under clauses (i) and (ii) of subparagraph (B); and

"(ii) the State educational agency, local educational agency (through the State educational agency), school (through the local educational agency), or Indian tribe—

"(I) does not revise and resubmit the waiver request; or

"(II) revises and resubmits the waiver request, and the Secretary determines that such waiver request does not meet the requirements of this section after a hearing conducted under subparagraph (B)(iii), if such a hearing is requested.

"(D) EXTERNAL CONDITIONS.—The Secretary shall not disapprove a waiver request under this section based on conditions outside the scope of the waiver request.";

(3) in subsection (c)—

(A) in paragraph (1), by inserting ", Indian tribes" after "local educational agencies";

(B) in paragraph (8), by striking "subpart 1 of part B of title V" and inserting "part C of title IV"; and

(C) by striking paragraph (9) and inserting the following:

"(9) the prohibitions—

"(A) in subpart 2 of part F;

"(B) regarding use of funds for religious worship or instruction in section 8505; and

"(C) regarding activities in section 8526; or";

(4) in subsection (d)—

(A) in the subsection heading, by adding "; LIMITATIONS" after "WAIVER";

(B) in paragraph (2), in the matter preceding subparagraph (A), by striking "Secretary determines" and inserting "State demonstrates"; and

(C) by adding at the end the following:

"(3) SPECIFIC LIMITATIONS.—The Secretary shall not require a State educational agency, local educational agency, school, or Indian tribe, as a condition of approval of a waiver request, to—

"(A) include in, or delete from, such request, specific academic standards, such as the Common Core State Standards developed under the Common Core State Standards Initiative or any other standards common to a significant number of States;

"(B) use specific academic assessment instruments or items, including assessments aligned to the standards described in subparagraph (A); or

"(C) include in, or delete from, such waiver request any specific elements of—

"(i) State academic standards;

"(ii) academic assessments;

"(iii) State accountability systems; or

"(iv) teacher and school leader evaluation systems.";

(5) by striking subsection (e) and inserting the following:

"(e) REPORTS.—A State educational agency, local educational agency, school, or Indian tribe receiving a waiver under this section

shall describe, as part of, and pursuant to, the required annual reporting under section 1111(h)—

"(1) the progress of schools covered under the provisions of such waiver toward improving student academic achievement; and

"(2) how the use of the waiver has contributed to such progress."; and

(6) in subsection (f), by striking "if the Secretary determines" and all that follows through the period at the end and inserting the following: "if, after notice and an opportunity for a hearing, the Secretary—

"(A) presents a rationale and supporting information that clearly demonstrates that the waiver is not contributing to the progress of schools described in subsection (e)(1); or

"(B) determines that the waiver is no longer necessary to achieve its original purposes.".

SEC. 8014. APPROVAL AND DISAPPROVAL OF STATE PLANS AND LOCAL APPLICATIONS.

Title VIII, as amended and redesignated by section 8001 of this Act, is further amended by inserting after section 8401 the following:

"PART E—APPROVAL AND DISAPPROVAL OF STATE PLANS AND LOCAL APPLICATIONS

"SEC. 8451. APPROVAL AND DISAPPROVAL OF STATE PLANS.

"(a) APPROVAL.—A plan submitted by a State pursuant to section 2101(d), 4103(c), 4203, or 8302 shall be approved by the Secretary unless the Secretary makes a written determination (which shall include the supporting information and rationale supporting such determination), prior to the expiration of the 120-day period beginning on the date on which the Secretary received the plan, that the plan is not in compliance with section 2101(d), 4103(c), or 4203, or part C, respectively.

"(b) DISAPPROVAL PROCESS.—

"(1) IN GENERAL.—The Secretary shall not finally disapprove a plan submitted under section 2101(d), 4103(c), 4203, or 8302, except after giving the State educational agency notice and an opportunity for a hearing.

"(2) NOTIFICATIONS.—If the Secretary finds that the plan is not in compliance, in whole or in part, with section 2101(d), 4103(c), or 4203, or part C, as applicable, the Secretary shall—

"(A) immediately notify the State of such determination;

"(B) provide a detailed description of the specific provisions of the plan that the Secretary determines fail to meet the requirements, in whole or in part, of such section or part, as applicable;

"(C) offer the State an opportunity to revise and resubmit its plan within 45 days of such determination, including the chance for the State to present supporting information to clearly demonstrate that the State plan meets the requirements of such section or part, as applicable;

"(D) provide technical assistance, upon request of the State, in order to assist the State to meet the requirements of such section or part, as applicable;

"(E) conduct a hearing within 30 days of the plan's resubmission under subparagraph (C), unless a State declines the opportunity for such hearing; and

"(F) request additional information, only as to the noncompliant provisions, needed to make the plan compliant.

"(3) RESPONSE.—If the State educational agency responds to the Secretary's notification described in paragraph (2)(A) prior to the expiration of the 45-day period beginning on the date on which the State educational agency received the notification, and resubmits the plan as described in paragraph (2)(C), the Secretary shall approve such plan unless the Secretary determines the plan does not meet the requirements of section 2101(d), 4103(c), or 4203, or part C, as applicable.

"(4) FAILURE TO RESPOND.—If the State educational agency does not respond to the Secretary's notification described in paragraph (2)(A) prior to the expiration of the 45-day period beginning on the date on which the State educational agency received the notification, such plan shall be deemed to be disapproved.

"(c) LIMITATION.—A plan submitted under section 2101(d), 4103(c), 4203, or 8302 shall not be approved or disapproved based upon the nature of the activities proposed within such plan if such proposed activities meet the applicable program requirements.

"(d) PEER-REVIEW REQUIREMENTS.—Notwithstanding any other requirements of this part, the Secretary shall ensure that any portion of a consolidated State plan that is related to part A of title I is subject to the peer-review process described in section 1111(a)(4).

"SEC. 8452. APPROVAL AND DISAPPROVAL OF LOCAL EDUCATIONAL AGENCY APPLICATIONS.

"(a) APPROVAL.—An application submitted by a local educational agency pursuant to section 2102(b), 4106, 4204(b) or 8305, shall be approved by the State educational agency unless the State educational agency makes a written determination (which shall include the supporting information and rationale for such determination), prior to the expiration of the 120-day period beginning on the date on which the State educational agency received the application, that the application is not in compliance with section 2102(b), 4106, or 4204(b), or part C, respectively.

"(b) DISAPPROVAL PROCESS.—

"(1) IN GENERAL.—The State educational agency shall not finally disapprove an application submitted under section 2102(b), 4106, 4204(b) or 8305 except after giving the local educational agency notice and opportunity for a hearing.

"(2) NOTIFICATIONS.—If the State educational agency finds that the application submitted under section 2102(b), 4106, 4204(b) or 8305 is not in compliance, in whole or in part, with section 2102(b), 4106, or 4204(b), or part C, respectively, the State educational agency shall—

"(A) immediately notify the local educational agency of such determination;

"(B) provide a detailed description of the specific provisions of the application that the State determines fail to

meet the requirements, in whole or in part, of such section or part, as applicable;

"(C) offer the local educational agency an opportunity to revise and resubmit its application within 45 days of such determination, including the chance for the local educational agency to present supporting information to clearly demonstrate that the application meets the requirements of such section or part;

"(D) provide technical assistance, upon request of the local educational agency, in order to assist the local educational agency to meet the requirements of such section or part, as applicable;

"(E) conduct a hearing within 30 days of the application's resubmission under subparagraph (C), unless a local educational agency declines the opportunity for such a hearing; and

"(F) request additional information, only as to the noncompliant provisions, needed to make the application compliant.

"(3) RESPONSE.—If the local educational agency responds to the State educational agency's notification described in paragraph (2)(A) prior to the expiration of the 45-day period beginning on the date on which the local educational agency received the notification, and resubmits the application as described in paragraph (2)(C), the State educational agency shall approve such application unless the State educational agency determines the application does not meet the requirements of this part.

"(4) FAILURE TO RESPOND.—If the local educational agency does not respond to the State educational agency's notification described in paragraph (2)(A) prior to the expiration of the 45-day period beginning on the date on which the local educational agency received the notification, such application shall be deemed to be disapproved.".

SEC. 8015. PARTICIPATION BY PRIVATE SCHOOL CHILDREN AND TEACHERS.

Section 8501, as redesignated by section 8001 of this Act, is amended—

(1) in subsection (a)—

(A) by striking paragraph (3) and inserting the following:

"(3) SPECIAL RULE.—

"(A) IN GENERAL.—Educational services and other benefits provided under this section for private school children, teachers, and other educational personnel shall be equitable in comparison to services and other benefits for public school children, teachers, and other educational personnel participating in the program and shall be provided in a timely manner.

"(B) OMBUDSMAN.—To help ensure equitable services are provided to private school children, teachers, and other educational personnel under this section, the State educational agency involved shall direct the ombudsman designated by the agency under section 1117 to monitor and enforce the requirements of this section."; and

(B) by striking paragraph (4) and inserting the following:

"(4) EXPENDITURES.—

"(A) IN GENERAL.—Expenditures for educational services and other benefits provided under this section for eligible private school children, their teachers, and other educational personnel serving those children shall be equal, taking into account the number and educational needs of the children to be served, to the expenditures for participating public school children.

"(B) OBLIGATION OF FUNDS.—Funds allocated to a local educational agency for educational services and other benefits to eligible private school children shall be obligated in the fiscal year for which the funds are received by the agency.

"(C) NOTICE OF ALLOCATION.—Each State educational agency shall provide notice in a timely manner to the appropriate private school officials in the State of the allocation of funds for educational services and other benefits under this subpart that the local educational agencies have determined are available for eligible private school children.".

(2) in subsection (b)—

(A) in paragraph (1), by striking subparagraphs (A) through (H) and inserting the following:

"(A) part C of title I;

"(B) part A of title II;

"(C) part A of title III;

"(D) part A of title IV; and

"(E) part B of title IV."; and

(B) by striking paragraph (3); and

(3) in subsection (c)—

(A) in the matter preceding subparagraph (A), by striking "To ensure" and all that follows through "such as" and inserting "To ensure timely and meaningful consultation, a State educational agency, local educational agency, educational service agency, consortium of those agencies, or entity shall consult with appropriate private school officials. Such agency and private school officials shall both have the goal of reaching agreement on how to provide equitable and effective programs for eligible private school children, on issues such as";

(B) in paragraph (1)—

(i) in subparagraph (E)—

(I) by striking "and the amount" and inserting ", the amount"; and

(II) by striking "services; and" and inserting "services, and how that amount is determined,";

(ii) in subparagraph (F)—

(I) by striking "contract" after "provision of"; and

(II) by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(G) whether the agency, consortium, or entity shall provide services directly or through a separate government agency, consortium, or entity, or through a third-party contractor; and

"(H) whether to provide equitable services to eligible private school children—

"(i) by creating a pool or pools of funds with all of the funds allocated under subsection (a)(4)(C) based on all the children from low-income families in a participating school attendance area who attend private schools; or

"(ii) in the agency's participating school attendance area who attend private schools with the proportion of funds allocated under subsection (a)(4)(C) based on the number of children from low-income families who attend private schools."; and

(4) by adding at the end the following:

"(5) DOCUMENTATION.—Each local educational agency shall maintain in the agency's records, and provide to the State educational agency involved, a written affirmation signed by officials of each participating private school that the meaningful consultation required by this section has occurred. The written affirmation shall provide the option for private school officials to indicate such officials' belief that timely and meaningful consultation has not occurred or that the program design is not equitable with respect to eligible private school children. If such officials do not provide such affirmation within a reasonable period of time, the local educational agency shall forward the documentation that such consultation has, or attempts at such consultation have, taken place to the State educational agency.

"(6) COMPLIANCE.—

"(A) IN GENERAL.—If the consultation required under this section is with a local educational agency or educational service agency, a private school official shall have the right to file a complaint with the State educational agency that the consultation required under this section was not meaningful and timely, did not give due consideration to the views of the private school official, or did not make a decision that treats the private school or its students equitably as required by this section.

"(B) PROCEDURE.—If the private school official wishes to file a complaint, the private school official shall provide the basis of the noncompliance and all parties shall provide the appropriate documentation to the appropriate officials.

"(C) SERVICES.—A State educational agency shall provide services under this section directly or through contracts with public and private agencies, organizations, and institutions, if the appropriate private school officials have—

"(i) requested that the State educational agency provide such services directly; and

"(ii) demonstrated that the local educational agency involved has not met the requirements of this section in accordance with the procedures for making such a

request, as prescribed by the State educational agency.".

SEC. 8016. STANDARDS FOR BY-PASS.

Section 8502(a)(2), as redesignated and amended by section 8001 of this Act, is further amended by striking "9503, and 9504" and inserting "8503, and 8504".

SEC. 8017. COMPLAINT PROCESS FOR PARTICIPATION OF PRIVATE SCHOOL CHILDREN.

Section 8503, as redesignated and amended by section 8001 of this Act, is further amended by striking subsections (a) and (b) and inserting the following:

"(a) PROCEDURES FOR COMPLAINTS.—The Secretary shall develop and implement written procedures for receiving, investigating, and resolving complaints from parents, teachers, or other individuals and organizations concerning violations of section 8501 by a State educational agency, local educational agency, educational service agency, consortium of those agencies, or entity. The individual or organization shall submit the complaint to the State educational agency for a written resolution by the State educational agency within 45 days.

"(b) APPEALS TO SECRETARY.—The resolution may be appealed by an interested party to the Secretary not later than 30 days after the State educational agency resolves the complaint or fails to resolve the complaint within the 45-day time limit. The appeal shall be accompanied by a copy of the State educational agency's resolution, and, if there is one, a complete statement of the reasons supporting the appeal. The Secretary shall investigate and resolve the appeal not later than 90 days after receipt of the appeal.".

SEC. 8018. BY-PASS DETERMINATION PROCESS.

Section 8504(a)(1)(A), as redesignated by section 8001 of this Act, is amended by striking "9502" and inserting "8502".

SEC. 8019. MAINTENANCE OF EFFORT.

Section 8521, as redesignated by section 8001 of this Act, is amended—

(1) in subsection (a), by inserting ", subject to the requirements of subsection (b)" after "for the second preceding fiscal year";

(2) in subsection (b)(1), by inserting before the period at the end the following: ", if such local educational agency has also failed to meet such requirement (as determined using the measure most favorable to the local agency) for 1 or more of the 5 immediately preceding fiscal years"; and

(3) in subsection (c)(1), by inserting "or a change in the organizational structure of the local educational agency" after ", such as a natural disaster".

SEC. 8020. PROHIBITION REGARDING STATE AID.

Section 8522, as redesignated by section 8001 of this Act, is amended by striking "title VIII" and inserting "title VII".

SEC. 8021. SCHOOL PRAYER.

Section 8524(a), as redesignated by section 8001 of this Act, is amended by striking "on the Internet" and inserting "by electronic means, including by posting the guidance on the Department's website in a clear and easily accessible manner".

SEC. 8022. PROHIBITED USES OF FUNDS.

Section 8526, as redesignated by section 8001 of this Act, is amended—

*(1) by striking the section heading and inserting "**PROHIBITED USES OF FUNDS**";*

(2) in subsection (a)—

(A) by redesignating paragraphs (1) through (4) as paragraphs (3) through (6), respectively; and

(B) by inserting before paragraph (3) (as redesignated by subparagraph (A)) the following:

"(1) for construction, renovation, or repair of any school facility, except as authorized under this Act;

"(2) for transportation unless otherwise authorized under this Act;";

(3) by striking "(a)PROHIBITION.—None of the funds authorized under this Act shall be used" and inserting "No funds under this Act may be used"; and

(4) by striking subsection (b).

SEC. 8023. PROHIBITIONS.

Title VIII, as redesignated and amended by section 8001 of this Act, is further amended by inserting after section 8526 the following:

"SEC. 8526A. PROHIBITION AGAINST FEDERAL MANDATES, DIRECTION, OR CONTROL.

"(a) IN GENERAL.—No officer or employee of the Federal Government shall, through grants, contracts, or other cooperative agreements, mandate, direct, or control a State, local educational agency, or school's specific instructional content, academic standards and assessments, curricula, or program of instruction developed and implemented to meet the requirements of this Act (including any requirement, direction, or mandate to adopt the Common Core State Standards developed under the Common Core State Standards Initiative, any other academic standards common to a significant number of States, or any assessment, instructional content, or curriculum aligned to such standards), nor shall anything in this Act be construed to authorize such officer or employee to do so.

"(b) FINANCIAL SUPPORT.—No officer or employee of the Federal Government shall condition or incentivize the receipt of any grant, contract, or cooperative agreement, the receipt of any priority or preference under such grant, contract, or cooperative agreement, or the receipt of a waiver under section 8401 upon a State, local educational agency, or school's adoption or implementation of specific instructional content, academic standards and assessments, curricula, or program of instruction developed and implemented to meet the requirements of this Act (including any condition, priority, or preference to adopt the Common Core State Standards developed under the Common Core State Standards Initiative, any other academic standards common to a significant number of States, or any assessment, instructional content, or curriculum aligned to such standards).".

SEC. 8024. PROHIBITIONS ON FEDERAL GOVERNMENT AND USE OF FEDERAL FUNDS.

Section 8527, as redesignated by section 8001 of this Act, is amended to read as follows:

"SEC. 8527. PROHIBITIONS ON FEDERAL GOVERNMENT AND USE OF FEDERAL FUNDS.

"(a) GENERAL PROHIBITION.—Nothing in this Act shall be construed to authorize an officer or employee of the Federal Government, including through a grant, contract, or cooperative agreement, to mandate, direct, or control a State, local educational agency, or school's curriculum, program of instruction, or allocation of State or local resources, or mandate a State or any subdivision thereof to spend any funds or incur any costs not paid for under this Act.

"(b) PROHIBITION ON ENDORSEMENT OF CURRICULUM.—Notwithstanding any other provision of Federal law, no funds provided to the Department under this Act may be used by the Department, whether through a grant, contract, or cooperative agreement, to endorse, approve, develop, require, or sanction any curriculum, including any curriculum aligned to the Common Core State Standards developed under the Common Core State Standards Initiative or any other academic standards common to a significant number of States, designed to be used in an elementary school or secondary school.

"(c) LOCAL CONTROL.—Nothing in this section shall be construed to—

"(1) authorize an officer or employee of the Federal Government, whether through a grant, contract, or cooperative agreement to mandate, direct, review, or control a State, local educational agency, or school's instructional content, curriculum, and related activities;

"(2) limit the application of the General Education Provisions Act (20 U.S.C. 1221 et seq.);

"(3) require the distribution of scientifically or medically false or inaccurate materials or to prohibit the distribution of scientifically or medically true or accurate materials; or

"(4) create any legally enforceable right.

"(d) PROHIBITION ON REQUIRING FEDERAL APPROVAL OR CERTIFICATION OF STANDARDS.—

"(1) IN GENERAL.—Notwithstanding any other provision of Federal law, no State shall be required to have academic standards approved or certified by the Federal Government, in order to receive assistance under this Act.

"(2) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to prohibit a State, local educational agency, or school from using funds provided under this Act for the development or implementation of any instructional content, academic standards, academic assessments, curriculum, or program of instruction that a State, local educational agency, or school chooses, as permitted under State and local law, as long as the use of such funds is consistent with the terms of the grant, contract, or cooperative agreement providing such funds.

"(3) BUILDING STANDARDS.—Nothing in this Act shall be construed to mandate national school building standards for a State, local educational agency, or school.".

SEC. 8025. ARMED FORCES RECRUITER ACCESS TO STUDENTS AND STUDENT RECRUITING INFORMATION.

Section 8528, as redesignated by section 8001 of this Act, is amended by striking subsections (a) through (d) and inserting the following:

"(a) POLICY.—

"(1) ACCESS TO STUDENT RECRUITING INFORMATION.—Notwithstanding section 444(a)(5)(B) of the General Education Provisions Act (20 U.S.C. 1232g(a)(5)(B)), each local educational agency receiving assistance under this Act shall provide, upon a request made by a military recruiter or an institution of higher education, access to the name, address, and telephone listing of each secondary school student served by the local educational agency, unless the parent of such student has submitted the prior consent request under paragraph (2).

"(2) CONSENT.—

"(A) OPT-OUT PROCESS.—A parent of a secondary school student may submit a written request, to the local educational agency, that the student's name, address, and telephone listing not be released for purposes of paragraph (1) without prior written consent of the parent. Upon receiving such request, the local educational agency may not release the student's name, address, and telephone listing for such purposes without the prior written consent of the parent.

"(B) NOTIFICATION OF OPT-OUT PROCESS.—Each local educational agency shall notify the parents of the students served by the agency of the option to make a request described in subparagraph (A).

"(3) SAME ACCESS TO STUDENTS.—Each local educational agency receiving assistance under this Act shall provide military recruiters the same access to secondary school students as is provided to institutions of higher education or to prospective employers of those students.

"(4) RULE OF CONSTRUCTION PROHIBITING OPT-IN PROCESSES.—Nothing in this subsection shall be construed to allow a local educational agency to withhold access to a student's name, address, and telephone listing from a military recruiter or institution of higher education by implementing an opt-in process or any other process other than the written consent request process under paragraph (2)(A).

"(5) PARENTAL CONSENT.—For purposes of this subsection, whenever a student has attained 18 years of age, the permission or consent required of and the rights accorded to the parents of the student shall only be required of and accorded to the student.

"(b) NOTIFICATION.—The Secretary, in consultation with the Secretary of Defense, shall, not later than 120 days after the date of the enactment of the Every Student Succeeds Act, notify school leaders, school administrators, and other educators about the requirements of this section.

"(c) EXCEPTION.—The requirements of this section do not apply to a private secondary school that maintains a religious objection to service in the Armed Forces if the objection is verifiable through the corporate or other organizational documents or materials of that school.".

SEC. 8026. PROHIBITION ON FEDERALLY SPONSORED TESTING.

Section 8529, as redesignated by section 8001 of this Act, is amended to read as follows:

"SEC. 8529. PROHIBITION ON FEDERALLY SPONSORED TESTING.

"(a) GENERAL PROHIBITION.—Notwithstanding any other provision of Federal law and except as provided in subsection (b), no funds provided under this Act to the Secretary or to the recipient of any award may be used to develop, incentivize, pilot test, field test, implement, administer, or distribute any federally sponsored national test in reading, mathematics, or any other subject, unless specifically and explicitly authorized by law, including any assessment or testing materials aligned to the Common Core State Standards developed under the Common Core State Standards Initiative or any other academic standards common to a significant number of States.

"(b) EXCEPTIONS.—Subsection (a) shall not apply to international comparative assessments developed under the authority of section 153(a)(6) of the Education Sciences Reform Act of 2002 (20 U.S.C. 9543(a)(6)) and administered to only a representative sample of pupils in the United States and in foreign nations.".

SEC. 8027. LIMITATIONS ON NATIONAL TESTING OR CERTIFICATION FOR TEACHERS, PRINCIPALS, OR OTHER SCHOOL LEADERS.

Section 8530, as redesignated by section 8001 of this Act, is amended—

*(1) in the section heading, by inserting "**, PRINCIPALS, OR OTHER SCHOOL LEADERS**" after "**TEACHERS**";*

(2) in the subsection heading, by inserting ", PRINCIPALS, OR OTHER SCHOOL LEADERS" after "TEACHERS"; and

(3) in subsection (a)—

(A) by inserting ", principals, other school leaders," after "teachers"; and

(B) by inserting ", or incentive regarding," after "administration of".

SEC. 8028. PROHIBITION ON REQUIRING STATE PARTICIPATION.

Title VIII, as redesignated and amended by section 8001 of this Act, is further amended by inserting after section 8530 the following:

"SEC. 8530A. PROHIBITION ON REQUIRING STATE PARTICIPATION.

"Any State that opts out of receiving funds, or that has not been awarded funds, under one or more programs under this Act shall not be required to carry out any of the requirements of such program or programs, and nothing in this Act shall be construed to require a State to participate in any program under this Act.".

SEC. 8029. CIVIL RIGHTS.

Section 8534(b), as redesignated by section 8001 of this Act, is amended—

(1) by striking "as defined in section 1116 of title I and part B of title V" and inserting "as defined in section 1111(d) of title I and part C of title IV"; and

(2) by striking "grant under section 1116 of title I or part B of title V" and inserting "grant under section 1111(d) of title I or part C of title IV".

SEC. 8030. CONSULTATION WITH INDIAN TRIBES AND TRIBAL ORGANIZATIONS.

Subpart 2 of part F of title VIII, as amended and redesignated by section 8001 of this Act, is further amended by adding at the end the following:

"SEC. 8538. CONSULTATION WITH INDIAN TRIBES AND TRIBAL ORGANIZATIONS.

"(a) IN GENERAL.—To ensure timely and meaningful consultation on issues affecting American Indian and Alaska Native students, an affected local educational agency shall consult with appropriate officials from Indian tribes or tribal organizations approved by the tribes located in the area served by the local educational agency prior to the affected local educational agency's submission of a required plan or application for a covered program under this Act or for a program under title VI of this Act. Such consultation shall be done in a manner and in such time that provides the opportunity for such appropriate officials from Indian tribes or tribal organizations to meaningfully and substantively contribute to such plan.

"(b) DOCUMENTATION.—Each affected local educational agency shall maintain in the agency's records and provide to the State educational agency a written affirmation signed by the appropriate officials of the participating tribes or tribal organizations approved by the tribes that the consultation required by this section has occurred. If such officials do not provide such affirmation within a reasonable period of time, the affected local educational agency shall forward documentation that such consultation has taken place to the State educational agency.

"(c) DEFINITIONS.—In this section:

"(1) AFFECTED LOCAL EDUCATIONAL AGENCY.—The term 'affected local educational agency' means a local educational agency—

"(A) with an enrollment of American Indian or Alaska Native students that is not less than 50 percent of the total enrollment of the local educational agency; or

"(B) that—

"(i) for fiscal year 2017, received a grant in the previous year under subpart 1 of part A of title VII (as such subpart was in effect on the day before the date of enactment of the Every Student Succeeds Act) that exceeded $40,000; or

"(ii) for any fiscal year following fiscal year 2017, received a grant in the previous fiscal year under subpart 1 of part A of title VI that exceeded $40,000.

"(2) APPROPRIATE OFFICIALS.—The term 'appropriate officials' means—

"(A) tribal officials who are elected; or

"(B) appointed tribal leaders or officials designated in writing by an Indian tribe for the specific consultation purpose under this section.

"(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed—

"(1) to require the local educational agency to determine who are the appropriate officials; or

"(2) to make the local educational agency liable for consultation with appropriate officials that the tribe determines not to be the correct appropriate officials.

"(e) LIMITATION.—Consultation required under this section shall not interfere with the timely submission of the plans or applications required under this Act.".

SEC. 8031. OUTREACH AND TECHNICAL ASSISTANCE FOR RURAL LOCAL EDUCATIONAL AGENCIES.

Subpart 2 of part F of title VIII, as amended and redesignated by section 8001 of this Act, is further amended by adding at the end the following:

"SEC. 8539. OUTREACH AND TECHNICAL ASSISTANCE FOR RURAL LOCAL EDUCATIONAL AGENCIES.

"(a) OUTREACH.—The Secretary shall engage in outreach to rural local educational agencies regarding opportunities to apply for competitive grant programs under this Act.

"(b) TECHNICAL ASSISTANCE.—If requested to do so, the Secretary shall provide technical assistance to rural local educational agencies with locale codes 32, 33, 41, 42, or 43, or an educational service agency representing rural local educational agencies with locale codes 32, 33, 41, 42, or 43 on applications or pre-applications for any competitive grant program under this Act. No rural local educational agency or educational service agency shall be required to request technical assistance or include any technical assistance provided by the Secretary in any application.".

SEC. 8032. CONSULTATION WITH THE GOVERNOR.

Subpart 2 of part F of title VIII, as amended and redesignated by section 8001 of this Act, is further amended by adding at the end the following:

"SEC. 8540. CONSULTATION WITH THE GOVERNOR.

"(a) IN GENERAL.—A State educational agency shall consult in a timely and meaningful manner with the Governor, or appropriate officials from the Governor's office, in the development of State plans under titles I and II and section 8302.

"(b) TIMING.—The consultation described in subsection (a) shall include meetings of officials from the State educational agency and the Governor's office and shall occur—

"(1) during the development of such plan; and

"(2) prior to submission of the plan to the Secretary.

"(c) JOINT SIGNATURE AUTHORITY.—A Governor shall have 30 days prior to the State educational agency submitting the State plan under title I or II or section 8302 to the Secretary to sign such plan. If the Governor has not signed the plan within 30 days of delivery by the State educational agency to the Governor, the State educational agency shall submit the plan to the Secretary without such signature.".

SEC. 8033. LOCAL GOVERNANCE.

Subpart 2 of part F of title VIII, as amended and redesignated by section 8001 of this Act, is further amended by adding at the end the following:

"SEC. 8541. LOCAL GOVERNANCE.

"(a) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to allow the Secretary to—

"(1) exercise any governance or authority over school administration, including the development and expenditure of school budgets, unless otherwise authorized under this Act;

"(2) issue any regulation without first complying with the rulemaking requirements of section 553 of title 5, United States Code; or

"(3) issue any nonregulatory guidance without first, to the extent feasible, considering input from stakeholders.

"(b) AUTHORITY UNDER OTHER LAW.—Nothing in subsection (a) shall be construed to affect any authority the Secretary has under any other Federal law.".

SEC. 8034. RULE OF CONSTRUCTION REGARDING TRAVEL TO AND FROM SCHOOL.

Subpart 2 of part F of title VIII, as amended and redesignated by section 8001 of this Act, is further amended by adding at the end the following:

"SEC. 8542. 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.".

SEC. 8035. LIMITATIONS ON SCHOOL-BASED HEALTH CENTERS.

Subpart 2 of part F of title VIII, as amended and redesignated by section 8001 of this Act, is further amended by adding at the end the following:

"SEC. 8543. LIMITATIONS ON SCHOOL-BASED HEALTH CENTERS.

"Notwithstanding section 8102, funds used for activities under this Act shall be carried out in accordance with the provision of section 399z–1(a)(3)(C) of the Public Health Service Act (42 U.S.C. 280h–5(a)(3)(C)).".

SEC. 8036. STATE CONTROL OVER STANDARDS.

Subpart 2 of part F of title VIII, as amended and redesignated by section 8001 of this Act, is further amended by adding at the end the following:

"SEC. 8544. STATE CONTROL OVER STANDARDS.

"(a) IN GENERAL.—Nothing in this Act shall be construed to prohibit a State from withdrawing from the Common Core State Standards or from otherwise revising their standards.

"(b) PROHIBITION.—No officer or employee of the Federal Government shall, directly or indirectly, through grants, contracts or other cooperative agreements, through waiver granted under section 8401 or through any other authority, take any action against a State that exercises its rights under subsection (a).".

SEC. 8037. SENSE OF CONGRESS ON PROTECTING STUDENT PRIVACY.

Subpart 2 of part F of title VIII, as amended and redesignated by section 8001 of this Act, is further amended by adding at the end the following:

"SEC. 8545. SENSE OF CONGRESS ON PROTECTING STUDENT PRIVACY.

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

"(1) Students' personally identifiable information is important to protect.

"(2) Students' information should not be shared with individuals other than school officials in charge of educating those students without clear notice to parents.

"(3) With the use of more technology, and more research about student learning, the responsibility to protect students' personally identifiable information is more important than ever.

"(4) Regulations allowing more access to students' personal information could allow that information to be shared or sold by individuals who do not have the best interest of the students in mind.

"(5) The Secretary has the responsibility to ensure every entity that receives funding under this Act holds any personally identifiable information in strict confidence.

"(b) SENSE OF CONGRESS.—It is the sense of the Congress that the Secretary should review all regulations addressing issues of student privacy, including those under this Act, and ensure that students' personally identifiable information is protected.".

SEC. 8038. PROHIBITION ON AIDING AND ABETTING SEXUAL ABUSE.

Subpart 2 of part F of title VIII, as amended and redesignated by section 8001 of this Act, is further amended by adding at the end the following:

"SEC. 8546. PROHIBITION ON AIDING AND ABETTING SEXUAL ABUSE.

"(a) IN GENERAL.—A State, State educational agency, or local educational agency in the case of a local educational agency that receives Federal funds under this Act shall have laws, regulations, or policies that prohibit any individual who is a school employee, contractor, or agent, or any State educational agency or local educational agency, from assisting a school employee, contractor, or agent in obtaining a new job, apart from the routine transmission of administrative and personnel files, if the individual or agency knows, or has probable cause to believe, that such school employee, contractor, or agent engaged in sexual misconduct regarding a minor or student in violation of the law.

"(b) EXCEPTION.—The requirements of subsection (a) shall not apply if the information giving rise to probable cause—

"(1)(A) has been properly reported to a law enforcement agency with jurisdiction over the alleged misconduct; and

"(B) has been properly reported to any other authorities as required by Federal, State, or local law, including title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.) and the regulations implementing such title under part 106 of title 34, Code of Federal Regulations, or any succeeding regulations; and

"(2)(A) the matter has been officially closed or the prosecutor or police with jurisdiction over the alleged misconduct has investigated the allegations and notified school officials

that there is insufficient information to establish probable cause that the school employee, contractor, or agent engaged in sexual misconduct regarding a minor or student in violation of the law;

"(B) the school employee, contractor, or agent has been charged with, and acquitted or otherwise exonerated of the alleged misconduct; or

"(C) the case or investigation remains open and there have been no charges filed against, or indictment of, the school employee, contractor, or agent within 4 years of the date on which the information was reported to a law enforcement agency.

"(c) PROHIBITION.—The Secretary shall not have the authority to mandate, direct, or control the specific measures adopted by a State, State educational agency, or local educational agency under this section.

"(d) CONSTRUCTION.—Nothing in this section shall be construed to prevent a State from adopting, or to override a State law, regulation, or policy that provides, greater or additional protections to prohibit any individual who is a school employee, contractor, or agent, or any State educational agency or local educational agency, from assisting a school employee who engaged in sexual misconduct regarding a minor or student in violation of the law in obtaining a new job.".

SEC. 8039. SENSE OF CONGRESS ON RESTORATION OF STATE SOVEREIGNTY OVER PUBLIC EDUCATION.

Subpart 2 of part F of title VIII, as amended and redesignated by section 8001 of this Act, is further amended by adding at the end the following:

"SEC. 8547. SENSE OF CONGRESS ON RESTORATION OF STATE SOVEREIGNTY OVER PUBLIC EDUCATION.

"It is the Sense of Congress that State and local officials should be consulted and made aware of the requirements that accompany participation in activities authorized under this Act prior to a State or local educational agency's request to participate in such activities.".

SEC. 8040. PRIVACY.

Subpart 2 of part F of title VIII, as amended and redesignated by section 8001 of this Act, is further amended by adding at the end the following:

"SEC. 8548. PRIVACY.

"The Secretary shall require an assurance that each grantee receiving funds under this Act understands the importance of privacy protections for students and is aware of the responsibilities of the grantee under section 444 of the General Education Provisions Act (20 U.S.C. 1232g) (commonly known as the 'Family Education Rights and Privacy Act of 1974').".

SEC. 8041. ANALYSIS AND PERIODIC REVIEW; SENSE OF CONGRESS; TECHNICAL ASSISTANCE.

Subpart 2 of part F of title VIII, as amended and redesignated by section 8001 of this Act, is further amended by adding at the end the following:

"SEC. 8549. ANALYSIS AND PERIODIC REVIEW OF DEPARTMENTAL GUIDANCE.

"The Secretary shall develop procedures for the approval and periodic review of significant guidance documents that include—

"(1) appropriate approval processes within the Department;

"(2) appropriate identification of the agency or office issuing the documents, the activities to which and the persons to whom the documents apply, and the date of issuance;

"(3) a publicly available list to identify those significant guidance documents that were issued, revised, or withdrawn within the past year; and

"(4) an opportunity for the public to request that an agency modify or rescind an existing significant guidance document.

"SEC. 8549A SENSE OF CONGRESS.

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

"(1) This Act prohibits the Federal Government from mandating, directing, or controlling a State, local educational agency, or school's curriculum, program of instruction, or allocation of State and local resources, and from mandating a State or any subdivision thereof to spend any funds or incur any costs not paid for under this Act.

"(2) This Act prohibits the Federal Government from funding the development, pilot testing, field testing, implementation, administration, or distribution of any federally sponsored national test in reading, mathematics, or any other subject, unless specifically and explicitly authorized by law.

"(b) SENSE OF CONGRESS.—It is the sense of the Congress that States and local educational agencies retain the rights and responsibilities of determining educational curriculum, programs of instruction, and assessments for elementary and secondary education.

"SEC. 8549B. SENSE OF CONGRESS ON EARLY LEARNING AND CHILD CARE.

"It is the Sense of the Congress that a State retains the right to make decisions, free from Federal intrusion, concerning its system of early learning and child care, and whether or not to use funding under this Act to offer early childhood education programs. Such systems should continue to include robust choice for parents through a mixed delivery system of services so parents can determine the right early learning and child care option for their children. States, while protecting the rights of early learning and child care providers, retain the right to make decisions that shall include the age at which to set compulsory attendance in school, the content of a State's early learning guidelines, and how to determine quality in programs.

"SEC. 8549C. TECHNICAL ASSISTANCE.

"If requested by a State or local educational agency, a regional educational laboratory under part D of the Education Sciences Reform Act of 2002 (20 U.S.C. 9561 et seq.) shall provide technical assistance to such State or local educational agency in meeting the requirements of section 8101(21).".

SEC. 8042. EVALUATIONS.

Section 8601, as redesignated by section 8001 of this Act, is amended to read as follows:

"SEC. 8601. EVALUATIONS.

"(a) RESERVATION OF FUNDS.—Except as provided in subsection (b) and (e), the Secretary, in consultation with the Director of the Institute of Education Sciences, may reserve not more than 0.5 percent of the amount appropriated for each program authorized under this Act to carry out activities under this section. If the Secretary elects to make a reservation under this subsection, the reserved amounts—

"(1) shall first be used by the Secretary, acting through the Director of the Institute of Education Sciences, to—

"(A) conduct comprehensive, high-quality evaluations of the programs that—

"(i) are consistent with the evaluation plan under subsection (d); and

"(ii) primarily include impact evaluations that use experimental or quasi-experimental designs, where practicable and appropriate, and other rigorous methodologies that permit the strongest possible causal inferences;

"(B) conduct studies of the effectiveness of the programs and the administrative impact of the programs on schools and local educational agencies; and

"(C) widely disseminate evaluation findings under this section related to programs authorized under this Act—

"(i) in a timely fashion;

"(ii) in forms that are understandable, easily accessible, usable, and adaptable for use in the improvement of educational practice;

"(iii) through electronic transfer and other means, such as posting, as available, to the websites of State educational agencies, local educational agencies, the Institute of Education Sciences, or the Department, or in another relevant place; and

"(iv) in a manner that promotes the utilization of such findings; and

"(2) may be used by the Secretary, acting through the Director of the Institute of Education Sciences—

"(A) to evaluate the aggregate short- and long-term effects and cost efficiencies across—

"(i) Federal programs assisted or authorized under this Act; and

"(ii) related Federal early childhood education programs, preschool programs, elementary school programs, and secondary school programs, under any other Federal law;

"(B) to increase the usefulness of the evaluations conducted under this section by improving the quality, timeliness, efficiency, and use of information relating to performance to promote continuous improvement of programs assisted or authorized under this Act; and

"(C) to assist recipients of grants under such programs in collecting and analyzing data and other activities related to conducting high-quality evaluations under paragraph (1).

"(b) TITLE I.—The Secretary, acting through the Director of the Institute of Education Sciences, shall use funds authorized under section 1002(e) to carry out evaluation activities under this section related to title I, and shall not reserve any other money from such title for evaluation.

"(c) CONSOLIDATION.—Notwithstanding any other provision of this section or section 1002(e), the Secretary, in consultation with the Director of the Institute of Education Sciences—

"(1) may consolidate the funds reserved under subsections (a) and (b) for purposes of carrying out the activities under subsection (a)(1); and

"(2) shall not be required to evaluate under subsection (a)(1) each program authorized under this Act each year.

"(d) EVALUATION PLAN.—The Director of the Institute of Education Sciences, shall, on a biennial basis, develop, submit to Congress, and make publicly available an evaluation plan, that—

"(1) describes the specific activities that will be carried out under subsection (a) for the 2-year period applicable to the plan, and the timelines of such activities;

"(2) contains the results of the activities carried out under subsection (a) for the most recent 2-year period; and

"(3) describes how programs authorized under this Act will be regularly evaluated.

"(e) EVALUATION ACTIVITIES AUTHORIZED ELSEWHERE.—If, under any other provision of this Act, funds are authorized to be reserved or used for evaluation activities with respect to a program, the Secretary may not reserve additional funds under this section for the evaluation of that program.".

TITLE IX—EDUCATION FOR THE HOMELESS AND OTHER LAWS

PART A—HOMELESS CHILDREN AND YOUTHS

SEC. 9101. STATEMENT OF POLICY.

Section 721 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431) is amended—

(1) in paragraph (2), by striking "In any State" and all that follows through "will review" and inserting "In any State where compulsory residency requirements or other requirements, in laws, regulations, practices, or policies, may act as a barrier to the identification of, or the enrollment, attendance, or success in school of, homeless children and youths, the State educational agency and local educational agencies in the State will review";

(2) in paragraph (3), by striking "alone"; and

(3) in paragraph (4), by striking "challenging State student academic achievement standards" and inserting "challenging State academic standards".

SEC. 9102. GRANTS FOR STATE AND LOCAL ACTIVITIES.

Section 722 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11432) is amended—

(1) by striking subsection (b) and inserting the following:

"(b) GRANTS FROM ALLOTMENTS.—The Secretary shall make the grants to States from the allotments made under subsection (c)(1).";

(2) in subsection (d)—

(A) in paragraph (2)—

(i) by striking "To provide" and all that follows through "that enable" and inserting "To provide services and activities to improve the identification of homeless children and youths (including preschool-aged homeless children) and enable"; and

(ii) by striking "or, if" and inserting "including, if";

(B) in paragraph (3), by striking "designate" and all that follows and inserting "designate in the State educational agency an Office of the Coordinator for Education of Homeless Children and Youths that can sufficiently carry out the duties described for the Office in this subtitle in accordance with subsection (f)."; and

(C) by striking paragraph (5) and inserting the following:

"(5) To develop and implement professional development programs for liaisons designated under subsection (g)(1)(J)(ii) and other local educational agency personnel—

"(A) to improve their identification of homeless children and youths; and

"(B) to heighten the awareness of the liaisons and personnel of, and their capacity to respond to, specific needs in the education of homeless children and youths.";

(3) in subsection (e)—

(A) in paragraph (1), by inserting "a State through grants under subsection (a) to" after "each year to";

(B) in paragraph (2), by striking "funds made available for State use under this subtitle" and inserting "the grant funds remaining after the State educational agency distributes subgrants under paragraph (1)"; and

(C) in paragraph (3)—

(i) in subparagraph (C)(iv)(II), by striking "sections 1111 and 1116" and inserting "section 1111";

(ii) in subparagraph (E)(ii)(II), by striking "subsection (g)(6)(A)(v)" and inserting "subsection (g)(6)(A)(vi)"; and

(iii) in subparagraph (F)—

(I) in clause (i)—

(aa) by striking "and" at the end of subclause (II);

(bb) by striking the period at the end of subclause (III) and inserting "; and"; and

(cc) by adding at the end the following:

"(IV) the progress the separate schools are making in helping all students meet the challenging State academic standards."; and

(II) in clause (iii), by striking "Not later than 2 years after the date of enactment of the McKinney-Vento Homeless Education Assistance Improvements Act of 2001, the" and inserting "The";

(4) by striking subsection (f) and inserting the following:

"(f) FUNCTIONS OF THE OFFICE OF THE COORDINATOR.—The Coordinator for Education of Homeless Children and Youths established in each State shall—

"(1) gather and make publicly available reliable, valid, and comprehensive information on—

"(A) the number of homeless children and youths identified in the State, which shall be posted annually on the State educational agency's website;

"(B) the nature and extent of the problems homeless children and youths have in gaining access to public preschool programs and to public elementary schools and secondary schools;

"(C) the difficulties in identifying the special needs and barriers to the participation and achievement of such children and youths;

"(D) any progress made by the State educational agency and local educational agencies in the State in addressing such problems and difficulties; and

"(E) the success of the programs under this subtitle in identifying homeless children and youths and allowing such children and youths to enroll in, attend, and succeed in, school;

"(2) develop and carry out the State plan described in subsection (g);

"(3) collect data for and transmit to the Secretary, at such time and in such manner as the Secretary may reasonably require, a report containing information necessary to assess the educational needs of homeless children and youths within the State, including data necessary for the Secretary to fulfill the responsibilities under section 724(h);

"(4) in order to improve the provision of comprehensive education and related services to homeless children and youths and their families, coordinate activities and collaborate with—

"(A) educators, including teachers, special education personnel, administrators, and child development and preschool program personnel;

"(B) providers of services to homeless children and youths and their families, including public and private child welfare and social services agencies, law enforcement agencies, juvenile and family courts, agencies providing mental health services, domestic violence agencies, child care providers, runaway and homeless youth centers, and providers of services and programs funded under the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.);

"(C) providers of emergency, transitional, and permanent housing to homeless children and youths, and their families, including public housing agencies, shelter operators, operators of transitional housing facilities, and providers of transitional living programs for homeless youths;

"(D) local educational agency liaisons designated under subsection (g)(1)(J)(ii) for homeless children and youths; and

"(E) community organizations and groups representing homeless children and youths and their families;

"(5) provide technical assistance to and conduct monitoring of local educational agencies in coordination with local educational agency liaisons designated under subsection (g)(1)(J)(ii), to ensure that local educational agencies comply

with the requirements of subsection (e)(3) and paragraphs (3) through (7) of subsection (g);

"(6) provide professional development opportunities for local educational agency personnel and the local educational agency liaison designated under subsection (g)(1)(J)(ii) to assist such personnel and liaison in identifying and meeting the needs of homeless children and youths, and provide training on the definitions of terms related to homelessness specified in sections 103, 401, and 725 to the liaison; and

"(7) respond to inquiries from parents and guardians of homeless children and youths, and (in the case of unaccompanied youths) such youths, to ensure that each child or youth who is the subject of such an inquiry receives the full protections and services provided by this subtitle.";

(5) by striking subsection (g) and inserting the following:

"(g) STATE PLAN.—

"(1) IN GENERAL.—For any State desiring to receive a grant under this subtitle, the State educational agency shall submit to the Secretary a plan to provide for the education of homeless children and youths within the State. Such plan shall include the following:

"(A) A description of how such children and youths are (or will be) given the opportunity to meet the same challenging State academic standards as all students are expected to meet.

"(B) A description of the procedures the State educational agency will use to identify such children and youths in the State and to assess their needs.

"(C) A description of procedures for the prompt resolution of disputes regarding the educational placement of homeless children and youths.

"(D) A description of programs for school personnel (including liaisons designated under subparagraph (J)(ii), principals and other school leaders, attendance officers, teachers, enrollment personnel, and specialized instructional support personnel) to heighten the awareness of such school personnel of the specific needs of homeless children and youths, including such children and youths who are runaway and homeless youths.

"(E) A description of procedures that ensure that homeless children and youths who meet the relevant eligibility criteria are able to participate in Federal, State, or local nutrition programs.

"(F) A description of procedures that ensure that—

"(i) homeless children have access to public preschool programs, administered by the State educational agency or local educational agency, as provided to other children in the State;

"(ii) youths described in section 725(2) and youths separated from public schools are identified and accorded equal access to appropriate secondary education and support services, including by identifying and removing barriers that prevent youths described in this clause from receiving appropriate credit for full or partial coursework satisfactorily completed while attend-

ing a prior school, in accordance with State, local, and school policies; and

"(iii) homeless children and youths who meet the relevant eligibility criteria do not face barriers to accessing academic and extracurricular activities, including magnet school, summer school, career and technical education, advanced placement, online learning, and charter school programs, if such programs are available at the State and local levels.

"(G) Strategies to address problems identified in the report provided to the Secretary under subsection (f)(3).

"(H) Strategies to address other problems with respect to the education of homeless children and youths, including problems resulting from enrollment delays that are caused by—

"(i) requirements of immunization and other required health records;

"(ii) residency requirements;

"(iii) lack of birth certificates, school records, or other documentation;

"(iv) guardianship issues; or

"(v) uniform or dress code requirements.

"(I) A demonstration that the State educational agency and local educational agencies in the State have developed, and shall review and revise, policies to remove barriers to the identification of homeless children and youths, and the enrollment and retention of homeless children and youths in schools in the State, including barriers to enrollment and retention due to outstanding fees or fines, or absences.

"(J) Assurances that the following will be carried out:

"(i) The State educational agency and local educational agencies in the State will adopt policies and practices to ensure that homeless children and youths are not stigmatized or segregated on the basis of their status as homeless.

"(ii) The local educational agencies will designate an appropriate staff person, able to carry out the duties described in paragraph (6)(A), who may also be a coordinator for other Federal programs, as a local educational agency liaison for homeless children and youths.

"(iii) The State and the local educational agencies in the State will adopt policies and practices to ensure that transportation is provided, at the request of the parent or guardian (or in the case of an unaccompanied youth, the liaison), to and from the school of origin (as determined under paragraph (3)), in accordance with the following, as applicable:

"(I) If the child or youth continues to live in the area served by the local educational agency in which the school of origin is located, the child's or youth's transportation to and from the school of origin shall be provided or arranged by the local educational agency in which the school of origin is located.

"(II) If the child's or youth's living arrangements in the area served by the local educational agency of origin terminate and the child or youth, though continuing the child's or youth's education in the school of origin, begins living in an area served by another local educational agency, the local educational agency of origin and the local educational agency in which the child or youth is living shall agree upon a method to apportion the responsibility and costs for providing the child or youth with transportation to and from the school of origin. If the local educational agencies are unable to agree upon such method, the responsibility and costs for transportation shall be shared equally.

"(iv) The State and the local educational agencies in the State will adopt policies and practices to ensure participation by liaisons described in clause (ii) in professional development and other technical assistance activities provided pursuant to paragraphs (5) and (6) of subsection (f), as determined appropriate by the Office of the Coordinator.

"(K) A description of how youths described in section 725(2) will receive assistance from counselors to advise such youths, and prepare and improve the readiness of such youths for college.

"(2) COMPLIANCE.—

"(A) IN GENERAL.—Each plan adopted under this subsection shall also describe how the State will ensure that local educational agencies in the State will comply with the requirements of paragraphs (3) through (7).

"(B) COORDINATION.—Such plan shall indicate what technical assistance the State will furnish to local educational agencies and how compliance efforts will be coordinated with the local educational agency liaisons designated under paragraph (1)(J)(ii).

"(3) LOCAL EDUCATIONAL AGENCY REQUIREMENTS.—

"(A) IN GENERAL.—The local educational agency serving each child or youth to be assisted under this subtitle shall, according to the child's or youth's best interest—

"(i) continue the child's or youth's education in the school of origin for the duration of homelessness—

"(I) in any case in which a family becomes homeless between academic years or during an academic year; and

"(II) for the remainder of the academic year, if the child or youth becomes permanently housed during an academic year; or

"(ii) enroll the child or youth in any public school that nonhomeless students who live in the attendance area in which the child or youth is actually living are eligible to attend.

"(B) SCHOOL STABILITY.—In determining the best interest of the child or youth under subparagraph (A), the local educational agency shall—

"(i) presume that keeping the child or youth in the school of origin is in the child's or youth's best interest, except when doing so is contrary to the request of the child's or youth's parent or guardian, or (in the case of an unaccompanied youth) the youth;

"(ii) consider student-centered factors related to the child's or youth's best interest, including factors related to the impact of mobility on achievement, education, health, and safety of homeless children and youth, giving priority to the request of the child's or youth's parent or guardian or (in the case of an unaccompanied youth) the youth;

"(iii) if, after conducting the best interest determination based on consideration of the presumption in clause (i) and the student-centered factors in clause (ii), the local educational agency determines that it is not in the child's or youth's best interest to attend the school of origin or the school requested by the parent or guardian, or (in the case of an unaccompanied youth) the youth, provide the child's or youth's parent or guardian or the unaccompanied youth with a written explanation of the reasons for its determination, in a manner and form understandable to such parent, guardian, or unaccompanied youth, including information regarding the right to appeal under subparagraph (E); and

"(iv) in the case of an unaccompanied youth, ensure that the local educational agency liaison designated under paragraph (1)(J)(ii) assists in placement or enrollment decisions under this subparagraph, gives priority to the views of such unaccompanied youth, and provides notice to such youth of the right to appeal under subparagraph (E).

"(C) IMMEDIATE ENROLLMENT.—

"(i) IN GENERAL.—The school selected in accordance with this paragraph shall immediately enroll the homeless child or youth, even if the child or youth—

"(I) is unable to produce records normally required for enrollment, such as previous academic records, records of immunization and other required health records, proof of residency, or other documentation; or

"(II) has missed application or enrollment deadlines during any period of homelessness.

"(ii) RELEVANT ACADEMIC RECORDS.—The enrolling school shall immediately contact the school last attended by the child or youth to obtain relevant academic and other records.

"(iii) RELEVANT HEALTH RECORDS.—If the child or youth needs to obtain immunizations or other required health records, the enrolling school shall immediately refer the parent or guardian of the child or youth, or (in the case of an unaccompanied youth) the youth, to the local educational agency liaison designated under paragraph (1)(J)(ii), who shall assist in obtaining nec-

essary immunizations or screenings, or immunization or other required health records, in accordance with subparagraph (D).

"(D) RECORDS.—Any record ordinarily kept by the school, including immunization or other required health records, academic records, birth certificates, guardianship records, and evaluations for special services or programs, regarding each homeless child or youth shall be maintained—

"(i) so that the records involved are available, in a timely fashion, when a child or youth enters a new school or school district; and

"(ii) in a manner consistent with section 444 of the General Education Provisions Act (20 U.S.C. 1232g).

"(E) ENROLLMENT DISPUTES.—If a dispute arises over eligibility, or school selection or enrollment in a school—

"(i) the child or youth shall be immediately enrolled in the school in which enrollment is sought, pending final resolution of the dispute, including all available appeals;

"(ii) the parent or guardian of the child or youth or (in the case of an unaccompanied youth) the youth shall be provided with a written explanation of any decisions related to school selection or enrollment made by the school, the local educational agency, or the State educational agency involved, including the rights of the parent, guardian, or unaccompanied youth to appeal such decisions;

"(iii) the parent, guardian, or unaccompanied youth shall be referred to the local educational agency liaison designated under paragraph (1)(J)(ii), who shall carry out the dispute resolution process as described in paragraph (1)(C) as expeditiously as possible after receiving notice of the dispute; and

"(iv) in the case of an unaccompanied youth, the liaison shall ensure that the youth is immediately enrolled in the school in which the youth seeks enrollment pending resolution of such dispute.

"(F) PLACEMENT CHOICE.—The choice regarding placement shall be made regardless of whether the child or youth lives with the homeless parents or has been temporarily placed elsewhere.

"(G) PRIVACY.—Information about a homeless child's or youth's living situation shall be treated as a student education record, and shall not be deemed to be directory information, under section 444 of the General Education Provisions Act (20 U.S.C. 1232g).

"(H) CONTACT INFORMATION.—Nothing in this subtitle shall prohibit a local educational agency from requiring a parent or guardian of a homeless child or youth to submit contact information.

"(I) SCHOOL OF ORIGIN DEFINED.—In this paragraph:

"(i) IN GENERAL.—The term 'school of origin' means the school that a child or youth attended when

permanently housed or the school in which the child or youth was last enrolled, including a preschool.

"(ii) RECEIVING SCHOOL.—When the child or youth completes the final grade level served by the school of origin, as described in clause (i), the term "school of origin" shall include the designated receiving school at the next grade level for all feeder schools.

"(4) COMPARABLE SERVICES.—Each homeless child or youth to be assisted under this subtitle shall be provided services comparable to services offered to other students in the school selected under paragraph (3), including the following:

"(A) Transportation services.

"(B) Educational services for which the child or youth meets the eligibility criteria, such as services provided under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) or similar State or local programs, educational programs for children with disabilities, and educational programs for English learners.

"(C) Programs in career and technical education.

"(D) Programs for gifted and talented students.

"(E) School nutrition programs.

"(5) COORDINATION.—

"(A) IN GENERAL.—Each local educational agency serving homeless children and youths that receives assistance under this subtitle shall coordinate—

"(i) the provision of services under this subtitle with local social services agencies and other agencies or entities providing services to homeless children and youths and their families, including services and programs funded under the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.); and

"(ii) transportation, transfer of school records, and other interdistrict activities, with other local educational agencies.

"(B) HOUSING ASSISTANCE.—If applicable, each State educational agency and local educational agency that receives assistance under this subtitle shall coordinate with State and local housing agencies responsible for developing the comprehensive housing affordability strategy described in section 105 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12705) to minimize educational disruption for children and youths who become homeless.

"(C) COORDINATION PURPOSE.—The coordination required under subparagraphs (A) and (B) shall be designed to—

"(i) ensure that all homeless children and youths are promptly identified;

"(ii) ensure that all homeless children and youths have access to, and are in reasonable proximity to, available education and related support services; and

"(iii) raise the awareness of school personnel and service providers of the effects of short-term stays in a

shelter and other challenges associated with homelessness.

"(D) HOMELESS CHILDREN AND YOUTHS WITH DISABILITIES.—For children and youths who are to be assisted both under this subtitle, and under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) or section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), each local educational agency shall coordinate the provision of services under this subtitle with the provision of programs for children with disabilities served by that local educational agency and other involved local educational agencies.

"(6) LOCAL EDUCATIONAL AGENCY LIAISON.—

"(A) DUTIES.—Each local educational agency liaison for homeless children and youths, designated under paragraph (1)(J)(ii), shall ensure that—

"(i) homeless children and youths are identified by school personnel through outreach and coordination activities with other entities and agencies;

"(ii) homeless children and youths are enrolled in, and have a full and equal opportunity to succeed in, schools of that local educational agency;

"(iii) homeless families and homeless children and youths have access to and receive educational services for which such families, children, and youths are eligible, including services through Head Start programs (including Early Head Start programs) under the Head Start Act (42 U.S.C. 9831 et seq.), early intervention services under part C of the Individuals with Disabilities Education Act (20 U.S.C. 1431 et seq.), and other preschool programs administered by the local educational agency;

"(iv) homeless families and homeless children and youths receive referrals to health care services, dental services, mental health and substance abuse services, housing services, and other appropriate services;

"(v) the parents or guardians of homeless children and youths are informed of the educational and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children;

"(vi) public notice of the educational rights of homeless children and youths is disseminated in locations frequented by parents or guardians of such children and youths, and unaccompanied youths, including schools, shelters, public libraries, and soup kitchens, in a manner and form understandable to the parents and guardians of homeless children and youths, and unaccompanied youths;

"(vii) enrollment disputes are mediated in accordance with paragraph (3)(E);

"(viii) the parent or guardian of a homeless child or youth, and any unaccompanied youth, is fully informed of all transportation services, including transportation to the school of origin, as described in para-

graph (1)(J)(iii), and is assisted in accessing transportation to the school that is selected under paragraph (3)(A);

"(ix) school personnel providing services under this subtitle receive professional development and other support; and

"(x) unaccompanied youths—

"(I) are enrolled in school;

"(II) have opportunities to meet the same challenging State academic standards as the State establishes for other children and youth, including through implementation of the procedures under paragraph (1)(F)(ii); and

"(III) are informed of their status as independent students under section 480 of the Higher Education Act of 1965 (20 U.S.C. 1087vv) and that the youths may obtain assistance from the local educational agency liaison to receive verification of such status for purposes of the Free Application for Federal Student Aid described in section 483 of such Act (20 U.S.C. 1090).

"(B) NOTICE.—State Coordinators established under subsection (d)(3) and local educational agencies shall inform school personnel, service providers, advocates working with homeless families, parents and guardians of homeless children and youths, and homeless children and youths of the duties of the local educational agency liaisons, and publish an annually updated list of the liaisons on the State educational agency's website.

"(C) LOCAL AND STATE COORDINATION.—Local educational agency liaisons for homeless children and youths shall, as a part of their duties, coordinate and collaborate with State Coordinators and community and school personnel responsible for the provision of education and related services to homeless children and youths. Such coordination shall include collecting and providing to the State Coordinator the reliable, valid, and comprehensive data needed to meet the requirements of paragraphs (1) and (3) of subsection (f).

"(D) HOMELESS STATUS.—A local educational agency liaison designated under paragraph (1)(J)(ii) who receives training described in subsection (f)(6) may affirm, without further agency action by the Department of Housing and Urban Development, that a child or youth who is eligible for and participating in a program provided by the local educational agency, or the immediate family of such a child or youth, who meets the eligibility requirements of this Act for a program or service authorized under title IV, is eligible for such program or service.

"(7) REVIEW AND REVISIONS.—

"(A) IN GENERAL.—Each State educational agency and local educational agency that receives assistance under this subtitle shall review and revise any policies that may act as barriers to the identification of homeless children and

youths or the enrollment of homeless children and youths in schools that are selected under paragraph (3).

"(B) CONSIDERATION.—In reviewing and revising such policies, consideration shall be given to issues concerning transportation, immunization, residency, birth certificates, school records and other documentation, and guardianship.

"(C) SPECIAL ATTENTION.—Special attention shall be given to ensuring the identification, enrollment, and attendance of homeless children and youths who are not currently attending school."; and

(6) by striking subsection (h).

SEC. 9103. LOCAL EDUCATIONAL AGENCY SUBGRANTS.

Section 723 of such Act (42 U.S.C. 11433) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking "facilitating the enrollment," and inserting "facilitating the identification, enrollment,";

(B) in paragraph (2)(B), in the matter preceding clause (i), by inserting "the related" before "schools"; and

(C) by adding at the end the following:

"(4) DURATION OF GRANTS.—Subgrants made under this section shall be for terms of not to exceed 3 years.";

(2) in subsection (b), by adding at the end the following:

"(6) An assurance that the local educational agency will collect and promptly provide data requested by the State Coordinator pursuant to paragraphs (1) and (3) of section 722(f).

"(7) An assurance that the local educational agency will meet the requirements of section 722(g)(3).";

(3) in subsection (c)—

(A) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking "preschool, elementary, and secondary schools" and inserting "early childhood education and other preschool programs, elementary schools, and secondary schools,";

(ii) in subparagraph (A), by inserting "identification," before "enrollment,";

(iii) in subparagraph (B), by striking "application—" and all that follows and inserting "application reflects coordination with other local and State agencies that serve homeless children and youths."; and

(iv) in subparagraph (C), by inserting "(as of the date of submission of the application)" after "practice";

(B) in paragraph (3)—

(i) in subparagraph (C), by inserting "extent to which the applicant will promote meaningful" after "The";

(ii) in subparagraph (D), by striking "within" and inserting "into";

(iii) by redesignating subparagraph (G) as subparagraph (I);

(iv) by inserting after subparagraph (F) the following:

"(G) The extent to which the local educational agency will use the subgrant to leverage resources, including by

maximizing nonsubgrant funding for the position of the liaison described in section 722(g)(1)(J)(ii) and the provision of transportation.

"(H) How the local educational agency will use funds to serve homeless children and youths under section 1113(c)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6313(c)(3))."; and

(v) in subparagraph (I), as redesignated by clause (iii), by striking "Such" and inserting "The extent to which the applicant's program meets such"; and

(C) by striking paragraph (4); and

(4) in subsection (d)—

(A) in paragraph (1), by striking "the same challenging State academic content standards and challenging State student academic achievement standards" and inserting "the same challenging State academic standards as";

(B) in paragraph (2)—

(i) by striking "students with limited English proficiency" and inserting "English learners"; and

(ii) by striking "vocational" and inserting "career";

(C) in paragraph (3), by striking "pupil services" and inserting "specialized instructional support";

(D) in paragraph (7), by striking "and unaccompanied youths," and inserting "particularly homeless children and youths who are not enrolled in school,";

(E) in paragraph (9) by striking "medical" and inserting "other required health";

(F) in paragraph (10)—

(i) by striking "parents" and inserting "parents and guardians"; and

(ii) by inserting before the period at the end ", and other activities designed to increase the meaningful involvement of parents and guardians of homeless children or youths in the education of such children or youths";

(G) in paragraph (12), by striking "pupil services" and inserting "specialized instructional support services";

(H) in paragraph (13), by inserting before the period at the end "and parental mental health or substance abuse problems"; and

(I) in paragraph (16), by inserting before the period at the end "and participate fully in school activities".

SEC. 9104. SECRETARIAL RESPONSIBILITIES.

Section 724 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434) is amended—

(1) by striking subsection (c) and inserting the following:

"(c) NOTICE.—

"(1) IN GENERAL.—The Secretary shall, before the next school year that begins after the date of enactment of the Every Student Succeeds Act, update and disseminate nationwide the public notice described in this subsection (as in effect prior to such date) of the educational rights of homeless children and youths.

"(2) DISSEMINATION.—The Secretary shall disseminate the notice nationwide to all Federal agencies, and grant recipients, serving homeless families or homeless children and youths.";

(2) by striking subsection (d) and inserting the following:

"(d) EVALUATION, DISSEMINATION, AND TECHNICAL ASSISTANCE.—The Secretary shall conduct evaluation, dissemination, and technical assistance activities for programs designed to meet the educational needs of homeless elementary and secondary school students, and may use funds appropriated under section 726 to conduct such activities.";

(3) in subsection (e)—

(A) by striking "60-day" and inserting "120-day"; and

(B) by striking "120-day" and inserting "180-day";

(4) in subsection (f), by adding at the end the following: "The Secretary shall provide support and technical assistance to State educational agencies, concerning areas in which documented barriers to a free appropriate public education persist.";

(5) by striking subsection (g) and inserting the following:

"(g) GUIDELINES.—The Secretary shall develop, issue, and publish in the Federal Register, not later than 60 days after the date of enactment of the Every Student Succeeds Act, guidelines concerning ways in which a State—

"(1) may assist local educational agencies to implement the provisions related to homeless children and youths amended by that Act; and

"(2) may review and revise State policies and procedures that may present barriers to the identification of homeless children and youths, and the enrollment, attendance, and success of homeless children and youths in school.";

(6) in subsection (h)(1)(A)—

(A) by striking "location" and inserting "primary nighttime residence"; and

(B) by inserting "in all areas served by local educational agencies" before the semicolon at the end; and

(7) in subsection (i), by striking "McKinney-Vento Homeless Education Assistance Improvements Act of 2001" and inserting "Every Student Succeeds Act".

SEC. 9105. DEFINITIONS.

(a) AMENDMENTS.—Section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a) is amended—

(1) in paragraph (2)(B)(i)—

(A) by inserting "or" before "are abandoned"; and

(B) by striking "or are awaiting foster care placement;";

(2) in paragraph (3), by striking "9101" and inserting "8101"; and

(3) in paragraph (6), by striking "youth not" and inserting "homeless child or youth not".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—In the case of a State that is not a covered State, the amendment made by subsection (a)(1) shall take effect on the date that is 1 year after the date of enactment of this Act.

(2) COVERED STATE.—In the case of a covered State, the amendment made by subsection (a)(1) shall take effect on the date that is 2 years after the date of enactment of this Act.

(c) COVERED STATE.—For purposes of this section the term "covered State" means a State that has a statutory law that defines or describes the phrase "awaiting foster care placement", for purposes of a program under subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.).

SEC. 9106. AUTHORIZATION OF APPROPRIATIONS.

Section 726 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11435) is amended to read as follows:

"SEC. 726. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this subtitle $85,000,000 for each of fiscal years 2017 through 2020.".

SEC. 9107. EFFECTIVE DATE.

Except as provided in section 9105(b) or as otherwise provided in this Act, this title and the amendments made by this title take effect on October 1, 2016.

PART B—MISCELLANEOUS; OTHER LAWS

SEC. 9201. FINDINGS AND SENSE OF CONGRESS ON SEXUAL MISCONDUCT.

(a) FINDINGS.—Congress finds the following:

(1) There are significant anecdotal reports that some schools and local educational agencies have failed to properly report allegations of sexual misconduct by employees, contractors, or agents.

(2) Instead of reporting alleged sexual misconduct to the appropriate authorities, such as the police or child welfare services, reports suggest that some schools or local educational agencies have kept information on allegations of sexual misconduct private or have entered into confidentiality agreements with the suspected employee, contractor, or agent who agrees to terminate employment with or discontinue work for the school or local educational agency.

(3) The practice of withholding information on allegations of sexual misconduct can facilitate the exposure of other students in other jurisdictions to sexual misconduct.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) confidentiality agreements between local educational agencies or schools and child predators should be prohibited;

(2) local educational agencies or schools should not facilitate the transfer of child predators to other local educational agencies or schools; and

(3) States should require local educational agencies and schools to report any and all information regarding allegations of sexual misconduct to law enforcement and other appropriate authorities.

SEC. 9202. SENSE OF CONGRESS ON FIRST AMENDMENT RIGHTS.

It is the sense of Congress that a student, teacher, school administrator, or other school employee of an elementary school or secondary school retains the individual's rights under the First Amendment to the Constitution of the United States during the school day or while on the grounds of an elementary school or secondary school.

SEC. 9203. PREVENTING IMPROPER USE OF TAXPAYER FUNDS.

To address the misuse of taxpayer funds, the Secretary of Education shall—

(1) require that each recipient of a grant or subgrant under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) display, in a public place, the hotline contact information of the Office of Inspector General of the Department of Education so that any individual who observes, detects, or suspects improper use of taxpayer funds can easily report such improper use;

(2) annually notify employees of the Department of Education of their responsibility to report fraud; and

(3) require any applicant—

(A) for a grant under such Act to provide an assurance to the Secretary that any information submitted when applying for such grant and responding to monitoring and compliance reviews is truthful and accurate; and

(B) for a subgrant under such Act to provide the assurance described in subparagraph (A) to the entity awarding the subgrant.

SEC. 9204. ACCOUNTABILITY TO TAXPAYERS THROUGH MONITORING AND OVERSIGHT.

To improve monitoring and oversight of taxpayer funds authorized for appropriation under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), and to deter and prohibit waste, fraud, and abuse with respect to such funds, the Secretary of Education shall—

(1) notify each recipient of a grant under such Act (and, if applicable, require the grantee to inform each subgrantee) of its responsibility to—

(A) comply with all monitoring requirements under the applicable program or programs; and

(B) monitor properly any subgrantee under the applicable program or programs;

(2) review and analyze the results of monitoring and compliance reviews—

(A) to understand trends and identify common issues; and

(B) to issue guidance to help grantees address such issues before the loss or misuse of taxpayer funding occurs;

(3) publicly report the work undertaken by the Secretary to prevent fraud, waste, and abuse with respect to such taxpayer funds; and

(4) work with the Office of Inspector General of the Department of Education, as needed, to help ensure that employees of the Department understand how to adequately monitor grantees and to help grantees adequately monitor any subgrantees.

SEC. 9205. REPORT ON DEPARTMENT ACTIONS TO ADDRESS OFFICE OF INSPECTOR GENERAL REPORTS.

(a) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Secretary of Education shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on Education and the Workforce of the House of Representatives, and the public through the website of the Department of Education, a report containing an update on the De-

partment's implementation of recommendations contained in reports from the Office of Inspector General of the Department of Education.

(b) CONTENTS.—The report under subsection (a) shall include—

(1) a general review of the work of the Department of Education to implement or address findings contained in reports from the Office of Inspector General of the Department of Education to improve monitoring and oversight of Federal programs, including—

(A) the March 9, 2010, final management information report of the Office of Inspector General of the Department of Education addressing oversight by local educational agencies and authorized public chartering agencies; and

(B) the September 2012 report of the Office of Inspector General of the Department of Education entitled "The Office of Innovation and Improvement's Oversight and Monitoring of the Charter Schools Program's Planning and Implementation Grants Final Audit Report"; and

(2) a description of the actions the Department of Education has taken to address the concerns described in reports of the Office of Inspector General of the Department of Education, including the reports described in paragraph (1).

SEC. 9206. POSTHUMOUS PARDON.

(a) FINDINGS.—Congress finds the following:

(1) John Arthur "Jack" Johnson was a flamboyant, defiant, and controversial figure in the history of the United States who challenged racial biases.

(2) Jack Johnson was born in Galveston, Texas, in 1878 to parents who were former slaves.

(3) Jack Johnson became a professional boxer and traveled throughout the United States, fighting White and African-American heavyweights.

(4) After being denied (on purely racial grounds) the opportunity to fight 2 White champions, in 1908, Jack Johnson was granted an opportunity by an Australian promoter to fight the reigning White title-holder, Tommy Burns.

(5) Jack Johnson defeated Tommy Burns to become the first African-American to hold the title of Heavyweight Champion of the World.

(6) The victory by Jack Johnson over Tommy Burns prompted a search for a White boxer who could beat Jack Johnson, a recruitment effort that was dubbed the search for the "great white hope".

(7) In 1910, a White former champion named Jim Jeffries left retirement to fight Jack Johnson in Reno, Nevada.

(8) Jim Jeffries lost to Jack Johnson in what was deemed the "Battle of the Century".

(9) The defeat of Jim Jeffries by Jack Johnson led to rioting, aggression against African-Americans, and the racially-motivated murder of African-Americans throughout the United States.

(10) The relationships of Jack Johnson with White women compounded the resentment felt toward him by many Whites.

(11) Between 1901 and 1910, 754 African-Americans were lynched, some simply for being "too familiar" with White women.

(12) In 1910, Congress passed the Act of June 25, 1910 (commonly known as the "White Slave Traffic Act" or the "Mann Act") (18 U.S.C. 2421 et seq.), which outlawed the transportation of women in interstate or foreign commerce "for the purpose of prostitution or debauchery, or for any other immoral purpose".

(13) In October 1912, Jack Johnson became involved with a White woman whose mother disapproved of their relationship and sought action from the Department of Justice, claiming that Jack Johnson had abducted her daughter.

(14) Jack Johnson was arrested by Federal marshals on October 18, 1912, for transporting the woman across State lines for an "immoral purpose" in violation of the Mann Act.

(15) The Mann Act charges against Jack Johnson were dropped when the woman refused to cooperate with Federal authorities, and then married Jack Johnson.

(16) Federal authorities persisted and summoned a White woman named Belle Schreiber, who testified that Jack Johnson had transported her across State lines for the purpose of "prostitution and debauchery".

(17) In 1913, Jack Johnson was convicted of violating the Mann Act and sentenced to 1 year and 1 day in Federal prison.

(18) Jack Johnson fled the United States to Canada and various European and South American countries.

(19) Jack Johnson lost the Heavyweight Championship title to Jess Willard in Cuba in 1915.

(20) Jack Johnson returned to the United States in July 1920, surrendered to authorities, and served nearly a year in the Federal penitentiary in Leavenworth, Kansas.

(21) Jack Johnson subsequently fought in boxing matches, but never regained the Heavyweight Championship title.

(22) Jack Johnson served the United States during World War II by encouraging citizens to buy war bonds and participating in exhibition boxing matches to promote the war bond cause.

(23) Jack Johnson died in an automobile accident in 1946.

(24) In 1954, Jack Johnson was inducted into the Boxing Hall of Fame.

(25) Senate Concurrent Resolution 29, 111th Congress, agreed to July 29, 2009, expressed the sense of the 111th Congress that Jack Johnson should receive a posthumous pardon for his racially-motivated 1913 conviction.

(b) RECOMMENDATIONS.—It remains the sense of Congress that Jack Johnson should receive a posthumous pardon—

(1) to expunge a racially-motivated abuse of the prosecutorial authority of the Federal Government from the annals of criminal justice in the United States; and

(2) in recognition of the athletic and cultural contributions of Jack Johnson to society.

SEC. 9207. EDUCATION FLEXIBILITY PARTNERSHIP ACT OF 1999 REAUTHORIZATION.

(a) DEFINITIONS.—Section 3(1) of the Education Flexibility Partnership Act of 1999 (20 U.S.C. 5891a(1)) is amended—

(1) in the paragraph heading, by striking "LOCAL" and inserting "EDUCATIONAL SERVICE AGENCY; LOCAL";

(2) by striking "The terms" and inserting "The terms 'educational service agency',"; and

(3) by striking "section 9101" and inserting "section 8101".

(b) GENERAL PROVISIONS.—Section 4 of the Education Flexibility Partnership Act of 1999 (20 U.S.C. 5891b) is amended to read as follows:

"SEC. 4. EDUCATIONAL FLEXIBILITY PROGRAM.

"(a) EDUCATIONAL FLEXIBILITY PROGRAM.—

"(1) PROGRAM AUTHORIZED.—

"(A) IN GENERAL.—The Secretary may carry out an educational flexibility program under which the Secretary authorizes a State educational agency that serves an eligible State to waive statutory or regulatory requirements applicable to one or more programs described in subsection (b), other than requirements described in subsection (c), for any local educational agency, educational service agency, or school within the State.

"(B) DESIGNATION.—Each eligible State participating in the program described in subparagraph (A) shall be known as an 'Ed-Flex Partnership State'.

"(2) ELIGIBLE STATE.—For the purpose of this section, the term 'eligible State' means a State that—

"(A) has—

"(i) developed and implemented the challenging State academic standards, and aligned assessments, described in paragraphs (1) and (2) of section 1111(b) of the Elementary and Secondary Education Act of 1965, and is producing the report cards required by section 1111(h) of such Act; or

"(ii) if the State has adopted new challenging State academic standards under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965, as a result of the amendments made to such Act by the Every Student Succeeds Act, made substantial progress (as determined by the Secretary) toward developing and implementing such standards and toward producing the report cards required under section 1111(h) of such Act;

"(B) will hold local educational agencies, educational service agencies, and schools accountable for meeting the educational goals described in the local applications submitted under paragraph (4) and for engaging in technical assistance and, as applicable and appropriate, implementing comprehensive support and improvement activities and targeted support and improvement activities under section 1111(d) of the Elementary and Secondary Education Act of 1965; and

"(C) waives State statutory or regulatory requirements relating to education while holding local educational agencies, educational service agencies, or schools within the State that are affected by such waivers accountable for the performance of the students who are affected by such waivers.

"(3) STATE APPLICATION.—

"(A) IN GENERAL.—Each State educational agency desiring to participate in the educational flexibility program under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. Each such application shall demonstrate that the eligible State has adopted an educational flexibility plan for the State that includes—

"(i) a description of the process the State educational agency will use to evaluate applications from local educational agencies, educational service agencies, or schools requesting waivers of—

"(I) Federal statutory or regulatory requirements as described in paragraph (1)(A); and

"(II) State statutory or regulatory requirements relating to education;

"(ii) a detailed description of the State statutory and regulatory requirements relating to education that the State educational agency will waive;

"(iii) a description of clear educational objectives the State intends to meet under the educational flexibility plan, which may include innovative methods to leverage resources to improve program efficiencies that benefit students;

"(iv) a description of how the educational flexibility plan is coordinated with activities described in subsections (b), (c), and (d) of section 1111 of the Elementary and Secondary Education Act of 1965;

"(v) a description of how the State educational agency will evaluate (consistent with the requirements of title I of the Elementary and Secondary Education Act of 1965) the performance of students in the schools, educational service agencies, and local educational agencies affected by the waivers; and

"(vi) a description of how the State educational agency will meet the requirements of paragraph (7).

"(B) APPROVAL AND CONSIDERATIONS.—

"(i) IN GENERAL.—By not later than 90 days after the date on which a State has submitted an application described in subparagraph (A), the Secretary shall issue a written decision that explains why such application has been approved or disapproved, and the process for revising and resubmitting the application for reconsideration.

"(ii) APPROVAL.—The Secretary may approve an application described in subparagraph (A) only if the Secretary determines that such application demonstrates substantial promise of assisting the State educational agency and affected local educational agencies, educational service agencies, and schools within the State in carrying out comprehensive educational reform, after considering—

"(I) the eligibility of the State as described in paragraph (2);

"(II) the comprehensiveness and quality of the educational flexibility plan described in subparagraph (A);

"(III) the ability of the educational flexibility plan to ensure accountability for the activities and goals described in such plan;

"(IV) the degree to which the State's objectives described in subparagraph (A)(iii)—

"(aa) are clear and have the ability to be assessed; and

"(bb) take into account the performance of local educational agencies, educational service agencies, or schools, and students, particularly those affected by waivers;

"(V) the significance of the State statutory or regulatory requirements relating to education that will be waived; and

"(VI) the quality of the State educational agency's process for approving applications for waivers of Federal statutory or regulatory requirements as described in paragraph (1)(A) and for monitoring and evaluating the results of such waivers.

"(4) LOCAL APPLICATION.—

"(A) IN GENERAL.—Each local educational agency, educational service agency, or school requesting a waiver of a Federal statutory or regulatory requirement as described in paragraph (1)(A) and any relevant State statutory or regulatory requirement from a State educational agency shall submit an application to the State educational agency at such time, in such manner, and containing such information as the State educational agency may reasonably require. Each such application shall—

"(i) indicate each Federal program affected and each statutory or regulatory requirement that will be waived;

"(ii) describe the purposes and overall expected results of waiving each such requirement, which may include innovative methods to leverage resources to improve program efficiencies that benefit students;

"(iii) describe, for each school year, specific, measurable, educational goals for each local educational agency, educational service agency, or school affected by the proposed waiver, and for the students served by the local educational agency, educational service agency, or school who are affected by the waiver;

"(iv) explain why the waiver will assist the local educational agency, educational service agency, or school in reaching such goals; and

"(v) in the case of an application from a local educational agency or educational service agency, describe how the agency will meet the requirements of paragraph (7).

"(B) EVALUATION OF APPLICATIONS.—A State educational agency shall evaluate an application submitted

under subparagraph (A) in accordance with the State's educational flexibility plan described in paragraph (3)(A).

"(C) APPROVAL.—A State educational agency shall not approve an application for a waiver under this paragraph unless—

"(i) the local educational agency, educational service agency, or school requesting such waiver has developed a local reform plan that—

"(I) is applicable to such agency or school, respectively; and

"(II) may include innovative methods to leverage resources to improve program efficiencies that benefit students;

"(ii) the waiver of Federal statutory or regulatory requirements as described in paragraph (1)(A) will assist the local educational agency, educational service agency, or school in reaching its educational goals, particularly goals with respect to school and student performance; and

"(iii) the State educational agency is satisfied that the underlying purposes of the statutory requirements of each program for which a waiver is granted will continue to be met.

"(D) TERMINATION.—The State educational agency shall annually review the performance of any local educational agency, educational service agency, or school granted a waiver of Federal statutory or regulatory requirements as described in paragraph (1)(A) in accordance with the evaluation requirement described in paragraph (3)(A)(v), and shall terminate or temporarily suspend any waiver granted to the local educational agency, educational service agency, or school if the State educational agency determines, after notice and an opportunity for a hearing, that—

"(i) there is compelling evidence of systematic waste, fraud, or abuse;

"(ii) the performance of the local educational agency, educational service agency, or school with respect to meeting the accountability requirement described in paragraph (2)(C) and the goals described in subparagraph (A)(iii) has been inadequate to justify continuation of such waiver;

"(iii) student achievement in the local educational agency, educational service agency, or school has decreased; or

"(iv) substantial progress has not been made toward meeting the long-term goals and measurements of interim progress established by the State under section 1111(c)(4)(A)(i) of the Elementary and Secondary Education Act of 1965.

"(5) OVERSIGHT AND REPORTING.—

"(A) OVERSIGHT.—Each State educational agency participating in the educational flexibility program under this section shall annually monitor the activities of local edu-

cational agencies, educational service agencies, and schools receiving waivers under this section.

"(B) STATE REPORTS.—

"(i) ANNUAL REPORTS.—The State educational agency shall submit to the Secretary an annual report on the results of such oversight and the impact of the waivers on school and student performance.

"(ii) PERFORMANCE DATA.—Not later than 2 years after the date a State is designated an Ed-Flex Partnership State, each such State shall include, as part of the State's annual report submitted under clause (i), data demonstrating the degree to which progress has been made toward meeting the State's educational objectives. The data, when applicable, shall include—

"(I) information on the total number of waivers granted for Federal and State statutory and regulatory requirements under this section, including the number of waivers granted for each type of waiver;

"(II) information describing the effect of the waivers on the implementation of State and local educational reforms pertaining to school and student performance;

"(III) information describing the relationship of the waivers to the performance of schools and students affected by the waivers; and

"(IV) an assurance from State program managers that the data reported under this section are reliable, complete, and accurate, as defined by the State, or a description of a plan for improving the reliability, completeness, and accuracy of such data as defined by the State.

"(C) SECRETARY'S REPORTS.—The Secretary shall annually—

"(i) make each State report submitted under subparagraph (B) available to Congress and the public; and

"(ii) submit to Congress a report that summarizes the State reports and describes the effects that the educational flexibility program under this section had on the implementation of State and local educational reforms and on the performance of students affected by the waivers.

"(6) DURATION OF FEDERAL WAIVERS.—

"(A) IN GENERAL.—

"(i) DURATION.—The Secretary shall approve the application of a State educational agency under paragraph (3) for a period of not more than 5 years.

"(ii) AUTOMATIC EXTENSION DURING REVIEW.—The Secretary shall automatically extend the authority of a State to continue as an Ed-Flex Partnership State until the Secretary has—

"(I) completed the performance review of the State educational agency's educational flexibility plan as described in subparagraph (B); and

"(II) issued a final decision on any pending request for renewal that was submitted by the State educational agency.

"(iii) EXTENSION OF APPROVAL.—The Secretary may extend the authority of a State to continue as an Ed-Flex Partnership State if the Secretary determines that the authority of the State educational agency to grant waivers—

"(I) has been effective in enabling such State or affected local educational agencies, educational service agencies, or schools to carry out their State or local reform plans and to continue to meet the accountability requirement described in paragraph (2)(C); and

"(II) has improved student performance.

"(B) PERFORMANCE REVIEW.—

"(i) IN GENERAL.—Following the expiration of an approved educational flexibility program for a State that is designated an Ed-Flex Partnership State, the Secretary shall have not more than 180 days to complete a review of the performance of the State educational agency in granting waivers of Federal statutory or regulatory requirements as described in paragraph (1)(A) to determine if the State educational agency—

"(I) has achieved, or is making substantial progress towards achieving, the objectives described in the application submitted pursuant to paragraph (3)(A)(iii) and the specific long-term goals and measurements of interim progress established under section 1111(c)(4)(A)(i) of the Elementary and Secondary Education Act of 1965; and

"(II) demonstrates that local educational agencies, educational service agencies, or schools affected by the waiver authority or waivers have achieved, or are making progress toward achieving, the desired goals described in the application submitted pursuant to paragraph (4)(A)(iii).

"(ii) TERMINATION OF AUTHORITY.—The Secretary shall terminate the authority of a State educational agency to grant waivers of Federal statutory or regulatory requirements as described in paragraph (1)(A) if the Secretary determines, after providing the State educational agency with notice and an opportunity for a hearing, that such agency's performance has been inadequate to justify continuation of such authority based on such agency's performance against the specific long-term goals and measurements of interim progress established under section 1111(c)(4)(A)(i) of the Elementary and Secondary Education Act of 1965.

"(C) RENEWAL.—

"(i) IN GENERAL.—Each State educational agency desiring to renew an approved educational flexibility program under this section shall submit a request for

renewal to the Secretary not later than the date of expiration of the approved educational flexibility program.

"(ii) TIMING FOR RENEWAL.—The Secretary shall either approve or deny the request for renewal by not later than 90 days after completing the performance review of the State described in subparagraph (B).

"(iii) DETERMINATION.—In deciding whether to extend a request of a State educational agency for the authority to issue waivers under this section, the Secretary shall review the progress of the State educational agency to determine if the State educational agency—

"(I) has made progress toward achieving the objectives described in the State application submitted pursuant to paragraph (3)(A)(iii); and

"(II) demonstrates in the request that local educational agencies, educational service agencies, or schools affected by the waiver authority or waivers have made progress toward achieving the desired goals described in the local application submitted pursuant to paragraph (4)(A)(iii).

"(D) TERMINATION.—

"(i) IN GENERAL.—The Secretary shall terminate or temporarily suspend the authority of a State educational agency to grant waivers under this section if the Secretary determines that—

"(I) there is compelling evidence of systematic waste, fraud or abuse; or

"(II) after notice and an opportunity for a hearing, such agency's performance (including performance with respect to meeting the objectives described in paragraph (3)(A)(iii)) has been inadequate to justify continuation of such authority.

"(ii) LIMITED COMPLIANCE PERIOD.—A State whose authority to grant such waivers has been terminated shall have not more than 1 additional fiscal year to come into compliance in order to seek renewal of the authority to grant waivers under this section.

"(7) PUBLIC NOTICE AND COMMENT.—Each State educational agency seeking waiver authority under this section and each local educational agency, educational service agency, or school seeking a waiver under this section—

"(A) shall provide the public with adequate and efficient notice of the proposed waiver authority or waiver, consisting of a description of the agency's application for the proposed waiver authority or waiver on each agency's website, including a description of any improved student performance that is expected to result from the waiver authority or waiver;

"(B) shall provide the opportunity for parents, educators, school administrators, and all other interested members of the community to comment regarding the proposed waiver authority or waiver;

"(C) shall provide the opportunity described in subparagraph (B) in accordance with any applicable State law

specifying how the comments may be received, and how the comments may be reviewed by any member of the public; and

"(D) shall submit the comments received with the application of the agency or school to the Secretary or the State educational agency, as appropriate.

"(b) INCLUDED PROGRAMS.—The statutory or regulatory requirements referred to in subsection (a)(1)(A) are any such requirements for programs that are authorized under the following provisions and under which the Secretary provides funds to State educational agencies on the basis of a formula:

"(1) The following provisions of the Elementary and Secondary Education Act of 1965:

"(A) Part A of title I (other than section 1111).

"(B) Part C of title I.

"(C) Part D of title I.

"(D) Part A of title II.

"(E) Part A of title IV.

"(2) The Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.).

"(c) WAIVERS NOT AUTHORIZED.—The Secretary and the State educational agency may not waive under subsection (a)(1)(A) any statutory or regulatory requirement—

"(1) relating to—

"(A) maintenance of effort;

"(B) comparability of services;

"(C) equitable participation of students and professional staff in private schools;

"(D) parental participation and involvement;

"(E) distribution of funds to States or to local educational agencies;

"(F) serving eligible school attendance areas in rank order in accordance with section 1113(a)(3) of the Elementary and Secondary Education Act of 1965;

"(G) the selection of a school attendance area or school under subsections (a) and (b) of section 1113 of the Elementary and Secondary Education Act of 1965, except that a State educational agency may grant a waiver to allow a school attendance area or school to participate in activities under part A of title I of such Act if the percentage of children from low-income families in the school attendance area of such school or who attend such school is not less than 10 percentage points below the lowest percentage of such children for any school attendance area or school of the local educational agency that meets the requirements of such subsections;

"(H) use of Federal funds to supplement, not supplant, non-Federal funds; and

"(I) applicable civil rights requirements; and

"(2) unless the State educational agency can demonstrate that the underlying purposes of the statutory requirements of the program for which a waiver is granted continue to be met to the satisfaction of the Secretary.

"(d) TREATMENT OF EXISTING ED-FLEX PARTNERSHIP STATES.—

"(1) IN GENERAL.—Any designation of a State as an Ed-Flex Partnership State that was in effect on the date of enactment of the Every Student Succeeds Act shall be immediately extended for a period of not more than 5 years, if the Secretary makes the determination described in paragraph (2).

"(2) DETERMINATION.—The determination referred to in paragraph (1) is a determination that the performance of the State educational agency, in carrying out the programs for which the State has received a waiver under the educational flexibility program, justifies the extension of the designation.

"(e) PUBLICATION.—A notice of the Secretary's decision to authorize State educational agencies to issue waivers under this section, including a description of the rationale the Secretary used to approve applications under subsection (a)(3)(B), shall be published in the Federal Register and the Secretary shall provide for the dissemination of such notice to State educational agencies, interested parties (including educators, parents, students, and advocacy and civil rights organizations), and the public.".

SEC. 9208. REPORT ON THE REDUCTION OF THE NUMBER AND PERCENTAGE OF STUDENTS WHO DROP OUT OF SCHOOL.

Not later than 5 years after the date of enactment of this Act, the Director of the Institute of Education Sciences shall evaluate the impact of section 1111(g)(1)(D) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(g)(1)(D)) on reducing the number and percentage of students who drop out of school.

SEC. 9209. REPORT ON SUBGROUP SAMPLE SIZE.

(a) REPORT.—Not later than 90 days after the date of enactment of this Act, the Director of the Institute of Education Sciences shall publish a report on—

(1) best practices for determining valid, reliable, and statistically significant minimum numbers of students for each of the subgroups of students, as defined in section 1111(c)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(c)(2)), as amended by this Act, for the purposes of inclusion as subgroups of students in an accountability system described in section 1111(c) of such Act (20 U.S.C. 6311(c)), as amended by this Act; and

(2) how such minimum number that is determined will not reveal personally identifiable information about students.

(b) PUBLIC DISSEMINATION.—The Director of the Institute of Education Sciences shall work with the Department of Education's technical assistance providers and dissemination networks to ensure that such report is widely disseminated—

(1) to the public, State educational agencies, local educational agencies, and schools; and

(2) through electronic transfer and other means, such as posting the report on the website of the Institute of Education Sciences or in another relevant place.

(c) PROHIBITION AGAINST RECOMMENDATION.—In carrying out this section, the Director of the Institute of Education Sciences shall not recommend any specific minimum number of students for each of the subgroups of students, as defined in section 1111(c)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(c)(2)), as amended by this Act.

SEC. 9210. REPORT ON STUDENT HOME ACCESS TO DIGITAL LEARNING RESOURCES.

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Director of the Institute of Education Sciences shall complete a study on the educational impact of access to digital learning resources outside of the classroom.

(b) CONTENTS.—The study described in subsection (a) shall include—

(1) an analysis of student habits related to digital learning resources outside of the classroom, including the location and types of devices and technologies that students use for educational purposes;

(2) an identification of the barriers students face in accessing digital learning resources outside of the classroom;

(3) a description of the challenges students who lack home Internet access face, including challenges related to—

(A) student participation and engagement in the classroom; and

(B) homework completion;

(4) an analysis of how the barriers and challenges such students face impact the instructional practice of educators; and

(5) a description of the ways in which State educational agencies, local educational agencies, schools, and other entities, including partnerships of such entities, have developed effective means to address the barriers and challenges students face in accessing digital learning resources outside of the classroom.

(c) PUBLIC DISSEMINATION.—The Director of the Institute of Education Sciences shall widely disseminate the findings of the study described in subsection (a)—

(1) in a timely fashion to the public and the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate; and

(2) through electronic transfer and other means, such as posting, as available, to the website of the Institute of Education Sciences or the Department of Education.

SEC. 9211. STUDY ON THE TITLE I FORMULA.

(a) FINDINGS.—Congress finds the following:

(1) Part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) provides funding to local educational agencies through four separate formulas that have been added to the law over time, and which have "distinct allocation patterns, providing varying shares of allocated funds to different types of local educational agencies or States," according to a 2015 report from the Congressional Research Service.

(2) Minimal effort has been made by the Federal Government to determine if the four formulas are adequately delivering funds to local educational agencies with the highest districtwide poverty averages.

(3) The formulas for distributing Targeted Grants and Education Finance Incentive grants use two weighting systems, one based on the percentage of children included in the determination of grants to local educational agencies (percentage weighting), and another based on the absolute number of such

children (number weighting). Both weighting systems have five quintiles with a roughly equal number of children in each quintile. Whichever of these weighting systems results in the highest total weighted formula child count for a local educational agency is the weighting system used for that agency in the final allocation of Targeted and Education Finance Incentive Grant funds.

(4) The Congressional Research Service has also said the number weighting alternative is generally more favorable to large local educational agencies with much larger geographic boundaries and larger counts of eligible children than smaller local educational agencies with smaller counts, but potentially higher percentages, of eligible children, because large local educational agencies have many more children in the higher weighted quintiles.

(5) In local educational agencies that are classified by the National Center for Education Statistics as "Large City", 47 percent of all students attend schools with 75 percent or higher poverty.

(b) STUDY.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Director of the Institute of Education Sciences shall complete a study on the effectiveness of the four part A of title I formulas, described in subsection (a), to deliver funds to the most economically disadvantaged communities.

(2) CONTENTS.—The study described in paragraph (1) shall include—

(A) an analysis of the distribution of part A of title I funds under the four formulas;

(B) an analysis of how part A of title I funds are distributed among local educational agencies in each of the 12 locale types classified by the National Center on Education Statistics.

(C) the extent to which the four formulas unduly benefit or unduly disadvantage any of the local educational agencies described in subparagraph (B);

(D) the extent to which the four formulas unduly benefit or unduly disadvantage high-poverty eligible school attendance areas in the local educational agencies described in subparagraph (B);

(E) the extent to which the four formulas unduly benefit or unduly disadvantage lower population local educational agencies with relatively high percentages of districtwide poverty;

(F) the impact of number weighting and percentage weighting in the formulas for distributing Targeted Grants and Education Finance Incentive Grants on each of the local educational agencies described in subparagraph (B);

(G) the impact of number weighting and percentage weighting on targeting part A of title I funds to eligible school attendance areas with the highest concentrations of poverty in local educational agencies described in subparagraph (B), and local educational agencies described in sub-

paragraph (B) with higher percentages of districtwide poverty;

(H) an analysis of other studies and reports produced by public and non-public entities examining the distribution of part A of title I funds under the four formulas; and

(I) recommendations, as appropriate, for amending or consolidating the formulas to better target part A of title I funds to the most economically disadvantaged communities and most economically disadvantaged eligible school attendance areas.

(3) PUBLIC DISSEMINATION.—The Director of the Institute of Education Sciences shall widely disseminate the findings of the study conducted under this section—

(A) in a timely fashion;

(B) to—

(i) the public; and

(ii) the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate; and

(C) through electronic transfer and other means, such as posting to the website of the Institute of Education Sciences or the Department of Education.

SEC. 9212. PRESCHOOL DEVELOPMENT GRANTS.

(a) PURPOSES.—The purposes of this section are—

(1) to assist States to develop, update, or implement a strategic plan that facilitates collaboration and coordination among existing programs of early childhood care and education in a mixed delivery system across the State designed to prepare low-income and disadvantaged children to enter kindergarten and to improve transitions from such system into the local educational agency or elementary school that enrolls such children, by—

(A) more efficiently using existing Federal, State, local, and non-governmental resources to align and strengthen the delivery of existing programs;

(B) coordinating the delivery models and funding streams existing in the State's mixed delivery system; and

(C) developing recommendations to better use existing resources in order to improve—

(i) the overall participation of children in a mixed delivery system of Federal, State, and local early childhood education programs;

(ii) program quality while maintaining availability of services;

(iii) parental choice among existing programs; and

(iv) school readiness for children from low-income and disadvantaged families, including during such children's transition into elementary school;

(2) to encourage partnerships among Head Start providers, State and local governments, Indian tribes and tribal organizations, private entities (including faith- and community-based entities), and local educational agencies, to improve coordination, program quality, and delivery of services; and

(3) to maximize parental choice among a mixed delivery system of early childhood education program providers.

(b) DEFINITIONS.—In this section:

(1) ESEA DEFINITIONS.—The terms "elementary school", "local educational agency", and "State" have the meanings given the terms in section 8101 of the Elementary and Secondary Education Act of 1965.

(2) CENTER OF EXCELLENCE IN EARLY CHILDHOOD.—The term "Center of Excellence in Early Childhood" means a Center of Excellence in Early Childhood designated under section 657B(b) of the Head Start Act (42 U.S.C. 9852b(b)).

(3) EARLY CHILDHOOD EDUCATION PROGRAM.—The term "early childhood education program" has the meaning given the term in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003).

(4) EXISTING PROGRAM.—The term "existing program" means a Federal, State, local, or privately-funded early childhood education program that—

(A) was operating in the State on the day before the date of enactment of this Act; or

(B) began operating in the State at any time on or after the date of enactment of this Act through funds that were not provided by a grant under this section.

(5) MIXED DELIVERY SYSTEM.—The term "mixed delivery system" means a system—

(A) of early childhood education services that are delivered through a combination of programs, providers, and settings (such as Head Start, licensed family and center-based child care programs, public schools, and community-based organizations); and

(B) that is supported with a combination of public funds and private funds.

(6) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(7) STATE ADVISORY COUNCIL.—The term "State Advisory Council" means a State Advisory Council on Early Childhood Education and Care designated or established under section 642B(b)(1)(A) of the Head Start Act (42 U.S.C. 9837b(b)(1)(A)).

(c) GRANTS AUTHORIZED.—

(1) IN GENERAL.—From amounts made available under subsection (k), the Secretary, jointly with the Secretary of Education, shall award grants to States to enable the States to carry out the activities described in subsection (f).

(2) AWARD BASIS.—Grants under this subsection shall be awarded—

(A) on a competitive basis; and

(B) with priority for States that meet the requirements of subsection (e)(3).

(3) DURATION OF GRANTS.—A grant awarded under paragraph (1) shall be for a period of not more than 1 year and may be renewed by the Secretary, jointly with the Secretary of Education, under subsection (g).

(4) MATCHING REQUIREMENT.—Each State that receives a grant under this section shall provide funds from non-Federal sources (which may be provided in cash or in kind) to carry out

the activities supported by the grant, in an amount equal to not less than 30 percent of the amount of such grant.

(d) INITIAL APPLICATION.—A State desiring a grant under subsection (c)(1) shall submit an application at such time and in such manner as the Secretary may reasonably require. The application shall contain—

(1) an identification of the State entity that the Governor of the State has appointed to be responsible for duties under this section;

(2) a description of how such State entity proposes to accomplish the activities described in subsection (f) and meet the purposes of this section described in subsection (a), including—

(A) a timeline for strategic planning activities; and

(B) a description of how the strategic planning activities and the proposed activities described in subsection (f) will increase participation of children from low-income and disadvantaged families in high-quality early childhood education and preschool programs as a result of the grant;

(3) a description of the Federal, State, and local existing programs in the State for which such State entity proposes to facilitate activities described in subsection (f), including—

(A) programs carried out under the Head Start Act (42 U.S.C. 9801 et seq.), including the Early Head Start programs carried out under such Act;

(B) child care programs carried out under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.) or section 418 of the Social Security Act (42 U.S.C. 618); and

(C) other Federal, State, and local programs of early learning and development, early childhood education, and child care, operating in the State (including programs operated by Indian tribes and tribal organizations and private entities, including faith- and community-based entities), as of the date of the application for the grant;

(4) a description of how the State entity, in collaboration with Centers of Excellence in Early Childhood, if appropriate, will provide technical assistance and disseminate best practices;

(5) a description of how the State plans to sustain the activities described in, and carried out in accordance with, subsection (f) with non-Federal sources after grant funds under this section are no longer available, if the State plans to continue such activities after such time; and

(6) a description of how the State entity will work with the State Advisory Council and Head Start collaboration offices.

(e) REVIEW PROCESS.—The Secretary shall review the applications submitted under subsection (d) to—

(1) determine which applications satisfy the requirements of such subsection;

(2) confirm that each State submitting an application has, as of the date of the application, a mixed delivery system in place; and

(3) determine if a priority is merited in accordance with subsection (c)(2)(B) because the State has never received—

(A) a grant under subsection (c); or

(B) a preschool development grant for development or expansion under such program as it existed on the day before the date of enactment of this Act.

(f) USE OF FUNDS.—A State, acting through the State entity appointed under subsection (d)(1), that receives a grant under subsection (c)(1) shall use the grant funds for all of the following activities:

(1) Conducting a periodic statewide needs assessment of—

(A) the availability and quality of existing programs in the State, including such programs serving the most vulnerable or underserved populations and children in rural areas;

(B) to the extent practicable, the unduplicated number of children being served in existing programs; and

(C) to the extent practicable, the unduplicated number of children awaiting service in such programs.

(2) Developing a strategic plan that recommends collaboration, coordination, and quality improvement activities (including activities to improve children's transition from early childhood education programs into elementary schools) among existing programs in the State and local educational agencies. Such plan shall include information that—

(A) identifies opportunities for, and barriers to, collaboration and coordination among existing programs in the State, including among State, local, and tribal (if applicable) agencies responsible for administering such programs;

(B) recommends partnership opportunities among Head Start providers, local educational agencies, State and local governments, Indian tribes and tribal organizations, and private entities (including faith- and community-based entities) that would improve coordination, program quality, and delivery of services;

(C) builds on existing plans and goals with respect to early childhood education programs, including improving coordination and collaboration among such programs, of the State Advisory Council while incorporating new or updated Federal, State, and local statutory requirements, including—

(i) the requirements of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.); and

(ii) when appropriate, information found in the report required under section 13 of the Child Care and Development Block Grant Act of 2014 (Public Law 113–186; 128 Stat. 2002); and

(D) describes how accomplishing the activities described in subparagraphs (A) through (C) will better serve children and families in existing programs and how such activities will increase the overall participation of children in the State.

(3) Maximizing parental choice and knowledge about the State's mixed delivery system of existing programs and providers by—

(A) ensuring that parents are provided information about the variety of early childhood education programs for

children from birth to kindergarten entry in the State's mixed delivery system; and

(B) promoting and increasing involvement by parents and family members, including families of low-income and disadvantaged children, in the development of their children and the transition of such children from an early childhood education program into an elementary school.

(4) Sharing best practices among early childhood education program providers in the State to increase collaboration and efficiency of services, including to improve transitions from such programs to elementary school.

(5) After activities described in paragraphs (1) and (2) have been completed, improving the overall quality of early childhood education programs in the State, including by developing and implementing evidence-based practices that meet the requirements of section 8101(21)(A)(i) of the Elementary and Secondary Education Act of 1965, to improve professional development for early childhood education providers and educational opportunities for children.

(g) RENEWAL GRANTS.—

(1) IN GENERAL.—The Secretary, jointly with the Secretary of Education, may use funds available under subsection (k) to award renewal grants to States described in paragraph (2) to enable such States to continue activities described in subsection (f) and to carry out additional activities described in paragraph (6).

(2) ELIGIBLE STATES.—A State shall be eligible for a grant under paragraph (1) if—

(A) the State has received a grant under subsection (c)(1) and the grant period has concluded; or

(B)(i) the State has received a preschool development grant for development or expansion under such program as it existed on the day before the date of enactment of this Act, and the grant period for such grant has concluded; and

(ii) the Secretary allows such State to apply directly for a renewal grant under this subsection, rather than an initial grant under subsection (c)(1), and the State submits with its application the needs assessment completed under the preschool development grant (updated as necessary to reflect the needs of the State as of the time of the application) in place of the activity described in subsection (f)(1).

(3) DURATION OF GRANTS.—A grant awarded under this subsection shall be for a period of not more than 3 years and shall not be renewed.

(4) MATCHING REQUIREMENT.—Each State that receives a grant under this subsection shall provide funds from non-Federal sources (which may be provided in cash or in kind) to carry out the activities supported by the grant, in an amount equal to not less than 30 percent of the amount of the grant.

(5) APPLICATION.—A State described in paragraph (2) that desires a grant under this subsection shall submit an application for renewal at such time and in such manner as the Secretary may reasonably require. The application shall contain—

(A) applicable information required in the application described in subsection (d), and in the case of a State described in paragraph (2)(A), updated as the State determines necessary;

(B) in the case of a State described in paragraph (2)(A), a description of how funds were used for the activities described in subsection (f) in the initial grant period and the extent to which such activities will continue to be supported in the renewal period;

(C) in the case of a State described in paragraph (2)(B), how a needs assessment completed prior to the date of the application, such as the needs assessment completed under the preschool development grant program (as such program existed prior to the date of enactment of this Act), and updated as necessary in accordance with paragraph (2)(B)(ii), will be sufficient information to inform the use of funds under this subsection, and a copy of such needs assessment;

(D) a description of how funds will be used for the activities described in paragraph (6) during the renewal grant period, if the State proposes to use grant funds for such activities; and

(E) in the case of a State that proposes to carry out activities described in paragraph (6) and to continue such activities after grant funds under this subsection are no longer available, a description of how such activities will be sustained with non-Federal sources after such time.

(6) ADDITIONAL ACTIVITIES.—

(A) IN GENERAL.—Each State that receives a grant under this subsection may use grant funds to award subgrants to programs in a mixed delivery system across the State designed to benefit low-income and disadvantaged children prior to entering kindergarten, to—

(i)(I) enable programs to implement activities addressing areas in need of improvement as determined by the State, through the use of funds for the activities described in paragraph (5)(C) or subsection (f), as applicable; and

(II) as determined through the activities described in paragraph (5)(C) or subsection (f), as applicable, expand access to such existing programs; or

(ii) develop new programs to address the needs of children and families eligible for, but not served by, such programs, if the State ensures that—

(I) the distribution of subgrants under this subparagraph supports a mixed delivery system; and

(II) funds made available under this subparagraph will be used to supplement, and not supplant, any other Federal, State, or local funds that would otherwise be available to carry out the activities assisted under this section.

(B) PRIORITY.—In awarding subgrants under subparagraph (A), a State shall prioritize activities to improve areas in which there are State-identified needs that would

improve services for low-income and disadvantaged children living in rural areas.

(C) SPECIAL RULE.—A State receiving a renewal grant under this subsection that elects to award subgrants under subparagraph (A) shall not—

(i) for the first year of the renewal grant, use more than 60 percent of the grant funds available for such year to award such subgrants; and

(ii) for each of the second and third years of the renewal grant, use more than 75 percent of the grant funds available for such year to award such subgrants.

(h) STATE REPORTING.—

(1) INITIAL GRANTS.—A State that receives an initial grant under subsection (c)(1) shall submit a final report to the Secretary not later than 6 months after the end of the grant period. The report shall include a description of—

(A) how, and to what extent, the grant funds were utilized for activities described in subsection (f), and any other activities through which funds were used to meet the purposes of this section, as described in subsection (a);

(B) strategies undertaken at the State level and, if applicable, local or program level, to implement recommendations in the strategic plan developed under subsection (f)(2);

(C)(i) any new partnerships among Head Start providers, State and local governments, Indian tribes and tribal organizations, and private entities (including faith- and community-based entities); and

(ii) how these partnerships improve coordination and delivery of services;

(D) if applicable, the degree to which the State used information from the report required under section 13 of the Child Care and Development Block Grant Act of 2014 to inform activities under this section, and how this information was useful in coordinating, and collaborating among, programs and funding sources;

(E) the extent to which activities funded by the initial grant led to the blending or braiding of other public and private funding;

(F) how information about available existing programs for children from birth to kindergarten entry was disseminated to parents and families, and how involvement by parents and family was improved; and

(G) other State-determined and voluntarily provided information to share best practices regarding early childhood education programs and the coordination of such programs.

(2) RENEWAL GRANTS.—A State receiving a renewal grant under subsection (g) shall submit a follow-up report to the Secretary not later than 6 months after the end of the grant period that includes—

(A) information described in subparagraphs (A) through (G) of paragraph (1), as applicable and updated for the period covered by the renewal grant; and

(B) if applicable, information on how the State was better able to serve children through the distribution of funds in accordance with subsection (g)(5), through—

(i) a description of the activities conducted through the use of subgrant funds, including, where appropriate, measurable areas of program improvement and better use of existing resources; and

(ii) best practices from the use of subgrant funds, including how to better serve the most vulnerable, underserved, and rural populations.

(i) RULES OF CONSTRUCTION.—

(1) LIMITATIONS ON FEDERAL INTERFERENCE.—Nothing in this section shall be construed to authorize the Secretary or the Secretary of Education to establish any criterion for grants made under this section that specifies, defines, or prescribes—

(A) early learning and development guidelines, standards, or specific assessments, including the standards or measures that States use to develop, implement, or improve such guidelines, standards, or assessments;

(B) specific measures or indicators of quality early learning and care, including—

(i) the systems that States use to assess the quality of early childhood education programs and providers, school readiness, and achievement; and

(ii) the term "high-quality" as it relates to early learning, development, or care;

(C) early learning or preschool curriculum, programs of instruction, or instructional content;

(D) teacher and staff qualifications and salaries;

(E) class sizes and ratios of children to instructional staff;

(F) any new requirement that an early childhood education program is required to meet that is not explicitly authorized in this section;

(G) the scope of programs, including length of program day and length of program year; and

(H) any aspect or parameter of a teacher, principal, other school leader, or staff evaluation system within a State, local educational agency, or early childhood education program.

(2) LIMITATION ON GOVERNMENTAL REQUIREMENTS.—Nothing in this section shall be construed to authorize the Secretary, Secretary of Education, the State, or any other governmental agency to alter requirements for existing programs for which coordination and alignment activities are recommended under this section, or to force programs to adhere to any recommendations developed through this program. The Secretary, Secretary of Education, State, or other governmental agency may only take an action described in the preceding sentence as otherwise authorized under Federal, State, or local law.

(3) SECRETARY OF EDUCATION.—Nothing in this section shall be construed to authorize the Secretary of Education to have sole decision-making or regulatory authority in carrying out the program authorized under this section.

(j) PLANNING AND TRANSITION.—

(1) IN GENERAL.—The recipient of an award for a preschool development grant for development or expansion under such program as it existed on the day before the date of enactment of this Act may continue to receive funds in accordance with the terms of such existing award.

(2) TRANSITION.—The Secretary, jointly with the Secretary of Education, shall take such steps as are necessary to ensure an orderly transition to, and implementation of, the program under this section from the preschool development grants for development or expansion program as such program was operating prior to the date of enactment of this Act, in accordance with subsection (k).

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Health and Human Services to carry out this section $250,000,000 for each of fiscal years 2017 through 2020.

SEC. 9213. REVIEW OF FEDERAL EARLY CHILDHOOD EDUCATION PROGRAMS.

(a) IN GENERAL.—The Secretary of Health and Human Services, in consultation with the heads of all Federal agencies that administer Federal early childhood education programs, shall conduct an interdepartmental review of all early childhood education programs for children less than 6 years of age in order to—

(1) develop a plan for the elimination of overlapping programs, as identified by the Government Accountability Office's 2012 annual report (GAO–12–342SP);

(2) determine if the activities conducted by States using grant funds from preschool development grants under section 9212 have led to better utilization of resources; and

(3) make recommendations to Congress for streamlining all such programs.

(b) REPORT AND UPDATES.—The Secretary of Health and Human Services, in consultation with the heads of all Federal agencies that administer Federal early childhood education programs, shall—

(1) not later than 2 years after the date of enactment of this Act, prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives a detailed report that—

(A) outlines the efficiencies that can be achieved by, and specific recommendations for, eliminating overlap and fragmentation among all Federal early childhood education programs;

(B) explains how the use by States of preschool development grant funds under section 9212 has led to the better utilization of resources; and

(C) builds upon the review of Federal early learning and care programs required under section 13 of the Child Care and Development Block Grant Act of 2014 (Public Law 113–186; 128 Stat. 2002); and

(2) annually prepare and submit to such Committees a detailed update of the report described in paragraph (1).

SEC. 9214. USE OF THE TERM "HIGHLY QUALIFIED" IN OTHER LAWS.

(a) REFERENCES.—Beginning on the date of enactment of this Act—

(1) any reference in sections 420N, 428J, 428K, and 460 of the Higher Education Act of 1965 (20 U.S.C. 1070g–2, 1078–10, 1078–11, and 1087j) to the term "highly qualified" as defined in section 9101 of the Elementary and Secondary Education Act of 1965 shall be treated as a reference to such term under such section 9101 as in effect on the day before the date of enactment of this Act; and

(2) any reference in section 6112 of the America COMPETES Act (20 U.S.C. 9812), section 553 of the America COMPETES Reauthorization Act of 2010 (20 U.S.C. 9903), and section 9 of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n), to "highly qualified", as defined in section 9101 of the Elementary and Secondary Education Act of 1965, with respect to a teacher, means that the teacher meets applicable State certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification.

(b) EDUCATION SCIENCES REFORM ACT OF 2002.—Section 153(a)(1)(F)(ii) of the Education Sciences Reform Act of 2002 (20 U.S.C. 9543(a)(1)(F)(ii)) is amended by striking "teachers who are highly qualified (as such term is defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801))" and inserting "teachers who meet the applicable State certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification, or, with regard to special education teachers, the qualifications described in section 612(a)(14)(C) of the Individuals with Disabilities Education Act (20 U.S.C. 1412(a)(14)(C).".

(c) HIGHER EDUCATION ACT OF 1965.—The Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) is amended—

(1) in section 200—

(A) by striking paragraph (13);

(B) in paragraph (17)(B)(ii), by striking "to become highly qualified" and inserting "who meets the applicable State certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification, or, with regard to special education teachers, the qualifications described in section 612(a)(14)(C) of the Individuals with Disabilities Education Act"; and

(C) in paragraph (22)(D)(i), by striking "becomes highly qualified" and inserting ", with respect to special education teachers, meets the qualifications described in section 612(a)(14)(C) of the Individuals with Disabilities Education Act";

(2) in section 201(3), by striking "highly qualified teachers" and inserting "teachers who meet the applicable State certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification, or, with regard to special education teachers, the qualifications described in section 612(a)(14)(C) of the Individuals with Disabilities Education Act";

(3) in section 202—

(A) in subsection (b)(6)(H), by striking "highly qualified teachers" and inserting "teachers who meet the applicable State certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification, or, with regard to special education teachers, the qualifications described in section 612(a)(14)(C) of the Individuals with Disabilities Education Act,";

(B) subsection (d)—

(i) in paragraph (1)—

(I) in subparagraph (A)(i)(I), by striking "be highly qualified (including teachers in rural school districts who may teach multiple subjects, special educators, and teachers of students who are limited English proficient who may teach multiple subjects)" and inserting "meet the applicable State certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification, or, with regard to special education teachers, the qualifications described in section 612(a)(14)(C) of the Individuals with Disabilities Education Act (including teachers in rural school districts, special educators, and teachers of students who are limited English proficient)"; and

(II) in subparagraph (B)(iii), by striking "become highly qualified, which may include training in multiple subjects to teach multiple grade levels as may be needed for individuals preparing to teach in rural communities and for individuals preparing to teach students with disabilities as described in section 602(10)(D) of the Individuals with Disabilities Education Act" and inserting "meet the applicable State certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification, or, with regard to special education teachers, the qualifications described in section 612(a)(14)(C) of the Individuals with Disabilities Education Act, which may include training in multiple subjects to teach multiple grade levels as may be needed for individuals preparing to teach in rural communities and for individuals preparing to teach students with disabilities"; and

(ii) in paragraph (5), by striking "become highly qualified teachers" and inserting "become teachers who meet the applicable State certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification, or, with regard to special education teachers, the qualifications described in section 612(a)(14)(C) of the Individuals with Disabilities Education Act"; and

(C) in subsection (e)(2)(C)(iii), by striking subclause (IV) and inserting the following:

"(IV) meet the applicable State certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification, or, with regard to special education teachers, the qualifications described in section 612(a)(14)(C) of the Individuals with Disabilities Education Act, when the applicant begins to fulfill the service obligation under this clause; and";

(4) in section 204, by striking "highly qualified teachers" each place it appears and inserting "teachers who meet the applicable State certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification, or, with regard to special education teachers, the qualifications described in section 612(a)(14)(C) of the Individuals with Disabilities Education Act (20 U.S.C. 1412(a)(14)(C)),";

(5) in section 205(b)(1)(I), by striking "highly qualified teachers" and inserting "teachers who meet the applicable State certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification, or, with regard to special education teachers, the qualifications described in section 612(a)(14)(C) of the Individuals with Disabilities Education Act";

(6) in section 207(a)(1), by striking "highly qualified teachers" and inserting "teachers who meet the applicable State certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification, or, with regard to special education teachers, the qualifications described in section 612(a)(14)(C) of the Individuals with Disabilities Education Act,";

(7) in section 208(b)—

(A) , by striking "are highly qualified, as required under section 1119 of the Elementary and Secondary Education Act of 1965," and inserting "meet the applicable State certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification,"; and

(B) by striking "is highly qualified by the deadline, as required under section 612(a)(14)(C) of the Individuals with Disabilities Education Act" and inserting "meets the qualifications described in section 612(a)(14)(C) of the Individuals with Disabilities Education Act";

(8) in section 242(b)—

(A) in the matter preceding paragraph (1), by striking "are highly qualified" and inserting "meet the applicable State certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification, or, with regard to special education teachers, the qualifications described in section 612(a)(14)(C) of the Individuals with Disabilities Education Act,";

(B) in paragraph (1), by striking "are highly qualified," and inserting "meet the applicable State certification and licensure requirements, including any requirements for cer-

tification obtained through alternative routes to certification, or, with regard to special education teachers, the qualifications described in section 612(a)(14)(C) of the Individuals with Disabilities Education Act,"; and

(C) in paragraph (3), by striking "highly qualified teachers and principals" and inserting "teachers who meet the applicable State certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification, or, with regard to special education teachers, the qualifications described in section 612(a)(14)(C) of the Individuals with Disabilities Education Act, and highly qualified principals";

(9) in section 251(b)(1)(A)(iii), by striking "are highly qualified" and inserting "meet the applicable State certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification, or, with regard to special education teachers, the qualifications described in section 612(a)(14)(C) of the Individuals with Disabilities Education Act";

(10) in section 255(k)—

(A) by striking paragraph (1) and inserting the following:

"(1) meets the applicable State certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification, or, with regard to special education teachers, the qualifications described in section 612(a)(14)(C) of the Individuals with Disabilities Education Act;"; and

(B) in paragraph (3), by striking "teacher who meets the requirements of section 9101(23) of such Act" and inserting "teacher who meets the applicable State certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification, or, with regard to special education teachers, the qualifications described in section 612(a)(14)(C) of the Individuals with Disabilities Education Act";

(11) in section 258(d)(1)—

(A) by striking "highly qualified"; and

(B) by inserting ", who meet the applicable State certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification, or, with regard to special education teachers, the qualifications described in section 612(a)(14)(C) of the Individuals with Disabilities Education Act" before the period at the end; and

(12) section 806—

(A) in subsection (a), by striking paragraph (2); and

(B) in subsection (c)(1), by striking "highly qualified teachers" and inserting "teachers who meet the applicable State certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification, or, with regard to special education teachers, the qualifications described in section 612(a)(14)(C) of the Individuals with Disabilities Education Act,".

(d) INDIVIDUALS WITH DISABILITIES EDUCATION ACT.—The Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) is amended—

(1) in section 602, by striking paragraph (10);

(2) in section 612(a)(14)—

(A) in subparagraph (C), by striking "secondary school is highly qualified by the deadline established in section 1119(a)(2) of the Elementary and Secondary Education Act of 1965" and inserting "secondary school—

"(i) has obtained full State certification as a special education teacher (including participating in an alternate route to certification as a special educator, if such alternate route meets minimum requirements described in section 2005.56(a)(2)(ii) of title 34, Code of Federal Regulations, as such section was in effect on November 28, 2008), or passed the State special education teacher licensing examination, and holds a license to teach in the State as a special education teacher, except with respect to any teacher teaching in a public charter school who shall meet the requirements set forth in the State's public charter school law;

"(ii) has not had special education certification or licensure requirements waived on an emergency, temporary, or provisional basis; and

"(iii) holds at least a bachelor's degree.";

(B) in subparagraph (D), by striking "highly qualified personnel" and inserting "personnel who meet the applicable requirements described in this paragraph"; and

(C) in subparagraph (E), by striking "staff person to be highly qualified" and inserting "staff person to meet the applicable requirements described in this paragraph";

(3) in section 653(b)—

(A) in paragraph (7), by striking "highly qualified teachers" and inserting "teachers who meet the qualifications described in section 612(a)(14)(C)"; and

(B) in paragraph (8), by striking "teachers who are not highly qualified" and inserting "teachers who do not meet the qualifications described in section 612(a)(14)(C)"; and

(4) in section 654—

(A) in subsection (a)(4), in the matter preceding subparagraph (A), by striking "highly qualified special education teachers, particularly initiatives that have been proven effective in recruiting and retaining highly qualified teachers" and inserting "special education teachers who meet the qualifications described in section 612(a)(14)(C), particularly initiatives that have been proven effective in recruiting and retaining teachers"; and

(B) in subsection (b)—

(i) in paragraph (2), by striking "certification of special education teachers for highly qualified individuals with a baccalaureate or master's degree" and inserting "certification of special education teachers for individuals with a baccalaureate or master's degree who meet the qualifications described in section 612(a)(14)(C)"; and

(ii) in paragraph (4), by striking "highly qualified special education teachers" and inserting "special education teachers who meet the qualifications described in section 612(a)(14)(C)"; and

(C) in section 662—

(i) in subsection (a)—

(I) in paragraph (1), by striking "highly qualified personnel, as defined in section 651(b)" and inserting "personnel, as defined in section 651(b), who meet the applicable requirements described in section 612(a)(14)"; and

(II) in paragraph (5), by striking "special education teachers are highly qualified" and inserting "special education teachers meet the qualifications described in section 612(a)(14)(C)";

(ii) in subsection (b)(2)(B), by striking "highly qualified teachers" and inserting "special education teachers who meet the qualifications described in section 612(a)(14)(C)"; and

(iii) in subsection (c)(4)(B), by striking "highly qualified personnel" and inserting "personnel who meet the applicable requirements described in section 612(a)(14)".

(e) INDIVIDUALS WITH DISABILITIES EDUCATION IMPROVEMENT ACT OF 2004.—Section 302(a) of the Individuals with Disabilities Education Improvement Act of 2004 (20 U.S.C. 1400 note) is amended—

(1) by striking "PART D.—" through "parts A" and inserting "PART D.—Parts A" ; and

(2) by striking paragraph (2).

SEC. 9215. ADDITIONAL CONFORMING AMENDMENTS TO OTHER LAWS.

(a) ACT OF APRIL 16, 1934 (POPULARLY KNOWN AS THE JOHNSON-O'MALLEY ACT).—Section 5(a) of the Act of April 16, 1934 (popularly known as the Johnson-O'Malley Act) (25 U.S.C. 456(a)) is amended by striking "section 7114(c)(4) of the Elementary and Secondary Education Act of 1965" and inserting "section 6114(c)(4) of the Elementary and Secondary Education Act of 1965".

(b) ADAM WALSH CHILD PROTECTION AND SAFETY ACT OF 2006.—Section 153(h) of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16962(h)) is amended by striking "section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965".

(c) ADULT EDUCATION AND LITERACY ACT.—Paragraph (8) of section 203 of the Adult Education and Literacy Act (29 U.S.C. 3272) is amended to read as follows:

"(8) ESSENTIAL COMPONENTS OF READING INSTRUCTION.—The term 'essential components of reading instruction' means explicit and systematic instruction in—

"(A) phonemic awareness;

"(B) phonics;

"(C) vocabulary development;

"(D) reading fluency, including oral reading skills; and

"(E) reading comprehension strategies.".

(d) AGE DISCRIMINATION ACT OF 1975.—Section 309(4)(B)(ii) of the Age Discrimination Act of 1975 (42 U.S.C. 6107(4)(B)(ii)) is amended by striking "section 9101 of the Elementary and Secondary Education Act of 1965" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965".

(e) AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967.—Section 4(l)(1)(B)(i)(I) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 623(l)(1)(B)(i)(I)) is amended by striking "section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965)".

(f) AGRICULTURAL ACT OF 2014.—Section 7606(a) of the Agricultural Act of 2014 (7 U.S.C. 5940(a)) is amended by striking "the Safe and Drug-Free Schools and Communities Act (20 U.S.C. 7101 et seq.),".

(g) AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION REFORM ACT OF 1998.—Section 413(b)(4) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7633(b)(4)) is amended by striking "section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801))" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965)".

(h) ALBERT EINSTEIN DISTINGUISHED EDUCATOR FELLOWSHIP ACT OF 1994.—Each of paragraphs (1), (2), and (3) of section 514 of the Albert Einstein Distinguished Educator Fellowship Act of 1994 (42 U.S.C. 7838b) are amended by striking "section 9101 of the Elementary and Secondary Education Act of 1965" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965".

(i) AMERICA COMPETES ACT.—The America COMPETES Act (Public Law 110–69) is amended as follows:

(1) Section 6002(a) (20 U.S.C. 9802(a)) is amended by striking "section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)." and inserting "section 8101 of the Elementary and Secondary Education Act of 1965.".

(2) Section 6122 (20 U.S.C. 9832) is amended—

(A) in paragraph (3), by striking "The term 'low-income student' has the meaning given the term 'low-income individual' in section 1707(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6537(3))." and inserting "The term 'low-income student' means an individual who is determined by a State educational agency or local educational agency to be a child ages 5 through 19, from a low-income family, on the basis of data used by the Secretary to determine allocations under section 1124 of the Elementary and Secondary Education Act of 1965, data on children eligible for free or reduced-price lunches under the Richard B. Russell National School Lunch Act, data on children in families receiving assistance under part A of title IV of the Social Security Act, or data on children eligible to receive medical assistance under the Medicaid program under title XIX of the Social Security Act, or through an alternate method that combines or extrapolates from those data."; and

(B) in paragraph (4), by striking "The term 'high concentration of low-income students' has the meaning given

the term in section 1707(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6537(2)).” and inserting “The term ‘high concentration of low-income students’, used with respect to a school, means a school that serves a student population 40 percent or more of who are low-income students.”.

(3) Section 6123 (20 U.S.C. 9833) is amended—

(A) in subsection (c), by striking “the activities carried out under section 1705 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6535).” and inserting the following: “any activities carried out under section 4104 or 4107 of the Elementary and Secondary Education Act of 1965 that provide students access to accelerated learning programs that provide—

“(1) postsecondary level courses accepted for credit at institutions of higher education, including dual or concurrent enrollment programs, and early college high schools; or

“(2) postsecondary level instruction and examinations that are accepted for credit at institutions of higher education, including Advanced Placement and International Baccalaureate programs.”; and

(B) in subsection (j)(2)(B), by striking “section 1111(h)(1)(C)(i) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(h)(1)(C)(i))” and inserting “section 1111(b)(2)(B)(xi) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(B)(xi))”.

(4) Section 6401(e)(2)(D)(ii)(I) (20 U.S.C. 9871(e)(2)(D)(ii)(I)) is amended by striking “yearly test records of individual students with respect to assessments under section 1111(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b))” and inserting “yearly test records of individual students with respect to assessments under section 1111(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2))”.

(5) Section 7001 (42 U.S.C. 1862o note) is amended—

(A) in paragraph (4), by striking “section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)” and inserting “section 8101 of the Elementary and Secondary Education Act of 1965”; and

(B) in paragraph (7), by striking “section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)” and inserting “section 8101 of the Elementary and Secondary Education Act of 1965”.

(j) AMERICAN HISTORY AND CIVICS EDUCATION ACT OF 2004.—Section 2(d) of the American History and Civics Education Act of 2004 (20 U.S.C. 6713 note) is amended by striking “to carry out part D of title V of the Elementary and Secondary Education Act of 1965” and inserting “to carry out section 2232 of the Elementary and Secondary Education Act of 1965”.

(k) ANTI-DRUG ABUSE ACT OF 1988.—Section 3521(d)(8)(A) of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11841(d)(8)(A)) is amended by striking “education and instruction consistent with title IV of the Elementary and Secondary Education Act of 1965” and in-

serting "education and instruction consistent with part A of title IV of the Elementary and Secondary Education Act of 1965".

(l) ASSETS FOR INDEPENDENCE ACT.—Section 404(11) of the Assets for Independence Act (42 U.S.C. 604 note) is amended by striking "section 7207 of the Native Hawaiian Education Act" and inserting "section 6207 of the Native Hawaiian Education Act".

(m) ASSISTIVE TECHNOLOGY ACT OF 1998.—Section 4(c)(2)(B)(i)(V) of the Assistive Technology Act of 1998 (29 U.S.C. 3003(c)(2)(B)(i)(V)) is amended by striking "section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965".

(n) CARL D. PERKINS CAREER AND TECHNICAL EDUCATION ACT OF 2006.—The Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.) is amended as follows:

(1) Section 3 (20 U.S.C. 2302) is amended—

(A) in paragraph (8), by striking "section 5210 of the Elementary and Secondary Education Act of 1965" and inserting "section 4310 of the Elementary and Secondary Education Act of 1965";

(B) in paragraph (11), by striking "section 9101 of the Elementary and Secondary Education Act of 1965" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965";

(C) in paragraph (19), by striking "section 9101 of the Elementary and Secondary Education Act of 1965" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965"; and

(D) in paragraph (27), by striking "section 9101 of the Elementary and Secondary Education Act of 1965" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965".

(2) Section 8(e) (20 U.S.C. 2306a(e)) is amended by striking "section 1111(b)(1)(D) of the Elementary and Secondary Education Act of 1965" and inserting "section 1111(b)(1) of the Elementary and Secondary Education Act of 1965".

(3) Section 113(b) (20 U.S.C. 2323(b)) is amended—

(A) in paragraph (2)(A)—

(i) by striking clause (i) and inserting the following:

"(i) Student attainment of the challenging State academic standards, as adopted by a State in accordance with section 1111(b)(1) of the Elementary and Secondary Education Act of 1965 and measured by the State determined levels of achievement on the academic assessments described in section 1111(b)(2) of such Act."; and

(ii) in clause (iv), by striking "(as described in section 1111(b)(2)(C)(vi) of the Elementary and Secondary Education Act of 1965)" and inserting "(as described in section 1111(c)(4)(A)(i)(I)(bb) of the Elementary and Secondary Education Act of 1965)"; and

(B) in paragraph (4)(C)(ii)(I), by striking "categories" and inserting "subgroups".

(4) Section 114(d)(4)(A)(iii)(I)(aa) (20 U.S.C. 2324(d)(4)(A)(iii)(I)(aa)) is amended by striking "integrating those programs with academic content standards and student academic achievement standards, as adopted by States under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965;" and inserting the following: "integrating those programs with challenging State academic standards, as adopted by States under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965;".

(5) Section 116(a)(5) (20 U.S.C. 2326(a)(5)) is amended by striking "section 7207 of the Native Hawaiian Education Act (20 U.S.C. 7517)" and inserting "section 6207 of the Native Hawaiian Education Act".

(6) Section 122(c)(20 U.S.C. 2342(c)) is amended—

(A) in paragraph (1)(I)(i), by striking "aligned with rigorous and challenging academic content standards and student academic achievement standards adopted by the State under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965" and inserting "aligned with challenging State academic standards adopted by the State under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965"; and

(B) in paragraph (7)(A)(i), by striking "the core academic subjects (as defined in section 9101 of the Elementary and Secondary Education Act of 1965)" and inserting "a well-rounded education (as defined in section 8101 of the Elementary and Secondary Education Act of 1965)".

(7) Section 124(b)(4)(A) (20 U.S.C. 2344(b)(4)(A)) is amended in paragraph (4)(A), by striking "the core academic subjects (as defined in section 9101 of the Elementary and Secondary Education Act of 1965)" and inserting "a well-rounded education (as defined in section 8101 of the Elementary and Secondary Education Act of 1965)".

(8) Section 134(b)(3) (20 U.S.C. 2354(b)(3)) is amended—

(A) in subparagraph (B)(i), by striking "the core academic subjects (as defined in section 9101 of the Elementary and Secondary Education Act of 1965)" and inserting "a well-rounded education (as defined in section 8101 of the Elementary and Secondary Education Act of 1965)"; and

(B) in subparagraph (E), by striking "in core academic subjects (as defined in section 9101 of the Elementary and Secondary Education Act of 1965)" and inserting "in order to provide a well-rounded education (as defined in section 8101 of the Elementary and Secondary Education Act of 1965)".

(9) Section 135(b)(1)(A) (20 U.S.C. 2355(b)(1)(A)) is amended by striking "the core academic subjects (as defined in section 9101 of the Elementary and Secondary Education Act of 1965)" and inserting "a well-rounded education (as defined in section 8101 of the Elementary and Secondary Education Act of 1965)".

(10) Section 203(c)(2)(D) (20 U.S.C. 2373(c)(2)(D)) is amended by striking "in core academic subjects (as defined in section 9101 of the Elementary and Secondary Education Act of 1965)" and inserting "as part of a well-rounded education (as

defined in section 8101 of the Elementary and Secondary Education Act of 1965)".

(o) CHILD ABUSE PREVENTION AND TREATMENT ACT.—Section 111(3) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106g(3)) is amended by striking "section 7207 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7517);" and inserting "section 6207 of the Elementary and Secondary Education Act of 1965;".

(p) CHILD CARE AND DEVELOPMENT BLOCK GRANT ACT OF 1990.—The Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.) is amended as follows:

(1) Section 658E(c)(2)(G)(ii)(V)(dd) (42 U.S.C. 9858c(c)(2)(G)(ii)(V)(dd)) is amended by striking "(as defined in section 7207 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7517))" and inserting "(as defined in section 6207 of the Elementary and Secondary Education Act of 1965)".

(2) Section 658P(5) (42 U.S.C. 9858n(5)) is amended by striking "an individual who is limited English proficient, as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801) or section 637 of the Head Start Act (42 U.S.C. 9832)" and inserting "an individual who is an English learner, as defined in section 8101 of the Elementary and Secondary Education Act of 1965, or who is limited English proficient, as defined in section 637 of the Head Start Act (42 U.S.C. 9832)".

(q) CHILDREN'S INTERNET PROTECTION ACT.—Section 1721(g) of the Children's Internet Protection Act (20 U.S.C. 9134 note; 114 Stat. 2763A-350), as enacted into law by section 1(a)(4) of the Consolidated Appropriations Act, 2001 (Public Law 106–554; 114 Stat. 2763), is amended by striking "Notwithstanding any other provision of law, funds available under section 3134 or part A of title VI of the Elementary and Secondary Education Act of 1965, or under section 231 of the Library Services and Technology Act, may be used for the purchase or acquisition of technology protection measures that are necessary to meet the requirements of this title and the amendments made by this title." and inserting "Notwithstanding any other provision of law, funds available under part B of title I of the Elementary and Secondary Education Act of 1965, or under section 231 of the Library Services and Technology Act, may be used for the purchase or acquisition of technology protection measures that are necessary to meet the requirements of this title and the amendments made by this title.".

(r) CIVIL RIGHTS ACT OF 1964.—Section 606(2)(B) of the Civil Rights Act of 1964 (42 U.S.C. 2000d–4a(2)(B)) is amended by striking "a local educational agency (as defined in section 9101 of the Elementary and Secondary Education Act of 1965)," and inserting "a local educational agency (as defined in section 8101 of the Elementary and Secondary Education Act of 1965),".

(s) COMMUNICATIONS ACT OF 1934.—Section 254(h) of the Communications Act of 1934 (47 U.S.C. 254(h)) is amended—

(1) in paragraph (5)(A)(iii), by striking "an elementary or secondary school as defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801)" and inserting "an elementary school or a secondary school as defined

in section 8101 of the Elementary and Secondary Education Act of 1965"; and

(2) in paragraph (7)(A), by striking "section 9101 of the Elementary and Secondary Education Act of 1965" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965".

(t) COMMUNITY SERVICES BLOCK GRANT ACT.—Section 682(b)(4) of the Community Services Block Grant Act (42 U.S.C. 9923(b)(4)) is amended by striking "section 9101 of the Elementary and Secondary Education Act of 1965)" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965)".

(u) CONGRESSIONAL AWARD ACT.—Section 203(3)(A) of the Congressional Award Act (2 U.S.C. 812(3)(A)) is amended by striking "section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801)" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965".

(v) DEPARTMENT OF EDUCATION ORGANIZATION ACT.—Section 215(b)(2)(A) of the Department of Education Organization Act (20 U.S.C. 3423c) is amended by striking "be responsible for administering this title" and inserting "be responsible for administering part A of title VI of the Elementary and Secondary Education Act of 1965".

(w) DEPARTMENT OF ENERGY SCIENCE EDUCATION ENHANCEMENT ACT.—Section 3181(a)(1) of the Department of Energy Science Education Enhancement Act (42 U.S.C. 7381l(a)(1)) is amended by striking "with a high concentration of low-income individuals (as defined in section 1707 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6537))" and inserting "in which 40 percent or more of the students attending the school are children from low-income families".

(x) DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2001.—Section 303 of the Department of Transportation and Related Agencies Appropriations Act, 2001, (49 U.S.C. 106 note; 114 Stat. 1356A-23), as enacted into law by section 101(a) of the Act entitled "An Act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September, 30, 2001, and for other purposes", approved October 23, 2000 (Public Law 106-346; 114 Stat. 1356), is amended by striking "except as otherwise authorized by title VIII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7701 et seq.), for expenses of primary and secondary schooling for dependents of Federal Aviation Administration personnel stationed outside the continental United States at costs for any given area not in excess of those of the Department of Defense for the same area, when it is determined by the Secretary that the schools, if any, available in the locality are unable to provide adequately for the education of such dependents;" and inserting "except as otherwise authorized by title VII of the Elementary and Secondary Education Act of 1965, for expenses of primary and secondary schooling for dependents of Federal Aviation Administration personnel stationed outside the continental United States at costs for any given area not in excess of those of the Department of Defense for the same area, when it is determined by the Secretary that the schools, if any, available in the locality are unable to provide adequately for the education of such dependents;".

(y) DISTRICT OF COLUMBIA COLLEGE ACCESS ACT OF 1999.—Section 3(c)(5) of the District of Columbia College Access Act of 1999 (sec. 38-2702(c)(5), D.C. Official Code) is amended by striking "section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801)" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965".

(z) DISTRICT OF COLUMBIA SCHOOL REFORM ACT OF 1995.—Section 2210(a) of the District of Columbia School Reform Act of 1995 (sec. 38–1802.10(a), D.C. Official Code) is amended by striking paragraph (6) and inserting the following:

"(6) INAPPLICABILITY OF CERTAIN ESEA PROVISIONS.—The following provisions of the Elementary and Secondary Education Act of 1965 shall not apply to a public charter school:

"(A) Paragraph (4) of section 1112(b) and paragraph (1) of section 1112(c).

"(B) Section 1113.

"(C) Subsections (d) and (e) of section 1116.

"(D) Section 1117.

"(E) Subsections (c) and (e) of section 1118.".

(aa) EARTHQUAKE HAZARDS.—Section 2(c)(1)(A) of the Act entitled "An Act to authorize appropriations for carrying out the Earthquake Hazards Reduction Act of 1977 for fiscal years 1998 and 1999, and for other purposes", approved October 1, 1997 (42 U.S.C. 7704 note) is amended by striking "section 9101 of the Elementary and Secondary Education Act of 1965" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965".

(bb) EDUCATION AMENDMENTS OF 1972.—Section 908(2)(B) of the Education Amendments of 1972 (20 U.S.C. 1687(2)(B)) is amended by striking "9101 of the Elementary and Secondary Education Act of 1965), system of vocational education, or other school system;" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965), system of vocational education, or other school system;".

(cc) EDUCATION AMENDMENTS OF 1978.—Part B of title XI of the Education Amendments of 1978 (25 U.S.C. 2000 et seq.) is amended as follows:

(1) Section 1139(e) (25 U.S.C. 2019(e)) is amended by striking "part B of title I of the Elementary and Secondary Education Act of 1965" and inserting "subpart 2 of part B of title II of the Elementary and Secondary Education Act of 1965".

(2) Section 1141(9) (25 U.S.C. 2021(9)) is amended by striking "the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801)" and inserting "the Elementary and Secondary Education Act of 1965".

(dd) EDUCATION FOR ECONOMIC SECURITY ACT.—The Education for Economic Security Act (20 U.S.C. 3901 et seq.) is amended as follows:

(1) Section 3 (20 U.S.C. 3902) is amended—

(A) in paragraph (3), by striking "section 9101 of the Elementary and Secondary Education Act of 1965." and inserting "section 8101 of the Elementary and Secondary Education Act of 1965.";

(B) in paragraph (7), by striking "section 9101 of the Elementary and Secondary Education Act of 1965" and in-

serting "section 8101 of the Elementary and Secondary Education Act of 1965";

(C) in paragraph (8), by striking "section 198(a)(7) of the Elementary and Secondary Education Act of 1965" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965"; and

(D) in paragraph (12), by striking "section 9101 of the Elementary and Secondary Education Act of 1965." and inserting "section 8101 of the Elementary and Secondary Education Act of 1965.".

(2) Section 511 (20 U.S.C. 4020) is amended—

(A) by striking subparagraph (A) of paragraph (4) and inserting the following:

"(A) any local educational agency as defined in section 8101 of the Elementary and Secondary Education Act of 1965; and"; and

(B) by striking subparagraph (A) of paragraph (5) and inserting the following:

"(A) any elementary school or secondary school as defined in section 8101 of the Elementary and Secondary Education Act of 1965 owned and operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual; and".

(ee) EDUCATION OF THE DEAF ACT OF 1986.—Section 104(b)(5) of the Education of the Deaf Act of 1986 (20 U.S.C. 4304(b)(5)) is amended—

(1) in subparagraph (A)—

(A) in clause (i), by striking "select challenging academic content standards, challenging student academic achievement standards, and academic assessments of a State, adopted and implemented, as appropriate, pursuant to paragraphs (1) and (3) of section 1111(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(1) and (3))" and inserting "select challenging State academic content standards, aligned academic achievement standards, and State academic assessments of a State, adopted and implemented, as appropriate, pursuant to paragraphs (1) and (2) of section 1111(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(1) and (2))"; and

(B) in clause (ii), by striking "2009–2010 academic year" and inserting "2016–2017 academic year";

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

"(B) adopt the accountability system, consistent with section 1111(c) of such Act, of the State from which standards and assessments are selected under subparagraph (A)(i); and"; and

(3) in subparagraph (C), by striking "whether the programs at the Clerc Center are making adequate yearly progress" and inserting "the results of the annual evaluation of the programs at the Clerc Center".

(ff) EDUCATION SCIENCES REFORM ACT OF 2002.—The Education Sciences Reform Act of 2002 (20 U.S.C. 9501 et seq.) is amended as follows:

(1) Paragraph (1) of section 102 (20 U.S.C. 9501) is amended to read as follows:

"(1)(A) IN GENERAL.—The terms 'elementary school', 'secondary school', 'local educational agency', and 'State educational agency' have the meanings given those terms in section 8101 of the Elementary and Secondary Education Act of 1965.

"(B) OUTLYING AREAS.—The term 'outlying areas' has the meaning given such term in section 1121(c) of such Act.

"(C) FREELY ASSOCIATED STATES.—The term 'freely associated states' means the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.".

(2) Section 173(b) (20 U.S.C. 9563(b)) is amended by striking "part E of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6491 et seq.)" and inserting "section 8601 of the Elementary and Secondary Education Act of 1965".

(gg) EDUCATIONAL TECHNICAL ASSISTANCE ACT OF 2002.—The Educational Technical Assistance Act of 2002 (20 U.S.C. 9601 et seq.) is amended as follows:

(1) Section 202 (20 U.S.C. 9601) is amended by striking "section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965".

(2) Section 203 (20 U.S.C. 9602) is amended—

(A) in subsection (a)(2)(B), by striking "the number of schools identified for school improvement (as described in section 1116(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b))" and inserting "the number of schools implementing comprehensive support and improvement activities and targeted support and improvement activities under section 1111(d) of the Elementary and Secondary Education Act of 1965";

(B) in subsection (e)(3), by striking "schools in the region that have been identified for school improvement under section 1116(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b))" and inserting "schools in the region that are implementing comprehensive support and improvement activities or targeted support and improvement activities under section 1111(d) of the Elementary and Secondary Education Act of 1965"; and

(C) in subsection (f)(1)(B), by striking "and encouraging and sustaining school improvement (as described in section 1116(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b)))" and inserting ", and particularly assisting those schools implementing comprehensive support and improvement and targeted support and improvement activities under section 1111(d) of the Elementary and Secondary Education Act of 1965,".

(hh) FAMILY AND MEDICAL LEAVE ACT OF 1993.—Section 108(a)(1)(A) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2618(a)(1)(A)) is amended by striking "section 9101 of the Elementary and Secondary Education Act of 1965)" and inserting

"section 8101 of the Elementary and Secondary Education Act of 1965)".

(ii) FAMILY VIOLENCE PREVENTION AND SERVICES ACT.—Section 302(6) of the Family Violence Prevention and Services Act (42 U.S.C. 10402(6)) is amended by striking "section 7207 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7517)." and inserting "section 6207 of the Elementary and Secondary Education Act of 1965.".

(jj) FDA FOOD SAFETY MODERNIZATION ACT.—Section 112(a)(2) of the FDA Food Safety Modernization Act (21 U.S.C. 2205(a)(2)) is amended by striking "section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965".

(kk) FLOYD D. SPENCE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001.—Section 363 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (20 U.S.C. 7703a) is amended—

(1) in subsection (a), by striking "subparagraph (A)(ii), (B), (D)(i) or (D)(ii) of section 8003(a)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(a)(1))" and inserting "subparagraph (A)(ii) or (B), or clause (i) or (ii) of subparagraph (D), of section 7003(a)(1)"; and

(2) in subsection (g), by striking "section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9))." and inserting "section 7013 of the Elementary and Secondary Education Act of 1965.".

(ll) FOOD AND AGRICULTURE ACT OF 1977.—Section 1417(j)(1)(B) of the Food and Agriculture Act of 1977 (7 U.S.C. 3152(j)(1)(B)) is amended by striking "section 9101 of the Elementary and Secondary Education Act of 1965" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965".

(mm) GENERAL EDUCATION PROVISIONS ACT.—The General Education Provisions Act (20 U.S.C. 1221 et seq.) is amended as follows:

(1) Section 425(6) (20 U.S.C. 1226c(6)) is amended by striking "section 9601 of the Elementary and Secondary Education Act of 1965" and inserting "section 8601 of the Elementary and Secondary Education Act of 1965".

(2) Section 426 (20 U.S.C. 1228) is amended by striking "title VIII of the Elementary and Secondary Education Act of 1965, but not including any portion of such funds as are attributable to children counted under section 8003(d) of such Act or residing on property described in section 8013(10) of such Act." and inserting "title VII of the Elementary and Secondary Education Act of 1965, but not including any portion of such funds as are attributable to children counted under section 7003(d) of such Act or residing on property described in section 7013(10) of such Act.".

(3) Section 429(d)(2)(B)(i) (20 U.S.C. 1228c(d)(2)(B)(i)) is amended by striking "an elementary or secondary school as defined by the Elementary and Secondary Education Act of 1965" and inserting "an elementary or secondary school (as defined by the terms 'elementary school' and 'secondary school' in section 8101 of the Elementary and Secondary Education Act of 1965)".

(4) Section 441(a) (20 U.S.C. 1232d(a)) is amended by striking "part C of title V of the Elementary and Secondary Education Act of 1965) to the Secretary a general application" and inserting "part D of title IV of the Elementary and Secondary Education Act of 1965) to the Secretary a general application".

(5) Section 445(c)(5)(D) (20 U.S.C. 1232h(c)(5)(D)) is amended by striking "part A of title V" and inserting "part A of title IV".

(nn) HEAD START ACT.—The Head Start Act (42 U.S.C. 9831 et seq.) is amended as follows:

(1) Section 637 (42 U.S.C. 9832) is amended—

(A) in the paragraph relating to a delegate agency, by striking "section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965"; and

(B) in subparagraph (A)(ii)(I) of the paragraph relating to limited English proficient, by striking "(as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)), an Alaska Native, or a native resident of an outlying area (as defined in such section 9101);" and inserting "(as defined in section 8101 of the Elementary and Secondary Education Act of 1965), an Alaska Native, or a native resident of an outlying area (as defined in such section 8101);".

(2) Section 641(d)(2) (42 U.S.C. 9836(d)(2)) is amended—

(A) in subparagraph (H)—

(i) by striking clause (i);

(ii) by redesignating clauses (ii) through (vii) as clauses (i) through (vi), respectively; and

(iii) in clause (i) (as so redesignated)—

(I) by striking "other"; and

(II) by striking "that Act" and inserting "the Elementary and Secondary Education Act of 1965"; and

(B) in subparagraph (J)(iii), by striking ", such as entities carrying out Even Start programs under subpart 3 of part B of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6381 et seq.)".

(3) Section 642 (42 U.S.C. 9837) is amended—

(A) in subsection (b)(4), by striking ", such as entities carrying out Even Start programs under subpart 3 of part B of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6381 et seq.)"; and

(B) in subsection (e)(3), by striking "Even Start programs under subpart 3 of part B of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6381 et seq.),".

(4) Section 642A(a) (42 U.S.C. 9837a(a)) is amended—

(A) in paragraph (7)(B), by striking "the information provided to parents of limited English proficient children under section 3302 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7012)" and inserting "the information provided to parents of English learners under

section 1112(e)(3) of the Elementary and Secondary Education Act of the 1965"; and

(B) in paragraph (8), by striking "parental involvement efforts under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.)" and inserting "parent and family engagement efforts under title I of the Elementary and Secondary Education Act of 1965".

(5) Section 648(a)(3)(A)(iii) (42 U.S.C. 9843(a)(3)(A)(iii)) is amended by striking ", and for activities described in section 1222(d) of the Elementary and Secondary Education Act of 1965),".

(6) Section 657B(c)(1)(B)(vi) (42 U.S.C. 9852b(c)(1)(B)(vi)) is amended—

(A) by striking subclause (III);

(B) by redesignating subclauses (IV) through (VII) as subclauses (III) through (VI), respectively; and

(C) in subclause (III) (as so redesignated)—

(i) by striking "other"; and

(ii) by striking "that Act" and inserting "the Elementary and Secondary Education Act of 1965".

(oo) HIGHER EDUCATION ACT OF 1965.—The Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) is amended as follows:

(1) Section 103 (20 U.S.C. 1003) is amended—

(A) in paragraph (9), by striking "section 9101 of the Elementary and Secondary Education Act of 1965" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965";

(B) in paragraph (10), by striking "section 9101 of the Elementary and Secondary Education Act of 1965" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965";

(C) in paragraph (11), by striking "section 9101 of the Elementary and Secondary Education Act of 1965" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965";

(D) in paragraph (16), by striking "section 9101 of the Elementary and Secondary Education Act of 1965" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965"; and

(E) in paragraph (21), by striking "section 9101 of the Elementary and Secondary Education Act of 1965" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965".

(2) Section 200 (20 U.S.C. 1021) is amended—

(A) in paragraph (3), by striking "The term 'core academic subjects' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965" and inserting "The term 'core academic subjects' means English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography";

(B) in paragraph (5), by striking "section 9101 of the Elementary and Secondary Education Act of 1965" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965";

(C) in paragraph (6)(B), by striking "section 5210 of the Elementary and Secondary Education Act of 1965)" and inserting "section 4310 of the Elementary and Secondary Education Act of 1965)";

(D) by striking paragraph (7) and inserting the following:

"(7) ESSENTIAL COMPONENTS OF READING INSTRUCTION.—The term 'essential components of reading instruction' has the meaning given the term in section 1208 of the Elementary and Secondary Education Act of 1965 as such section was in effect on the day before the date of enactment of the Every Student Succeeds Act.";

(E) by striking paragraph (8) and inserting the following:

"(8) EXEMPLARY TEACHER.—The term 'exemplary teacher' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 as such section was in effect on the day before the date of enactment of the Every Student Succeeds Act.";

(F) in paragraph (10)(A)—

(i) in clause (iii), by striking "section 6211(b) of the Elementary and Secondary Education Act of 1965" and inserting "section 5211(b) of the Elementary and Secondary Education Act of 1965"; and

(ii) in clause (iv), by striking "section 6221(b) of the Elementary and Secondary Education Act of 1965" and inserting "section 5221(b) of the Elementary and Secondary Education Act of 1965";

(G) in paragraph (15), by striking "The term 'limited English proficient' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965." and inserting "The term 'limited English proficient' has the meaning given the term 'English learner' in section 8101 of the Elementary and Secondary Education Act of 1965.";

(H) in paragraph (16), by striking "section 9101 of the Elementary and Secondary Education Act of 1965" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965"; and

(I) in paragraph (19), by striking "section 9101 of the Elementary and Secondary Education Act of 1965." and inserting "section 8101 of the Elementary and Secondary Education Act of 1965.".

(3) Section 202 (20 U.S.C. 1022a) is amended in subsection (b)(6)(E)(ii), by striking "student academic achievement standards and academic content standards under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965," and inserting "challenging State academic standards under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965,".

(4) Section 205(b)(1)(C) (20 U.S.C. 1022d(b)(1)(C)) is amended by striking "are aligned with the State's challenging academic content standards required under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965" and inserting "are aligned with the challenging State academic

standards required under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965".

(5) Section 241 (20 U.S.C. 1033)) is amended by striking paragraph (2) and inserting the following:

"(2) SCIENTIFICALLY BASED READING RESEARCH.—The term 'scientifically based reading research'—

"(A) means research that applies rigorous, systemic, and objective procedures to obtain valid knowledge relevant to reading development, reading instruction, and reading difficulties; and

"(B) includes research that—

"(i) employs systemic, empirical methods that draw on observation or experiment;

"(ii) involves rigorous data analyses that are adequate to test the stated hypotheses and justify the general conclusions drawn;

"(iii) relies on measurements or observational methods that provide valid data across evaluators and observers and across multiple measurements and observations; and

"(iv) has been accepted by a peer-reviewed journal or approved by a panel of independent experts through a comparably rigorous, objective, and scientific review.".

(6) Section 317(b) (20 U.S.C. 1059d(b)) is amended—

(A) in paragraph (1), by striking "section 7306 of the Elementary and Secondary Education Act of 1965;" and inserting "section 6306 of the Elementary and Secondary Education Act of 1965;"; and

(B) in paragraph (3), by striking "section 7207 of the Elementary and Secondary Education Act of 1965; and" and inserting "section 6207 of the Elementary and Secondary Education Act of 1965; and".

(7) Section 402E(d)(2) (20 U.S.C. 1070a–15(d)(2)) is amended—

(A) in subparagraph (A), by striking "Alaska Natives, as defined in section 7306 of the Elementary and Secondary Education Act of 1965;" and inserting "Alaska Natives, as defined in section 6306 of the Elementary and Secondary Education Act of 1965;"; and

(B) in subparagraph (B), by striking "Native Hawaiians, as defined in section 7207 of such Act" and inserting "Native Hawaiians, as defined in section 6207 of such Act".

(8) Section 428K (20 U.S.C. 1078–11) is amended in subsection (b)—

(A) in paragraph (5)(B)(iv), by striking "section 9101 of the Elementary and Secondary Education Act of 1965" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965"; and

(B) by striking paragraph (8) and inserting the following:

"(8) SCHOOL COUNSELORS.—The individual—

"(A) is employed full-time as a school counselor who has documented competence in counseling children and adolescents in a school setting and who—

"(i) is licensed by the State or certified by an independent professional regulatory authority;

"(ii) in the absence of such State licensure or certification, possesses national certification in school counseling or a specialty of counseling granted by an independent professional organization; or

"(iii) holds a minimum of a master's degree in school counseling from a program accredited by the Council for Accreditation of Counseling and Related Educational Programs or the equivalent; and

"(B) is so employed in a school that qualifies under section 465(a)(2)(A) for loan cancellation for Perkins loan recipients who teach in such a school.".

(9) Section 469(a) (20 U.S.C. 1087ii(a)) is amended by striking "eligible to be counted under title I of the Elementary and Secondary Education Act of 1965" and inserting "eligible to be counted under section 1124(c) of the Elementary and Secondary Education Act of 1965".

(10) Section 481(f) (20 U.S.C. 1088(f)) is amended by striking "section 9101 of the Elementary and Secondary Education Act of 1965" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965".

(11) Section 819(b) (20 U.S.C. 1161j) is amended—

(A) in paragraph (1), by striking "section 7306 of the Elementary and Secondary Education Act of 1965." and inserting "section 6306 of the Elementary and Secondary Education Act of 1965."; and

(B) in paragraph (4), by striking "section 7207 of the Elementary and Secondary Education Act of 1965." and inserting "section 6207 of the Elementary and Secondary Education Act of 1965.".

(12) Section 861(c)(2)(A) (20 U.S.C. 1161q(c)(2)(A)) is amended by striking "section 9101 of the Elementary and Secondary Education Act of 1965)" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965)".

(pp) IMPACT AID IMPROVEMENT ACT OF 2012.—Section 563(c)(1) of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 1748; 20 U.S.C. 7702 note) as amended by section 7001(a), is further amended by striking "Notwithstanding section 8005(d) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7705(d)), subsection (b)(1), and the amendments made by subsection (b)(1), shall take effect with respect to applications submitted under section 8002 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7702) for fiscal year 2010." and inserting "With respect to applications submitted under section 8002 of the Elementary and Secondary Education Act of 1965, as such section was in effect on the day before the date of enactment of the Every Student Succeeds Act, for fiscal year 2010, title VIII of the Elementary and Secondary Education Act of 1965 (including the amendments made by subsection (b)(1)), as in effect on such date, and subsection (b)(1) shall take effect with respect to such applications, notwithstanding section 8005(d) of such Act, as in effect on such date.".

(qq) INDIAN HEALTH CARE IMPROVEMENT ACT.—Section 726(b)(3)(D)(iii) of the Indian Health Care Improvement Act (25

U.S.C. 1667e(b)(3)(D)(iii)) is amended by striking "a school receiving payments under section 8002 or 8003 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7702, 7703)." and inserting "a school receiving payments under section 7002 or 7003 of the Elementary and Secondary Education Act of 1965.".

(rr) INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT.—Section 209 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458e) is amended by striking "assistance provided under title IX of the Elementary and Secondary Education Act of 1965." and inserting "assistance provided under title VI of the Elementary and Secondary Education Act of 1965.".

(ss) INDIVIDUALS WITH DISABILITIES EDUCATION ACT.—The Individuals with Disabilities Education Act is amended as follows:

(1) Section 602 (20 U.S.C. 1401) is amended—

(A) by striking paragraph (4);

(B) in paragraph (8)(a)(3), by striking "under parts A and B of title III of that Act" and inserting "under part A of title III of that Act"; and

(C) by striking paragraph (18) and inserting the following:

"(18) LIMITED ENGLISH PROFICIENT.—The term 'limited English proficient' has the meaning given the term 'English learner' in section 8101 of the Elementary and Secondary Education Act of 1965.".

(2) Section 611(e) (20 U.S.C. 1411(e)) is amended—

(A) in paragraph (2)(C)—

(i) in clause (x), by striking "6111 of the Elementary and Secondary Education Act of 1965" and inserting "1201 of the Elementary and Secondary Education Act of 1965"; and

(ii) in clause (xi)—

(I) by striking "including supplemental educational services as defined in 1116(e) of the Elementary and Secondary Education Act of 1965 to children with disabilities, in schools or local educational agencies identified for improvement under section 1116 of the Elementary and Secondary Education Act of 1965 on the sole basis of the assessment results of the disaggregated subgroup of children with disabilities" and inserting "including direct student services described in section 1003A(c)(3) of the Elementary and Secondary Education Act of 1965 to children with disabilities, to schools or local educational agencies implementing comprehensive support and improvement activities or targeted support and improvement activities under section 1111(d) of the Elementary and Secondary Education Act of 1965 on the basis of consistent underperformance of the disaggregated subgroup of children with disabilities"; and

(II) by striking "to meet or exceed the objectives established by the State under section 1111(b)(2)(G) the Elementary and Secondary Education Act of 1965" and inserting "based on the

challenging academic standards described in section 1111(b)(1) of such Act"; and

(B) in paragraph (3)(C)(ii)(I)(bb), by striking "section 9101" and inserting "section 8101".

(3) Section 612(a) (20 U.S.C. 1412(a)) is amended—

(A) in paragraph (15)—

(i) in subparagraph (A), by striking clause (ii) and inserting the following:

"(ii) are the same as the State's long-term goals and measurements of interim progress for children with disabilities under section 1111(c)(4)(A)(i) of the Elementary and Secondary Education Act of 1965;";

(ii) in subparagraph (B), by striking "including measurable annual objectives for progress by children with disabilities under section 1111(b)(2)(C)(v)(II)" and inserting "including measurements of interim progress for children with disabilities under section 1111(c)(4)(A)(i)"; and

(B) in paragraph (16)(C)(ii)—

(i) in subclause (I), by striking "State's challenging academic content standards and challenging student academic achievement standards" and inserting "challenging State academic content standards under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965 and alternate academic achievement standards under section 1111(b)(1)(E) of such Act"; and

(ii) in subclause (II), by striking "the regulations promulgated to carry out section 1111(b)(1) of the Elementary and Secondary Education Act of 1965," and inserting "section 1111(b)(1)(E) of the Elementary and Secondary Education Act of 1965,".

(4) Section 613(a) (20 U.S.C. 1413(a)) is amended in paragraph (3), by striking "subject to the requirements of section 612(a)(14) and section 2122 of the Elementary and Secondary Education Act of 1965" and inserting "subject to the requirements of section 612(a)(14) and section 2102(b) of the Elementary and Secondary Education Act of 1965".

(5) Section 614(b)(5)(A) (20 U.S.C. 1414(b)(5)(A)) is amended by inserting ", as such section was in effect on the day before the date of enactment of the Every Student Succeeds Act" after "1965".

(6) Section 651(c)(5)(E) (20 U.S.C. 1451(c)(5)(E)) is amended by striking "and 2112," and inserting "and 2101(d)".

(7) Section 653(b)(3) (20 U.S.C. 1453(b)(3)) is amended by striking "and 2112," and inserting "and 2101(d),".

(8) Section 654 (20 U.S.C. 1454) is amended—

(A) in subsection (a)—

(i) in paragraph (1)(B), by striking "challenging State student academic achievement and functional standards and with the requirements for professional development, as defined in section 9101 of the Elementary and Secondary Education Act of 1965" and inserting "challenging State academic achievement stand-

ards and with the requirements for professional development, as defined in section 8101 of such Act"; and

(ii) in paragraph (5)(A), by striking "section 9101 of the Elementary and Secondary Education Act of 1965" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965"; and

(B) in subsection (b)(10), by inserting "(as such section was in effect on the day before the date of enactment of the Every Student Succeeds Act)" after "1965".

(9) Section 662(b)(2)(A)(viii) (20 U.S.C. 1462(b)(2)(A)(viii)) is amended by striking "section 7113(d)(1)(A)(ii)" and inserting "section 6113(d)(1)(A)(ii)".

(10) Section 663(b)(2) (20 U.S.C. 1463(b)(2)) is amended by striking and inserting the following:

"(2) improving the alignment, compatibility, and development of valid and reliable assessments and alternate assessments for assessing student academic achievement, as described under section 1111(b)(2) of the Elementary and Secondary Education Act of 1965;".

(11) Section 681(d)(3)(K) (20 U.S.C. 1481(d)(3)(K)) is amended by striking "payments under title VIII of the Elementary and Secondary Education Act of 1965;" and inserting "payments under title VII of the Elementary and Secondary Education Act of 1965;".

(tt) NATIONAL SECURITY ACT OF 1947.—Section 1015(2)(A) of the National Security Act of 1947 (50 U.S.C. 441j-4(2)(A)) is amended by striking "section 9101(26) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(26)));" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965);".

(uu) INTERNAL REVENUE CODE OF 1986.—The Internal Revenue Code of 1986 is amended as follows:

(1) Section 54E(d)(2) is amended by striking "section 9101 of the Elementary and Secondary Education Act of 1965" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965".

(2) Section 457(e)(11)(D)(ii)(I) is amended by striking "section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965".

(3) Section 1397E(d)(4)(B) is amended by striking "section 9101 of the Elementary and Secondary Education Act of 1965" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965".

(vv) JAMES MADISON MEMORIAL FELLOWSHIP ACT.—Section 815(4) of the James Madison Memorial Fellowship Act (20 U.S.C. 4514(4)) is amended by striking "9101" and inserting "8101".

(ww) JOHN WARNER NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2007.—Section 572(c) of the National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2226) is amended by striking "section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9))" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965".

(xx) LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1987.—Section 104(3)(B)(ii) of the Legislative Branch Appropriations Act, 1987 (as

incorporated by reference in section 101(j) of Public Law 99–500 and Public Law 99–591) (2 U.S.C. 5540(3)(B)(ii)) is amended by striking "given such terms in section 9101" and inserting "given the terms elementary school and secondary school in section 8101".

(yy) LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1997.—Section 5(d)(1) of the Legislative Branch Appropriations Act, 1997 (2 U.S.C. 66319(d)(1)) is amended by striking "public elementary or secondary school as such terms are defined in section 9101" and inserting "elementary school or secondary school, as such terms are defined in section 8101".

(zz) MCKINNEY-VENTO HOMELESS ASSISTANCE ACT.—Section 725(3) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(3)) is amended by striking "section 9101 of the Elementary and Secondary Education Act of 1965" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965".

(aaa) MUSEUM AND LIBRARY SERVICES ACT.—The Museum and Library Services Act (20 U.S.C. 9161 et seq.) is amended as follows:

(1) Section 204(f) (20 U.S.C. 9103(f)) is amended by striking paragraph (1) and inserting the following:

"(1) activities under section 2226 of the Elementary and Secondary Education Act of 1965;".

(2) Section 224(b)(6)(A) (20 U.S.C. 9134(b)(6)(A)) is amended by striking "including coordination with the activities within the State that are supported by a grant under section 1251 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6383)" and inserting "including coordination with the activities within the State that are supported by a grant under section 2226 of the Elementary and Secondary Education Act of 1965".

(3) Section 261 (20 U.S.C. 9161) is amended by striking "represent Native Hawaiians (as the term is defined in section 7207 of the Native Hawaiian Education Act" and inserting "represent Native Hawaiians (as the term is defined in section 6207 of the Native Hawaiian Education Act)".

(4) Section 274(d) (20 U.S.C. 9173(d)) is amended by striking "represent Native Hawaiians (as defined in section 7207 of the Native Hawaiian Education Act (20 U.S.C. 7517))," and inserting "represent Native Hawaiians (as defined in section 6207 of the Native Hawaiian Education Act),".

(bbb) NATIONAL AND COMMUNITY SERVICE ACT OF 1990.—The National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.) is amended as follows:

(1) Section 101 (42 U.S.C. 12511) is amended—

(A) in paragraph (15), by striking "section 9101 of the Elementary and Secondary Education Act of 1965" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965";

(B) in paragraph (24), by striking "section 9101 of the Elementary and Secondary Education Act of 1965" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965";

(C) in paragraph (39), by striking "section 9101 of the Elementary and Secondary Education Act of 1965" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965"; and

(D) in paragraph (45), by striking "section 9101 of the Elementary and Secondary Education Act of 1965" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965".

(2) Section 112(a)(1)(F) (42 U.S.C. 12523(a)(1)(F)) is amended by striking "not making adequate yearly progress for two or more consecutive years under section 1111 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.)" and inserting "implementing comprehensive support and improvement activities or targeted support and improvement activities under section 1111(d) of the Elementary and Secondary Education Act of 1965".

(3) Section 119(a)(2)(A)(ii)(II) (42 U.S.C. 12563) is amended by striking "the graduation rate (as defined in section 1111(b)(2)(C)(vi) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(vi)) and as clarified in applicable regulations promulgated by the Department of Education" and inserting "the four-year adjusted cohort graduation rate (as defined in section 8101 of the Elementary and Secondary Education Act of 1965)".

(4) Section 122(a)(1) (42 U.S.C. 12572(a)(1)) is amended in subparagraph (C)(iii), by striking "secondary school graduation rates as defined in section 1111(b)(2)(C)(vi) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(vi)) and as clarified in applicable regulations promulgated by the Department of Education" and inserting "four-year adjusted cohort graduation rate (as defined in section 8101 of the Elementary and Secondary Education Act of 1965)".

(ccc) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2006.—Section 572 of the National Defense Authorization Act for Fiscal Year 2006 (20 U.S.C. 7703b) is amended—

(1) in subsection (a)(2), by striking "section 8003(a)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(a)(1))." and inserting "section 7003(a)(1) of the Elementary and Secondary Education Act of 1965."; and

(2) in subsection (e)(2), by striking "section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9))." and inserting "section 7013(9) of the Elementary and Secondary Education Act of 1965.".

(ddd) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012.—Section 532(a)(1) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81) (10 U.S.C. 503 note; 125 Stat. 1403(a)(1)) is amended by striking "(as defined in section 9101(38) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(38))." and inserting "(as defined in section 8101 of the Elementary and Secondary Education Act of 1965).".

(eee) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2014.—Section 573 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66) (10 U.S.C. 503 note; 127 Stat. 772) is amended—

(1) in subsection (a)(1), by striking "(as defined in section 9101(38) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(38))," and inserting "(as defined in section 8101 of the Elementary and Secondary Education Act of 1965),"; and

(2) in subsection (b), by striking "(as defined in section 9101(38) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(38))" and inserting "(as defined in section 8101 of the Elementary and Secondary Education Act of 1965)".

(fff) NATIONAL ENVIRONMENTAL EDUCATION ACT.—Section 3(5) of the National Environmental Education Act (20 U.S.C. 5502(5)) is amended by striking "'local educational agency' means any education agency as defined in section 9101 of the Elementary and Secondary Education Act of 1965 and shall include any tribal education agency;" and inserting "'local educational agency' means any education agency as defined in section 8101 of the Elementary and Secondary Education Act of 1965 and shall include any tribal education agency;".

(ggg) NATIONAL SCIENCE FOUNDATION AUTHORIZATION ACT OF 2002.—The National Science Foundation Authorization Act of 2002 (Public Law 107–368; 116 Stat. 3034) is amended as follows:

(1) Section 4 (42 U.S.C. 1862n note) is amended—

(A) in paragraph (3), by striking "The term 'community college' has the meaning given such term in section 3301(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7011(3))" and inserting "The term 'community college' means an institution of higher education as defined in section 101 of the Higher Education Act of 1965 that provides not less than a 2-year degree that is acceptable for full credit toward a bachelor's degree, including institutions of higher education receiving assistance under the Tribally Controlled College or University Assistance Act of 1978";

(B) in paragraph (5), by striking "section 9101(18) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(18))" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965";

(C) in paragraph (10), by striking "section 9101(26) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(26))" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965";

(D) in paragraph (13), by striking "section 9101(38) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(38))" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965"; and

(E) in paragraph (15), by striking "section 9101(41) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(41))" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965".

(2) Section 9 (42 U.S.C. 1862n) is amended—

(A) in subsection (a)(10)(A)(iii) in subclause (III), by striking "(as described in section 1114(a)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6314(a)(1))" and inserting "(as described in section 1114(a)(1)(A))"; and

(B) in subsection (c)(4), by striking "the program authorized under part B of title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6601 et seq.)" and inserting "other programs with similar purposes".

(hhh) NATIONAL SECURITY ACT OF 1947.—Section 1015(2)(A) of the National Security Act of 1947 (50 U.S.C. 3205(2)(A)) is amended by striking "(as that term is defined in section 9101(26) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(26)))" and inserting "(as that term is defined in section 8101 of the Elementary and Secondary Education Act of 1965)".

(iii) NATIVE AMERICAN LANGUAGES ACT.—Section 103 of the Native American Languages Act (25 U.S.C. 2902) is amended—

(1) in paragraph (2), by striking "section 7151(3) of the Elementary and Secondary Education Act of 1965" and inserting "section 6151(3) of the Elementary and Secondary Education Act of 1965"; and

(2) in paragraph (3), by striking "section 7207 of the Elementary and Secondary Education Act of 1965" and inserting "section 6207 of the Elementary and Secondary Education Act of 1965".

(jjj) NATIVE HAWAIIAN HEALTH CARE IMPROVEMENT ACT.—Section 6(c)(4) of the Native Hawaiian Health Care Improvement Act (42 U.S.C. 11705(c)(4)) is amended by striking "private educational organization identified in section 7202(16) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7512(16)) to continue to offer its educational programs and services to Native Hawaiians (as defined in section 7207 of that Act (20 U.S.C. 7517)) first and to others" and inserting "private educational organization identified in section 7202(16) of the Elementary and Secondary Education Act of 1965 (as such section was in effect on the day before the date of enactment of the Every Student Succeeds Act) to continue to offer its educational programs and services to Native Hawaiians (as defined in section 6207 of the Elementary and Secondary Education Act of 1965) first and to others".

(kkk) PUBLIC HEALTH SERVICE ACT.—The Public Health Service Act is amended as follows:

(1) Section 319C–1(b)(2)(A)(vii) (42 U.S.C. 247d–3a(b)(2)(A)(vii)) is amended by striking "including State educational agencies (as defined in section 9101(41) of the Elementary and Secondary Education Act of 1965)" and inserting "including State educational agencies (as defined in section 8101 of the Elementary and Secondary Education Act of 1965)".

(2) Section 399L(d)(3)(A) (42 U.S.C. 280g(d)(3)(A)) is amended by striking "section 9101 of the Elementary and Secondary Education Act of 1965" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965".

(3) Section 520E(l)(2) (42 U.S.C. 290bb–36(l)(2)) is amended by striking "elementary or secondary school (as such terms are defined in section 9101 of the Elementary and Secondary Education Act of 1965)" and inserting "elementary school or secondary school (as such terms are defined in section 8101 of the Elementary and Secondary Education Act of 1965)".

(lll) REFUGEE EDUCATION ASSISTANCE ACT OF 1980.—Section 101(1) of the Refugee Education Assistance Act of 1980 (8 U.S.C. 1522 note) is amended by striking "such terms under section 9101 of the Elementary and Secondary Education Act of 1965" and inserting "such terms under section 8101 of the Elementary and Secondary Education Act of 1965".

(mmm) REHABILITATION ACT OF 1973.—The Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.) is amended as follows:

(1) Section 202(b)(4)(A)(i) (29 U.S.C. 762(b)(4)(A)(i)) is amended by striking "(as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)); and" and inserting "(as defined in section 8101 of the Elementary and Secondary Education Act of 1965); and".

(2) Section 206 (29 U.S.C. 766) is amended by striking "(as such terms are defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801))" and inserting "(as such terms are defined in section 8101 of the Elementary and Secondary Education Act of 1965)".

(3) Section 504(b)(2)(B) (29 U.S.C. 794(b)(2)(B)) is amended by striking "(as defined in section 9101 of the Elementary and Secondary Education Act of 1965)" and inserting "(as defined in section 8101 of the Elementary and Secondary Education Act of 1965)".

(4)(A) Section 511(b)(2) (29 U.S.C. 794g(b)(2)), as added by section 458 of the Workforce Innovation and Opportunity Act (Public Law 113–128; 128 Stat. 1676), is amended by striking "local educational agency (as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)) or a State educational agency (as defined in such section)" and inserting "local educational agency (as defined in section 8101 of the Elementary and Secondary Education Act of 1965) or a State educational agency (as defined in such section)".

(B) The amendment made by subparagraph (A) shall take effect on the same date as section 458(a) of the Workforce Innovation and Opportunity Act (Public Law 113–128; 128 Stat. 1676) takes effect, and as if enacted as part of such section.

(nnn) RICHARD B. RUSSELL NATIONAL SCHOOL LUNCH ACT.—The Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) is amended in section 12(d)(4) (42 U.S.C. 1769a(d)(4)) by striking "section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965".

(ooo) SAFE DRINKING WATER ACT.—Section 1461 of the Safe Drinking Water Act (42 U.S.C. 300j–21(3)) is amended—

(1) in paragraph (3), by striking "section 9101 of the Elementary and Secondary Education Act of 1965" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965"; and

(2) in paragraph (6), by striking "section 9101 of the Elementary and Secondary Education Act of 1965" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965".

(ppp) SCHOLARSHIPS FOR OPPORTUNITY AND RESULTS ACT.—The Scholarships for Opportunity and Results Act (division C of Public Law 112–10; sec. 38–1853.01 et seq., D.C. Official Code) is amended as follows:

(1) In section 3003 (sec. 38–1853.03, D.C. Official Code), by striking "identified for improvement, corrective action, or restructuring under section 1116 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316)" and inserting

"implementing comprehensive support and improvement activities or targeted support and improvement activities under section 1111(d) of the Elementary and Secondary Education Act of 1965".

(2) In section 3006(1)(A) (sec. 38–1853.06(1)(A), D.C. Official Code), by striking "identified for improvement, corrective action, or restructuring under section 1116 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316)" and inserting "implementing comprehensive support and improvement activities or targeted support and improvement activities under section 1111(d) of the Elementary and Secondary Education Act of 1965".

(3) In section 3007 (sec. 38–1853.07, D.C. Official Code)—

(A) in subsection (a)(4)(F), by striking "ensures that, with respect to core academic subjects (as such term is defined in section 9101(11) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(11))" and inserting "ensures that, with respect to core academic subjects (as such term was defined in section 9101(11) of the Elementary and Secondary Act of 1965 (20 U.S.C. 7801(11)) on the day before the date of enactment of the Every Student Succeeds Act)"; and

(B) in subsection (d), by striking "identified for improvement, corrective action, or restructuring under section 1116 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316)" and inserting "implementing comprehensive support and improvement activities or targeted support and improvement activities under section 1111(d) of the Elementary and Secondary Education Act of 1965".

(4) In section 3013 (sec. D.C. Code 38–1853.13, D.C. Official Code)—

(A) in paragraph (5), by striking "section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965"; and

(B) in paragraph (8), by striking "section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965".

(qqq) SOCIAL SECURITY ACT.—The Social Security Act (42 U.S.C. 301 et seq.) is amended as follows:

(1) Section 475(1)(G)(ii)(I) (42 U.S.C. 675(1)(G)(ii)(I)) is amended by striking "local educational agencies (as defined under section 9101 of the Elementary and Secondary Education Act of 1965)" and inserting "local educational agencies (as defined under section 8101 of the Elementary and Secondary Education Act of 1965)".

(2) Section 2110(c)(9)(B)(v) (42 U.S.C. 1397jj(c)(9)(B)(v)) is amended by striking "as defined under section 9101 of the Elementary and Secondary Education Act of 1965" and inserting "as defined under section 8101 of the Elementary and Secondary Education Act of 1965".

(rrr) STATE DEPENDENT CARE DEVELOPMENT GRANTS ACT.—Section 670G(6) of the State Dependent Care Development Grants Act (42 U.S.C. 9877(6)) is amended by striking "section 9101 of the

Elementary and Secondary Education Act of 1965 of the Elementary and Secondary Education Act of 1965" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965".

(sss) STEVENSON-WYDLER TECHNOLOGY INNOVATION ACT OF 1980.—Section 5(c)(8) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3704(c)(8)) is amended—

(1) in subparagraph (D), by striking "section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965";

(2) in subparagraph (G), by striking "section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965"; and

(3) in subparagraph (H), by striking "section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965".

(ttt) TELECOMMUNICATIONS ACT OF 1996.—Section 706(d)(2) of the Telecommunications Act of 1996 (47 U.S.C. 1302(d)(2)) is amended by striking "section 9101 of the Elementary and Secondary Education Act of 1965" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965".

(uuu) TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:

(1) Section 503 of title 10, United States Code, is amended by striking "section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965".

(2) Section 1154(a) of title 10, United States Code, is amended—

(A) in paragraph (1), by striking "section 5210(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7221i(1))" and inserting "section 4310 of the Elementary and Secondary Education Act of 1965";

(B) in paragraph (3)(C), by striking "section 6211(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7345(b))" and inserting "section 5211(b) of the Elementary and Secondary Education Act of 1965"; and

(C) in paragraph (8), by striking "section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965".

(3) Section 2008 of title 10, United States Code, is amended by striking "section 8013(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(3)), or to carry out section 8008 of such Act (20 U.S.C. 7708)" and inserting "section 7013(3) of the Elementary and Secondary Education Act of 1965, or to carry out section 7008 of such Act".

(4) Section 2194(f)(2) of title 10, United States Code, is amended by striking "section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965".

(vvv) TITLE 23, UNITED STATES CODE.—Section 504(d)(4) of title 23, United States Code, is amended—

(1) in subparagraph (B), by striking "section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965"; and

(2) in subparagraph (C), by striking "section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965".

(www) TITLE 40, UNITED STATES CODE.—Section 502(c)(3)(C) of title 40, United States Code, is amended by striking "section 8013 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713)" and inserting "section 7013 of the Elementary and Secondary Education Act of 1965".

(xxx) TOXIC SUBSTANCES CONTROL ACT.—The Toxic Substances Control Act (15 U.S.C. 2601 et seq.) is amended as follows:

(1) Section 202 (15 U.S.C. 2642) is amended—

(A) in paragraph (7), by striking "section 9101 of the Elementary and Secondary Education Act of 1965" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965";

(B) in paragraph (9), by striking "any elementary or secondary school (as defined in section 9101 of the Elementary and Secondary Education Act of 1965)" and inserting "any elementary school or secondary school (as defined in section 8101 of the Elementary and Secondary Education Act of 1965)"; and

(C) in paragraph (12), by striking "elementary or secondary school as defined in section 9101 of the Elementary and Secondary Education Act of 1965" and inserting "elementary school or secondary school as defined in section 8101 of the Elementary and Secondary Education Act of 1965".

(2) Section 302(1) (15 U.S.C. 2662(1)) is amended by striking "section 9101 of the Elementary and Secondary Education Act of 1965" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965".

(yyy) WORKFORCE INNOVATION AND OPPORTUNITY ACT.—The Workforce Innovation and Opportunity Act (29 U.S.C. 3101 et seq.) is amended as follows:

(1) Section 3 (29 U.S.C. 3102) is amended—

(A) in paragraph (34), by striking "section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965"; and

(B) in paragraph (55), by striking "section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965".

(2) Section 102(b)(2)(D)(ii)(I) (29 U.S.C. 3112(b)(2)(D)(ii)(I)) is amended by striking "with State-adopted challenging academic content 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 inserting "with challenging State aca-

demic standards, as adopted under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(1))".

(3) Section 129(c)(1)(C) (29 U.S.C. 3164(c)(1)(C)) is amended by striking "(based on State academic content and student academic achievement standards established under section 1111 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311))" and inserting "(based on challenging State academic standards established under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(1))".

(4) Section 166(b)(3) (29 U.S.C. 3221(b)(3)) is amended by striking "section 7207 of the Native Hawaiian Education Act (20 U.S.C. 7517)." and inserting "section 6207 of the Native Hawaiian Education Act.".

And the House agree to the same.

JOHN KLINE,
VIRGINIA FOXX,
DAVID P. ROE,
GLENN THOMPSON,
BRETT GUTHRIE,
TODD ROKITA,
LUKE MESSER,
GLENN GROTHMAN,
STEVE RUSSELL,
CARLOS CURBELO,
ROBERT C. "BOBBY" SCOTT,
SUSAN A. DAVIS,
MARCIA L. FUDGE,
JARED POLIS,
FREDERICA S. WILSON,
SUZANNE BONAMICI,
KATHERINE M. CLARK,
Managers on the Part of the House.

LAMAR ALEXANDER,
MICHAEL B. ENZI,
RICHARD BURR,
JOHNNY ISAKSON,
SUSAN M. COLLINS,
LISA MURKOWSKI,
MARK KIRK,
TIM SCOTT,
ORRIN G. HATCH,
PAT ROBERTS,
BILL CASSIDY,
PATTY MURRAY,
BARBARA A. MIKULSKI,
BERNARD SANDERS,
ROBERT P. CASEY, JR.,
AL FRANKEN,
MICHAEL F. BENNET,
SHELDON WHITEHOUSE,
TAMMY BALDWIN,
CHRISTOPHER MURPHY,

ELIZABETH WARREN,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1177), to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendment struck all of the Senate bill after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment that is a substitute for the Senate bill and the House amendment. The differences between the Senate bill, the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

Title I, Part A—Disadvantaged Students

1. The Senate bill and House amendment have different short titles for the Act.

HR/SR with an amendment to strike both and insert "Every Student Succeeds Act"

2. The Senate bill and House amendment have different tables of contents.

HR/SR with an amendment to read as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Every Student Succeeds Act".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. References.
Sec. 4. Transition.
Sec. 5. Effective date.
Sec. 6. Table of contents of the Elementary and Secondary Education Act of 1965.

TITLE I—IMPROVING THE ACADEMIC ACHIEVEMENT OF THE DISADVANTAGED

Sec. 1001. Statement of purpose.
Sec. 1002. Authorization of appropriations.
Sec. 1003. School intervention and support.
Sec. 1004. (Direct student services).
Sec. 1005. State plans.
Sec. 1006. Local educational agency plans.
Sec. 1007. School attendance.
Sec. 1008. Schoolwide.

Sec. 1009. Targeted.
Sec. 1010. Parent and family engagement.
Sec. 1011. Participation of children enrolled in private schools.
Sec. 1012. Fiscal requirements.
Sec. 1013. Coordination requirement.
Sec. 1014. Supplement, not supplant.
Sec. 1015. Grants for the outlying areas and the Secretary of the Interior.
Sec. 1016. Allocations.
Sec. 1017. Academic assessments.
Sec. 1018. Education of migratory children.
Sec. 1019. Prevention and intervention programs for children and youth who are neglected, delinquent, or at-risk.
Sec. 1020. Flexibility for equitable per-pupil funding.
Sec. 1021. General provisions.

TITLE II—HIGH–QUALITY TEACHERS, PRINCIPALS, AND OTHER SCHOOL LEADERS

Sec. 2001. Transfer of certain provisions.
Sec. 2002. Teacher, principal, and other school leader training and recruiting fund.
Sec. 2003. National activities.
Sec. 2004. General provisions.

TITLE III—LANGUAGE INSTRUCTION FOR ENGLISH LEARNERS AND IMMIGRANT STUDENTS

Sec. 3001. Transfer of certain provisions.
Sec. 3002. Authorization of appropriations.
Sec. 3003. English language acquisition, language enhancement, and academic achievement.
Sec. 3004. General provisions.

TITLE IV—21ST CENTURY SCHOOLS

Sec. 4001. General provisions.
Sec. 4002. Grants to states and local educational agencies.
Sec. 4003. 21st century community learning centers.
Sec. 4004. Public charter schools.
Sec. 4005. Magnet schools assistance.
Sec. 4006. Statewide family engagement centers.
Sec. 4007. National activities.

TITLE V—STATE INNOVATION AND LOCAL FLEXIBILITY

Sec. 5001. Transfer of certain provisions.
Sec. 5002. Purposes.
Sec. 5003. Improving academic achievement.
Sec. 5004. Rural education initiative.
Sec. 5005. General provisions.
Sec. 5006. Review relating to rural local educational agencies.

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

Sec. 6001. Transfer of certain provisions.
Sec. 6002. Indian education.
Sec. 6003. Native Hawaiian education.
Sec. 6004. Alaska native education.
Sec. 6005. Report on responses to Indian student suicides.

TITLE VII—IMPACT AID

Sec. 7001. Transfer of certain provisions.
Sec. 7002. Amendment to impact aid improvement act of 2012.
Sec. 7003. Payments relating to federal acquisition of real property.
Sec. 7004. Payments for eligible federally connected children.
Sec. 7005. Policies and procedures relating to children residing on Indian lands.
Sec. 7006. Application for payments under sections 7002 and 7003.
Sec. 7007. Construction.
Sec. 7008. State consideration of payments in providing state aid.
Sec. 7009. Definitions.
Sec. 7010. Authorization of appropriations.

TITLE VIII—GENERAL PROVISIONS

Sec. 8001. Transfer and redesignations.
Sec. 8002. Sense of Congress.
Sec. 8101. Definitions.
Sec. 8102. Applicability of title.
Sec. 8103. Applicability to Bureau of Indian Education operated schools.
Sec. 8104. Consolidation of State administrative funds for elementary and secondary education programs.
Sec. 8105. Consolidation of funds for local administration.
Sec. 8106. Consolidation of set-aside for Department of the Interior funds. Rural consolidated plan.
Sec. 8107. Optional consolidated state plans or applications.
Sec. 8108. General applicability of state educational agency assurances.
Sec. 8109. Rural consolidated plan.
Sec. 8110. Other general assurances.
Sec. 8111. Waivers of statutory and regulatory requirements.
Sec. 8112. Plan approval process.
Sec. 8113. Participation by private school children and teachers.
Sec. 8114. Complaint process for participation of private school children.
Sec. 8115. Maintenance of effort.
Sec. 8116. Prohibition regarding state aid.
[Sec. 8116. School prayer.]
Sec. 8117. Prohibitions.
Sec. 8118. Prohibitions on federal government and use of federal funds.
[Sec. 8119. Prohibited uses of funds.]
Sec. 8120. Armed forces recruiter access to students and student recruiting information.
Sec. 8121. Prohibitions on federally sponsored testing.
Sec. 8122. Limitations on national testing or certification for teachers, principals, or other school leaders.
Sec. 8123. Prohibition on requiring state participation.
Sec. 8124. Civil rights.
Sec. 8125. Consultation with indian tribes and native organizations.
Sec. 8126. Outreach and technical assistance for rural local educational agencies.
Sec. 8127. Consultation with the Governor.
Sec. 8128. Local governance.
Sec. 8129. Rule of construction regarding travel to and from school.
Sec. 8130. Limitations on School-Based Health Centers
Sec. 8131. State control over standards.
Sec. 8132. Parental consent.
Sec. 8133. Sense of congress on protecting student privacy.
Sec. 8134. Prohibition on aiding and abetting sexual abuse.
Sec. 8135. Restoration of state sovereignty over public education.
Sec. 8136. Evaluations.

TITLE IX—EDUCATION OF HOMELESS CHILDREN AND YOUTHS; OTHER LAWS; MISCELLANEOUS

PART A—EDUCATION FOR HOMELESS CHILDREN AND YOUTH

Sec. 9101. Statement of policy.
Sec. 9102. Grants for state and local activities.
Sec. 9103. Local educational agency subgrants.
Sec. 9104. Secretarial responsibilities.
Sec. 9105. Definitions.
Sec. 9106. Authorization of appropriations.

PART B—OTHER LAWS; MISCELLANEOUS

Sec. 9201. Use of term "highly qualified" in other laws.
Sec. 9202. Department staff.
Sec. 9203. Report on Department actions to address Office of the Inspector General charter school reports.
Sec. 9204. Posthumous pardon.
Sec. 9205. Education Flexibility Partnership Act of 1999 reauthorization.
Sec. 9206. Preschool Development Grants.

3. The Senate bill and House amendment have identical sections 3.

LC

4. The Senate bill, but not the House amendment, includes a statement of purpose.

SR

5. The House amendment, but not the Senate bill, includes this transition provision.

SR with an amendment to strike and replace with the following:

"Sec. 4. Transition.

(a) FUNDING AUTHORITY.—

(1) MULTI-YEAR AWARDS.—

(A) PROGRAMS NO LONGER AUTHORIZED.—Except as otherwise provided in this Act, the recipient of a multi-year award under the Elementary and Secondary Education Act of 1965, as that Act was in effect prior to the date of enactment of this Act, for a program no longer authorized under that Act as a result of this Act, shall continue to receive funds in accordance with the terms of such award, except that no additional funds may be awarded after September 30, 2016, unless such program is substantively similar to a program authorized under this Act, in which case such recipient shall continue to receive funds in accordance with the terms of the prior award.

(B) AUTHORIZED PROGRAMS.—Except as otherwise provided in this Act, the recipient of a multi-year award under the Elementary and Secondary Education Act of 1965, as that Act was in effect prior to the date of enactment of this Act, for a program still authorized under that Act as a result of this Act, shall continue to receive funds in accordance with the terms of that award.

(2) PLANNING AND TRANSITION.—Notwithstanding any other provision of law, a recipient of funds under a program described in paragraph (1)(B) may use funds awarded to the recipient under the Elementary and Secondary Education Act, as that Act was in effect prior to the date of enactment of this Act, to carry out necessary and reasonable planning and transition activities in order to ensure an orderly implementation of amendments made to such program by this Act.

(b) ORDERLY TRANSITION.—Subject to subsection (a)(1)(A), the Secretary shall take such steps as are necessary to provide for the orderly transition to, and implementation of, programs authorized by this Act, and by the amendments made by this Act, from programs authorized by the Elementary and Secondary Education Act of 1965, as that Act was in effect prior to the date of enactment of this Act.

(c) WAIVERS.—Notwithstanding any other provision of this Act, except the Special Rule in subsection (e)(3), waivers—

(1) granted by the Secretary under section 9401 of the Elementary and Secondary Education Act as such section was in effect prior to the date of enactment of this Act; and

(2) awarded to states and a consortium of local educational agencies under the program first introduced in a letter to chief state school officers dated September 23, 2011, shall terminate as of August 1, 2016.

6. The House amendment, but not the Senate bill, includes a section for "Effective Dates" for the Act and amendments made by the Act.

SR with an amendment to read as follows:

(1) in subsection (b), to strike "2015" and insert "2016";

(2) in subsection (c), to strike "2016" and insert "2017";

(3) in subsection (d), to strike "2016" and insert "2017"; and

(4) to insert after subsection (d) the following new subsection:

(e) TITLE I.—

(1) PRIOR AUTHORITY.—Notwithstanding any other provision of this Act, except the Special Rule in paragraph (3), section 1111 (b)(2), as such section was in effect prior to the date of enactment of this Act, shall continue in effect until August 1, 2016.

(2) CERTAIN SECTIONS.—Notwithstanding any other provision of this Act, except the Special Rule in paragraph (3)—

(A) subsections (c) and (d) of section 1111 shall take effect beginning with the 2017–2018 academic year; and

(B) all other subsections of section 1111 shall take effect consistent with subsection (a).

(3) SPECIAL RULE.—Notwithstanding any other provision of this Act, including subsection (c) and paragraphs (1) and (2), any school or local educational agency in a State that has been identified by the State as in need of improvement, corrective action, or restructuring under part A of title I of the Elementary and Secondary Education Act as such part was in effect prior to the date of enactment of this Act, or as a priority or focus school under a waiver granted by the Secretary under section 9401 of the Elementary and Secondary Education Act as such section was in effect prior to the date of enactment of this Act, shall continue to implement applicable interventions until the State plan under section 1111 is approved, or subsections (c) and (d) of section 1111 take effect in accordance with paragraph (2)(A), whichever comes first.

7. The Senate bill, but not the House amendment, amends the table of contents for ESEA.

HR/SR with amendment to read as follows:

SEC. 5. TABLE OF CONTENTS OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.

Section 2 is amended to read as follows:

"SEC. 2. TABLE OF CONTENTS.

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

"Sec. 1. Short title.
"Sec. 2. Table of contents.
"Sec. 4. Education flexibility program.

"TITLE I—IMPROVING THE ACADEMIC ACHIEVEMENT OF THE DISADVANTAGED

"Sec. 1001. Statement of purpose.
"Sec. 1002. Authorization of appropriations.
"Sec. 1003. School intervention and support.
"Sec. 1003A. Direct student services.
"Sec. 1004. State administration.

"PART A—IMPROVING BASIC PROGRAMS OPERATED BY LOCAL EDUCATIONAL AGENCIES

"SUBPART 1—BASIC PROGRAM REQUIREMENTS

"Sec. 1111. State plans.
"Sec. 1112. Local educational agency plans.
"Sec. 1113. Eligible school attendance areas.
"Sec. 1114. Schoolwide programs.
"Sec. 1115. Targeted assistance programs.
"Sec. 1116. Parent and family engagement.
"Sec. 1117. Participation of children enrolled in private schools.
"Sec. 1118. Fiscal requirements.
"Sec. 1119. Coordination requirements.

"SUBPART 2—ALLOCATIONS

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

"PART B—ACADEMIC ASSESSMENTS

"Sec. 1201. Grants for State assessments and related activities.
"Sec. 1202. Grants for enhanced assessment instruments.
"Sec. 1203. Audits of assessment systems.
"Sec. 1204. Allotment of appropriated funds.
"Sec. 1205. Innovative assessment and accountability demonstration authority.

"PART C—EDUCATION OF MIGRATORY CHILDREN

"Sec. 1301. Program purposes.
"Sec. 1302. Program authorized.
"Sec. 1303. State allocations.
"Sec. 1304. State applications; services.
"Sec. 1305. Secretarial approval; peer review.
"Sec. 1306. Comprehensive needs assessment and service-delivery plan; authorized activities.
"Sec. 1307. Bypass.
"Sec. 1308. Coordination of migrant education activities.
"Sec. 1309. Definitions.

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

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

"SUBPART 1—STATE AGENCY PROGRAMS

"Sec. 1411. Eligibility.
"Sec. 1412. Allocation of funds.
"Sec. 1413. State reallocation of funds.
"Sec. 1414. State plan and State agency applications.
"Sec. 1415. Use of funds.
"Sec. 1416. Institution-wide projects.
"Sec. 1417. Three-year programs or projects.
"Sec. 1418. Transition services.
"Sec. 1419. Evaluation; technical assistance; annual model program.

"SUBPART 2—LOCAL AGENCY PROGRAMS

"Sec. 1421. Purpose.
"Sec. 1422. Programs operated by local educational agencies.
"Sec. 1423. Local educational agency applications.
"Sec. 1424. Uses of funds.

"Sec. 1425. Program requirements for correctional facilities receiving funds under this section.
"Sec. 1426. Accountability.

"SUBPART 3—GENERAL PROVISIONS

"Sec. 1431. Program evaluations.
"Sec. 1432. Definitions.

"PART E—FLEXIBILITY FOR EQUITABLE PER-PUPIL FUNDING

"PART F—GENERAL PROVISIONS

"Sec. 1601. Federal regulations.
"Sec. 1602. Agreements and records.
"Sec. 1603. State administration.
"Sec. 1604. Prohibition against Federal mandates, direction, or control.
"Sec. 1605. Rule of construction on equalized spending.

"TITLE II—PREPARING, TRAINING, AND RECRUITING HIGH–QUALITY TEACHERS, PRINCIPALS, AND OTHER SCHOOL LEADERS

"Sec. 2001. Purpose.
"Sec. 2002. Definitions.
"Sec. 2003. Authorization of appropriations.

"PART A—TEACHER, PRINCIPAL, AND OTHER SCHOOL LEADER TRAINING AND RECRUITING FUND

"Sec. 2101. Formula grants to States.
"Sec. 2102. Subgrants to local educational agencies.
"Sec. 2103. Local use of funds.
"Sec. 2104. Reporting.

"PART B—NATIONAL ACTIVITIES

"Sec. 2201. Reservations.

"SUBPART 1—TEACHER AND SCHOOL LEADER INCENTIVE PROGRAM

"Sec. 2211. Purposes; definitions.
"Sec. 2212. Teacher and school leader incentive fund grants.
"Sec. 2213. Reports.

"SUBPART 2—LITERACY EDUCATION FOR ALL, RESULTS FOR THE NATION

"Sec. 2221. Purposes; definitions.
"Sec. 2222. Comprehensive literacy State development grants.
"Sec. 2223. Subgrants to eligible entities in support of birth through kindergarten entry literacy.
"Sec. 2224. Subgrants to eligible entities in support of kindergarten through grade 12 literacy.
"Sec. 2225. National evaluation and information dissemination.
"Sec. 2226. [Literacy programs.]
"Sec. 2227. Supplement, not supplant.

"SUBPART 3—AMERICAN HISTORY AND CIVICS EDUCATION

"Sec. 2231. Program authorized.
"Sec. 2232. Presidential and congressional academies for American history and civics.
"Sec. 2233. National activities.

"SUBPART 4—PROGRAMS OF NATIONAL SIGNIFICANCE

"Sec. 2241. Funding allotment.
"Sec. 2242. Supporting effective educator development.
"Sec. 2243. School leader recruitment and support.
"Sec. 2244. Technical assistance and national evaluation.
"Sec. 2245. STEM master teacher corps.

"PART C—GENERAL PROVISIONS

"Sec. 2301. Rules of construction.

"TITLE III—LANGUAGE INSTRUCTION FOR ENGLISH LEARNERS AND IMMIGRANT STUDENTS

"Sec. 3001. Authorization of appropriations.

"PART A—ENGLISH LANGUAGE ACQUISITION, LANGUAGE ENHANCEMENT, AND ACADEMIC ACHIEVEMENT ACT

"Sec. 3101. Short title.
"Sec. 3102. Purposes.

"SUBPART 1—GRANTS AND SUBGRANTS FOR ENGLISH LANGUAGE ACQUISITION AND LANGUAGE ENHANCEMENT

"Sec. 3111. Formula grants to States.
"Sec. 3112. Native American and Alaska Native children in school.
"Sec. 3113. State and specially qualified agency plans.
"Sec. 3114. Within-State allocations.
"Sec. 3115. Subgrants to eligible entities.
"Sec. 3116. Local plans.

"SUBPART 2—ACCOUNTABILITY AND ADMINISTRATION

"Sec. 3121. Reporting.
"Sec. 3122. Reporting requirements.
"Sec. 3123. Coordination with related programs.
"Sec. 3124. Rules of construction.
"Sec. 3125. Legal authority under State law.
"Sec. 3126. Civil rights.
"Sec. 3127. Programs for Native Americans and Puerto Rico.
"Sec. 3128. Prohibition.

"SUBPART 3—NATIONAL ACTIVITIES

"Sec. 3131. National professional development project.

"PART B—GENERAL PROVISIONS

"Sec. 3201. Definitions.
"Sec. 3202. National clearinghouse.
"Sec. 3203. Regulations.

"TITLE IV—21ST CENTURY SCHOOLS

"Sec. 4001. Authorization of appropriations.

"PART A—STUDENT SUPPORT AND ACADEMIC ENRICHMENT GRANTS

"Sec. 4101. Purpose.
"Sec. 4102. Definitions.
"Sec. 4103. Formula grants to States.
"Sec. 4104. State use of funds.
"Sec. 4105. Allotments to local educational agencies.
"Sec. 4106. Local applications.
"Sec. 4107. Activities to support well-rounded educational opportunities.
"Sec. 4108. Activities to support safe and healthy students.
"Sec. 4109. Activities to support the effective use of technology.
"Sec. 4110. Supplement, not supplant.
"Sec. 4111. Prohibitions.
"Sec. 4112. Authorization of appropriations.
"Sec. 4113. Internet safety.

"PART B—21ST CENTURY COMMUNITY LEARNING CENTERS

"Sec. 4201. Purpose; definitions.
"Sec. 4202. Allotments to states.
"Sec. 4203. State application.
"Sec. 4204. Local competitive subgrant program.
"Sec. 4205. Local activities.
"Sec. 4206. Authorization of appropriations.

"PART C—EXPANDING OPPORTUNITY THROUGH QUALITY CHARTER SCHOOLS

"Sec. 4301. Purpose.
"Sec. 4302. Program authorized.

"Sec. 4303. Grants to support high-quality charter schools.
"Sec. 4304. Facilities financing assistance.
"Sec. 4305. National activities.
"Sec. 4306. Federal formula allocation during first year and for successive enrollment expansions.
"Sec. 4307. Solicitation of input from charter school operators.
"Sec. 4308. Records transfer.
"Sec. 4309. Paperwork reduction.
"Sec. 4310. Definitions.
"Sec. 4311. Authorization of appropriations.

"PART D—MAGNET SCHOOLS ASSISTANCE

"Sec. 4401. Findings and purpose.
"Sec. 4402. Definition.
"Sec. 4403. Program authorized.
"Sec. 4404. Eligibility.
"Sec. 4405. Applications and requirements.
"Sec. 4406. Priority.
"Sec. 4407. Use of funds.
"Sec. 4408. Limitations.
"Sec. 4409. Authorization of appropriations; reservation.

"PART E—FAMILY ENGAGEMENT IN EDUCATION PROGRAMS

"Sec. 4501. Purposes.
"Sec. 4502. Grants authorized.
"Sec. 4503. Applications.
"Sec. 4504. Uses of funds.
"Sec. 4505. Family engagement in Indian schools.
[“Sec. 4506. Authorization of appropriations.]

"PART F—NATIONAL ACTIVITIES

"Sec. 4601. Authorization of appropriations; reservations.

"SUBPART 1—EDUCATION INNOVATION AND RESEARCH

"Sec. 4611. Grants for education innovation and research.

"SUBPART 2—COMMUNITY SUPPORT FOR SCHOOL SUCCESS

"Sec. 4621. Purpose.
"Sec. 4622. Definitions.
"Sec. 4623. Program Authorized.
"Sec. 4624. Promise Neighborhoods.
"Sec. 4625. Full-Service Community Schools.

"SUBPART 3—NATIONAL ACTIVITIES FOR SCHOOL SAFETY

"Sec. 4641. National activities for school safety.

"SUBPART 4—GRANTS FOR ACADEMIC ENRICHMENT

"Sec. 4650. Awards for academic enrichment.
"Sec. 4651. Assistance for arts education.
"Sec. 4652. Ready-To-Learn programming.
"Sec. 4653. Supporting high ability learners and learning.

"TITLE V—STATE INNOVATON AND LOCAL FLEXIBILITY

"Sec. 5001. Purposes.

"PART A—FUNDING TRANSFERABILITY FOR STATE AND LOCAL EDUCATIONAL AGENCIES

"Sec. 5101. Short title.
"Sec. 5102. Purpose.
"Sec. 5103. Transferability of funds.

"PART B—RURAL EDUCATION INITIATIVE

"Sec. 5201. Short title.
"Sec. 5202. Purpose.

"SUBPART 1—SMALL, RURAL SCHOOL ACHIEVEMENT PROGRAM

"Sec. 5211. Use of applicable funding.
"Sec. 5212. Grant program authorized.

"SUBPART 2—RURAL AND LOW-INCOME SCHOOL PROGRAM

"Sec. 5221. Program authorized.
"Sec. 5222. Uses of funds.
"Sec. 5223. Applications.
"Sec. 5224. Accountability.
"Sec. 5225. Choice of participation.

"SUBPART 3—GENERAL PROVISIONS

"Sec. 5231. Annual average daily attendance determination.
"Sec. 5232. Supplement, not supplant.
"Sec. 5233. Rule of construction.
"Sec. 5234. Authorization of appropriations.

"PART C—GENERAL PROVISIONS

"Sec. 5301. Prohibition against Federal mandates, direction, or control.
"Sec. 5302. Rule of construction on equalized spending.

"TITLE VI—INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE EDUCATION

"PART A—INDIAN EDUCATION

"Sec. 6101. Statement of policy.
"Sec. 6102. Purpose.

"SUBPART 1—FORMULA GRANTS TO LOCAL EDUCATIONAL AGENCIES

"Sec. 6111. Purpose.
"Sec. 6112. Grants to local educational agencies and tribes.
"Sec. 6113. Amount of grants.
"Sec. 6114. Applications.
"Sec. 6115. Authorized services and activities.
"Sec. 6116. Integration of services authorized.
"Sec. 6117. Student eligibility forms.
"Sec. 6118. Payments.
"Sec. 6119. State educational agency review.

"SUBPART 2—SPECIAL PROGRAMS AND PROJECTS TO IMPROVE EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN

"Sec. 6121. Improvement of educational opportunities for Indian children and youth.
"Sec. 6122. Professional development for teachers and education professionals.

"SUBPART 3—NATIONAL ACTIVITIES

"Sec. 6131. National research activities.
"Sec. 6135. Grants to tribes for education administrative planning, development, and coordination.
"Sec. 6136. Native American and Alaska Native language immersion schools and programs.

"SUBPART 4—FEDERAL ADMINISTRATION

"Sec. 6141. National Advisory Council on Indian Education.
"Sec. 6142. Peer review.
"Sec. 6143. Preference for Indian applicants.
"Sec. 6144. Minimum grant criteria.

"SUBPART 5—DEFINITIONS; AUTHORIZATIONS OF APPROPRIATIONS

"Sec. 6151. Definitions.
"Sec. 6152. Authorizations of appropriations.

"PART B—NATIVE HAWAIIAN EDUCATION

"Sec. 6201. Short title.
"Sec. 6202. Findings.
"Sec. 6203. Purposes.
"Sec. 6204. Native Hawaiian Education Council.

"Sec. 6205. Program authorized.
"Sec. 6206. Administrative provisions.
"Sec. 6207. Definitions.

"PART C—ALASKA NATIVE EDUCATION

"Sec. 6301. Short title.
"Sec. 6302. Findings.
"Sec. 6303. Purposes.
"Sec. 6304. Program authorized.
"Sec. 6305. Administrative purposes.
"Sec. 6306. Definitions.

"TITLE VII—IMPACT AID

"Sec. 7001. Purpose.
"Sec. 7002. Payments relating to Federal acquisition of real property.
"Sec. 7003. Payments for eligible federally connected children.
"Sec. 7004. Policies and procedures relating to children residing on Indian lands.
"Sec. 7005. Application for payments under sections 7002 and 7003.
"Sec. 7007. Construction.
"Sec. 7008. Facilities.
"Sec. 7009. State consideration of payments in providing State aid.
"Sec. 7010. Federal administration.
"Sec. 7011. Administrative hearings and judicial review.
"Sec. 7012. Forgiveness of overpayments.
"Sec. 7013. Definitions.
"Sec. 7014. Authorization of appropriations.

"TITLE VIII—GENERAL PROVISIONS

"Sec. 8001. Sense of Congress.

"PART A—DEFINITIONS

"Sec. 8101. Definitions.
"Sec. 8102. Applicability of title.
"Sec. 8103. Applicability to Bureau of Indian Education operated schools.

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

"Sec. 8201. Consolidation of State administrative funds for elementary and secondary education programs.
"Sec. 8202. Single local educational agency States.
"Sec. 8203. Consolidation of funds for local administration.
"Sec. 8204. Consolidated set-aside for Department of the Interior funds.

"PART C—COORDINATION OF PROGRAMS; CONSOLIDATED STATE AND LOCAL PLANS AND APPLICATIONS

"Sec. 8301. Purpose.
"Sec. 8302. Optional consolidated State plans or applications.
"Sec. 8303. Consolidated reporting.
"Sec. 8304. General applicability of State educational agency assurances.
"Sec. 8305. Consolidated local plans or applications.
"Sec. 8306. Other general assurances.

"PART D—WAIVERS

"Sec. 8401. Waivers of statutory and regulatory requirements.

"PART E—APPROVAL AND DISAPPROVAL OF STATE PLANS AND LOCAL APPLICATIONS

"Sec. 8451. Approval and disapproval of State plans.
"Sec. 8452. Approval and disapproval of local educational agency applications.

"PART F—UNIFORM PROVISIONS

"SUBPART 1—PRIVATE SCHOOLS

"Sec. 8501. Participation by private school children and teachers.
"Sec. 8502. Standards for by-pass.
"Sec. 8503. Complaint process for participation of private school children.
"Sec. 8504. By-pass determination process.
"Sec. 8505. Prohibition against funds for religious worship or instruction.
"Sec. 8506. Private, religious, and home schools.

"SUBPART 2—OTHER PROVISIONS

"Sec. 8521. Maintenance of effort.
"Sec. 8522. Prohibition regarding State aid.
"Sec. 8523. Privacy of assessment results.
"Sec. 8524. School prayer.
"Sec. 8525. Equal access to public school facilities.
"Sec. 8526. General prohibitions.
"Sec. 8526A. Prohibition against Federal mandates direction or control.
"Sec. 8527. Prohibitions on Federal Government and use of Federal funds.
[“Sec. 8527A. Prohibited uses of funds.]
"Sec. 8528. Armed Forces recruiter access to students and student recruiting information.
"Sec. 8529. Prohibition on federally sponsored testing.
"Sec. 8530. Limitations on national testing or certification for teachers, principals, or other school leaders.
"Sec. 8530A. Prohibition on requiring state participation.
"Sec. 8531. Prohibition on nationwide database.
"Sec. 8532. Unsafe school choice option.
"Sec. 8533. Prohibition on discrimination.
"Sec. 8534. Civil rights.
"Sec. 8535. Rulemaking.
"Sec. 8536. Severability.
"Sec. 8537. Transfer of school disciplinary records.
"Sec. 8538. Consultation with Indian tribes and tribal organizations.
"Sec. 8539. Outreach and technical assistance for rural local educational agencies.
"Sec. 8540. Consultation with the Governor.
"Sec. 8541. Local governance.
"Sec. 8542. Rule of construction regarding travel to and from school.
"Sec. 8543. Limitations on School-Based Health Centers.
"Sec. 8544. State control over standards.
"Sec. 8545. Parental consent.
"Sec. 8546. Sense of Congress on protecting student privacy.
"Sec. 8547. Prohibition on aiding and abetting sexual abuse.
"Sec. 8548. Restoration of state sovereignty over public education.
"Sec. 8549. Privacy.

"SUBPART 3—TEACHER LIABILITY PROTECTION

"Sec. 8541. Short title.
"Sec. 8542. Purpose.
"Sec. 8543. Definitions.
"Sec. 8544. Applicability.
"Sec. 8545. Preemption and election of State nonapplicability.
"Sec. 8546. Limitation on liability for teachers.
"Sec. 8547. Allocation of responsibility for noneconomic loss.
"Sec. 8548. Effective date.

"SUBPART 5—GUN POSSESSION

"Sec. 8561. Gun-free requirements.

"SUBPART 6—ENVIRONMENTAL TOBACCO SMOKE

"Sec. 8571. Short title.
"Sec. 8572. Definitions.
"Sec. 8573. Nonsmoking policy for children's services.
"Sec. 8574. Preemption.

"PART G—EVALUATIONS

"Sec. 8601. Evaluations.".

8. The House amendment, but not the Senate bill, includes a separate section for "Authorization of Appropriations" for the Act. This provision covers all but the Indian Education, Native Hawaiian, and Alaska Native programs in Title V of the House amendment. The Senate includes separate "Authorization of Appropriations" language in each title.

HR

9. The Senate bill, but not the House amendment, amends the authorization of appropriations provision for Title I.

HR/SR with an amendment to read as follows:

(a) LOCAL EDUCATIONAL AGENCY GRANTS.—There are authorized to be appropriated to carry out the activities described in Part A—

(1) $15,013,027,605 for fiscal year 2017;
(2) $15,458,169,042 for fiscal year 2018;
(3) $15,898,081,442 for fiscal year 2019;
(4) $16,183,054,591 for fiscal year 2020.

(b) STATE ASSESSMENTS.—There are authorized to be appropriated to carry out the activities described in part B, $378,000,000 for each of fiscal years 2017 through 2020.

(c) EDUCATION OF MIGRATORY CHILDREN.—There are authorized to be appropriated to carry out the activities described in part C, $374,751,000 for each of fiscal years 2017 through 2020.

(d) PREVENTION AND INTERVENTION PROGRAMS FOR CHILDREN AND YOUTH WHO ARE NEGLECTED, DELINQUENT, OR AT-RISK.—There are authorized to be appropriated to carry out the activities described in part D, $47,614,000 for each of fiscal years 2017 through 2020.

(e) FEDERAL ACTIVITIES.—For the purpose of carrying out evaluation activities related to title I under section [8141], there are authorized to be appropriated $710,000 for each of fiscal years 2017 through 2020.

(f) SENSE OF CONGRESS REGARDING ADJUSTMENTS TO AUTHORIZATIONS OF APPROPRIATIONS PROVIDED IN THIS ACT FOR FUTURE BUDGET AGREEMENTS.—It is the Sense of Congress that if legislation is enacted that revises the limits on discretionary spending established under section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985, the levels of appropriations authorized throughout this Act should be adjusted in a manner that is consistent with the adjustments in nonsecurity category funding provided for under the revised limits on discretionary spending.

10. The House amendment, but not the Senate bill, includes a Sense of the Congress on state and local rights and responsibilities.

SR with an amendment to strike paragraphs (3), (4), (5), and (6) and to move the remainder of the Sec. to the beginning of Title IX

11. The Senate bill and House amendment have different title headings. The House amendment, but not the Senate bill, includes a subtitle heading.

HR

12. The House amendment, but not the Senate bill, amends the title heading for title I of ESEA.

HR

13. The Senate bill and House amendment amend the statement of purpose in different ways.

HR/SR with an amendment to strike the language in both bills and insert the following:

"The purpose of this title is to provide all children the opportunity for a fair, equitable, and significant opportunity to receive a high-quality education, and to close educational achievement gaps."

14. The House amendment, but not the Senate bill, amends section 1002, to include flexible use of funds authority. See note 6 of Title VI. See note 9 of this document for Senate bill's amendments to section 1002.

HR

15. The Senate bill, but not the House amendment, strikes section 1003 and redesignates section 1004 as 1003.

SR

16. The Senate bill, but not the House amendment, adds a subsection (c) to the redesignated section 1003 for "Technical Assistance and Support."

HR/SR with an amendment to strike and replace with the following:

SEC. 1003. [20 U.S.C. 6303] SCHOOL IMPROVEMENT.

(a) STATE RESERVATIONS.—To carry out subsection (b) and the State educational agency's statewide system of technical assistance and support for local educational agencies, each State shall reserve the greater of—

(1) **[**7**]** percent of the amount the State receives under subpart 2 of part A; or

(2) the sum of the amount the State—

(A) reserved under this subsection for fiscal year **[**2015/2016**]**; and

(B) received for FY **[**2015/2016**]** under subsection (g) of this section as such subsection was in effect before the date of enactment of the Every Student Succeeds Act.

(b) USES.—Of the amount reserved under subsection (a) for any fiscal year, the State educational agency—

(1)(A) shall allocate not less than 95 percent of that amount to make grants to local educational agencies on a formula or competitive basis, to serve schools identified for comprehensive support and improvement or implementing targeted support and improvement plans under section 1111(d); or

(B) may, with the approval of the local educational agency, directly provide for these activities or arrange for their provision through other entities such as school support teams, educational service agencies, or non-profit or for-profit external providers with expertise in using evidence-based strategies to improve student achievement, instruction, and schools; and

(2) shall use the funds not reserved under paragraph (1) to carry out this section, which shall include—

(A) establishing the method, consistent with subsection (g), the State will use to allocate funds to local educational agencies under such paragraph, including ensuring the local educational agencies receiving an allotment under such paragraph represent the geographic diversity of the State and that allotments are of sufficient size to enable a local educational agency to effectively implement selected strategies;

(B) monitoring and evaluating the use of funds by local educational agencies receiving an allotment under such paragraph; and

(C) as appropriate, reducing barriers and providing operational flexibility for schools in the implementation of

comprehensive support and improvement or targeted support and improvement plans under section 1111(d).

(c) DURATION.—The State educational agency shall award subgrants under this paragraph for a period of not more than 4 years, which may include a planning year.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as prohibiting a State from allocating subgrants under this section to a statewide school district, consortium of local educational agencies, or an educational service agency that serves schools identified for comprehensive support and improvement or implementing targeted support and improvement plans, if such entities are legally constituted or recognized as local educational agencies in the State.

(e) APPLICATION.—In order to receive an allotment under subsection (b)(1), a local educational agency shall submit an application to the State educational agency at such time, in such form, and including such information as the State educational agency may require. Each application shall include, at a minimum—

(1) a description of how the local educational agency will carry out its responsibilities under section 1111(d) for schools receiving funds under this section, including how the local educational agency will—

(A) develop comprehensive support and improvement plans for schools receiving funds under this section identified under section 1111(d)(1);

(B) support schools developing or implementing targeted support and improvement plans under section 1111(d)(2), if funds received under this section are used for such purpose;

(C) monitor schools receiving funds under this section, including how the local educational agency will carry out its responsibilities under section 1111(d)(2)(B)(iv) and (v) if funds received under this section are used to support schools implementing targeted improvement and support plans;

(D) use a rigorous review process to recruit, screen, select, and evaluate any external partners with whom the local educational agency will partner;

(E) align other Federal, State, and local resources to carry out the activities supported with funds received under subsection (b)(1); and

(F) as appropriate, modify practices and policies to provide operational flexibility that enables full and effective implementation of the plans described in paragraphs (1) and (2) of section 1111(d);

(2) an assurance that each school the local educational agency proposes to serve will receive all of the State and local funds it would have received in the absence of funds received under this subsection.

(f) PRIORITY.—The State educational agency, in allocating funds to local educational agencies under this section, shall give priority to local educational agencies that—

(1) serve high numbers of elementary schools and secondary schools identified under paragraphs (1) and (2) of section 1111(d);

(2) demonstrate the greatest need for such funds, as determined by the State; and

(3) demonstrate the strongest commitment to using funds under this section to enable the lowest-performing schools to improve student achievement and student outcomes.

(g) UNUSED FUNDS.—If, after consultation with local educational agencies in the State, the State educational agency determines that the amount of funds reserved to carry out subsection (b) is greater than the amount needed to provide the assistance described in that subsection, the State educational agency shall allocate the excess amount to local educational agencies in accordance with—

(1) the relative allocations the State educational agency made to those agencies for that fiscal year under subpart 2 of part A; or

(2) section 1126(c).

(h) SPECIAL RULE.—Notwithstanding any other provision of this section, the amount of funds reserved by the State educational agency under subsection (a) **[**in fiscal year 2018 and each subsequent fiscal year**]** shall not decrease the amount of funds each local educational agency receives under subpart 2 below the amount received by such local educational agency under such subpart for the preceding fiscal year.

(i) REPORTING.—The State shall include in the report described in section 1111**[**(h)**]** a list of all the local educational agencies and schools that received funds under this section, including the amount of funds each school received and the types of strategies implemented in each school with such funds.

17. The House amendment, but not the Senate bill, increases the state set-aside from 4 percent to 7 percent.

See note 16.

18. The Senate bill, but not the House amendment makes the state set-aside permissive.

See note 16.

19. The House amendment, but not the Senate bill, makes a technical edit to refer to "chapter B of subpart 1 of part A" to reflect structural changes to Title I, Part A.

See note 16.

20. The Senate bill replaces references to sections 1116 and 1117 with a reference to section 1114(a) to reflect structural changes in title I, part A; the House amendment eliminates references to sections 1116 and 1117 to reflect repeal of those sections in the House amendment.

See note 16.

21. The Senate bill and House amendment change references to reflect provisions in sections 1114 and 1111(b)(3)(B)(iii), respectively.

See note 16.

22. The Senate bill and House amendment make similar changes to refer to nonprofit or for-profit organizations using evidence-based strategies.

See note 16.

23. The Senate bill, but not the House amendment, also refers to improving teaching and schools.

See note 16.

24. The Senate bill, but not the House amendment, adds a reference in the subparagraph (A) to the lowest performing schools as identified under section 1114.

See note 16.

25. The House amendment rewords paragraph (2) to replace the requirement that schools demonstrate the greatest need with a requirement schools demonstrate greatest commitment to using funds to improve schools.

See note 16.

26. The Senate bill adds "as determined by the State" in subparagraph (B).

See note 16.

27. The Senate bill maintains subparagraph (C), but rewords to require "evidence-based interventions" targeted at "lowest-performing" schools, and changes reference to section 1116 to "to improve student achievement and student outcomes." The House amendment eliminates paragraph (3) which is similar to subparagraph (C) in the Senate bill.

See note 16.

28. The House amendment, but not the Senate bill, provides for a technical edit due to restructuring of Title I, Part A.

See note 16.

29. The Senate bill, but not the House amendment, changes reference to "subsection (b)" to "this subsection".

See note 16.

29a. The Senate bill, but not the House amendment, adds "for a fiscal year".

See note 16.

30. The House amendment, but not the Senate bill, changes "any fiscal year" to "fiscal year 2016 and each subsequent fiscal year".

See note 16.

31. The House amendment, but not the Senate bill, makes technical changes to reflect restructuring of Title I, Part A.

See note 16.

32. The Senate bill, but not the House amendment, makes technical edits to change section/subsection references.

See note 16.

33. The Senate bill, but not the House amendment, makes technical edits to change references to section/subsection.

See note 16.

34. The House amendment, but not the Senate bill, strikes language dealing with families below the poverty line.

See note 16.

35. The House amendment strikes subsection (g). The Senate bill also does not include subsection (g), but includes similar provisions in 1114(c). See note 239 related to section 1114(c) in the Senate bill.

See note 16.

36. The House amendment, but not the Senate bill, makes technical changes to reflect restructuring of Title I, Part A.

HR

37. The Senate bill redesignates this section as section 1003. The Senate bill makes no changes to current law, but adds a new subsection (c) Technical Assistance and Support. See note 16.

SR

38. The House amendment, but not the Senate bill, includes this provision on Direct Student Services.

SR with an amendment to read as follows:

SEC. 1003A. DIRECT STUDENT SERVICES.

(a) STATE RESERVATION.—Each State, after meaningful consultation with geographically diverse local educational agencies, including suburban, rural, and urban local educational agencies and local agencies with a high percentage of schools identified by the state for comprehensive support and improvement under section 1111(c)(4)(D)(i) and local educational agencies with a high percentage of schools implementing targeted support and improvement plans under section 1111(d)(2), may reserve 3 percent of the amount the State receives under subpart 2 for each fiscal year to carry out this section. Of such reserved funds, the State educational agency may use up to 1 percent to administer the program described in this section.

(b) AWARDS.—From the amount reserved under subsection (a), the State educational agency shall award grants to geographically diverse local educational agencies, including suburban, rural, and urban local educational agencies. In making such awards, the State shall prioritize awards to local educational agencies with the highest percentage of schools identified by the state for comprehensive support and improvement under section 1111(c)(4)(D)(i) or schools implementing targeted support and improvement plans under section 1111(d)(2).

(c) LOCAL USE OF FUNDS.—A local educational agency receiving an award under this section—

(1) may use up to 1 percent of each award for outreach and communication to parents about available direct student services in the district and state;

(2) may use not more than 2 percent of each award for administrative costs related to direct student services; and

(3) shall use the remainder of the award to pay the costs associated with one or more of the following direct student services—

(A) enrollment and participation in academic courses not otherwise available at the school, including career and technical education coursework that is aligned with the challenging State academic standards described in section 1111(b)(1)(C) and leads to industry-recognized credentials that meet the quality criteria established by the State under section 123(a) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102), and advanced courses;

(B) credit recovery and academic acceleration courses that lead to a regular high school diploma;

(C) assist students in successfully completing postsecondary level instruction and examinations that are accept-

ed for credit at institutions of higher education, including Advanced Placement and International Baccalaureate programs, which may include reimbursing low-income students to cover part or all of the costs of fees for such examinations;

(D) components of a personalized learning approach, which may include high-quality academic tutoring; and

(E) in local educational agencies that do not choose to reserve funds under section 1111(d)(1)(D)(v), transportation to allow a student enrolled in a school identified for comprehensive support and improvement under section 1111(c)(4)(D)(i) to transfer to another public school that has not been identified by the state under such section, which may include a public charter school; and

(4) in paying the costs associated with direct student services under paragraph (3), the local educational agency shall—

(A) first, pay such costs for students who are enrolled in schools identified by the state for comprehensive support and improvement under section 1111(c)(4)(D)(i);

(B) second, pay such costs for low-achieving students who are enrolled in schools implementing targeted support and improvement plans under section 1111(d)(2); and

(C) with any remaining funds, pay such costs for other low-achieving students served by the local educational agency.

(d) APPLICATION.—A local educational agency desiring to receive an award under subsection (b) shall submit an application at such time and in such manner as the State educational agency shall require, and describing how the local educational agency will—

(1) provide adequate outreach to ensure parents can exercise a meaningful choice of direct student services for their child's education;

(2) ensure parents have adequate time and information to make a meaningful choice prior to enrolling their child in a direct student service;

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

(4) prioritize services to students who are lowest-achieving;

(5) select providers of direct student services, which may include one or more of the following—

(A) the local educational agency or other local educational agencies;

(B) community colleges or other institutions of higher education;

(C) non-public entities;

(D) community-based organizations; or

(E) in the case of high-quality academic tutoring, a variety of providers of such tutoring that are selected and approved by the State and appear on the State's list of such providers required under subsection (e)(2);

(6) monitor the services provided through direct student services; and

(7) publicly report the results of direct student service providers in improving relevant students outcomes in a manner that is accessible to parents.

(e) PROVIDERS AND SCHOOLS.—The State shall—

(1) ensure that each local educational agency that receives an award under this section and intends to provide public school choice can provide a sufficient number of options to provide a meaningful choice for parents;

(2) compile and maintain, following a fair and impartial selection and approval process, an updated list of State-approved high-quality academic tutoring providers that—

(A) is developed using a fair negotiations and rigorous selection and approval process;

(B) provides parents with meaningful choices;

(C) offers a range of tutoring models, including online and on campus; and

(D) includes only providers that—

(i) have a demonstrated record of success in increasing students' academic achievement;

(ii) comply with all applicable Federal, State, and local health, safety, and civil rights laws; and

(iii) provide instruction and content that is secular, neutral and non-ideological;

(3) ensure that each local educational agency receiving an award will provide an adequate number of high-quality academic tutoring options to ensure parents have a meaningful choice of services;

(4) develop and implement procedures for monitoring the quality of services provided by direct student servicer providers; and

(5) establish and implement clear criteria describing the course of action for providers that are not successful in raising student academic outcomes, which, for high-quality academic tutoring provider, may include a process to remove State approval under subsection (e)(2).

39. The House amendment, but not the Senate bill, has a subtitle heading.

HR

40. The House amendment, but not the Senate bill, amends the headings for title I, part A.

HR

41. The House amendment, but not the Senate bill, converts subtitles to chapters.

HR

42. The Senate bill and House amendment strike and replace section 1111. The Senate bill also strikes and replaces sections 1112 through 1117.

SR

43. The House amendment, but not the Senate bill, changes the heading for subsection (a).

SR

44. The House amendment, but not the Senate bill, omits the word "shall".

HR

45. The Senate bill and House amendment have wording differences.

SR

46. The Senate bill and House amendment add different entities to consult with.

HR with an amendment to strike "(including organizations representing such individuals)"

47. The Senate bill includes additional Acts to coordinate with.

HR with an amendment to add a new paragraph (2):

(2) LIMITATION.—Consultation required under paragraph (1) shall not interfere with the timely submission of the plan required under this section.

48. The Senate bill, but not the House amendment, requires States to describe what evidence-based strategies the State will implement.

SR

49. The House amendment, but not the Senate bill, changes the section reference.

LC

50. The Senate bill includes language on peer review and secretarial approval. The House amendment includes similar language in section 1111(e).

HR

51. The Senate bill and House amendment have different requirements for peer review appointments. See note 53.

HR with amendment to read as follows:

(3) PEER REVIEW AND SECRETARIAL APPROVAL.—

(A) IN GENERAL.—The Secretary shall—

(i) establish a peer-review process to assist in the review of State plans;

(ii) establish multidisciplinary peer-review teams and appoint members of such teams—

(I) who are representative of parents, teachers, principals, other school leaders, specialized instructional support personnel, State educational agencies, local educational agencies, the community, including the business community, and researchers who are familiar with the implementation of academic standards, assessments, or accountability systems, and how to meet the needs of disadvantaged students, children with disabilities, English learners, the needs of low-performing schools, and other educational needs of students;

(II) that include, to the extent practicable, majority representation of individuals who have practical experience in the classroom, school administration, or State or local government, such as direct employees of a school, local educational agency, or State educational agency within the preceding 2 years; and

(III) who represent a regionally diverse cross-section of States;

(iii) make available to the public, including by such means as posting to the Department's website, the list of peer reviewers who have reviewed State plans under this section;

(iv) ensure that the peer-review teams are comprised of varied individuals so that the same peer reviewers are not reviewing all of the State plans; and

52. The Senate bill says a plan is deemed approved within 90 days unless the Secretary demonstrates the plan does not meet the requirements. See note 54.

HR with amendment to strike subparagraph (v) and insert the following:

(v) approve a State plan within 120 days of its submission unless the Secretary determines that such State plan does not meet the requirements of this section and has replied in writing providing the supporting information and rationale to substantiate such determination.

53. The Senate bill, but not the House amendment, include additional provisions related to purpose and nature of review, and appointments.

HR with amendment to strike "publicly available" and replace with "transparent"

54. The House amendment requires the Secretary to approve a plan within 120 days. See note 52.

HR

55. The Senate bill and House amendment lay out different criteria and steps for Secretary disapproval.

HR/SR insert new clauses under subparagraph (A) in paragraph (3) to read as follows:

(vi) disapprove of the State plan only if the Secretary determines how the State plan fails to meet the requirements of this section and immediately notifies the State of such determination and the reasons for such determination in writing as required in clause (v);

(vii) not decline to approve a State's plan before—

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

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

(III) providing all peer-review comments, suggestions, recommendations, or concerns in writing to the State; and

(IV) providing a hearing, unless the State declines the opportunity for such hearing; and

(viii) have the authority to disapprove a State plan if the State has been notified and offered an opportunity to revise and resubmit with technical assistance under clause (vii), and—

(I) the State does not revise and resubmit its plan; or

(II) the State revises and resubmits a plan that the Secretary determines does not meet the requirements of this section after a hearing conducted under clause (vii)(IV), if applicable.

56. The House amendment includes limitations for the Secretary. The Senate bill contains a similar limitation within a more expansive set of limitations. See note 59.

HR

57. The House amendment includes a separate paragraph on state revisions. The Senate bill includes language on state revisions in paragraphs (4), (5), and (8). See notes 55, 58, and 65.

HR

58. The Senate bill includes a separate paragraph on state plan disapproval. See notes 54 through 56.

SR

59. The Senate bill includes a separate paragraph on Secretary limitations. See notes 56, 61, 62, and 66.

SR

60. The Senate bill and House amendment have different public review requirements.

HR with an amendment to strike "comments;" and insert "guidance, notes, and comments and the names of the peer reviewers (once the peer reviewers have completed their work);"

61. The House amendment, but not the Senate bill, includes a prohibition on the Secretary.

SR with an amendment to strike "and the Secretary's staff," and insert after "Secretary", "and political appointees of the Department", and to strike the second sentence.

62. The House amendment, but not the Senate bill, includes a rule of construction regarding Secretary approval. See note 59.

HR

63. The Senate bill and House amendment include similar plan duration language. The House amendment includes this language in section 1111(f).

HR

64. The Senate bill, but not the House amendment, establishes a seven-year duration.

SR

65. The Senate bill and the House amendment include different requirements for additional information.

HR with an amendment to strike subparagraph (C)

66. The Senate bill, but not the House amendment, includes a limitation on the Secretary's authority.

SR

67. The Senate bill and House amendment include similar language on failing to meet requirements. The House amendment language is in section 1111(g).

HR

68. The House amendment requires the Secretary to withhold funds; the Senate bill permits the Secretary to withhold funds.

HR

69. The Senate bill, but not the House amendment, requires the State to post their State plan for at least 30 days for public review.

HR

70. The Senate bill and House amendment have different subsection headings.

SR with an amendment to insert "Challenging" before Academic Standards, and insert "Systems" after "Accountability"

71. The Senate bill and House amendment have different paragraph headings.

HR

72. The Senate bill requires an assurance of the adoption of challenging State academic standards; the House amendment requires demonstration State has adopted academic content standards and academic achievement standards.

HR

73. The Senate bill, but not the House amendment, requires three levels for achievement standards.

HR

74. The Senate bill, but not the House amendment, says that States shall not be required to submit standards to the Secretary.

HR

75. The Senate bill and House amendment have similar requirements for the same standards; the House amendment includes language on achievement standards that the Senate bill includes in subparagraph (C) of the Senate bill. See note 77.

HR/SR with an amendment to strike language in both bills and insert the following:

> (B) SAME STANDARDS.—Except as provided in subparagraph (E), the standards required by subparagraph (A) shall—
>
> > (i) apply to all public schools and public school students in the State; and
> >
> > (ii) with respect to academic achievement standards, include the same knowledge, skills, and levels of achievement expected of all public school students in the State.

76. The Senate bill provides an exception to this requirement for alternate academic achievement standards for students with the most significant cognitive disabilities as provided for in subparagraph (E).

HR

77. The Senate bill and House amendment have similar language on subjects; the Senate bill includes language on levels of achievement that is similar to the language the House amendment includes in subparagraph (C). See note 75.

SR

78. The Senate bill, but not the House amendment, requires States to demonstrate how their standards are aligned with higher education, career and technical education, and relevant early learning guidelines.

HR with an amendment to strike subparagraph (D) and insert the following:

(D) ALIGNMENT.—

(i) IN GENERAL—Each State shall demonstrate that the challenging State academic standards are aligned with entrance requirements for credit-bearing coursework in the system of public higher education in the State and relevant State career and technical education standards.

(ii) RULE OF CONSTRUCTION—Nothing in this Act shall be construed to authorize State institutions of higher education to determine the specific challenging State academic standards required under this Act.

79. The Senate bill and House amendment have different subparagraph headings.

HR

80. The Senate bill and House amendment both allow States to develop alternate academic achievement standards using a documented and validated standards setting process.

HR

81. The House amendment, but not the Senate bill, requires the determination about the use of alternate academic achievement standards be made separately for each student. The Senate bill, but not the House amendment, requires this information to be designated in the student's individualized education program for each student.

HR

82. The Senate bill and House amendment require alignment of the alternate academic achievement standards with other State standards, but the Senate bill specifies the alignment should be with content standards.

HR

83. The Senate bill and House amendment require alternate academic achievement standards to promote access to the general curriculum, but the Senate bill requires that this be consistent with the purposes of the IDEA.

SR with an amendment to insert ", consistent with the Individuals with Disabilities Education Act" after "curriculum"

84. The Senate bill and House amendment use different language to describe the requirement for the standards to reflect the highest standards for the students.

SR

85. The Senate bill, but not the House amendment, requires the alternate academic achievement standards be aligned in such a way to ensure that a student who meets the standard is on track for further education or employment.

HR with an amendment to strike "for further" and insert "to pursue postsecondary" and to add before the period ", consistent with the purposes of Title IV of Pub. L 113–128"

Report Language: "It is the intent of the Conferees that alternate achievement standards be vertically aligned to ensure cross-grade coherence and a building of skills, with proficiency against the standards resulting in a student's readiness to access postsecondary education or employment."

86. The Senate bill, but not the House amendment, prohibits any other alternate or modified achievement standards for children with disabilities.

HR

87. The Senate bill and House amendment include different requirements related to English language proficiency standards.

SR with amendment to strike "describe how the State educational agency will establish" and insert "demonstrate that the State has adopted", to strike "; and" and insert the following:

> ";
>
> (ii) address the different proficiency levels of English learners; and" and to redesignate clause (ii) as clause (iii)"

88. The Senate bill, but not the House amendment, clarifies that States do not have to submit their standards to the Secretary, and contain prohibitions on the Secretary's authority over standards.

HR

89. The Senate bill and House amendment include similar language on existing standards. The House amendment includes the language in subsection (b)(6).

HR

90. The House amendment and Senate bill refer to different bill titles.

LC

91. The House amendment and Senate bill have slightly different language.

SR

92. The House amendment, but not the Senate bill, requires the assessments be used in evaluating the performance of local educational agencies and schools under the State's accountability system. The Senate bill contains similar language requiring these assessments to be used in the State's accountability system in paragraph (3) of the Senate bill.

HR

93. The Senate bill, but not the House amendment, includes an exception for subparagraph (D) related to alternate assessments for the students with the most significant cognitive disabilities.

HR

94. The House amendment and Senate bill have slightly different language with respect to measuring student achievement; the Senate bill, but not the House amendment, includes language on assessment administration to all public school students.

HR

95. The Senate bill, but not the House amendment, refers to "challenging" academic standards.

HR

96. The Senate bill, but not the House amendment, includes an additional requirement that information on the student's performance at grade level be provided.

HR

97. The Senate bill includes this separate provision. The House amendment includes some of this language in clause (iv). See note 98.

HR

98. The Senate bill and House amendment have different requirements. See note 97.

HR

99. The Senate bill and House amendment include similar language regarding the frequency of administration.

SR with amendment to strike "be administered" and all that follows through the semicolon and replace with "be administered—(aa) in each of grades 3 through 8; and (bb) at least once in grades 9 through 12"

100. The House amendment, but not the Senate bill, includes a provision regarding administration of any other subjects chosen by the State.

SR

101. The Senate bill and the House amendment include different provisions that require the assessments to include measures that assess higher order thinking skills and understanding.

HR

102. The House amendment, but not the Senate bill, includes a provision requiring the assessments to measure proficiency and permitting the assessments to measure growth.

HR

103. The Senate bill and House amendment have different provisions related to participation of students.

LC

104. The Senate bill requires appropriate accommodations for students with disabilities and the House amendment requires reasonable accommodations.

HR with an amendment to insert "including students with the most significant cognitive disabilities, " after "section 602(3) of the Individuals with Disabilities Education Act," and to insert "or alternate academic achievement standards described in paragraph (1)(E)" after "State academic standards"

105. The Senate bill, but not the House amendment, includes a reference to assistive technology and IDEA.

HR

106. The House amendment requires accommodations for English learners to be "reasonable," while the Senate bill requires accommodations to be "appropriate."

HR

107. The Senate bill and House amendment include slightly different wording regarding the inclusion of English learners.

HR with an amendment to strike "(1)(F)" and insert "[(G)]"

108. The Senate bill and House amendment have similar provisions with slightly different wording and different clause numbers.

SR with an amendment to read as follows:

(1) in subclause (I), by striking "annual"; and

(2) in subclause (II)—

(A) to insert "statewide interim" after "multiple"; and

(B) to insert "or growth" after "achievement".

109. The Senate bill and House amendment have similar provisions.

HR

110. The Senate bill and House amendment have similar provisions.

SR with an amendment to insert ", consistent with clause (iii)," after "reports" and strike "teachers, and" and insert "teachers, principals, and other"

111. The Senate bill and House amendment have similar provisions; the House amendment, but not the Senate bill, requires disaggregation by status as a student with a parent who is an active duty member of the Armed Forces. The Senate bill includes this in note 178.

HR with an amendment to strike " (VI) migrant status;" and insert the following:

(VI) migrant status, except that, in the case of a local educational agency or a school, such disaggregation shall not be required in a case in which the number of students in a subgroup is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual;

112. The House amendment requires disaggregation by status as a student in foster care. The Senate requires disaggregated reporting on academic assessments and graduation rates for foster students on the State report card. See note 178.

HR

113. The House amendment includes language on personally identifiable information. The Senate bill includes similar language in paragraph (C). See note 119.

SR

114. The Senate bill, but not the House amendment, includes this provision on itemized score analyses.

HR

115. The House amendment includes this provision on the 95 percent participation rate requirement while the Senate bill includes a 95 percent participation rate requirement in paragraph (3)(B)(vi) of the Senate bill.

HR

116. The House amendment, but not the Senate bill, includes a provision related to opt out and the 95 percent participation requirement.

HR

117. The Senate bill and House amendment include a similar provision; the House amendment references the definition for "universal design for learning" in the Higher Education Act while the Senate bill includes a definition in the general provisions.

HR

118. The Senate bill includes this separate subparagraph on disaggregation. The House amendment includes similar language in clause (xii). See note 114.

SR with an amendment to strike subparagraph (C) and insert the following:

(**[**C**]**) EXCEPTION FOR ADVANCED MATHEMATICS IN MIDDLE SCHOOL.—For purposes of implementing subparagraph (B)**[**(v)**]**(I)(aa) for grade 8 with respect to mathematics, the State may exempt any 8th grade student from such assessment if—

(i) such student takes advanced mathematics during such student's 8th grade year and takes the end-of-course assessment the State typically administers to meet the requirements of subparagraph (B)**[**(v)**]**(I)(bb) in that subject;

(ii) such student's achievement on such end-of-course assessment shall be used for purposes of subsection **[**(c)(2)(B)(i)**]**, in lieu of their achievement on the mathematics assessment required in subparagraph (B)**[**(v)**]**(I)(aa), and such student shall be counted as participating in the assessment for purposes of subsection **[**(c)(4)(B)(vi)**]**; and

(iii) such student takes an additional mathematics assessment in high school, which may be any end-of-course assessment in advanced mathematics that is more advanced than the assessment taken by such student to fulfill the requirement of subclause (I), to meet the requirements of subparagraph (B)**[**(v)**]**(I)(bb), which shall be used to measure such student's academic achievement for purposes of subsection **[**(c)(2)(B)(i)**]**.

119. The Senate bill and House amendment have different subparagraph headings.

HR/SR with an amendment to strike subparagraph (D) and replace with the following:

(D) ALTERNATE ASSESSMENTS FOR STUDENTS WITH THE MOST SIGNIFICANT COGNITIVE DISABILITIES.—

(i) ALTERNATE ASSESSMENTS ALIGNED WITH ALTERNATE ACADEMIC ACHIEVEMENT STANDARDS.—A State may provide for alternate assessments aligned with the challenging State academic content standards and alternate academic achievement standards described in paragraph (1)(E) for students with the most significant cognitive disabilities, if the State—

(I) consistent with clause (ii), ensures that, for each subject, the total number of students assessed in such subject using the alternate assessments does not exceed 1 percent of the total number of all students in the State who are assessed in such subject;

(II) ensures that the parents of such students are clearly informed, as part of the process for developing the Individualized Education Program (as defined in section 614(d)(1)(A) of the Individuals with Disabilities Education Act (20 U.S.C. 1414(d)(1)(A)), that—

(aa) their child's academic achievement will be measured against such alternate standards; and

(bb) how participation in such assessments may delay or otherwise affect the student from completing the requirements for a regular high school diploma;

(III) promotes, consistent with the Individuals with Disabilities Education Act, the involvement and progress of students with the most significant cognitive disabilities in the general education curriculum;

(IV) describes in the State plan the steps the State has taken to incorporate universal design for learning, to the extent feasible, in alternate assessments;

(V) describes in the State plan how that general and special education teachers and other appropriate staff know how to administer the alternate assessments, and make appropriate use of accommodations for children with disabilities on all assessments required under this paragraph;

(VI) develops, disseminates information on, and promotes the use of appropriate accommodations to increase the number of students with significant cognitive disabilities participating in academic instruction and assessments and increase the number of students with significant cognitive disabilities who are tested against challenging State academic achievement standards for the grade level in which a student is enrolled; and

(VII) does not preclude a student with the most significant cognitive disabilities who takes an alternate assessment based on alternate academic achievement standards from attempting to complete the requirements for a regular high school diploma.

(ii) SPECIAL RULES.—

(I) RESPONSIBILITY UNDER IDEA.—Subject to the authority and requirements for the individualized education program team for a child with a disability under section 614(d)(1)(A)(i)(VI)(bb) of the Individuals with Disabilities Education Act, such team shall, consistent with the guidelines established by the State and required under section 612(a)(16)(C) of the Individuals with Disabilities Education Act and clause (i)(II) of this subparagraph, determine when a child with a significant cognitive disability shall participate in the alternate assessment aligned to the alternate academic achievement standards.

(II) PROHIBITION ON LOCAL CAP.—Nothing in this subparagraph shall be construed to permit the Secretary or a State educational agency to impose on any local educational agency a cap on the percentage of students administered the alternate assessment under this subparagraph, except that

a local educational agency exceeding the cap applied to the state under clause (i)(I) shall submit information to the State educational agency justifying the need to exceed such cap.

(III) STATE SUPPORT.—A State shall provide appropriate oversight, as determined by the State, of any local educational agency that must submit information to the State under subclause (II).

(IV) WAIVER AUTHORITY.—This subparagraph shall be subject to the Secretary's waiver authority under section [8XXX] of this Act.

120. The Senate bill and House amendment both include a requirement for alignment of the alternate assessment with the State standards. However, the Senate bill, but not the House amendment, clarifies the alternate assessment must be aligned with both the same content standards developed for all students and the alternate academic achievement standards developed for students with the most significant cognitive disabilities.

See note 119.

121. The Senate bill, but not the House amendment, sets an upper limit for the number of children who can be assessed in each subject using the alternate assessment at one percent of the total number of students in the State who are assessed in that subject.

See note 119.

122. The Senate bill and House amendment include similar language related to establishing and monitoring guidelines for individualized education program teams to use when determining whether a child's significant cognitive disability justifies using the alternate assessment.

See note 119.

123. The Senate bill, but not the House amendment, requires that parents are involved in the decision to use the alternate assessment for their child, as required by the Individuals with Disabilities Education Act.

See note 119.

124. The House amendment, but not the Senate bill, include a requirement that parents are informed that their child's academic achievement will be measured against alternate standards and whether participation in the alternate assessment will preclude the student from completing the requirements for a high school diploma.

See note 119.

125. The Senate bill, but not the House amendment, includes requirements on making progress in the general curriculum. The House amendment, but not the Senate bill, requires the students are included in the general curriculum.

See note 119.

126. The Senate bill, but not the House amendment, requires a state plan description on ensuring access.

See note 119.

127. The Senate bill, but not the House amendment, requires the State to include a description of the steps the State has taken to incorporate universal design for learning in the alternate assessment.

See note 119.

128. The Senate bill and House amendment both require that teachers and other appropriate staff know how to administer assessments and make appropriate use of accommodations. The Senate bill extends this requirement to all assessments, whereas the House amendment extends this requirement to the alternate assessment only.

See note 119.

129. The Senate bill and House amendment both include a requirement to develop, disseminate information about, and promote the use of accommodation. The Senate bill and House amendment both specify these accommodations should increase the number of students tested against the State academic achievement standards. The House amendment, but not the Senate bill, clarifies these standards should be for the grade in which the student is enrolled. The Senate bill, but not the House amendment, specifies these accommodations should also promote participation in academic instruction and requires the State to describe in their State plan how appropriate accommodations will be provided.

See note 119.

130. The Senate bill and House amendment have a similar requirement about students who are assessed using the alternate assessment not being precluded from attempting to complete a high school diploma, but the House amendment refers to a "secondary school diploma". The House amendment, but not the Senate bill, clarifies that a State determines the specific requirements for a diploma.

See note 119.

131. The Senate bill, but not the House amendment, includes a limitation on including the 1 percent of students tested against the alternate assessment in the State accountability system.

See note 119.

132. The Senate bill, but not the House amendment, includes language on State authority.

HR

133. The Senate bill requires each State plan to identify the languages that are "present to a significant extent" in the population, while the House amendment requires identification of languages that are "present".

HR

134. The House amendment, but not the Senate bill, includes language on Secretary assistance upon a State's request. The Senate bill includes this provision as subparagraph (F) and the House amendment includes it as subparagraph (E).

SR

135. The Senate bill and House amendment have different requirements for English language proficiency assessments.

SR

136. The House amendment, but not the Senate bill, includes this provision on locally designed assessment systems.

SR with amendment to strike (G) and replace with the following:

(G) LOCALLY-SELECTED ASSESSMENT.—

(i) IN GENERAL.—Nothing in this paragraph shall be construed to prohibit a local educational agency from administering a locally-selected assessment in lieu of the State-designed academic assessment under subclause (I)(bb) and subclause (II)(cc) of clause (v) of subparagraph (B), if the local educational agency selects a nationally-recognized high school academic assessment that has been approved for use by the state as described in clauses (iii) or (iv).

(ii) STATE TECHNICAL CRITERIA.—The State educational agency, in order to allow for State approval of nationally-recognized high school academic assessments that are available for local selection, shall establish technical criteria to determine if any such assessment meets the requirements of clause (v).

(iii) STATE APPROVAL.—If a State educational agency chooses to make a nationally-recognized high school assessment available for local selection, such agency shall—

(I) conduct a review of each assessment to determine if such assessment meets or exceeds such technical criteria established by the state under clause (ii);

(II) submit evidence in accordance with section 1111(a)(3) that demonstrates such assessment meets the requirements of clause (v) of this paragraph; and

(III) after fulfilling the requirements of subclause (I) and subclause (II), approve such assessment for selection and use by any local educational agency that requests to use such assessment consistent with clause (i).

(iv) LOCAL EDUCATIONAL AGENCY OPTION.—(I) if a local educational agency chooses to submit a nationally-recognized high school academic assessment to the State educational agency, subject to the approval process described in subclause (I) and subclause (II) of clause (iii) to determine if such assessment fulfills the requirements of clause (v), the State educational agency may approve the use of such assessment consistent with clause (i); and

(II) upon such approval, the State educational agency shall approve the use of such assessment in any other local educational agency in the State that subsequently requests to use such assessment without repeating the process described in subclause (I) and subclause (II) of clause (iii).

(v) REQUIREMENTS.—in order to receive approval from the State educational agency, such locally-selected assessments shall—

(I) be aligned to the State's academic content standards under section 1111(b)(1), address the depth and breadth of such standards, and be equivalent in their content coverage, difficulty,

and quality to the State-designed assessments, and may be more rigorous in their content coverage and difficulty;

(II) provide comparable, valid, and reliable data on academic achievement, as compared to the State-designed assessments, for all students and for each subgroup of students described in subsection (c)(2), with results expressed in terms consistent with the State's academic achievement standards described in subsection (b)(1), among all local educational agencies within the State;

(III) meet the requirements for the assessments under subparagraph (B), including technical criteria, except the requirement under clause (ii) of such subparagraph; and

(IV) provide unbiased, rational, and consistent differentiation between schools within the State to meet the requirements of section 1111(c).

(iv) PARENTAL NOTIFICATION.—A local educational agency shall notify parents—

(I) of its request to the State educational agency for approval to administer a locally selected assessment; and

(II) upon approval, and at the beginning of each subsequent school year during which the locally selected assessment will be implemented, that the local educational agency will be administering a different assessment than the State-designed assessments under subclause (I)(bb) and subclause (II)(cc) of clause (v) of subparagraph (B).

Report language: "It is the intent of the Conferees to allow flexibility for States and local educational agencies to select and use any nationally-recognized high school assessment that is approved for selection after meeting the requirements of this paragraph. It is the intent of the Conferees that existing assessments already widely recognized as validly measuring student performance, such as ACT or SAT exams, may, subject to approval described in this subparagraph, be selected and used."

137. The Senate bill, but not the House amendment, includes this deferral language.

HR

138. The Senate bill and House amendment include similar rules of construction regarding use of assessments for student promotion or graduation. The House amendment includes this as a section 1111(k).

SR

139. The Senate bill and House amendment have different language on computer adaptive assessments; in addition, the Senate bill includes this as subparagraph (J) and the House amendment includes it as subparagraph (F).

HR/SR with an amendment to strike and replace with the following:

[J/F**]** ADAPTIVE ASSESSMENTS.—

(i) IN GENERAL.—Subject to clause (ii), a State retains the right to develop and administer computer adaptive assessments as the assessments described in this paragraph, as long as the computer adaptive assessments meet the requirements of this paragraph, except that—

(I) subparagraph [(B)(ii)] shall not be interpreted to require that all students taking the computer adaptive assessment be administered the same assessment items; and

(II) such assessment—

(aa) shall measure, at a minimum, each student's academic proficiency against the State's academic standards for the student's grade level and growth toward such standards; and

(bb) may measure the student's level of academic proficiency and growth using items above or below the student's grade level, including for use as part of a State's accountability system under paragraph (3).

Report Language: "It is the Conferees' intent that adaptive assessments may use items above or below the student's grade level, but, for purposes of determining and reporting overall proficiency in the accountability system, the adaptive assessment must measure academic proficiency within a student's enrolled grade level academic standards."

140. The Senate bill, but not the House amendment, contains a provision describing the applicability of computer adaptive assessments for students with the most significant cognitive disabilities.

HR/SR with an amendment to read as follows:

(ii) students with the most significant cognitive disabilities and english learners.—In developing and administering computer adaptive assessments.—

(I) as the assessments allowed under subparagraphs (D), a State shall ensure that such computer adaptive assessments—

(aa) meet the requirements of this paragraph, including subparagraph (D), except such assessments shall not be required to meet the requirements of clause (i)(II); and

(bb) assess the student's academic achievement in order to measure, in the subject being assessed, whether the student is performing at the student's grade level.

(II) as the assessments described under subparagraph (G), a State shall ensure that such computer adaptive assessments—

(aa) meet the requirements of this paragraph, including subparagraph (G), except such assessment shall not be required to meet the requirements of clause (i)(II); and

(bb) assess the student's language proficiency in order to measure the student's acquisition of English.

141. The Senate bill, but not the House amendment, includes this language on parent and guardian rights.

HR with an amendment to strike "part" and insert "paragraph" and strike "statewide"

142. The Senate bill, but not the House amendment, includes this provision on assessment time.

SR with an amendment to insert the following at the end of section 1111(b)(2):

(____) LIMITATION ON ASSESSMENT TIME.—Subject to Federal or State requirements related to assessments, evaluations, and accommodations, each State may, at the sole discretion of such State, set a target limit on the aggregate amount of time devoted to the administration of assessments for each grade, expressed as a percentage of annual instructional hours.

Report Language: "It is the Conferees' intent that nothing in the language allowing a State to set a target limit on time spent on assessments shall ever be construed to mandate that a State set such a target limit. Setting a target limit will always be a choice the State makes. Additionally, the Conferees intend that the target limit set include assessments adopted pursuant to this subsection, other assessments required by the State, and assessments required districtwide by the local educational agency."

143. The Senate bill refers to "System" while the House amendment refers to "Systems" in the paragraph heading.

HR/SR with an amendment to strike paragraph (3) and insert the following:

(c) STATEWIDE ACCOUNTABILITY SYSTEM.—

(1) IN GENERAL.—Each state plan shall describe a Statewide Accountability System that complies with the requirements of this subsection and subsection (d).

(2) SUBGROUP OF STUDENTS.—In this subsection, the term 'subgroup of students' means—

(A) economically disadvantaged students;

(B) students from major racial and ethnic groups;

(C) children with disabilities; and

(D) English learners.

(3) MINIMUM NUMBER OF STUDENTS.—Each State shall describe—

(A) with respect to any provisions under this part that require disaggregation of information by each subgroup of students, as defined in paragraph (2)—

(i) the minimum number of students that the State determines are necessary to be included to carry out such requirements and how that number is statistically sound, which shall be the same State-determined number for all students and for each subgroup of students in the state;

(ii) how such minimum number of students was determined by the State, including how the State collaborated with teachers, principals, other school lead-

ers, parents, and other stakeholders when determining such minimum number; and

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

(4) DESCRIPTION OF SYSTEM.—The statewide accountability system described in paragraph (1)(A) shall be based on the challenging State academic standards described in subsection (b)(1)(C) to improve student academic achievement and school success. In designing such system to meet the requirements of this part, the State shall—

(A) Establish ambitious State-designed long term goals, which shall include measurements of interim progress toward meeting such goals—

(i) for all students and separately for each of subgroup of students in the State—

(I) for, at a minimum, improved—

(aa) academic achievement, as measured by proficiency on the annual assessments required under subsection (b)(2)(B)(v)(I); 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, except that the state shall set a more rigorous long term goal for such graduation rate;

(II) for which the term set by the state in designing such goals is the same multi-year length of time for all students and for each subgroup of students in the state; and

(III) that, for subgroups of students who are behind on the measures described in clause (i), take into account the improvement necessary on such measures to make significant progress in closing statewide proficiency and graduation rate gaps; and

(ii) for English learners, increases in the percentage of students making progress in achieving English language proficiency, as defined by the State, as measured by the assessments described in subsection (b)(2)(G), within a State-determined timeline.

(B) Annually measure, for all students and separately for each subgroup of students, except that the indicator described in clause (iv) shall be measured only for the subgroup of students described in paragraph (2)(D), indicators of—

(i) For all public schools, academic achievement, as measured by proficiency, and at the State's discretion, student growth for high schools, on the annual assessments required under subsection (b)(2)(B)(v)(I), based on the long term goals established pursuant to subparagraph (A);

(ii) For elementary schools and secondary schools that are not high schools, a measure of student growth, if determined appropriate by the state, or another valid and reliable statewide academic indicator that allows for meaningful differentiation in school performance;

(iii) For high schools, the 4 year adjusted cohort graduation rate, and, at the State's discretion, the extended-year adjusted cohort graduation rate, based on State-designed long term goals established pursuant to subparagraph (A);

(iv) English language proficiency for all English learners in each of the grades 3 through 8 and in the grade for which such English learners are otherwise assessed under paragraph (2)(B)(v)(I) during the grade 9 through 12 period, which may include measures of student growth toward such proficiency; and

(v) For all schools, not less than one indicator of school quality or student success that allows for meaningful differentiation in school performance and is valid, reliable, comparable, and statewide, which may include measures of—

(I) Student engagement;

(II) Educator engagement;

(III) Student access to and completion of advanced coursework;

(IV) Postsecondary readiness;

(V) School climate and safety; and

(VI) any other indicator the state chooses that meets the requirements of this clause; and

(vi) for all schools, the participation of at least 95 percent of all students and at least 95 percent of students in each subgroup of students in the assessments required under subsection (b)(2).

(C) Establish a system of annually meaningfully differentiating all public schools in the State, which shall—

(i) be based on all indicators in the State's accountability system under subparagraph (B), for all students and for each of subgroup of students, consistent with the requirements of such subparagraph;

(ii) afford substantial weight to each of the indicators described in clauses (i) through (iv) of subparagraph (B), and in the aggregate greater weight than is afforded to the indicator or indicators utilized by the state and described in subparagraph (B)(v), in the aggregate, with the weight given to the indicator described in clause (vi) of such subparagraph determined solely by the State; and

(iii) include differentiation of any school in which any subgroup of students is consistently underperforming, as determined by the State, based on all indicators under subparagraph (B) and pursuant to the system established under this subparagraph; and

(D) Based on the system of meaningful differentiation described in subparagraph (C), establish a State-determined methodology to identify—

(i) at least once every three years, one statewide category of schools for comprehensive support and improvement as described in subsection (d)(1), which shall include—

(I) at least the lowest-performing 5% of all Title I schools in the state;

(II) all high schools in the state failing to graduate one third or more of their students; and

(III) Schools described under subsection (d)(3)(A)(i)(II); and

(ii) at the discretion of the state, additional statewide categories of schools.

(E) SPECIAL RULES.—

(i) The State educational agency shall begin identification of schools described in subparagraph (D) beginning with the 2017–2018 academic year; and

(ii) For any student who has not attended the same school within a local educational agency for at least half of the academic year, the performance of any such student on the indicators described in clause (i) through clause (v) of subsection (c)(4)(B) may not be used in the system of meaningful differentiation of all public schools as described in subsection (c)(4)(C), except that such performance of any such student shall be used for the purpose of reporting on the State and local educational agency report cards required under subsection (h).

Report Language: "The Conferees intend that States may have opt out policies if they so choose, but any student that opts out shall be included in the denominator for the purposes of calculating the 95 percent participation rate requirement and for measuring, calculating, and reporting proficiency for the purpose of accountability under section 1111(c) and (d). The State will make the decision regarding the consequences for a school that fails to comply with the requirement described in subparagraph (E)."

(d) SCHOOL SUPPORT AND IMPROVEMENT ACTIVITIES.—

(1) COMPREHENSIVE SUPPORT AND IMPROVEMENT.—(A) IN GENERAL.—Each State educational agency receiving funds under this part shall notify each local educational agency in the state of any school within the local educational agency that is identified for comprehensive support and improvement under subsection (c)(4)(D)(i).

(B) LOCAL EDUCATIONAL AGENCY ACTION.—Upon receiving such information from the State, the local educational agency shall, for each school identified by the state and in partnership with stakeholders (including principals and other school leaders, teachers and parents), locally develop and implement a comprehensive support and improvement plan for the school to improve student outcomes based on all indicators in the statewide accountability system established under subsection (c)(4), that—

(i) is informed by all indicators in the statewide accountability system described in subsection (c)(4)(B), including student performance against State-determined long term goals;

(ii) includes evidence-based interventions;

(iii) is based on a school-level needs assessment;

(iv) identifies resource inequities, which may include a review of local educational agency and school level budgeting, to be addressed through implementation;

(v) is approved by the school, local educational agency, and State educational agency; and

(vi) upon approval and implementation, is monitored and periodically reviewed by the State educational agency.

(C) STATE EDUCATIONAL AGENCY DISCRETION.—The State educational agency may—

(i) permit differentiated improvement activities that utilize evidence-based interventions in any high schools identified pursuant to subsection (c)(4)(D)(i)(II) that predominantly serve students—

(I) returning to education after having exited secondary school without a regular high school diploma; or

(II) who, based on their grade or age, are significantly off track to accumulate sufficient academic credits to meet high school graduation requirements, as established by the State; and

(ii) for any high school in the State identified pursuant to subsection (c)(4)(D)(i)(II) that has a total enrollment of less than 100 students, permit the local educational agency to forgo implementation of improvement activities required under this paragraph.

(D) PUBLIC SCHOOL CHOICE.—

(i) IN GENERAL.—A local educational agency may provide all students enrolled in a school identified by the State for comprehensive support and improvement pursuant to subsection (c)(4)(D)(i) with the option to transfer to another public school served by the local educational agency, unless such an option is prohibited by State law.

(ii) 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).

(iii) 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.

(iv) 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.

(v) 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.

(2) TARGETED SUPPORT AND IMPROVEMENT.—(A) IN GENERAL.—Each State educational agency receiving funds under this part shall, using the meaningful differentiation of schools described in subsection (c)(4)(C), notify each local educational agency in the state of any school within the local educational agency in which any subgroup of students is consistently underperforming as described in paragraph (4)(C)(iii) of such subsection, and such local educational agencies shall provide notification to any such school.

(B) TARGETED SUPPORT AND IMPROVEMENT PLAN.—Each school receiving a notification described in this paragraph must, in partnership with stakeholders including principals and other school leaders, teachers and parents, develop and implement a school-level targeted support and improvement plan to improve student outcomes based on the indicators in the statewide accountability system established under subsection (c)(4), for the one or more student subgroup that caused the notification that—

(i) is informed by all indicators in the statewide accountability system described in subsection (c)(4)(B), including student performance against long term goals;

(ii) includes evidence-based interventions;

(iii) is approved by the local educational agency prior to implementation; and

(iv) is monitored, upon submission and implementation, by the local educational agency; and

(v) result in additional action following unsuccessful implementation of such plan after a number of years determined by the local educational agency.

(C) ADDITIONAL TARGETED SUPPORT.—Plans described in subparagraph (B) that are developed and implemented in any school receiving a notification from the local educational agency in which the performance of any subgroup of students would lead to identification for comprehensive support and improvement using the State's methodology under subsection (c)(4)(D) shall also identify resource inequities, which may include a review of local educational agency and school level budgeting, to be addressed through implementation of such plan;

(D) SPECIAL RULE.—The State educational agency shall begin annual differentiation of and notification to local educational agencies of any schools described in subparagraph (C) beginning with the 2017–2018 academic year.

(3) CONTINUED SUPPORT FOR SCHOOL AND LOCAL EDUCATIONAL AGENCY IMPROVEMENTS.—To ensure continued progress to improve student academic achievement and school success in the state, the State educational agency—

(A) shall—

(i) establish statewide exit criteria for—

(I) schools identified by the state for comprehensive support and improvement under subsection (c)(4)(D)(i), which, if not satisfied within a state—determined number of years (not to exceed four years), shall result in more rigorous state-determined action, such as the implementation of interventions which may include addressing school-level operations; and

(II) schools described in paragraph (2)(C), which, if not satisfied within a state-determined number of years, shall, in the case of such schools receiving assistance under this part, result in identification of the school by the state for comprehensive support and improvement under subsection (c)(4)(D)(i)(III);

(ii) periodically review resource allocation to support school improvement in local educational agencies in the state with a significant number of schools identified for comprehensive support and improvement under subsection (c)(4)(D)(i) and schools implementing targeted support and improvement plans under paragraph (2); and

(iii) provide technical assistance to local educational agencies in the state with a significant number of schools implementing comprehensive support and improvement plans under paragraph (1) or schools implementing targeted support and improvement plans under paragraph (2); and

(B) may—

(i) take action to initiate additional improvement in any local educational agency with a significant number of schools that are consistently identified by the state for comprehensive support and improvement under subsection (c)(4)(D)(i) and not meeting exit criteria established by the state under subparagraph (A)(i)(I) and a significant number of schools implementing targeted support and improvement plans under paragraph (2); and

(ii) consistent with State law, establish alternative evidence-based State determined strategies that can be used by local educational agencies to assist a school identified for comprehensive improvement under subsection (c)(4)(D)(i).

(4) RULE OF CONSTRUCTION FOR COLLECTIVE BARGAINING.—Nothing in this subsection shall be construed to alter or otherwise affect the rights, remedies, and procedures afforded to school or local educational agency employees under Federal, State, or local laws (including applicable regulations or court orders) or under the terms of collective bargaining agreements, memoranda of understanding, or other agreements between such employers and their employees.

Report Language: "The Conferees intend for the provisions of this section to establish minimum requirements for State accountability systems, but not to preclude States from including addi-

tional elements or methods for identifying student and school performance, which may include using additional categories of students. Such additional elements or methods must not prevent the State from meeting the minimum requirements for meaningful differentiation, identification for improvement, and school support and interventions under this section, and the State must not use such additional elements or methods to reduce the number or percentage, or change, the schools that would otherwise be subject to the requirements of the State's accountability system as described under 1111(c) and 1111(d)."

144. The Senate bill, but not the House amendment, includes a definition for "category of students." The definition includes the same categories as are included in the House amendment in paragraph (3)(B)(ii)(II).

See note 143.

145. The Senate bill and House amendment have different language requiring States to establish accountability systems.

See note 143.

146. The Senate bill and House amendment have different requirements for State accountability systems.

See note 143.

147. The Senate bill, but not the House amendment, requires States to include graduation rates, an academic indicator for elementary and middle schools, and English proficiency in their accountability systems.

See note 143.

148. The House amendment identifies the subgroups a State's accountability system must identify. The subgroups are mostly identical to the "category of students" definition in the Senate bill, except that the Senate bill says "children with disabilities" and the House amendment says "students with disabilities". See note 145.

See note 143.

149. The Senate bill permits States to measure student growth in their accountability systems. The House amendment includes a mention of student growth in the assessment paragraph of the House amendment. See note 102.

See note 143.

150. The House amendment requires a system of school improvement for low-performing public schools receiving Title I funds as part of states' accountability systems. The Senate bill includes section 1114 regarding school identifications, interventions, and supports to improve low-performing schools. See note 238.

See note 143.

151. The Senate bill, but not the House amendment, details the other indictor of school quality states must include in their accountability systems.

See note 143.

152. The Senate bill, but not the House amendment, includes requirements related to amount certain indicators must weigh in the State-designed accountability systems.

See note 143.

153. The Senate bill, but not the House amendment, requires State accountability systems to comply with Sec. 1114 of the Senate bill.

See note 143.

154. The Senate bill, but not the House amendment, requires State accountability systems to include a clear and understandable explanation of school identification and differentiation.

See note 143.

155. The Senate bill includes the requirement for states to assess 95 percent of their students within the accountability system. The House amendment included this provision within the assessment requirements of the House amendment. See note 115.

See note 143.

156. The House amendment and the Senate bill contain different language related to prohibitions on the Secretary.

HR/SR with an amendment to strike paragraph (6) and insert a new subsection (e) of section 1111 as follows:

(e) PROHIBITION.—

(1) IN GENERAL.—Nothing in this act shall be construed to authorize or permit the Secretary—

(A) when promulgating any rule or regulation, to promulgate any rule or regulation on the development or implementation of the statewide accountability system established under this section that would—

(i) add new requirements that are inconsistent with or outside the scope of this part;

(ii) add new criteria that are inconsistent with or outside the scope of this part; or

(iii) be in excess of Statutory authority granted to the Secretary;

(B) to, as a condition of approval of the State plan, or revisions or amendments to, the State plan, or approval of a waiver request submitted under section 8xxx, to—

(i) require a State to add any requirements that are inconsistent with or outside the scope of this part;

(ii) require a State to add or delete one or more specific elements of the State's academic standards; or

(iii) prescribe—

(I) numeric long-term goals or measurements of interim progress that states establish for all students, for any subgroups of students, and for English learners with respect to English language proficiency, under this part, including—

(aa) the length of terms set by states in designing such goals; or

(bb) the progress expected from any subgroups of students in meeting such goals;

(II) specific academic assessments or assessment items that States or local educational agencies use to meet the requirements of subsection (b)(2) or otherwise use to measure student academic achievement or student growth under this part;

(III) indicators that States use within the State accountability system under this section, including any requirement to measure student growth, if a State chooses to measure student

growth, or the specific metrics used to measure such growth under this part;

(IV) the specific weight of any measure or indicator used to identify or meaningfully differentiate schools, under this part;

(V) the specific methodology used by States to meaningfully differentiate or identify schools under this part;

(VI) any specific school support and improvement strategies that State or local educational agencies establish and implement to intervene, support, and improve schools and student outcomes under this part;

(VII) exit criteria established by States under subsection (d)(3)(A)(i);

(VIII) provided that the State meets the requirements in subsection (c)(3), a minimum number of students;

(IX) any aspect or parameter of a teacher, principal, or other school leader evaluation system within a State or local educational agency; or

(X) indicators or specific measures of teacher, principal, or other school leader effectiveness or quality; or

(C) to issue new non-regulatory guidance that—

(i) in seeking to provide explanation of requirements under this section for State or local educational agencies, either in response to requests for information or in anticipation of such requests, provides a strictly limited or exhaustive list to illustrate successful implementation of provisions under this section; or

(ii) purports to be legally binding; or

(D) to require data collection under this part beyond data derived from existing Federal, State, and local reporting requirements.

(2) DEFINING TERMS.—In carrying out this part, the Secretary shall not, through regulation or as a condition of approval of the State plan or revisions or amendments to the State plan, promulgate a definition of any term used in this part, or otherwise prescribe any specification for any such term, that is inconsistent with or outside the scope of this part or is in violation of paragraph (1).

Report Language: "While it is the intent of the Conferees to allow the Secretary to issue regulations and guidance to clarify the intent and implement the law, Conferees intend to prohibit any such regulation that would create new requirements inconsistent with or outside the scope of the law, including regulations that would take from a State the authority to establish a Statewide Accountability System, thus undermining the intent of Congress that States establish and make decisions regarding the Statewide Accountability System required under this part. For example, the Secretary may issue regulations to implement or clarify the statutory requirement that the State meaningfully differentiate all public schools (such as requiring a statewide accountability system to in-

dicate levels of school performance that are distinct and easy for parents to understand); however, in issuing such regulation, the Secretary may not, for example, require a State to meaningfully differentiate schools using an A–F grading system or other specific scoring rubric."

157. The Senate bill includes this provision as subsection (b)(4), while the House amendment includes it as paragraph (3)(E).

HR/SR with an amendment to read as follows:

(4) EXCEPTIONS FOR ENGLISH LEARNERS.—

(A) ACCOUNTABILITY.—With respect to recently arrived English learners, a State may choose to—

(i) exclude—

(I) a recently arrived English learner who has attended school in one of the 50 States in the United States or in the District of Columbia for less than 12 months from one administration of the reading or language arts assessment required under paragraph (2); and

(II) the results of a recently arrived English learner who has attended school in one of the 50 States in the United States or in the District of Columbia for less than 12 months on either or both of the assessments under paragraph (2)(B)(v)(I) and paragraph (2)(F) for the first year of the English learner's enrollment in a school in the United States for the purposes of the State-determined accountability system under subsection (c); or

(ii)(I) assess, and report the performance of, a recently arrived English learner who has attended school in one of the 50 States in the United States or in the District of Columbia for less than 12 months on the reading or language arts and mathematics assessments required under paragraph (2)(B)(v)(I) in each year of the student's enrollment in a school in the United States; and

(II) for the purposes of the State-determined accountability system—

(aa) for the first year of the student's enrollment in a school in the United States, exclude the results on these assessments;

(bb) include a measure of student growth on the reading or language arts and mathematics assessments in the second year of the student's enrollment; and

(cc) include proficiency on the reading or language arts and mathematics assessments in the third year of the student's enrollment.

(B) ENGLISH LEARNER SUBGROUP.—A State may include the results on the assessments under paragraph (2)(B)(v)(I), except for results on the English language proficiency assessments required under paragraph (2)(G), of former English learners for not more than 4 years after the student is no longer identified as an English learner

within the English learner subgroup of the subgroups of students, as defined in paragraph XX for the purposes of the State-determined accountability system.

158. The Senate bill, but not the House amendment, allows a State to exclude recently arrived English learners from one administration of the State's reading or language arts assessment.

See note 157.

159. The Senate bill allows the results of reading and math assessments of recently arrived English learners to be excluded from accountability determinations for one year, while the House amendment allows for two years in math and three years in reading.

See note 157.

160. The Senate bill, but not the House amendment, allows the results of former English learners to be included in the English learner category for 4 years.

See note 157.

161. The Senate bill refers to accountability provisions under this "title" while the House amendment refers to accountability provisions under this "Act."

SR

162. The Senate bill, but not the House amendment, includes this paragraph on requirements.

HR

163. The House amendment, but not the Senate bill, includes this implementation timeline provision.

HR

164. The House amendment, but not the Senate bill, includes this provision on existing state law.

SR

165. The Senate bill and House amendment have different subsection headings.

SR

166. The Senate bill, but not the House amendment, includes additional state plan descriptions in subsection (c)(1).

HR with an amendment to strike and insert the following:

(g) OTHER PLAN PROVISIONS.—

(1) DESCRIPTIONS.—Each State plan shall describe—

(B) how the State will provide assistance to local educational agencies and individual elementary schools choosing to use funds under this part to support early childhood education programs;

(C) how low-income and minority children enrolled in schools assisted under this part are not served at disproportionate rates by ineffective, out-of-field, and inexperienced teachers, and the measures the State educational agency will use to evaluate and publicly report the progress of the State educational agency with respect to such description; however, nothing in this subparagraph shall be construed as requiring a State to develop or implement a teacher, principal, or other school leader evaluation system;

(D) how the State educational agency will support local educational agencies receiving assistance under this part to improve school conditions for student learning, including through reducing—

(i) incidences of bullying and harassment;

(ii) the overuse of discipline practices that remove students from the classroom; and

(iii) the use of aversive behavioral interventions that compromise student health and safety;

(E) how the State will support local educational agencies receiving assistance under this part in meeting the needs of students at all levels of schooling, particularly students in the middle grades and high school, including how the State will work with such local educational agencies to provide effective transitions to middle grades and high school in order to decrease student risk of dropping out;

Report Language: "It is the Conferees' intent that States describe how the unique needs of students are met, particularly those students in the middle grades and high schools. The Conferees intend that States will work with local educational agencies receiving assistance under this part to assist in identifying students who are at-risk of dropping out using indicators such as attendance and student engagement data, to ensure effective student transitions from middle to high school, including by aligning curriculum and student supports, and to assist in effective transitions from high school to postsecondary education through strategies such as partnerships between local educational agencies and institutions of higher education. Such strategies to improve transitions may include integration of rigorous academics, career and technical education, and work-based learning. In order to accomplish these priorities, the Conferees intend that States will provide professional development to teachers, principals, other school leaders, and other school personnel to ensure that the academic and developmental needs of middle and high school students are met."

(F) the steps a State educational agency will take to ensure collaboration with the State agency responsible for administering the State plans under parts B and E of title IV of the Social Security Act (42 U.S.C. 621 et seq. and 670 et seq.) to ensure the educational stability of children in foster care, including assurances that—

(i) any such child enrolls or remains in such child's school of origin, unless a determination is made that it is not in such child's best interest to attend the school of origin, which decision shall be based on all factors relating to the child's best interest, including consideration of the appropriateness of the current educational setting and the proximity to the school in which the child is enrolled at the time of placement;

(ii) when a determination is made that it is not in such child's best interest to remain in the school of origin, the child is immediately enrolled in a new school, even if the child is unable to produce records normally required for enrollment;

(iii) the enrolling school shall immediately contact the school last attended by any such child to obtain relevant academic and other records; and

(iv) the State educational agency will designate an employee to serve as a point of contact for child welfare agencies and to oversee implementation of the State agency responsibilities required under this subparagraph, and such point of contact shall not be the State's Coordinator for Education of Homeless Children and Youths under section 722(d)(3) of the McKinney-Vento Homeless Assistance Act;

(G) how the State educational agency will provide support to local educational agencies in the identification, enrollment, attendance, and school stability of homeless children and youths; and

(H) such other factors the State educational agency determines appropriate to provide students an opportunity to achieve the knowledge and skills described in the challenging State academic standards.

Report Language: "It is the Conferees' intent that each State describes how it will support local educational agencies and schools by providing resources and guidance, professional development, and technical assistance to reduce techniques, strategies, interventions, and policies that compromise the health and safety of students, such as seclusion and restraint."

167. The Senate bill, but not the House amendment, restructures these provisions as a paragraph (2). The Senate bill and House amendment have different lead-ins.

HR

168. The Senate bill and House amendment include different assurances.

HR with an amendment to strike and insert the following:

(2) ASSURANCES.—Each State plan shall contain assurances that.—

(A) the State will make public any methods or criteria the State is using to measure teacher, principal, and other school leader effectiveness for the purpose of meeting the requirements described in paragraph (1)(C);

(B) the State educational agency will notify local educational agencies, Indian tribes and tribal organizations, schools, teachers, parents, and the public of the challenging State academic standards, academic assessments, and State accountability system, developed under this section;

(C) the State educational agency will assist each local educational agency and school affected by the State plan to meet the requirements of this part;

(D) the State will participate in the biennial State academic assessments in reading and mathematics in grades 4 and 8 of the National Assessment of Educational Progress carried out under section 303(b)(3) of the National Assessment of Educational Progress Authorization

Act if the Secretary pays the costs of administering such assessments;

(E) the State educational agency will modify or eliminate State fiscal and accounting barriers so that schools can easily consolidate funds from other Federal, State, and local sources in order to improve educational opportunities and reduce unnecessary fiscal and accounting requirements;

(F) the State educational agency will support the collection and dissemination to local educational agencies and schools of effective parent and family engagement strategies, including those included in the parent and family engagement policy under section 111[8];

(G) the State educational agency will provide the least restrictive and burdensome regulations for local educational agencies and individual schools participating in a program assisted under this part;

(H) the State educational agency will ensure that local educational agencies, in developing and implementing programs under this part, will, to the extent feasible, work in consultation with outside intermediary organizations, such as educational service agencies, or individuals, that have practical expertise in the development or use of [evidence-based] strategies and programs to improve teaching, learning, and schools;

(I) the State educational agency has appropriate procedures and safeguards in place to ensure the validity of the assessment process;

(J) the State educational agency will ensure that all teachers and paraprofessionals working in a program supported with funds under this part meet applicable State certification and licensure requirements, including alternative certification requirements;

(K) the State educational agency will coordinate activities funded under this part with other Federal activities as appropriate;

(L) the State educational agency has involved the committee of practitioners established under section 1503(b) in developing the plan and monitoring its implementation; [and]

(M) the State has professional standards for paraprofessionals working in a program supported with funds under this part, including qualifications that were in place on the day before the date of enactment of the Every Child Achieves Act of 2015; [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 subgroup 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').

Report Language: "As used in section 8546, Prohibition on Aiding and Abetting Sexual Abuse, the phrase "has probable cause to believe" means that the person knows facts that would lead a reasonable person to conclude that a school employee, contractor, or agent has previously engaged in, or is currently engaging in, sexual misconduct."

169. The Senate bill, but not the House amendment, includes this rule of construction related to cross tabulation of data.

HR with an amendment to strike and insert the following:

(3) RULES OF CONSTRUCTION.—Nothing in paragraph (2)(O) 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 require or 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).

170. The Senate bill, but not the House amendment, includes this paragraph regarding technical assistance related to cross tabulation of data.

SR with an amendment to insert new subparagraph (B) within paragraph (4) to read as follows:

(4) TECHNICAL ASSISTANCE.—Upon request by a State educational agency, the Secretary shall provide technical assistance to such agency in order to—

(A) meet the requirements of paragraph (2)(N); and

(B) in the case of a State educational agency choosing, at its sole discretion, to disaggregate data described in clauses (ii) and (iii)(II) of subsection (d)(1)(C) for Asian and Native Hawaiian/Pacific Islander students using the same

race response categories as the decennial census of the population, assist such State educational agency in such disaggregation and in using such data to improve academic outcomes for such students.

Report Language: "The Conferees recognize that achievement data for the subgroups of students described in subsection 1111(c)(2) can mask particular challenges that ethnic minorities within each subgroup face. The Conferees encourage States that collect disaggregated data on ethnic minorities within individual subgroups, such as disaggregated data for Asian and Native Hawaiian/Pacific Islander students using the same race response categories as the decennial census of the population to make such information publicly available, so long as such disclosure does not reveal any personally identifiable information for any student."

171. The House amendment, but not the Senate bill, includes this requirement regarding parental involvement.

HR

172. The Senate bill and House amendment include the requirement for reports in different subsections.

LC

173. The Senate bill and House amendment have different wording, and the House amendment includes additional language on dissemination. The Senate bill includes similar dissemination language in subparagraph (B)(i)(III) of the Senate bill. See note 176.

HR/SR with an amendment to read as follows:

(d) REPORTS.—

(1) ANNUAL STATE REPORT CARD.—

(A) IN GENERAL.—A State that receives assistance under this part shall prepare and disseminate widely to the public an annual State report card for the State as a whole that meets the requirements of this paragraph.

(B) IMPLEMENTATION.—

(i) IN GENERAL.—The State report card required under this paragraph shall be—

(I) concise;

(II) presented in an understandable and uniform format that is developed in consultation with parents and, to the extent practicable, in a language that parents can understand; and

(III) widely accessible to the public, which shall include making the State report card, **[**and**]** all local educational agency report cards required under paragraph (2), **[**and the annual report to the Secretary under paragraph (5)**]** available on a single webpage of the State educational agency's website.

(ii) ENSURING PRIVACY.—No State report card required under this paragraph shall include any personally identifiable information about any student. Each such report card shall be consistent with the privacy protections under 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').

(C) MINIMUM REQUIREMENTS.—Each State report card required under this subsection shall include the following information:

(i) A clear and concise description of the State's accountability system under subsection (c)(2), including—

(I) The minimum number of students that the State determines are necessary to be included in each of the subgroups of students, as defined in subsection (c)(1), for use in the accountability system under subsection [(c)].

(II) the goals and measurements of interim progress for all students and for each of the subgroups of students, as defined in subsection (c)(2)(A);

(III) the indicators used in the accountability system described in subsection (c)(2)(B) to meaningfully differentiate all schools;

(IV) The State's system for meaningfully differentiating all schools, including—

(aa) the specific weight of the indicators described in (c)(2)(B) in such differentiation;

(bb) the criteria by which the State differentiates all schools;

(cc) the criteria by which the State differentiates a school as consistently underperforming for any subgroup of students described in section (c)(2)(C)(iii), including the time period used by the State to determine consistent underperformance; and

(dd) the criteria by which the State identifies a school for comprehensive support and improvement as required under subsection (c)(2)(D)(i);

(V) the number and names of all schools identified by the State for comprehensive support and improvement under subsection (c)(2)(D)(i) or targeted support and improvement under subsection (d)(2);

(VI) the exit criteria established by the State as required under clause (i) of subsection (d)(3)(A), including the length of years established under clause (i)(II);

(ii) For all students and disaggregated by each subgroup of students described in subsection (b)(2)(B)[(xi)], homeless status, status as a child in foster care, and status as a student with a parent who is an active duty (as defined in section 101(d)(1) of title 10, United States Code) member of the Armed Forces (as defined in section 101(a)(4) of such title) except that such disaggregation shall not be required in a case in which the number of students in a subgroup

is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student, information on student achievement on the academic assessments described in subsection (b)(2) at each level of achievement, as determined by the State under subsection (b)(1).

Report Language: "It is the Conferees' intent that States and districts may also include students with a parent in the National Guard or Reserves as part of the group of students with a parent who is an active member of the Armed Forces."

(iii) For all students and disaggregated by each of the subgroups of students, as defined in subsection (c)(1), and for purposes of subclause (II), homeless status and status as a child in foster care, except that such disaggregation shall not be required in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student—

(I) information on the performance on the other academic indicator under subsection (c)(2)(B)(ii) for elementary schools and secondary schools that are not high schools used by the State in the State accountability system; and

(II) high school graduation rates, including 4-year adjusted cohort graduation rates and, at the State's discretion, extended-year adjusted cohort graduation rates.

(iv) Information on the number and percentage of English learners achieving English language proficiency;

(v) For all students and disaggregated by each of the subgroups of students, as defined in subsection (c)(1), except that such disaggregation shall not be required in a case in which the number of students in a subgroup is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student, information on the performance on the other indicator or indicators of school quality or student success under subsection (c)(2)(B)(v) used by the State in the State accountability system;

(vi) Information on the progress of all students and each subgroup of students, as defined in subsection (c)(1), toward meeting the State-designed long term goals under subsection (c)(2)(A), including the progress of all students and each subgroup of students against the State measurements of interim progress established under such subsection.

(vii) For all students and disaggregated by each subgroup of students described in subsection (b)(2)(B)**[**(xi)**]**, the percentage of students assessed and not assessed.

(viii)(I) Information submitted by the State educational agency and each local educational agency in the State in response to the following question numbers (from the 2013–14 list of elements spreadsheet made available by the Secretary), in accordance with the 2013–2014 data collection conducted pursuant to section 203(c)(1) of the Department of Education Organization Act (20 U.S.C. 3413(c)(1):

(aa) P2Q17T2, P2Q18T2;

(bb) P2Q23T1;

(cc) P2Q17T5, P2Q17T6, P2Q18T5, P2Q18T6;

(dd) P2Q17T9, P2Q18T9

(ee) PTQ30T1, P2Q31T1, P2Q31T2, P2Q31T3;

(ff) P2Q17T8, P2Q18T8;

(gg) P2Q10T1;

(hh) P1Q08T1; and

28(ii) P1Q27T1, P1Q23T1, and P1Q37T1.

(II) With respect to such data collections conducted after the 2013–2014 data collection, notwithstanding any modifications to question number designations from the 2013–14 list of elements spreadsheet, the information submitted by the State educational agency and each local educational agency in the State in response to question numbers substantially corresponding to the 2013–2014 question number designations referred to in subclause (I).

(ix) The professional qualifications of teachers in the State, including information (that shall be presented in the aggregate and disaggregated by high-poverty compared to low-poverty schools on the number and percentage of—

(I) inexperienced teachers, principals, and other school leaders;

(II) teachers teaching with emergency or provisional credentials; and

(III) teachers who are not teaching in the subject or field for which the teacher is certified or licensed.

(x) The per-pupil expenditures of Federal, State, and local funds, including actual personnel expenditures and actual nonpersonnel expenditures of Federal, State, and local funds, disaggregated by source of funds, for each local educational agency and each school in the State for the preceding fiscal year.

(xi) The number and percentages of students with the most significant cognitive disabilities that take an alternate assessment under subsection (b)(2)(D), by grade and subject, except that such reporting shall not be required in a case in which the results would reveal personally identifiable information about an individual student.

(xii) Results on the National Assessment of Educational Progress in reading and mathematics in

grades 4 and 8 for the State, compared to the national average.

(xiii) where available, for each high school in the State, and beginning with the report card released in 2017, the cohort rate (in the aggregate, and disaggregated for each subgroup of students defined in subsection (b)(3)(A), except that such disaggregation shall not be required in a case in which the number of students is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student) at which students who graduate from the high school enroll, for the first academic year that begins after the students' graduation—

(I) in programs of public postsecondary education in the State; and

(II) if data are available and to the extent practicable, in programs of private postsecondary education in the State or programs of postsecondary education outside the State; and

(xiv) Any additional information that the State believes will best provide parents, students, and other members of the public with information regarding the progress of each of the State's public elementary schools and secondary schools, which may include the number and percentage of students attaining career and technical proficiencies, as defined by section 113(b) of the Carl D. Perkins Career and Technical Education Act of 2006 and reported by States only in a manner consistent with section 113(c) of that Act.

(D) RULES OF CONSTRUCTION.—Nothing in subparagraph (C)(viii) shall be construed as requiring—

(i) reporting of any data that are not collected in accordance with section 203(c)(1) of the Department of Education Organization Act (20 U.S.C. 3413(c)(1)); or

(ii) disaggregation of any data other than as required under subsection [(b)(2)(B)(xi)/(xii)].

(2) ANNUAL LOCAL EDUCATIONAL AGENCY REPORT CARDS.—

(A) PREPARATION AND DISSEMINATION.—A local educational agency that receives assistance under this part shall prepare and disseminate an annual local educational agency report card that includes information on such agency as a whole and each school served by the agency.

(B) DATA.—A local educational agency or school shall only include in its annual local educational agency report card data that are sufficient to yield statistically reliable information, that do not reveal personally identifiable information about an individual student. Each such report card shall be consistent with the privacy protection under 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".

(C) IMPLEMENTATION.—Each local educational agency report card shall be—

(i) concise;

(ii) presented in an understandable and uniform format, and to the extent practicable, in a language that parents can understand; and

(iii) accessible to the public, which shall include—

(I) placing such report card on the website of the local educational agency; and

(II) in any case in which a local educational agency does not operate a website, providing the information to the public in another manner determined by the local educational agency.

(D) MINIMUM REQUIREMENTS.—The State educational agency shall ensure that each local educational agency collects appropriate data and includes in the local educational agency's annual report the information described in paragraph (1)(C), disaggregated in the same manner as under paragraph (1)(C), except for clause (xv) of such paragraph, as applied to the local educational agency and each school served by the local educational agency, including—

(i) in the case of a local educational agency, information that shows how students served by the local educational agency achieved on the academic assessments described in subsection (b)(2) compared to students in the State as a whole;

(ii) in the case of a school, information that shows how the school's students' achievement on the academic assessments described in subsection (b)(2) compared to students served by the local educational agency and the State as a whole; and

(iii) any other information that the local educational agency determines is appropriate and will best provide parents, students, and other members of the public with information regarding the progress of each public school served by the local educational agency, whether or not such information is included in the annual State report card.

174. The Senate bill and House amendment structure subparagraph (B) differently.

See note 173.

175. The Senate bill and House amendment have slightly different wording in clause (ii)/(II).

See note 173.

176. The Senate bill, includes a subclause (III) on dissemination which is similar to the requirement in subparagraph (A) of the House amendment.

See note 173.

177. The Senate bill and House amendment include different language on privacy. The Senate bill references FERPA and the House amendment contains a broad prohibition on the data.

See note 173.

178. The House amendment and Senate bill have different required information provisions for the report cards.

See note 173.

179. The Senate bill, but not the House amendment, includes this rule of construction.

See note 173.

180. The House amendment includes a separate provision permitting additional, optional information to be included on the report cards. The Senate bill contains a similar provision in subparagraph (C)(xxi) of the Senate bill.

See note 173.

181. The Senate bill and House amendment have different wording for requiring annual local educational agency report cards. The Senate bill, but not the House amendment, requires the LEA report card to include information for the LEA as a whole and individual report cards for each school served by the LEA.

See note 173.

182. The Senate bill and House amendment include similar language on privacy. The Senate bill includes a reference to FERPA.

See note 173.

183. The Senate bill, but not the House amendment, includes this implementation provision. The Senate bill includes dissemination language. The Senate bill also includes a subparagraph (D), and the House amendment a subparagraph (E), on dissemination. See note 186.

See note 173.

184. The Senate bill and House amendment include different minimum requirements provisions.

See note 173.

185. The Senate bill and House amendment include similar language on other information.

See note 173.

186. The Senate bill and House amendment include similar provisions on public dissemination. See note 183.

HR with an amendment to strike "and;" insert after "schools" the following:

in a manner that is—

(i) concise;

(ii) presented in an understandable and uniform format, and to the extent practicable, in a language that parents can understand; and

(iii) accessible to the public, which shall include—

(I) placing such report card on the website of the local educational agency and on the website of each school served by the agency; and

(II) in any case in which a local educational agency or school does not operate a website, providing the information to the public in another manner determined by the local educational agency.

187. The Senate bill, but not the House amendment, includes this exception related to LEA report cards.

HR

188. The Senate and bill and House amendment, include similar provisions on preexisting report cards.

SR

189. The Senate bill, but not the House amendment, includes this cost reduction provision.

HR

190. The Senate bill, but not the House amendment, includes this annual state report to the Secretary.

HR with an amendment to strike and insert the following:

(4) ANNUAL STATE REPORT TO THE SECRETARY.—Each State educational agency receiving assistance under this part shall report annually to the Secretary, and make widely available within the State—

(A) information on the achievement of students on the academic assessments required by subsection (b)(3), including the disaggregated results for the subgroups of students identified in subsection (c)(2);

(B) information on the acquisition of English proficiency by English learners;

(C) the number and names of each school—

(i) identified for comprehensive support and improvement under subsection (c)(4)(D)(i); and

(ii) implementing targeted support and improvement plans under subsection (d)(2); and

(D) information on the professional qualifications of teachers in the State, including information on the number and the percentage of—

(i) Inexperienced teachers;

(ii) Teachers teaching with emergency or provisional credentials; and

(iii) Teachers who are not teaching in the subject or field for which the teacher is certified or licensed.

191. The Senate bill, but not the House amendment, includes this provision on presentation of data.

HR with an amendment to strike "(A) IN GENERAL—" in subparagraph (A) and strike subparagraph (B)

192. The Senate bill, but not the House amendment, includes this report to Congress.

HR

193. The Senate bill, but not the House amendment, includes this Secretary's report card.

SR

194. The House amendment, but not the Senate bill, includes this subsection on privacy. The Senate includes these requirements in the State and local report card sections (see notes 178 and 182).

SR with an amendment to insert "or disseminated" after collected. Strike "and" between collected and disseminated" and insert "or"

195. The Senate bill and House amendment have different voluntary partnerships provisions.

SR with amendment to strike ", either directly or indirectly,"

196. The Senate bill and House amendment include similar language on BIE schools.

SR

197. The House amendment and Senate bill are structured differently, but both strike and replace section 1112.

LC

198. The Senate bill and House amendment have different requirements under subsection (a)(1), including different coordination requirements. With regard to the timely consultation language in the Senate bill, see note 202.

HR/SR with an amendment to insert the following:

SEC. 1112. LOCAL EDUCATIONAL AGENCY PLANS.

(a) PLANS REQUIRED.—

(1) SUBGRANTS.—A local educational agency may receive a subgrant under this part for any fiscal year only if such agency has on file with the State educational agency a plan, approved by the State educational agency, that—

(A) is developed with timely and meaningful consultation with teachers, principals, other school leaders, paraprofessionals, specialized instructional support personnel, public charter school leaders (in a local educational agency that has charter schools), administrators (including administrators of programs described in other parts of this title), other appropriate school personnel, and with parents of children in schools served under this part; and

(B) as appropriate, is coordinated with other programs under this Act, the Individuals with Disabilities Education Act, the Rehabilitation Act of 1973, the Carl D. Perkins Career and Technical Education Act of 2006, the Workforce Innovation and Opportunity Act, the Head Start Act, the McKinney-Vento Homeless Assistance Act, the Adult Education and Family Literacy Act, and other Acts as appropriate.

(2) CONSOLIDATED APPLICATION.—The plan may be submitted as part of a consolidated application under section **[**9305**]**.

(3) STATE APPROVAL.—

(A) IN GENERAL.—Each local educational agency plan shall be filed according to a schedule established by the State educational agency.

(B) APPROVAL.—The State educational agency shall approve a local educational agency's plan only if the State educational agency determines that the local educational agency's plan—

(i) Provides that schools served under this part enable children served under this part to meet the challenging State academic standards described in section 1111(b)(1); and

(ii) Meets the requirements of this section.

(4) DURATION.—Each local educational agency plan shall be submitted for the first year for which this part is in effect following the date of enactment of the Every Student Succeeds Act of 2015 and shall remain in effect for the duration of the agency's participation under this part.

(5) REVIEW.—Each local educational agency shall periodically review and, as necessary, revise its plan.

(6) RULE OF CONSTRUCTION.—Consultation required under subsection (a)(1)(A) shall not interfere with the timely submission of the plan required under this section.

(b) PLAN PROVISIONS.—To ensure that all children receive a high-quality education, and to close the achievement gap between children meeting the challenging State academic standards and those who are not, each local educational agency plan shall describe—

(1) how the local educational agency will monitor students' progress in meeting the challenging State academic standards by—

(A) developing and implementing a well-rounded program of instruction to meet the academic needs of all students;

(B) identifying students who may be at risk for academic failure;

(C) providing additional educational assistance to individual students determined as needing help in meeting the challenging State academic standards; and

(D) identifying and implementing [evidence-based] methods and instructional strategies intended to strengthen academic programs and improve school conditions for student learning;

Report Language: "The Conferees intend that using funds to improve school conditions for student learning might also include reducing incidences of violence, drug and alcohol use and abuse, and chronic absenteeism (including both excused and unexcused absences). It is the Conferees further intent that States support local educational agencies to reduce these incidences at the school level."

(3) how the local educational agency will identify and address, as required under State plans as described in section 1111(c)(1)(B), any disparities that result in low-income students and minority students being taught at higher rates than other students by ineffective, inexperienced, and out-of-field teachers;

(2) how the local educational agency will carry out its responsibilities under paragraphs (1) and (2) of section 1111(d);

(3) the poverty criteria that will be used to select school attendance areas under section 1113;

(4) in general, the nature of the programs to be conducted by such agency's schools under sections 1114 and 1115 and, where appropriate, educational services outside such schools for children living in local institutions for neglected or delinquent children, and for neglected and delinquent children in community day school programs;

(5) the services the local educational agency will provide homeless children and youths, including services provided with funds reserved under section 1113[(c)(3)(A)] to support the enrollment, attendance, and success of homeless children and youths, in coordination with the services the local educational agency is providing under the McKinney-Vento Homeless Assistance Act;

(6) the strategy the local educational agency will use to implement effective parent and family engagement under section [1115];

(7) if applicable, how the local educational agency will support, coordinate, and integrate services provided under this part with early childhood education programs at the local educational agency or individual school level, including plans for the transition of participants in such programs to local elementary school programs;

(8) how teachers and school leaders, in consultation with parents, administrators, paraprofessionals, and specialized instructional support personnel, in schools operating a targeted assistance school program under section 1115, will identify the eligible children most in need of services under this part;

(9) how the local educational agency will implement strategies to facilitate effective transitions for students from middle grades to high school and from high school to postsecondary education including, if applicable, through coordination with institutions of higher education, employers, and other local partners and through increased student access to early college high school or dual or concurrent enrollment opportunities, or career counseling to identify student interests and skills;

(10) how the local educational agency will support efforts to reduce the overuse of discipline practices that remove students from the classroom, which may include identifying and supporting schools with high rates of discipline, disaggregated by each of the subgroups of students, as defined in section 1111(c)(2);

(11) if determined appropriate by the local educational agency, how such agency will support programs that coordinate and integrate—

(A) academic and career and technical education content through coordinated instructional strategies, that may incorporate experiential learning opportunities and promote skills attainment important to in-demand occupations or industries in the State;

(B) work-based learning opportunities that provide students in-depth interaction with industry professionals and, if appropriate, academic credit, and

(12) any other information on how the local educational agency proposes to use funds to meet the purposes of this part, and that the local educational agency determines appropriate to provide, which may include how the local educational agency will—

(A) assist schools in identifying and serving gifted and talented students;

(B) assist schools in developing effective school library programs to provide students an opportunity to develop digital literacy skills and improve academic achievement.

Report Language: "The Conferees intend that local educational agencies may choose to use Title I money for many innovative initiatives to provide students a well-rounded education, which may include supporting gifted and talented students, expanding access to Advanced Placement or International Baccalaureate programs,

or using funds to support efforts to expand and replicate successful practices from high-performing charter schools, magnet schools, and traditional public schools."

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

(1) ensure that migratory children and formerly migratory children who are eligible to receive services under this part are selected to receive such services on the same basis as other children who are selected to receive services under this part;

(2) provide services to eligible children attending private elementary schools and secondary schools in accordance with section [1120], and timely and meaningful consultation with private school officials regarding such services;

(3) participate, if selected, in the National Assessment of Educational Progress in reading and mathematics in grades 4 and 8 carried out under section 303(b)(3) of the National Assessment of Educational Progress Authorization Act;

(4) coordinate and integrate services provided under this part with other educational services at the local educational agency or individual school level, such as services for English learners, children with disabilities, migratory children, American Indian, Alaska Native, and Native Hawaiian children, and homeless children, in order to increase program effectiveness, eliminate duplication, and reduce fragmentation of the instructional program;

(5) collaborate with the State or local child welfare agency to—

(A) designate a point of contact if the corresponding child welfare agency notifies the local educational agency, in writing, that the agency has designated an employee to serve as a point of contact for the local educational agency; and

(B) by not later than 1 year after the date of enactment of the [Every Student Succeeds Act of 2015, develop and implement clear written procedures governing how transportation to maintain children in foster care in their school of origin when in their best interest will be provided, arranged, and funded for the duration of the time in foster care, which procedures shall—

(i) ensure that children in foster care needing transportation to the school of origin will promptly receive transportation in a cost-effective manner and in accordance with section 475(4)(A) of the Social Security Act (42 U.S.C. 675(4)(A)); and

(ii) ensure that, if there are additional costs incurred in providing transportation to maintain children in foster care in their schools of origin, the local educational agency will provide transportation to the school of origin if—

(I) the local child welfare agency agrees to reimburse the local educational agency for the cost of such transportation;

(II) the local educational agency agrees to pay for the cost of such transportation; or

(III) the local educational agency and the local child welfare agency agree to share the cost of such transportation; and

(6) ensure that all teachers and paraprofessionals working in a program supported with funds under this part meet applicable State certification and licensure requirements, including alternative certification requirements;

(7) in the case of a local educational agency that chooses to use funds under this part to provide [early childhood education] services to low-income children below the age of compulsory school attendance, ensure that such services comply with the performance standards established under section 641A(a) of the Head Start Act;

199. The Senate bill and House amendment have identical consolidated application provisions, except the Senate bill references section 9305 and the House amendment references section 6305.

See note 198.

200. The Senate bill and House amendment include similar language on State review and approval. The House amendment includes this language as subsection (f).

See note 198.

201. The House amendment, but not the Senate bill, includes this language on State review.

See note 198.

202. The House amendment includes consultation language as subsection (e)(1).

See note 198.

203. The Senate bill and House amendment include similar duration language.

See note 198.

204. The Senate bill and House amendment have different review provisions.

See note 198.

205. The Senate bill, but not the House amendment, includes this renewal provision.

See note 198.

206. The Senate bill and House amendment have different lead-ins to paragraph (1).

See note 198.

207. The Senate bill and House amendment have different plan provisions.

See note 198.

208. The Senate bill, but not the House amendment, has language on teacher qualifications.

See note 198.

209. The Senate bill and House amendment have different language on disparities in access to effective teachers.

See note 198.

210. The Senate bill and House amendment have different requirements for how local educational agencies will implement the bill's school improvement and intervention requirements.

See note 198.

211. The Senate bill and House amendment have similar provisions related to operation of Title I programs.

See note 198.

212. The House amendment includes this provision on migrant children. The Senate bill includes similar language as an assurance. See note 225.

See note 198.

213. The Senate bill and House amendment use different section references.

See note 198.

214. The Senate bill and House amendment have similar language on family engagement with different section references.

See note 198.

215. The Senate bill and House amendment have different language on preschool programs.

See note 198.

216. The Senate bill and House amendment have different coordination language.

See note 198.

217. The Senate bill and House amendment have similar language about identifying students in targeted assistance schools.

See note 198.

218. The Senate bill, but not the House amendment, includes this language on multi-tiered systems of support.

See note 198.

219. The Senate bill, but not the House amendment, includes language on providing opportunities for homeless children and youths.

See note 198.

220. The Senate bill, but not the House amendment, includes this provision on transitions from middle to high school and high school to postsecondary education. The House amendment includes a similar provision in paragraph (15) of the House amendment. See note 223.

See note 198.

221. The Senate bill, but not the House amendment, includes provisions on discipline, school climate, and expectant and parenting students.

See note 198.

222. The Senate bill and House amendment have different language on career and technical education.

See note 198.

223. The House amendment, but not the Senate bill, includes language on Advanced Placement and International Baccalaureate programs, school counselors, and before-school, after-school, and summer school programs. The Senate bill includes a related provision in paragraph (14) of the Senate bill. See note 220.

See note 198.

224. The Senate bill, but not the House amendment, includes language on additional information related to gifted and talented students, school libraries, and well-rounded education.

See note 198.

225. The Senate bill includes a provision on migratory children. See note 212.

See note 198.

226. The Senate bill and House amendment include similar language on private school students.

See note 198.

227. The Senate bill and House amendment include similar language on participation in NAEP.

See note 198.

228. The Senate bill and House amendment have different assurances.

See note 198.

229. The House amendment, but not the Senate bill, includes this special rule relating to Head Start performance standards.

SR with an amendment to insert before the period in (2) "including pursuing the availability of other federal, state, and local funding sources to assist in compliance in such paragraph."

230. The Senate bill includes this language on parents right-to-know. The House amendment includes similar language in Title II, section 2402.

HR/SR with an amendment to read as follows:

(d) PARENTS RIGHT-TO-KNOW.—

(1) INFORMATION FOR PARENTS.—

(A) IN GENERAL.—At the beginning of each school year, a local educational agency that receives funds under this part shall notify the parents of each student attending any school receiving funds under this part that the parents may request, and the agency will provide the parents on request (and in a timely manner), information regarding the professional qualifications of the student's classroom teachers, including at a minimum, the following:

(i) Whether the student's teacher—

(I) has met State qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction;

(II) is teaching under emergency or other provisional status through which State qualification or licensing criteria have been waived; and

(III) is teaching in the field of discipline of the certification of the teacher and;

(ii) Whether the child is provided services by paraprofessionals and, if so, their qualifications.

(B) ADDITIONAL INFORMATION.—In addition to the information that parents may request under subparagraph (A), a school that receives funds under this part shall provide to each individual parent of a child who is a student in such school, with respect to such student—

(i) information on the level of achievement and academic growth of the student, if applicable and available, on each of the State academic assessments required under this part; and

(ii) timely notice that the student has been assigned, or has been taught for 4 or more consecutive weeks by, a teacher who does not meet applicable State certification or licensure requirements

at the grade level and subject area in which the teacher has been assigned.

(2) TESTING TRANSPARENCY.—

(A) IN GENERAL—At the beginning of each school year, a local educational agency that receives funds under this part shall notify the parents of each student attending any school receiving funds under this part that the parents may request, and the agency will provide the parents on request (and in a timely manner), information regarding any State or local educational agency policy regarding student participation in any assessments mandated by Sec. 1111(b)(2) and by the State or local educational agency, which shall include a policy, procedure, or parental right to opt the child out of such assessment, where applicable.

(B) ADDITIONAL INFORMATION.—Subject to subparagraph (C), each local educational agency that receives funds under this part shall make widely available through public means (including by posting in a clear and easily accessible manner on the local educational agency's website and, where practicable, on the website of each school served by the local educational agency) for each grade served by the local educational agency, information on each assessment required by the State to comply with section 1111, other assessments required by the State, and where such information is available and feasible to report, assessments required districtwide by the local educational agency, including—

(i) the subject matter assessed;

(ii) the purpose for which the assessment is designed and used;

(iii) the source of the requirement for the assessment; and

(iv) where such information is available—

(I) the amount of time students will spend taking the assessment, and the schedule for the assessment; and

(II) the time and format for disseminating results.

(C) LOCAL EDUCATIONAL AGENCY THAT DOES NOT OPERATE A WEBSITE.—In the case of a local educational agency that does not operate a website, such local educational agency shall determine how to make the information described in subparagraph (A) widely available, such as through distribution of that information to the media, through public agencies, or directly to parents.)

Report Language: "The Conferees intend that when a local educational agency reports on the schedule of assessments that are required districtwide by such agency, such information will include both the time of day, if known by the local educational agency at the time of notification, and the date or dates within the school year the assessments will be administered."

231. The Senate bill includes this additional information in the parents right-to-know. The House amendment includes similar lan-

guage in section 1111(h)(4). With regard to subparagraph (B) of the House amendment, see note 237.

See note 230.

232. The Senate bill, but not the House amendment, includes this language on timely notice.

See note 230.

See 233. The Senate bill, but not the House amendment, includes this language on testing transparency.

See note 230.

234. The Senate bill and House amendment include similar language on language instruction.

HR/SR with an amendment to strike and replace to read as follows:

(3) LANGUAGE INSTRUCTION.—

(A) NOTICE.—Each local educational agency using funds under this part or title III to provide a language instruction educational program as determined under title III shall, not later than 30 days after the beginning of the school year, inform parents of an English learner identified for participation or participating in such a program, of—

(i) the reasons for the identification of their child as an English learner and in need of placement in a language instruction educational program;

(ii) the child's level of English proficiency, how such level was assessed, and the status of the child's academic achievement;

(iii) the methods of instruction used in the program in which their child is, or will be, participating and the methods of instruction used in other available programs, including how such programs differ in content, instructional goals, and the use of English and a native language in instruction;

(iv) how the program in which their child is, or will be, participating will meet the educational strengths and needs of their child;

(v) how such program will specifically help their child learn English and meet age-appropriate academic achievement standards for grade promotion and graduation;

(vi) the specific exit requirements for the program, including the expected rate of transition from such program into classrooms that are not tailored for English learners, and the expected rate of graduation from high school (including 4-year adjusted cohort graduation rates and extended-year adjusted cohort graduation rates for such program) if funds under this part are used for children in high schools;

(vii) in the case of a child with a disability, how such program meets the objectives of the individualized education program of the child, as described in section 614(d) of the Individuals with Disabilities Education Act; and

(viii) information pertaining to parental rights that includes written guidance—

(I) detailing the right that parents have to have their child immediately removed from such program upon their request;

(II) detailing the options that parents have to decline to enroll their child in such program or to choose another program or method of instruction, if available; and

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

(B) SPECIAL RULE APPLICABLE DURING THE SCHOOL YEAR.—For those children who have not been identified as English learners prior to the beginning of the school year but are identified as English learners during such school year, the local educational agency shall notify the children's parents during the first 2 weeks of the child being placed in a language instruction educational program consistent with subparagraph (A).

(C) PARENTAL PARTICIPATION.—Each local educational agency receiving funds under this part shall implement an effective means of outreach to parents of English learners to inform the parents regarding how the parents can be involved in the education of their children, and be active participants in assisting their children to attain English proficiency, achieve at high levels in core academic subjects, and meet the challenging State academic standards expected of all students, including holding, and sending notice of opportunities for, regular meetings for the purpose of formulating and responding to recommendations from parents of students assisted under this part or title III.

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

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

235. The Senate bill and House amendment include different language on format and language.

See note 234.

236. The Senate bill applies the language to all of subsection (d). The House amendment applies the language only to parental notification regarding language instruction.

See note 234.

237. The House amendment includes other format language in section 1111(h)(4)(B). See note 231.

See note 234.

238. The Senate bill includes a new section 1114 dealing with school identification, interventions, and support. The House amendment repeals sections 1116 and 1117 dealing with school improvement, support, and recognition.

SR

239. The Senate bill, but not the House amendment, includes grants for school interventions and support. See note 35.

SR

240. The Senate bill includes this rule of construction. The House amendment includes nearly identical language in a section 1405 in the general provisions of Title I. The Senate bill language applies to section 1114 of the Senate bill. The House amendment language applies to all of Title I.

SR

241. The Senate bill strikes section 1119 and redesignates sections. The House amendment maintains and makes changes to subsections of section 1119 dealing with paraprofessionals.

HR

242. The Senate bill and House amendment have different section headings.

LC

243. The Senate bill, but not the House amendment, redesignates section 1120A as section 1117.

LC

244. The House amendment, but not the Senate bill, makes a technical change throughout.

HR

245. The House amendment, but not the Senate bill, strikes subsection (a).

HR

246. The Senate bill, but not the House amendment, rewrites subsection (b).

HR with an amendment to strike "establish any criterion that specifies, defines, or prescribes" and insert "prescribe" in paragraph (4).

247. The Senate bill and House amendment have different section headings.

LC

248. The Senate bill, but not the House amendment, redesignates section 1120B as section 1118.

LC

249. The House amendment, but not the Senate bill, makes a technical change throughout.

HR

250. The Senate bill and House amendment make similar changes to subsection (a).

SR

251. The Senate bill and House amendment make similar changes to subsection (b).

HR

252. The Senate bill and House amendment have different section numbers.

HR/SR with an amendment to strike and replace with the following:

[SEC. 1XXX]. GRANTS FOR THE OUTLYING AREAS AND THE SECRETARY OF THE INTERIOR."

and that follows through paragraph (3) and insert the following:

SEC. XXX. Section 1121 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6331) is amended to read as follows:

SEC. 1121. GRANTS FOR THE OUTLYING AREAS AND THE SECRETARY OF THE INTERIOR.

(a) RESERVATION OF FUNDS.—From the amount appropriated for payments to States for any fiscal year under section 1002(a), the Secretary shall—

(1) reserve 0.4 percent to provide assistance to the outlying areas in accordance with subsection (b); and

(2) reserve 0.7 percent to provide assistance to the Secretary of the Interior in accordance with subsection (d).

(b) ASSISTANCE TO OUTLYING AREAS.—(1) FUNDS RESERVED.—From the amount made available for any fiscal year under subsection (a)(1), the Secretary shall—

(A) first reserve $1 million for the Republic of Palau, until Palau enters into an agreement for extension of United States educational assistance under the Compact of Free Association, and subject to such terms and conditions as the Secretary may establish, except that Public Law 95–134, permitting the consolidation of grants, shall not apply; and

(B) use the remaining funds to award grants to the outlying areas in accordance with paragraphs (2) through (5).

(2) AMOUNT OF GRANTS.—The Secretary shall allocate the amount available under paragraph (1)(B) to the outlying areas in proportion to their relative numbers of children, aged 5 to 17, inclusive, from families below the poverty level, on the basis of the most recent satisfactory data available from the Department of Commerce.

(3) HOLD-HARMLESS AMOUNTS.—For each fiscal year, the amount made available to each outlying area 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 paragraph (2) is not less than 30 percent of the total number of children aged 5 to 17 years, inclusive, in the outlying area;

(B) not less than 90 percent of the amount made available for the preceding fiscal year if the percentage described in subparagraph (A) is between 15 percent and 30 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 below 15 percent.

(4) RATABLE REDUCTIONS.—If the amount made available under paragraph (1)(B) for any fiscal year is insufficient to pay the full amounts that the outlying areas are eligible to receive under paragraphs (2) and (3) for that fiscal year, the Secretary shall ratably reduce those amounts.

(5) USES.—Grant funds awarded under this subsection may be used only—

(A) for programs described in this Act, including teacher training, curriculum development, instructional materials, or general school improvement and reform; and

(B) to provide direct educational services that assist all students with meeting challenging State academic content standards.

(c) DEFINITION.—For the purpose of subsections (a) and (b), the term "outlying area" means the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(d) ALLOTMENT TO THE SECRETARY OF THE INTERIOR.—

(1) IN GENERAL.—The amount allotted for payments to the Secretary of the Interior under subsection (a)(2) for any fiscal year shall be used, in accordance with such criteria as the Secretary may establish, to meet the special educational needs of—

(A) Indian children on reservations served by elementary schools and secondary schools for Indian children operated or supported by the Department of the Interior; and

(B) out-of-State Indian children in elementary schools and secondary schools in local educational agencies under special contracts with the Department of the Interior.

(2) PAYMENTS.—From the amount allotted for payments to the Secretary of the Interior under subsection (a)(2), the Secretary of the Interior shall make payments to local educational agencies, on such terms as the Secretary determines will best carry out the purposes of this part, with respect to out-of-State Indian children described in paragraph (1). The amount of such payment may not exceed, for each such child, the greater of—

(A) 40 percent of the average per-pupil expenditure in the State in which the agency is located; or

(B) 48 percent of such expenditure in the United States.

(e) LIMITATION ON APPLICABILITY.—If, by reason of the application of subsection(a) in any fiscal year, the amount available for allocation to all States under this [part/subpart] would be less than the amount allocated to States for fiscal year 2016, the Secretary shall provide assistance to the Outlying Areas and the Secretary of the Interior in accordance with this section, as in effect before the enactment of the Every Student Succeeds Act of 2015".

253. The House amendment, but not the Senate bill, changes section references to reflect restructuring of the House amendment. The Senate bill and House amendment eliminate reference to section 1125A(f). See note 286.

See note 252.

254. The House amendment, but not the Senate bill, changes the Act reference.

See note 252.

255. The House amendment, but not the Senate bill, strikes the requirement for consideration of recommendations from the Pacific Region Educational Laboratory.

See note 252.

256. The Senate bill and House amendment make similar changes to language regarding standards.

See note 252.

257. The House amendment, but not the Senate bill, strikes the administrative costs for the Pacific Region Educational Laboratory.

See note 252.

258. The House amendment, but not the Senate bill, makes a technical change.

See note 252.

259. The Senate bill and House amendment have different section numbers.

LC

260. The Senate bill and House amendment rewrite subsection (a) in different ways.

SR with an amendment to strike and replace with the following:

SEC. [124]. ALLOCATIONS TO STATES.

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

(1) in subsection (a)—

(A) in the lead-in to paragraph (1), by striking "2002–2007" and inserting "2017–2020"; and

(B) by striking paragraph (3) and inserting:

(3) an amount equal to 100 percent of the amount, if any, by which the total amount made available under this subsection for the current fiscal year for which the determination is made exceeds the total amount available to carry out sections 1124 and 1124A for fiscal year 2001 shall be used to carry out sections 1125 and 1125A and such amount shall be divided equally between sections 1125 and 1125A.

261. The Senate bill, but not the House amendment, change "2001" to "2015" most places.

SR

262. The House amendment, but not the Senate bill, requires the amounts to be divided equally between sections 1125 and 1125A.

SR

263. The House amendment, but not the Senate bill, includes a technical edit.

HR

264. The Senate bill, but not the House amendment, makes this change to the section references.

SR

265. The Senate bill, but not the House amendment, includes changes to subsection (b)(2).

SR

266. The Senate bill, but not the House amendment, makes a change to subsection (c)(1).

SR

267. The House amendment, but not the Senate bill, makes a technical change.

HR

268. The House amendment, but not the Senate bill, makes a technical change.

HR

269. The Senate bill, but not the House amendment, makes a change regarding section references.

SR

270. The Senate bill, but not the House amendment, includes this new section 1123.

SR

271. The House amendment, but not the Senate bill, makes technical changes to section 1124 consistent with the restructuring of the House amendment.

HR

272. The House amendment, but not the Senate bill, makes changes to section 1125.

HR

273. The Senate bill and House amendment have different section numbers and headings.

LC

274. The Senate bill makes a technical change in a section reference in subsection (b). The House amendment restates subsection (b) of current law as subsection (a) but makes no changes.

SR on Senate change in subsection (b)

SR on restating subsection (b) as subsection (a), with an amendment to strike: "Sec. 1125AA. Adequacy of Funding to Local Educational Agencies in Fiscal Years After Fiscal Year 2001. (a) Limitation of Allocation.—Pursuant" and insert: "Sec. 1125AA. Adequacy of Funding to Local Educational Agencies in Fiscal Years After Fiscal Year 2001.—Pursuant"

275. The House amendment, but not the Senate bill, rewrites as subsection (b) the findings in subsection (a) of current law.

HR with an amendment to strike subsection (b)

276. The Senate bill and House amendment have different section numbers.

LC

277. The House amendment, but not the Senate bill, makes a technical change throughout.

HR

278. The Senate bill, but not the House amendment, makes a technical edit in subsection (a).

HR with an amendment to strike the Senate language and insert the following:

"(1) in subsection (a), by striking 'funds appropriated under subsection (f)' and inserting 'funds made available under section 1122(a)';"

279. The Senate bill and House amendment make different technical edits in subsection (b)

SR

280. The Senate bill, but not the House amendment, makes technical edits to subsections (c) and (d).

HR

281. The House amendment, but not the Senate bill, strikes subsections (a), (e), and (f), and redesignates. See notes 285 and 286.

HR

282. The House amendment, but not the Senate bill, makes further technical changes to subsection (b), as redesignated above.

SR with an amendment to strike "in subsection (b), as so redesignated," and inserting "in subsection (c)"

283. The House amendment, but not the Senate bill, makes changes to subsection (c).

HR

284. The House amendment, but not the Senate bill, adds a subsection (e) regarding application of provisions in this section.

HR

285. The Senate bill, but not the House amendment, rewrites subsection (e). See note 281.

HR

286. The Senate bill and House amendment strike subsection (f). See note 281.

LC

287. The Senate bill, but not the House amendment, makes technical changes to subsection (f) as redesignated above.

HR

288. The Senate bill, but not the House amendment, makes a technical change throughout section 1126.

SR

289. The House amendment, but not the Senate bill, makes a technical edit throughout section 1127.

HR

290. The House amendment, but not the Senate bill, includes this new section 1128.

HR

SEC. 1113

1. The Senate bill combines sections 1113, 1114, and 1115 of current law into section 1113. The House amendment amends section 1113 and maintains separate sections 1114 and 1115.

SR

2. The House amendment, but not the Senate bill, changes references to "part" to be consistent with structural changes in Title I in the House amendment.

LC

3. The Senate bill restructures to make the eligible attendance areas a subsection (a) to reflect the new structure of this section. The Senate bill changes section, paragraph, etc. references throughout to reflect this change.

SR

4. The Senate bill has slight wording differences in the lead-in to clause (i).

LC

5. The Senate bill, but not the House amendment, restructures subparagraph (C) to reflect the new clause (ii). See note 7.

SR

6. The Senate bill, but not the House amendment, includes a 50 percent concentration requirement for high schools.

SR with an amendment to strike the period at the end of (B) and insert a semicolon and insert "(C) Exception—A local educational agency may lower the threshold in sub-

clause (I) to 50 percent for high schools served by such agency."

7. The Senate bill, but not the House amendment, adds language creating a rule of construction for the new requirement in the Senate bill related to high schools.

SR

8. The Senate bill, but not the House amendment, restructures subparagraph (E) in order to add the new clause (ii) related to secondary schools. See note 10.

HR

9. The Senate bill, but not the House amendment, includes minor wording changes.

HR with an amendment to strike "established under title XIX of the Social Security Act".

10. The Senate bill, but not the House amendment, adds a new provision to allow a LEA to use a feeder pattern to determine the number of students from low-income families in high schools.

HR with amendment to insert "after meeting the conditions in clause (iii)" after "which shall be" and insert a new clause (iii) to read as follows:

> (iii) MEASURE OF POVERTY.—The local educational agency shall have the option to use the measure of poverty described in clause (ii)(II) after conducting outreach to secondary schools within such agency regarding the ability to calculate poverty as described in such clause and after a majority of secondary schools in the local educational agency have approved such measure.

11. The Senate bill, but not the House amendment, changes a paragraph reference in subparagraph (A) to reflect the different structure in the Senate bill.

SR

12. The Senate bill, but not the House amendment, changes this reference from section 1120A(c) to section 1117(c) to reflect restructuring in the Senate bill.

SR with an amendment to strike "1117(c) and insert "1118(c)"

13. The Senate bill, but not the House amendment, changes the reference from sections 1114 and 1115 to "this section" in subclause (II) to reflect the restructuring in the Senate bill.

SR

14. The Senate bill, but not the House amendment, changes the reference from subsections to paragraphs to reflect the restructuring in the Senate bill.

HR

15. The Senate bill, but not the House amendment, changes "paragraph" to "clause".

SR

16. The House amendment, but not the Senate bill, changes the reference to "subpart 2" to reflect restructuring.

HR

17. The House amendment, but not the Senate bill, changes the reference to section 1116(b).

SR with an amendment to strike "school improvement, corrective action, and restructuring under section 1116(b)" and insert "comprehensive support and improvement activities or targeted support and improvement activities under section 1111(d)"

18. The Senate bill, but not the House amendment, eliminates the financial incentives and rewards reservation.

SR

19. The Senate bill, but not the House amendment, restructures the reservation of funds. The House amendment makes no changes to this provision in current law.

HR

20. The Senate bill, but not the House amendment, strikes "who do not attend participating schools" in clause (i).

HR

21. The Senate bill, but not the House amendment, allows this reservation of funds to be determined based on a needs assessment of homeless children and youth.

HR with an amendment to redesignate "(B)" as "(C)" and insert the following:

(B) METHOD OF DETERMINATION.—The share of funds determined under subparagraph (A) shall be determined—

(i) based on the total allocation received by the local educational agency; and

(ii) prior to any allowable expenditures of transfers by the local educational agency; and

(C) HOMELESS CHILDREN AND YOUTH.—

22. The Senate bill, but not the House amendment, includes this language on reserving funds for early childhood education.

HR

23. The Senate bill, but not the House amendment, requires school districts to determine whether schools operate schoolwide or targeted assistance programs based on a needs assessment.

SR

24. The Senate bill combines section 1114 into section 1113 as subsection (c) and changes section, paragraph, etc. references accordingly. The House amendment amends section 1114.

SR

25. The Senate bill, but not the House amendment, changes the headings of subsection (a) and subsection (a)(1) of current law (or paragraph (1) and paragraph (1)(A) of the Senate bill).

LC

26. The House amendment, but not the Senate bill, changes references to "part" throughout.

LC

27. The House amendment removes the 40 percent threshold. The Senate bill allows schools below the 40 percent threshold to operate schoolwide programs if the local educational agency allows it based on the needs assessment.

HR with an amendment to strike "if" and all that follows through the end and insert "if the school receives a waiver from the State educational agency to do so, after taking into account how a schoolwide program will best serve the needs

of the students in the school served under this part in improving academic achievement and other factors"

(c) SCHOOLWIDE PROGRAMS.—

(1) IN GENERAL.—

(A) ELIGIBILITY.—A local educational agency may consolidate and use funds under this part, together with other Federal, State, and local funds, in order to upgrade the entire educational program of a school that serves an eligible school attendance area in which not less than 40 percent of the children are from low-income families, or not less than 40 percent of the children enrolled in the school are from such families.

(B) EXCEPTION.—A school that serves an eligible school attendance area in which less than 40 percent of the children are from low-income families, or a school for which less than 40 percent of the children enrolled in the school are from such families, may operate a schoolwide program under this section if the school—

(i) receives a waiver from the State educational agency to do so after taking into account how;

(ii) a schoolwide program will best serve the needs of the students in the school served under this part in improving academic achievement and other factors.

28. The Senate bill, but not the House amendment, rewrites section 1114(b) of current law as a new paragraph (2). The House amendment maintains section 1114(b) of current law but makes changes.

SR on maintaining section 1114. HR/SR with an amendment to strike (2) and insert the following:

(2) SCHOOLWIDE PROGRAM PLAN.—An eligible school operating a schoolwide program shall develop (or amend a plan for such a program that was in existence on the day before the date of enactment of the Every Student Succeeds Act a comprehensive plan, in consultation with the local educational agency, to the extent feasible, tribes and tribal organizations present in the community, and other individuals as determined by the school, that—

(A) is developed during a 1-year period, unless—

(i) the local educational agency determines in consultation with the school that less time is needed to develop and implement the schoolwide program; or

(ii) the school is operating a schoolwide program on the day before the date of enactment of the Every Student Succeeds Act, in which case such school may continue to operate such program, but shall develop amendments to its existing plan during the first year of assistance after that date to reflect the provisions of this section;

(B) is developed with the involvement of parents and other members of the community to be served and individuals who will carry out such plan, including teachers, principals, other school leaders, paraprofessionals present in the school, and administrators (including administrators of programs described in other parts of this title), and, if ap-

propriate, specialized instructional support personnel, technical assistance providers, school staff, and, if the plan relates to a secondary school, students;

(C) remains in effect for the duration of the school's participation under this part, except that the plan and its implementation shall be regularly monitored and revised as necessary based on student needs to ensure that all students are provided opportunities to meet the challenging State academic standards;

(D) is available to the local educational agency, parents, and the public, and the information contained in such plan shall be in an understandable and uniform format and, to the extent practicable, provided in a language that the parents can understand;

(E) if appropriate and applicable, is developed in coordination and integration with other Federal, State, and local services, resources, and programs, such as programs supported under this Act, violence prevention programs, nutrition programs, housing programs, Head Start programs, adult education programs, career and technical education programs, and interventions and supports for schools identified for comprehensive support and improvement under section 1111(c)(4)(D)(i) or targeted support and improvement under section 1111(d)(2);

(F) is based on a comprehensive needs assessment of the entire school that takes into account information on the academic achievement of children in relation to the challenging State academic standards under section 1111(b)(1), particularly the needs of those children who are failing, or are at-risk of failing, to meet the challenging State academic standards and any other factors as determined by the local educational agency; and

(G) includes a description of—

(i) the strategies that the school will be implementing to address school needs, including a description of how such strategies will—

(I) provide opportunities for all children, including each of the subgroups of students, as defined in section 1111(c)(2) to meet the challenging State academic standards under section 1111(b)(1);

(II) use methods and instructional strategies that strengthen the academic program in the school, increase the amount and quality of learning time, and help provide an enriched and accelerated curriculum, which may include programs, activities, and courses necessary to provide a well-rounded education; and

(III) address the needs of all children in the school, but particularly the needs of those at risk of not meeting the challenging State academic standards, through activities which may include—

(aa) counseling, school-based mental health programs, specialized instructional support serv-

ices, mentoring services, and other strategies to improve student's skills outside the academic subject areas;

(bb) preparation for and awareness of opportunities for postsecondary education and the workforce, which may include career and technical education programs and broadening secondary school students' access to coursework to earn postsecondary credit while still in high school, such as Advanced Placement, International Baccalaureate, dual or concurrent enrollment or early college high schools;

(cc) implementation of a schoolwide tiered model to prevent and address problem behavior, and early intervening services, coordinated with similar activities and services carried out under the Individuals with Disabilities Education Act;

(dd) professional development and other activities for teachers, paraprofessionals, and other school personnel to improve instruction and use of data from academic assessments, and to recruit and retain effective teachers, particularly in high-need subjects; and

(ee) strategies for assisting preschool children in the transition from early childhood education programs to local elementary school programs; and

(ii) if programs are consolidated, the specific State educational agency and local educational agency programs and other Federal programs that will be consolidated in the schoolwide program.

Report Language: "It is the Conferees" intent that all programs and schoolwide services and activities funded under this Act are coordinated with similar services and activities under the Individuals with Disabilities Education Act, especially when specifically authorized, such as with early intervening services and positive behavioral interventions and supports."

29. The Senate bill, but not the House amendment, restructures section 1114(a)(2) to make it a paragraph (3) of section 1113(c).

SR

30. The Senate bill and House amendment make different technical changes to subparagraph (A).

LC

31. The Senate bill, but not the House amendment, removes a reference to 1120A(b) after "supplementary".

HR

32. The Senate bill, but not the House amendment, adds a reference to section 1117.

HR with an amendment to strike "1117" and insert "1118"

33. The Senate bill and House amendment both make a technical change with respect to English learners. The Senate bill and House amendment make different additional technical changes.

LC. SR on name change to "English Learners"

34. The Senate bill, but not the House amendment, restructures section 1114(a)(3) to make it paragraph (4) of section 1113(c).

SR

35. The Senate bill, but not the House amendment, strikes "Except as provided in subsection (b),"

SR with amendment to strike "subsection (b)" and insert "paragraph (2)".

36. The House amendment, but not the Senate bill, strikes "maintenance of effort".

HR

37. The Senate bill, but not the House amendment, includes a reference to section 1117.

HR with an amendment to strike "1117" and insert "1118"

38. The Senate bill, but not the House amendment, makes technical changes.

HR

39. The Senate bill and House amendment eliminate a requirement for schools to devote sufficient resources to professional development.

LC

40. The Senate bill, but not the House amendment, restructures section 1114(c) to make it paragraph (5) of section 1113(c).

SR

41. The House amendment and Senate bill use slightly different language.

HR/SR with an amendment to insert the following:

(c) PRESCHOOL PROGRAMS—A school that operates a schoolwide program under this section may use funds made available under this [part] to establish or enhance preschool programs for children below the age of 6.

(d) DELIVERY OF SERVICES—The elements of a schoolwide program under this section may be delivered by nonprofit or for-profit external providers with expertise in using evidence-based or other effective strategies to improve student achievement.

42. The Senate bill, but not the House amendment, inserts the word "expand".

SR

43. The Senate bill combines section 1115 into section 1113 as subsection (d) and changes section, paragraph, etc. references accordingly. The House amendment amends section 1115.

SR

44. The Senate bill and House amendment reword the "In General" provision in different ways to reflect previous changes in the respective bills.

HR/SR with an amendment to strike subsection (a) and insert the following:

(a) IN GENERAL.—In all schools selected to receive funds under section 1113(c) that are ineligible for a schoolwide program under section 1114, that have not received a waiver under 1114[(a)(2)] to operate such a schoolwide program, or choose not to operate such a schoolwide program, a local educational agency serving such school may use funds received under this part only for programs

that provide services to eligible children under subsection (b) identified as having the greatest need for special assistance.

45. The Senate bill, but not the House amendment, rewrites section 1115(c) of current law as a new paragraph (2). The House amendment maintains section 1115(c) of current law but makes changes.

SR on maintaining section 1115. HR/SR to strike and insert the following:

(2) TARGETED ASSISTANCE SCHOOL PROGRAM.—To assist targeted assistance schools and local educational agencies to meet their responsibility to provide for all their students served under this part the opportunity to meet the State's challenging student academic achievement standards in subjects as determined by the State, each targeted assistance program under this section shall—

(A) Determine which students will be served;

(B) coordinate the activities supported under this part with the regular education program of the school;

(C) serve participating students identified under paragraph (3)(A)(ii), including by—

(i) using resources under this part to help participating children meet the challenging State academic standards, which may include programs, activities and courses necessary to provide a well-rounded education;

(ii) using, methods and instructional strategies to strengthen the core academic program of the school, through activities which may include—

(I) expanded learning time, before- and after-school programs, and summer programs and opportunities; and

(II) a schoolwide tiered model to prevent and address behavior problems, and early intervening services, coordinated with similar activities and services carried out under the Individuals with Disabilities Education Act;

(iii) coordinating with and supporting the regular education program, which may include services to assist preschool children in the transition from early childhood education programs such as Head Start, the literacy program under part B of title II, or State-run preschool programs to elementary school programs;

(iv) providing professional development to effective teachers, principals, other school leaders, paraprofessionals, if appropriate, specialized instructional support personnel, and other school personnel who work with participating children in programs under this section or in the regular education program with resources provided under this part, and, to the extent practicable, from other sources;

(v) implementing strategies to increase the involvement of parents of participating children in accordance with section **[**1116**]**; and

(vi) if appropriate and applicable, coordinating and integrating Federal, State, and local services and

programs, such as programs supported under this Act, violence prevention programs, nutrition programs, housing programs, Head Start programs, adult education programs, career and technical education, **[**and intervention and supports in schools identified for comprehensive support and improvement under section 1111(c)(4)(D)(i) or targeted support and improvement under section 1111(d)(2)**]**; and

(D) provide to the local educational agency assurances that the school will—

(i) help provide an accelerated, high-quality curriculum;

(ii) minimize removing children from the regular classroom during regular school hours for instruction provided under this part; and

(iii) on an ongoing basis, review the progress of participating children and revise the targeted assistance program under this section, if necessary, to provide additional assistance to enable such children to meet the challenging State academic standards.

Report Language: "It is the Conferees' intent that a targeted assistance school may use funds to implement positive behavioral interventions and supports."

46. The Senate bill, but not the House amendment, moves the eligible children provisions after the program components provisions.

SR

47. The Senate bill, but not the House amendment, makes minor technical edits.

HR

48. The Senate bill and House amendment make different edits to references to standards.

HR

49. The Senate bill, but not the House amendment, rewords language related to selection of children from preschool through grade 2.

HR

50. The Senate bill refers to "children who are English learners", while the House amendment refers to "English learners".

SR

51. The Senate bill and House amendment make different technical changes.

LC

52. The Senate bill and House amendment make different changes to the heading.

HR

53. The Senate bill and House amendment strike references to Even Start and Early Reading First. The Senate bill, but not the House amendment, adds the literacy program under part D of Title II.

LC on first sentence. HR with amendment to strike "part D of title II" and insert "subpart 2 of part B of Title II"

54. The Senate bill and House amendment make different technical changes.

LC

55. The Senate bill and House amendment make different changes to the heading.

HR

55a. The Senate bill and House amendment make different technical edits.

LC

56. The Senate bill and House amendment make different technical changes.

LC

57. The Senate bill and House amendment make different technical edits.

LC

58. The Senate bill, but not the House amendment, restructures the comprehensive services provision.

LC

59. The Senate bill and House amendment make different technical edits.

LC

60. The Senate bill, but not the House amendment, strikes "engaged in a comprehensive needs assessment and".

SR.

61. The Senate bill, but not the House amendment, strikes "as a last resort".

SR

62. The Senate bill, but not the House amendment, adds "and services".

SR

63. The Senate bill, but not the House amendment, adds "family support and engagement services".

HR

64. The Senate bill, but not the House amendment, adds "health care services and integrated student supports to address the physical, mental, and emotional well-being of children; and" .

SR with an amendment to insert the following: "(iv) integrated student supports"

65. The Senate bill and House amendment make similar changes to "pupil services personnel".

HR

66. The Senate bill and House amendment eliminate a requirement for schools to devote sufficient resources to professional development.

LC

67. The Senate bill, but not the House amendment, includes this provision on dual or concurrent enrollment programs.

HR with an amendment to strike and replace paragraphs (1) and (2) with the following:

(1) IN GENERAL.—

(A) a high school operating a schoolwide program under subsection (c), may use funds received under this part to operate a dual or concurrent enrollment program that addresses the needs of low-achieving high school stu-

dents and those at risk of not meeting challenging State academic standards; or

(B) a high school operating a targeted program under subsection (d) may use funds received under this part to provide dual or concurrent enrollment program services to eligible children under Sec. 1115 b)(1)(B) who are identified as having the greatest need for special assistance.

(2) FLEXIBILITY OF FUNDS—A local educational agency using funds received under this part for a dual or concurrent program described in clause (A) or (B) of paragraph (1) may use such funds for any of the costs associated with such program, including the costs of—

(A) training for teachers, and joint professional development for teachers in collaboration with career and technical educators and educators from institutions of higher education where appropriate, for the purpose of integrating rigorous academics in such programs;

(B) tuition and fees, books, required instructional materials for such program, and innovative delivery method; and

(C) transportation to and from such program.

68. The Senate bill, but not the House amendment, includes this prohibition.

HR/LC with an amendment to strike "comprehensive needs assessment under subsection (b)(2) or a plan under subsection (c) or (d)" and insert "comprehensive needs assessment or plan under section 1114[(b)], or a program under section 1115"

69. The House amendment, but not the Senate bill, includes this provision on delivery of services.

SR

FAMILY ENGAGEMENT

1. The Senate bill, but not the House amendment, redesignates section 1118 as 1115.

SR

2. The Senate bill, but not the House amendment, changes the section heading.

HR

Report Language: "It is the Conferees' intent that, in referencing "parent and family members", States and school districts do not have to take multiple and different steps to reach both parents and also family members. States and school districts can fulfill the requirements of this section through a combined and simultaneous effort to reach parents and family members."

3. The House amendment, but not the Senate bill, makes a technical edit throughout.

LC

4. The Senate bill, but not the House amendment, makes changes to subsection (a)(1)

LC

5. The Senate bill, but not the House amendment, makes changes in the lead-in to subparagraph (A).

HR

6. The House amendment strikes a reference to section 1116 in subparagraph (A).

HR

7. The Senate bill, but not the House amendment, strikes subparagraphs (A) through (F) and inserts new subparagraphs (A) through (F).

HR

8. The Senate bill, but not the House amendment, adds "to the extent feasible and appropriate" and refers to other Federal, State, and local laws, in subparagraph (D) of current law, which is subparagraph (C) of the Senate bill.

HR

9. The House amendment makes a technical change in paragraph (3)(A) to reflect bill restructuring.

LC

10. The Senate bill, but not the House amendment, makes a change to reference "at least 1 percent" rather than "not less than 1 percent" and deletes the references to family literacy and parenting skills.

HR

11. The Senate bill, but not the House amendment, adds a rule of construction.

HR

12. The Senate bill, but not the House amendment, changes the heading and beginning of subparagraph (B).

HR

13. The Senate bill, but not the House amendment, reduces the amount required to be distributed to schools from 95 percent to 85 percent.

HR with an amendment to strike "85" and insert "90"

14. The Senate bill, but not the House amendment, inserts a priority for high-need schools.

HR

15. The Senate bill, but not the House amendment, adds a new use of funds provision.

HR with amendment to strike "home visitation programs" and insert "programs that reach parents and family members at home, in the community, and at school", and in (v) to strike "policy, which may include financial literacy activities and adult education and literacy activities, as defined in section 203 of the Adult Education and Family Literacy Act." And insert "policy."

16. The Senate bill, but not the House amendment, makes changes to subsection (b).

HR

17. The Senate bill, but not the House amendment, makes changes to paragraph (3).

HR

18. The Senate bill and House amendment make different changes to paragraph (4)(B).

HR

19. The Senate bill, but not the House amendment, changes the section reference to reflect previous changes.

SR

20. The Senate bill, but not the House amendment, makes a change in the matter preceding paragraph (1).

HR

21. The Senate bill and House amendment make different changes to paragraph (1).

HR

22. The Senate bill, but not the House amendment, makes additional changes to paragraph (2).

HR

23. The Senate bill refers to "the challenging State academic standards" and the House amendment refers to "State's academic standards."

HR

24. The Senate bill, but not the House amendment, adds language about copyright piracy.

HR

25. The Senate bill inserts "other school leaders" while the House amendment strikes "principals" and replaces with "school leaders."

HR

26. The Senate bill and House amendment make similar changes, but the House amendment also strikes "and public preschool and"

SR with an amendment to insert "programs, including public preschool programs," after "local"

27. The Senate bill, but not the House amendment, strikes and replaces subsection (f).

HR with an amendment to strike "full and" before "informed"

28. The House amendment, but not the Senate bill, strikes and replaces subsection (g).

SR

29. The Senate bill, but not the House amendment, makes changes to subsection (h).

HR

TITLE I—EQUITABLE PARTICIPATION

1. The Senate bill and House amendment have different section numbers.

LC

2. The Senate bill, but not the House amendment, changes section references to reflect earlier changes.

LC

3. The House amendment, but not the Senate bill, restructures paragraph (1).

SR

4. The House amendment, but not the Senate bill, adds "or representatives" after "officials".

HR

5. The House amendment, but not the Senate bill, says provide such "service" instead of such "children".

HR

6. The House amendment, but not the Senate bill, adds "and individually or in combination, as requested by the officials or rep-

resentatives to best meet the needs of such children" in subparagraph (A).

SR with an amendment to strike "or representatives"

7. The House amendment, but not the Senate bill, adds a reference to instructional services (including evaluations to determine students' progress in their academic needs), counseling, and mentoring, one-on-one tutoring.

SR

8. The House amendment Senate bill have different references. The House amendment refers to this subpart, the Senate bill refers to section 1115.

LC

9. The House amendment, but not the Senate bill, restructures paragraph (3) to add a subparagraph (B).

SR

10. The House amendment also changes "part" to "subpart".

LC

11. The House amendment, but not the Senate bill, adds a requirement for an ombudsman to be appointed at the State-level to monitor and enforce the requirements of this subpart.

SR

12. The Senate bill bases expenditures on the proportion of funds allocated to participating school attendance areas and the House amendment bases expenditures on participating public school children.

HR

13. The Senate bill and the House amendment have similar requirements to when the share of funds is calculated. ((4)(C) in Senate bill below)

HR

14. The House amendment, but not the Senate bill contains a new provision related to obligation of funds.

SR with an amendment to strike clause (ii)

Report Language: "It is the Conferees intent to ensure that the agency shall provide services to eligible students under this provision in a timely manner to ensure such services will be provided in the year in which the funds were received by such agency. If the agency does not provide equitable services in the year in which the funds were received, such funds should not be redistributed for general use because such services were not provided."

15. The House amendment, but not the Senate bill contains a new provision related providing notice of allocations.

SR with an amendment to strike "determine" through all of clause (ii) and insert "provide notice in a timely manner to the appropriate private school officials in the State of the allocation of funds for educational services and other benefits under this subpart that the local educational agencies have determined are available for eligible private school children."

16. The Senate bill, but not the House amendment allows the calculation to be done each year or every two years.

HR

17. The House amendment includes a new reference to subsection (b)(6)(C) in provision of services to reflect earlier changes the House amendment made. See note 39.

SR

18. The House amendment, but not the Senate bill, adds "or representatives".

HR

19. The House amendment, but not the Senate bill, states a goal of reaching agreement between the local educational agency and the private school officials or representatives, and requires transmission to the ombudsman.

SR with an amendment to strike "or representatives" and to strike "in order" through "private school children," and insert ". Such agency and private school officials shall both have the goal of reaching agreement on how to provide equitable and effective programs for eligible private school children,"

20. The House amendment, but not the Senate bill, specifies a reference to subparagraph (A).

LC

21. The House amendment and Senate bill make a similar change regarding how the proportion of funds is determined.

HR

22. The House amendment, but not the Senate bill, includes an itemization of costs.

HR

23. The Senate bill, but not the House amendment, changes the section reference to reflect previous changes.

SR

24. The House amendment, but not the Senate bill, includes "or representatives."

HR

25. The Senate bill and House amendment have similar new subparagraphs (I).

HR

26. The House amendment, but not the Senate bill, includes new subparagraph (J) to include in consultation whether private schools may pool such funds.

SR

27. The House amendment, but not the Senate bill, includes a new subparagraph (K) to consult about what time and where the services will be provided.

HR/SR with amendment to strike (K) and replace with "when, including the time of day, and where services will be provided;"

28. The House amendment, but not the Senate bill, includes a new subparagraph (L) that includes an allowance to consult about whether to use the funds to provide schoolwide programs.

SR with an amendment to strike "this" and all that follows, and insert "subsection (a)(4) in coordination with eligible funds for private schools services under applicable programs, as defined in section 8xxx (b)(1)to provide services to eligible private school children participating in programs."

29. The House amendment, but not the Senate bill, includes a new paragraph (2) on disagreement.

SR with an amendment to strike "an analysis of" and "or representatives", and to strike "has chosen not to adopt the course of action requested by such officials" and insert "disagrees".

30. The House amendment, but not the Senate bill, adds "or representatives".

HR

30a. The House amendment changes the reference from part to "subpart".

LC

31. The House amendment, but not the Senate bill, adds "or representatives."

HR

32. The House amendment, but not the Senate bill, adds "meaningful" before "consultation".

SR

33. The House amendment, but not the Senate bill, includes language providing a chance for the private school officials to indicate the consultation was not timely or equitable.

SR with an amendment to strike "or representatives" and to insert after "indicate" "that such officials' belief"

34. The House amendment, but not the Senate bill, adds "or representatives" in the last sentence.

HR

35. The House amendment, but not the Senate bill, adds language about attempts at consultation.

SR

36. The House amendment, but not the Senate bill, specifies the right to "file a complaint."

SR

37. The Senate bill and House amendment make similar additions regarding equitable treatment. The Senate bill adds "or did not make a decision that treats the . . ." The House amendment adds "or did not treat the . . . ."

HR

38. The House amendment, but not the Senate bill, specifies the right to "file a complaint" in (B) as well.

SR

39. The House amendment, but not the Senate bill, adds a new subparagraph (C) regarding State educational agencies.

SR with amendment to strike "and institutions, if —" and all that follows through the end and insert:

and institutions, if the appropriate private school officials have—

(I) requested that the State educational agency provide such services directly; and

(II) demonstrated that the local educational agency involved has not met the requirements of this section in accordance with the procedures for making such a request, as prescribed by the State educational agency;

40. The House amendment and Senate bill use different section references but have the same policy.

LC

41. The House amendment, but not the Senate bill, changes these references to reflect restructuring in the House amendment but have the same policy.

LC

TITLE I, PART B—ASSESSMENTS

1. The Senate bill, but not the House amendment, amends part B of title I to include provisions on academic assessments.

HR

2. The Senate bill, but not the House amendment, authorizes the Secretary to award grants to States to pay the costs of developing, administering, or other activities related to State assessments. The House amendment includes language in the Local Academic Flexible Grant to allow states and local educational agencies to use funds under that program to develop, administer, and audit assessments. See notes 4 and 5.

HR/SR with an amendment to strike Sec. 1201 and insert the following:

SEC. 1201. GRANTS FOR STATE ASSESSMENTS AND RELATED ACTIVITIES.

(a) From amounts made available in accordance with section 1204, the Secretary shall make grants to States to enable the States to carry out 1 or more of the following:

(1) To pay the costs of the development of the State assessments and standards adopted under section 1111(b), which may include the costs of working in voluntary partnerships with other States, at the sole discretion of each such State.

(2) If a State has developed the assessments adopted under section 1111(b), to administer those assessments or to carry out other assessment activities described in this part, such as the following:

(A) Ensuring the provision of appropriate accommodations available to children who are English learners and children with disabilities to improve the rates of inclusion in regular assessments of such children, including professional development activities to improve the implementation of such accommodations in instructional practice.

(B) Developing challenging State academic standards and aligned assessments in academic subjects for which standards and assessments are not required under section 1111(b).

(C) Developing or improving assessments of English language proficiency for English learners.

(D) Ensuring the continued validity and reliability of State assessments.

(E) Refining State assessments to ensure their continued alignment with the challenging State academic standards and to improve the alignment of curricula and instructional materials.

(F) Developing or improving balanced assessment systems that include summative, interim, and formative as-

sessments, including supporting local educational agencies in developing or improving such assessments.

(G) At the discretion of the State, refining science assessments required under section 1111(b)(2) in order to integrate engineering design skills and practices into such assessments.

(H) Developing or improving models to measure and assess student progress or student growth on State assessments under section 1111(b)(2) and other assessments not required under section 1111(b)(2).

(I) Developing or improving alternate assessments aligned to alternate academic achievement standards for students with the most significant cognitive disabilities described in section 1111(b)(2)(D).

(J) Allowing for collaboration with institutions of higher education, other research institutions, or other organizations to improve the quality, validity, and reliability of State academic assessments beyond the requirements for such assessments described in section 1111(b)(2).

(K) Measuring student academic achievement using multiple measures of student academic achievement from multiple sources.

(L) Developing or improving assessments for students who are children with disabilities, including using the principles of universal design for learning, developing assessments aligned to alternate academic achievement standards for students with the most significant cognitive disabilities described in section 1111(b)(2)(D).

(M) Developing or improving assessments for English learners, including assessments of English language proficiency as required under section 1111(b)(2)(G) and academic assessments in languages other than English to meet the State's obligations under section 1111(b)(2)(F);

(N) Developing or improving models to measure and assess growth on State assessments under section 1111(b)(2).

(O) Evaluating student academic achievement through the development of comprehensive academic assessment instruments, such as performance and technology-based academic assessments, computer adaptive assessments, projects, or extended performance task assessments, that emphasize the mastery of standards and aligned competencies in a competency-based education model.

(P) 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 (7) 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.

(c) ANNUAL REPORT.—Each State educational agency receiving a grant under this section shall submit an annual report to the Secretary describing its activities under the grant and the result of such activities.

3. The Senate bill authorizes the Secretary to award competitive grants to SEAs for enhanced assessment instruments. The House amendment contains no such provision.

See note 2.

4. The Senate bill authorizes the Secretary to award competitive grants to States to audit State and local assessment systems. The House amendment includes state and local audit authority in the Local Academic Flexible Grant. See notes 2 and 5.

HR/SR with an amendment to strike 1203 and insert the following:

SEC. 1203. STATE OPTION TO CONDUCT ASSESSMENT SYSTEM AUDIT.

(a) IN GENERAL.—From the amount reserved under section 1204(a)(1)(C) for a fiscal year, the Secretary shall make grants to States to enable the States to—

(1) in the case of a grant awarded under this section to a State for the first time—

(A) audit State assessment systems and ensure that local educational agencies audit local assessments under subsection (e)(1);

(B) execute the State plan under subsection (e)(3)(D); and

(C) award subgrants under subsection (f); and

(2) in the case of a grant awarded under this section to a State that has previously received a grant under this section—

(A) execute the State plan under subsection (e)(3)(D); and

(B) award subgrants under subsection (f).

(b) MINIMUM AMOUNT.—Each State shall receive a grant amount of not less than $1,500,000 per fiscal year upon submission of its application.

(c) REALLOCATION.—If a State chooses not to apply for a grant under this subsection, the Secretary shall reallocate such grant amount to other States in accordance with section 1201.

(d) APPLICATION.—A State desiring to receive a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary shall require. The application shall include a description of:

(1) the audit the State will carry out under subsection (e)(1);

(2) the stakeholder feedback the State will seek in designing such audit; and

(3) how the State will award grants to local educational agencies under subsection (f).

(e) AUDITS OF STATE ASSESSMENT SYSTEMS AND LOCAL ASSESSMENTS.—

(1) AUDIT REQUIREMENTS—Not later than 1 year after a State receives an initial grant under this section for the first time, the State shall—

(A) conduct a State assessment system audit;

(B) ensure that each local educational agency receiving funds under this section conducts an audit of local assessments administered by the local educational agency and submits the results of such audit to the State; and

(C) report the results of each State and local educational agency audit conducted under subparagraphs (A) and (B), in a format that is widely accessible and publicly available.

(2) RESOURCES FOR LOCAL EDUCATIONAL AGENCIES.—In carrying out paragraph (1)(B), each State shall provide local educational agencies with resources, such as guidelines and protocols, to assist in conducting and reporting audit results.

(3) STATE ASSESSMENT SYSTEM DESCRIPTION.—Each State assessment system audit conducted under paragraph (1) shall include—

(A) the schedule for the administration of all State assessments; and

(B) for each State assessment—

(i) the purpose for which the assessment was designed and the purpose for which the assessment is used; and

(ii) the legal authority for the administration of the assessment;

(C) feedback on such system from education stakeholders, which shall cover information such as—

(i) how educators, school leaders, and administrators use assessment data to improve and differentiate instruction;

(ii) the timing of release of assessment data;

(iii) the extent to which assessment data is presented in an accessible and understandable format for all stakeholders;

(iv) the opportunities, resources, and training educators and administrators are given to review assessment results and make effective use of assessment data;

(v) the distribution of technological resources and personnel necessary to administer assessments;

(vi) the amount of time educators spend on assessment preparation and administration;

(vii) the assessments that administrators, educators, parents, and students, if appropriate, do and do not find useful; and

(viii) other information as appropriate; and

(D) a plan, based on the results of the audit, to improve and streamline the State assessment system, including activities such as—

(i) eliminating any unnecessary assessments, which may include buying out the remainder of procurement contracts;

(ii) supporting the dissemination of best practices from local educational agencies or other States that have successfully improved assessment quality and efficiency to improve teaching and learning; and

(iii) supporting local educational agencies or consortia of local educational agencies to carry out efforts to streamline local assessment systems and implement a regular process of review and evaluation of assessment use in local educational agencies.

(4) LOCAL ASSESSMENT DESCRIPTION.—An audit of a local assessment conducted under paragraph (1) shall include the same information required in paragraph (3) as it applies to the local educational agency.

(5) CARRY OUT THE STATE PLAN.—A State shall execute the plan described in paragraph (3)(D) with funds received under this part.

(f) SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.—

(1) IN GENERAL.—From the amount awarded to a State under this section, the State shall reserve not less than 20 percent of funds to make subgrants to local educational agencies in the State, or consortia of such local educational agencies, based on demonstrated need in the agency's or consortium's application to improve assessment quality and use, and alignment.

(2) LOCAL EDUCATIONAL AGENCY APPLICATION.—Each local educational agency, or consortium of local educational agencies, seeking a subgrant under this subsection shall submit an application to the State at such time, in such manner, and containing such other information as determined by the State. The application shall include a description of the agency or consortium's needs to improve assessment quality, use, and alignment.

(3) USE OF FUNDS.—A subgrant awarded under this subsection to a local educational agency or consortium of such agencies may be used to—

(A) conduct an audit of local assessments under subsection (e)(1)(B);

(B) carry out the plan described in subsection (e)(3)(D) as it pertains to such agency or consortium;

(C) improve assessment delivery systems and schedules, including by increasing access to technology and exam proctors, where appropriate;

(D) hire instructional coaches, or promote educators who may receive increased compensation to serve as instructional coaches, to support educators to develop classroom-based assessments, interpret assessment data, and design instruction;

(E) provide for appropriate accommodations to maximize inclusion of children with disabilities and English learners participating in assessments; and

(F) improve the capacity of school leaders and educators to disseminate assessment data in an accessible and understandable format for parents and families, including for children with disabilities or English learners;

(g) DEFINITIONS—In this section:

(1) LOCAL ASSESSMENT.—The term 'local assessment' means an academic assessment selected and carried out by a local educational agency that is separate from an assessment required by section 1111(b)(2).

(2) STATE.—The term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

5. The Senate bill includes subgrants to local educational agencies. The House amendment includes language in the Local Academic Flexible Grant to allow local educational agencies to do similar activities. See notes 2 and 4.

See note 4.

6. The Senate bill authorizes funding to States to administer State assessments. The House amendment contains no such provision.

HR/SR with an amendment to strike Sec. 1204 and insert the following:

SEC. 1204. ALLOTMENT OF APROPRIATED FUNDS.

(a) IN GENERAL.—From amounts made available for each fiscal year under [subsection 1002(b)] that are equal to or less than the amount described in section [1111(b)(2)(H)], the Secretary shall—

(1) reserve ½ of 1 percent for the Bureau of Indian Education;

(2) reserve ½ of 1 percent for the outlying areas;

(3) reserve not more than 20 percent to carry out section 1203; and

(4) from the remainder, allocate to each State for section 1201 an amount equal to—

(A) $3,000,000; and

(B) with respect to any amounts remaining after the allocation is made under clause (i), an amount that bears the same relationship to such total remaining amounts as the number of students aged 5 through 17 in the State (as determined by the Secretary on the basis of the most recent satisfactory data) bears to the total number of such students in all States.

(b) AMOUNTS ABOVE TRIGGER AMOUNT.—Any amounts made available for a fiscal year under subsection [1002(b)] that are more than the amount described in section [1111(b)(2)(H)] may be made available as follows:

(1)

(A) To award grants on a competitive basis, to State educational agencies that have submitted applications at such time and in such manner which demonstrate that the requirements of this section will be met for the uses of funds under sub-paragraph (J) through (Q) according to the quality, needs, and scope of the State application under that section.

(B) In determining the grant amount under subparagraph (A), the Secretary shall ensure that a State's grant includes an amount that bears the same relationship to the total funds available under this paragraph for the fiscal year as the number of students ages 5 through 17 in the State (as determined by the Secretary on the

basis of the most recent satisfactory data) bears to the total number of such students in all States.

(2) Any amounts remaining after the Secretary awards funds under paragraph (1) shall be allocated to each State that did not receive a grant under such subparagraph, in an amount that bears the same relationship to the total funds available under this subparagraph as the number of students ages 5 through 17 in the State (as determined by the Secretary on the basis of the most recent satisfactory data) bears to the total number of such students in all States.

(c) STATE DEFINED.—In this section, the term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

(d) PROHIBITION.—In making funds available to states under this section, the Secretary shall not require, condition the awarding of such funds on, or provide priority points for, a State (or a consortium of States) developing any assessment common to a number of States, including testing activities prohibited under section 9529.

7. The Senate bill authorizes the Secretary to allow States to develop innovative assessment systems. The House amendment contains no such provision.

HR with an amendment to read as follows:

SEC. 1205. INNOVATIVE ASSESSMENT AND ACCOUNTABILITY DEMONSTRATION AUTHORITY.

(a) INNOVATIVE ASSESSMENT SYSTEM DEFINED.—The term 'innovative assessment system' means a system of assessments that may include—

(1) competency-based assessments, instructionally embedded assessments, interim assessments, cumulative year-end assessments, or performance-based assessments that combine into an annual summative determination for a student, which may be administered through computer adaptive assessments; and

(2) assessments that validate when students are ready to demonstrate mastery or proficiency and allow for differentiated student support based on individual learning needs.

(b) DEMONSTRATION AUTHORITY.—

(1) IN GENERAL.—The Secretary may provide a State educational agency, or a consortium of State educational agencies, in accordance with paragraph (3), with the authority to establish an innovative assessment system.

(2) DEMONSTRATION PERIOD.—In accordance with the requirements described in subsection (c), each State educational agency, or consortium of State educational agencies, that submits an application under this section shall propose in its application the period of time over which it desires to exercise the demonstration authority, except that such period shall not exceed 5 years.

(3) INITIAL DEMONSTRATION AUTHORITY AND EXPANSION.—During the first 3 years of the demonstration authority under this section, the Secretary shall provide State educational agencies, or consortia of State educational agencies, subject to meeting the application requirements in subsection (c), with the authority described in paragraph (1), except that during

these first 3 years, the total number of participating State educational agencies, including those participating in consortia, may not exceed 7, and not more than 4 State educational agencies may participate in a single consortium.

(C) PROGRESS REPORT.—

(i) IN GENERAL.—Not later than 90 days after the end of the first 3 years of the initial demonstration period described in subparagraph (A), the Director of the Institute of Education Sciences, in consultation with the Secretary, shall publish a report detailing the initial progress of the approved innovative assessment systems prior to providing additional State educational agencies with the demonstration authority described in paragraph (1).

(ii) CRITERIA.—The progress report under clause (i) shall draw upon the annual information submitted by participating States described in subsection (c)(2)(I) and examine the extent to which—

(I) the State educational agencies have solicited feedback from teachers, principals, other school leaders, and parents about their satisfaction with the innovative assessment system;

(II) teachers, principals, and other school leaders have demonstrated a commitment and capacity to implement or continue to implement the innovative assessment systems;

(III) the innovative assessment systems have been developed in accordance with the requirements of subsection (c), including substantial evidence that such systems meet such requirements; and

(IV) each State participating in the demonstration authority has demonstrated that the same system of assessments was used to measure the achievement of all students that participated in the demonstration authority, **[**and not less than the same percentage of such students overall and in each of the subgroups of students, as defined in section 1111(c)(2)**]**, were assessed under the innovative assessment system, as measured under section 1111(c)(4)(B)(vi), as were assessed under the assessment required by section 1111(b)(2).

(iii) USE OF REPORT.—Upon completion of the progress report, the Secretary shall provide a response to the findings of the progress report, including a description of how the findings of the report will be used—

(I) to support participating State educational agencies through technical assistance; and

(II) to inform the peer review process described in subsection (d) for advising the Secretary on the awarding of the demonstration authority to

the additional State educational agencies described in subparagraph (D).

(iv) PUBLICLY AVAILABLE.—The Secretary shall make the progress report under this subparagraph and the response described in clause (iii) publicly available on the website of the Department.

(v) PROHIBITION.—Nothing in this subparagraph shall be construed to authorize the Secretary to require participating States to submit any additional information for the purposes of the progress report beyond what the State has already provided in the annual report described in subsection (c)(2)(I).

(D) EXPANSION OF THE DEMONSTRATION AUTHORITY.—Upon completion and publication of the report described in subparagraph (C)(iv), additional State educational agencies or consortia of State educational agencies may apply for the demonstration authority described in this section without regard to the limitations described in subparagraph (B). Such State educational agencies or consortia of State educational agencies shall be subject to all of the same requirements of this section.

(c) APPLICATION.—Consistent with the process described in subsection (d), a State educational agency, or consortium of State educational agencies, that desires to participate in the program of demonstration authority under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may reasonably require. Such application shall include a description of the innovative assessment system, what experience the applicant has in implementing any components of the innovative assessment system, and the timeline over which the State proposes to exercise this authority. In addition, the application shall include the following:

(1) A demonstration that the innovative assessment system will—

(A) meet all the requirements of section 1111(b)(2)(B), except the requirements of clauses (i) and (v) of such section;

(B) be aligned to the standards under section 1111(b)(1) and address the depth and breadth of the challenging State academic standards under such section;

(C) express student results or student competencies in terms consistent with the State aligned academic achievement standards;

(D) be able to generate comparable, valid, and reliable results for all students and for each subgroup of students described in section 1111(b)(2)(B)(xi), compared to the results for such students on the State assessments under section 1111(b)(2);

(E) be developed in collaboration with stakeholders representing the interests of children with disabilities, English learners, and other vulnerable children, educators, including teachers, principals, and other school leaders, local educational agencies, parents, and civil rights organizations in the State;

(F) be accessible to all students, such as by incorporating the principles of universal design for learning;

(G) provide educators, students, and parents with timely data, disaggregated by each subgroup of students described in section 1111(b)(2)(B)(xi), to inform and improve instructional practice and student supports;

(H) be able to identify which students are not making progress toward the State's academic achievement standards so that educators can provide instructional support and targeted intervention to all students;

[(I) measure the annual progress of not less than the same percentage of all students and students in each of the subgroups of students, as defined in section 1111(c)(2), who are enrolled in each school that is participating in the innovative assessment system and are required to take assessments, as measured under section 1111(c)(4)(B)(vi), as were assessed by schools administering the assessment under section 1111(b)(2);]

(J) generate an annual, summative achievement determination based on annual data for each individual student based on the challenging State academic standards under section 1111(b)(1) and be able to validly and reliably aggregate data from the innovative assessment system for purposes of accountability, consistent with the requirements of section 1111(b)(3), and reporting, consistent with the requirements of section 1111(d); and

(K) continue use of the high-quality statewide academic assessments required under section 1111(b)(2) if such assessments will be used for accountability purposes for the duration of the demonstration.

(2) A description of how the State educational agency will—

(A) identify the distinct purposes for each assessment that is part of the innovative assessment system;

(B) provide support and training to local educational agency and school staff to implement the innovative assessment system described in this subsection;

(C) inform parents of students in participating local educational agencies about the innovative assessment system at the beginning of each school year during which the innovative assessment system will be implemented;

(D) engage and support teachers in developing and scoring assessments that are part of the innovative assessment system, including through the use of high-quality professional development, standardized and calibrated scoring rubrics, and other strategies, consistent with relevant nationally recognized professional and technical standards, to ensure inter-rater reliability and comparability;

(E) acclimate students to the innovative assessment system;

(F) ensure that students with the most significant cognitive disabilities may be assessed with alternate assessments consistent with section 1111(b)(2)(D);

(G) if the State is proposing to administer the innovative assessment system initially in a subset of local educational agencies, scale up the innovative assessment system to administer such system statewide or with additional local educational agencies in the State's proposed period of demonstration authority and 2-year extension period, if applicable, including the timeline that explains the process for scaling to statewide implementation by either the end of the State's proposed period of demonstration authority or the 2-year extension period;

(H) gather data, solicit regular feedback from educators and parents, and assess the results of each year of the program of demonstration authority under this section, and respond by making needed changes to the innovative assessment system; and

(I) report data from the innovative assessment system annually to the Secretary, including—

(i) demographics of participating local educational agencies, if such system is not statewide, and additional local educational agencies if added to the system during the course of the State's demonstration or 2-year extension period, except that such data shall not reveal any personally identifiable information, including a description of how—

(I) the inclusion of additional local educational agencies contributes to progress toward achieving high-quality and consistent implementation across demographically diverse local educational agencies throughout the demonstration period; and

(II) by the end of the demonstration authority, the participating local educational agencies, as a group, will be demographically similar to the State as a whole;

(ii) performance of all participating students and for each subgroup of students, as defined in section 1111(b)(3)(A), on the innovative assessment, consistent with the requirements in section 1111(d), except that such data shall not reveal any personally identifiable information;

(iv) feedback from teachers, principals, other school leaders, and parents about their satisfaction with the innovative assessment system; and

(v) if such system is not statewide, a description of the State's progress in scaling up the innovative assessment system to additional local educational agencies during the State's period of demonstration authority, as described in subparagraph (G).

(3) A Description of the State educational agency's plan to—

(A) ensure that all students and each of the subgroups of students, as defined in section 1111(b)(3)(A), participating in the innovative assessment system—

(i) are held to the same high standard as other students in the State; and

(ii) receive the instructional support needed to meet challenging State academic standards;

(B) ensure that each local educational agency has the technological infrastructure to implement the innovative assessment system; and

(C) hold all participating schools in the local educational agencies participating in the program of demonstration authority accountable for meeting the State's expectations for student achievement.

(4) If the innovative assessment system will initially be administered in a subset of local educational agencies—

(A) a description of the local educational agencies within the State educational agency that will participate, including what criteria the State has for approving any additional local educational agencies to participate during the demonstration period;

(B) assurances from such local educational agencies that such agencies will comply with the requirements of this subsection; and

(C) a description of how the State will—

(i) ensure that the inclusion of additional local educational agencies contributes to progress toward achieving high-quality and consistent implementation across demographically diverse local educational agencies throughout the demonstration authority; and

(ii) ensure that the participating local educational agencies, as a group, will be demographically similar to the State as a whole by the end of the State's period of demonstration authority.

(d) PEER REVIEW.—The Secretary shall—

(1) implement a peer review process to inform—

(A) the awarding of the demonstration authority under this section and the approval to operate the system for the purposes of paragraphs (2) and (3) of section 1111(b), as described in subsection (h) of this section; and

(B) determinations about whether the innovative assessment system—

(i) is comparable to the State assessments under section 1111(b)(2)(B)(v)(I), valid, reliable, of high technical quality, and consistent with relevant, nationally recognized professional and technical standards; and

(ii) provides an unbiased, rational, and consistent determination of progress toward the goals described under section 1111(b)(3)(B)(i) for all students;

(2) ensure that the peer review team is comprised of practitioners and experts who are knowledgeable about the innovative assessment being proposed for all students, including—

(A) individuals with past experience developing systems of assessment innovation that support all students, including English learners, children with disabilities, and disadvantaged students; and

(B) individuals with experience implementing innovative State assessment and accountability systems;

(3) make publicly available the applications submitted under subsection (c) and the peer review comments and recommendations regarding such applications;

(4) make a determination and inform the State regarding approval or disapproval of the application not later than 90 days after receipt of the complete application;

(5) offer a State the opportunity to revise and resubmit its application within 60 days of a disapproval determination under paragraph (4) to allow the State to submit additional evidence that the State's application meets the requirements of subjection (c); and

(6) make a determination regarding application approval or disapproval of a resubmitted application under paragraph (5) not later than 45 days after receipt of the resubmitted application.

(e) EXTENSION.—The Secretary may extend an authorization of demonstration authority under this section for an additional 2 years if the State educational agency demonstrates with evidence that the State educational agency's innovative assessment system is continuing to meet the requirements of subsection (c), including, demonstrating a plan for and the capacity to transition to statewide use by the end of a 2-year extension period; and

(f) USE OF INNOVATIVE ASSESSMENT SYSTEM.—A State may, during its approved demonstration period or 2-year extension period, include results from the innovative assessment systems developed under this section in accountability determinations for each student in the participating local educational agencies instead of, or in addition to, those from the assessment system under section 1111(b)(2) if the State demonstrates that the State has met the requirements in subsection (c). The State shall continue to meet all other requirements of section 1111(b)(3).

(g) AUTHORITY WITHDRAWN.—The Secretary shall withdraw the authorization for demonstration authority provided to a State educational agency under this section and any participating local educational agency or the State as a whole shall return to the statewide assessment system under section 1111(b)(2) if, at any point during a State's approved period of demonstration or 2-year extension period, the State educational agency cannot present to the Secretary evidence that the innovative assessment system developed under this section

(1) meets requirements of subsection (c);

(2) includes all students attending schools participating in the demonstration authority, including each of the subgroups of students, as defined in section 1111(b)(3)(A), in the innovative assessment system demonstration;

(3) provides an unbiased, rational, and consistent determination of progress toward the goals described under section 1111(b)(3)(B)(i) for all students, which are comparable to determinations under section 1111(b)(3)(B)(iii) across the State in which the local educational agencies are located;

(4) presents a high-quality plan to transition to full statewide use of the innovative assessment system by the end of the State's approved demonstration period and 2–year extension, if

the innovative assessment system will initially be administered in a subset of local educational agencies; and

(5) demonstrates comparability to the statewide assessments under section 1111(b)(2) in content coverage, difficulty, and quality.

(h) TRANSITION.—

(1) IN GENERAL.—If, after a State's approved demonstration and extension period, the State educational agency has met all the requirements of this section, including having scaled the system up to statewide use, and demonstrated that such system is of high quality, the State shall be permitted to operate the innovative assessment system approved under the program of demonstration authority under this section for the purposes of paragraphs (2) and (3) of section 1111(b). Such system shall be deemed of high quality if the Secretary, through the peer review process described in subsection (d), determines that—

(A) the system has met all of the requirements of this section;

(B) the State has the examined the effects of the system onother measures of student success, including indicators in the accountability system under 1111(c);

(C) provided coherent and timely information about student attainment of the State's challenging academic standards, including objective measurement of academic achievement, knowledge, and skills that are valid, reliable, and consistent with relevant, nationally-recognized professional and technical standards;

(D) solicited feedback from teachers, principals, other school leaders, and parents about their satisfaction with the innovative assessment system; and

(E) demonstrated that the same system of assessments was used to measure the achievement of all students, [and not less than the percentage of such students overall and in each of the subgroups of students, as defined in section 1111(c)(2), were assessed under the innovative assessment system, as measured under section 1111(c)(4)(B)(vi), as were assessed under the assessment required by section 1111(b)(2).]

(2) BASELINE.—For the purposes of the evaluation described in paragraph (1), the baseline year shall be considered the first year of implementation of the innovative assessment system for each local educational agency.

(3) WAIVER AUTHORITY.—If, at the conclusion of the State's approved demonstration and extension period, the State has met all of the requirements of this section, except transition to full statewide use for States that will initially administer an innovative assessment system in a subset of local educational agencies, and continues to comply with the other requirements of this section, and demonstrates a high-quality plan for transition to statewide use in a reasonable period of time, the State may request, and the Secretary shall review such request, a delay of the withdrawal of authority under subsection (g) for

the purpose of providing the State time necessary to implement the innovative assessment system statewide.

(i) AVAILABLE FUNDS.—A State may use funds available under section 1201 to carry out this section.

(j) RULE OF CONSTRUCTION.—A consortium of States may apply to participate in the program of demonstration authority under this section and the Secretary may provide each State member of such consortium with such authority if each such State member meets all of the requirements of this section. Such consortium shall be subject to the limitation described in subsection (b)(3)(B) during the initial 3 years of the demonstration authority.

(k) DISSEMINATION OF BEST PRACTICES.—

(1) IN GENERAL.—Following the publication of the progress report described in subsection (b)(3)(C), the Director of the Institute of Education Sciences, in consultation with the Secretary, shall collect and disseminate the best practices on the development and implementation of innovative assessment systems that meet the requirements of this section, including—

(A) the development of summative assessments that meet the requirements of section 1111(b)(2)(B), are comparable with statewide assessments, and include assessment tasks that determine proficiency or mastery of State-approved competencies aligned to challenging academic standards;

(B) the development of effective supports for local educational agencies and school staff to implement innovative assessment systems;

(C) the development of effective engagement and support of teachers in developing and scoring assessments and the use of high-quality professional development;

(D) the development of effective supports for all students, particularly each of the subgroups of students, as defined in section 1111(b)(3)(A), participating in the innovative assessment systems; and

(E) the development of standardized and calibrated scoring rubrics, and other strategies, to ensure inter-rater reliability and comparability of determinations of mastery or proficiency across local educational agencies and the State.

(2) PUBLICATION.—The Secretary shall make the information described in paragraph (1) available to the public on the website of the Department and shall publish an update to the information not less often than once every 3 years.

TITLE I, PART C—MIGRATORY CHILDREN

1. The House amendment redesignates Title I, part C as subpart 2 of part A of title I.

HR

1a. The House amendment, but not the Senate bill, rewords the lead-in and makes conforming edits.

SR

2. The House amendment, but not the Senate bill, amends the program purposes by stating that States should support high-quality programs and services during and outside the school year that

address the unique needs of migratory children. The Senate bill refers to supporting high quality and comprehensive programs that reduce disruptions as a result of repeated moves.

SR

3. The Senate bill refers to "challenging" State academic standards.

HR

4. The House amendment but not the Senate bill strikes paragraph (3) of current law.

SR

5. The Senate bill and House amendment include similar language ensuring migratory children reach the same academic standards, except the Senate bill refers to "challenging" standards.

HR

5a. The House amendment states that migratory children should graduate from high school prepared for postsecondary education and the workforce, while the Senate bill does not.

HR with an amendment to insert "to" at the beginning.

6. The House amendment and Senate bill contain similar language regarding overcoming barriers to migratory children's success. The Senate bill states that such barriers should be overcome so that children can "without the need for postsecondary remediation."

SR

7. The House amendment and Senate bill use similar but not identical language for systemic reforms.

SR

8. The House amendment includes a reservation of 2.45 percent of funds under (3)(a)(1) for the Secretary to carry out this subpart. The Senate bill includes a separate authorization level for this program in section 1002(c).

HR

9. The Senate bill and House amendment are identical, though the provision is in a slightly different place given the House reservation.

LC

10. The Senate bill, but not the House amendment, maintains a base amount that each State will receive, based on fiscal year 2002. The House amendment modifies this "hold harmless" language. See note 11.

SR

11. The House amendment, but not the Senate bill, modifies the "hold harmless" language for distributing funds to the States to ensure that, for fiscal years 2016–2018, no State will receive less than 90 percent of the State's allocation during the previous fiscal year.

SR

12. The Senate bill allocates funding to States that did not receive funds in fiscal year 2002 based on the amount they would have received in 2002 plus an additional amount. The House amendment allocates funding to States who did not receive funding in the previous year or that have been participating in the program for less than three consecutive previous years based on the most recent available data of the number of migratory children in the

State. Note the House amendment provision is moved to match the Senate bill structure.

SR

13. The House amendment modifies the formula by basing a State's child count on the average number of identified eligible full-time children, aged 3 through 21, residing in the state, based on data for the preceding 3 years and goes into effect for all State allocations.

SR with an amendment to strike "full-time equivalent".

14. The Senate bill and House amendment both set the minimum allocation amounts for Puerto Rico, including setting a minimum percentage that the average per-pupil expenditure (PPE) in Puerto Rico is of the lowest average PPE of any State at 85 percent.

SR

14a. The House amendment, but not the Senate bill, strikes paragraph (3).

HR

15. The Senate bill and House amendment include nearly identical language, except that the Senate bill refers to making funds available for direct services to add to the "academic" achievement of children, while the House amendment refers to "educational" achievement.

HR

16. The Senate bill and the House amendment include similar language requiring the Secretary to determine the "identified number" of migratory children residing in each State.

LC

17. The Senate bill, but not the House amendment, requires the Secretary to use information that the Secretary finds is most accurate in order to determine the number of eligible migratory children. The House amendment requires the Secretary to use the most recent information available.

SR

18. The Senate bill does not contain this provision.

SR

19. The Senate bill does not contain this provision.

SR

20. The Senate bill does not contain this provision.

SR with an amendment to strike "full-time equivalent" in paragraph (4).

21. The Senate bill does not contain this provision.

SR

22. The Senate bill does not contain this provision.

SR

23. The Senate bill, but not the House amendment, requires States to describe how the unique needs of 'out-of-school' migratory children are identified and addressed.

SR with an amendment to add "and migratory children who have dropped out of school" after "preschool migratory children"

24. The Senate bill and House amendment change internal cross-references to match bill structure.

LC

25. The Senate bill, but not the House amendment, requires States to describe "measurable program objectives and outcomes".

HR

26. The Senate bill refers to "challenging" State academic standards.

HR

27. The House amendment makes technical edits to a cross-reference to reflect bill structure.

LC

28. The Senate bill and House amendment are virtually identical, except for varying section cross-references.

LC

29. Both the Senate bill and House amendment make changes to cross-references to reflect different bill structures.

SR with an amendment to strike "1120A, and part C" and insert "1118, and part E"

30. Both the Senate bill and House amendment require consultation with "parents of migratory children." The Senate bill specifies that parent advisory councils are to be included in such consultation.

HR

31. The Senate bill makes technical conforming edits to a cross-reference.

HR with amendment to strike "1115" and insert "1116"

32. The Senate bill, but not the House amendment, requires that programs and projects shall address the unmet needs of 'out-of-school' migratory children.

SR with an amendment to add "and migratory children who have dropped out of school" after "preschool migratory children"

33. The House amendment makes technical edits to an internal cross-reference.

LC

34. The Senate bill, but not the House amendment, eliminates "to the extent feasible".

HR with an amendment to renumber paragraph (7) as paragraph (8) and strike paragraph (6) and insert the following:

> (6) such programs and projects will provide for outreach activities for migratory children and their families to inform such children and families of other education, health, nutrition, and social services to help connect them to such services."
>
> (7) to the extent feasible, such programs and projects will provide for—
>
> > (A) advocacy and other outreach activities for migratory children and their families, including helping such children and families gain access to other education, health, nutrition, and social services;
> >
> > (B) professional development programs, including mentoring, for teachers and other program personnel;
> >
> > (C) evidence-based family literacy programs;
> >
> > (D) the integration of information technology into educational and related programs; and

(E) programs to facilitate the transition of secondary school students to postsecondary education or employment without the need for **[**remediation**]**; and

35. The Senate bill and House amendment require family literacy programs to be "evidence based". The House amendment requires family literacy programs to also of be "high-quality".

HR

36. The Senate bill requires programs to facilitate transitions without the "need for postsecondary remediation," but the House amendment does not include "postsecondary".

SR with an amendment to strike "without the need for remediation"

37. Both the Senate bill and House amendment change cross-references.

LC

38. The Senate bill, but not the House amendment, requires recipients of funds to prioritize services for children who have made a qualifying move within the previous year.

HR

39. The Senate bill refers to "challenging State academic standards." The House amendment does not include "challenging".

HR

40. The Senate bill, but not the House amendment, requires funds to prioritize services for children who have dropped out of school.

HR

41. The House amendment changes an internal cross-reference to reflect bill changes.

LC

42. The Senate bill repeals the reference to "secondary school" students.

HR

43. The House amendment and the Senate bill have a different structure in this section.

SR

44. The Senate bill allows the Secretary, to the extent practicable, to review applications through a peer review process with the assistance and advice of State officials and those with relevant expertise.

SR with an amendment to strike "using a peer review process" and inserting at the end "with the assistance and advice of State officials and other officials with relevant expertise".

45. The House amendment makes a technical conforming edit to a cross-reference.

LC

46. The Senate bill refers to "challenging State academic standards", and the House amendment does not use "challenging".

HR

47. Both the Senate bill and House amendment make technical edits to cross-references.

LC

48. The House amendment changes internal cross-references.

LC

49. The House amendment changes internal cross-references.

LC

50. The House amendment changes internal cross-references.

LC

51. The Senate bill, but not the House amendment, includes a special rule that requires schools that receive funds to continue to address the unidentified needs of migratory children, and to meet the unique needs of migratory children before using funds under this part for schoolwide programs.

HR

52. The Senate bill changes internal cross-references.

LC

53. The House amendment changes a cross-reference to reflect the structure change of the bill.

LC

54. The House amendment allows funding to flow to "public and private entities", while the Senate bill refers to "public and private nonprofit entities."

SR

55. The Senate bill requires the Secretary to assist States in the electronic transfer of student records and determining the number of eligible migratory children. The House amendment requires the Secretary to assist States in "developing and maintaining" an effective system regarding records and determining the number of eligible children.

HR

56. The Senate bill requires the Secretary to maintain a record system. The House amendment requires the Secretary to ensure the linkage of migratory student record systems among the States.

SR

57. The House amendment, but not the Senate bill, requires the Secretary to ensure that the linkage of migratory student record systems occurs in a cost-effective manner.

SR

58. The House amendment, but not the Senate bill, authorizes the Secretary to determine the minimum data elements that each State must collect and maintain.

HR

59. The Senate bill refers to "such information" but the House amendment refers to "such minimum data elements".

HR

60. The House amendment changes an internal cross-reference to assessments.

LC

61. The Senate bill removes "required".

HR

62. The Senate bill requires that the Secretary maintain "ongoing consultation" with States, local educational agencies and migratory student service providers, on determining the effectiveness of, and to improve the system. The House amendment requires the Secretary to consult with States before updating data elements included in such system.

HR

63. The Senate bill, but not the House amendment, requires the Secretary to provide public notice and comment on any new proposed data elements that States will be required to collect.

HR

64. The House amendment changes an internal cross-reference.

LC

65. The House amendment, but not the Senate bill, requires the Secretary to report to Congress regarding the maintenance and transfer of health and educational information for migratory children.

HR

66. The House amendment changes an internal cross-reference.

LC

67. The Senate bill, but not the House Amendment, authorizes the Secretary to reserve up to $3,000,000 to award incentive grants to State educational agencies that propose a consortium agreement to improve delivery of services to migratory children.

HR

68. The House amendment edits an internal cross-reference.

LC

69. The Senate bill defines the term "migratory agricultural worker". The House amendment does not define this term.

HR

70. The Senate bill, but not the House amendment, makes modifications to the definition of "migratory child" to add references to a qualifying move and refer to the definitions of agricultural worker or migratory fisher. The House amendment refers to the manner in which the child has moved in this definition, while the Senate bill refers to these criteria in the definition of "qualifying move". See note 72.

HR

71. The Senate bill defines the term "migratory fisher". The House amendment does not define this term.

HR

72. The Senate bill defines the term "qualifying move". The House amendment does not define this term but refers to similar instances in the definition of "migratory child." See note 70.

HR with amendment to strike "to engage in a" through "by the Secretary." and insert "or" at the end of clause (i).

TITLE I, PART D—NEGLECTED AND DELINQUENT CHILDREN

1. The House amendment, not the Senate bill, redesignates Part D of Title I as subpart 3 of part A of Title I.

HR

2. The Senate bill, not the House amendment, modifies the purpose to include improved education services for students in "tribal" institutions.

HR

3. The Senate bill refers to "challenging State academic standards" and the House amendment removes "challenging".

HR

4. The Senate bill, but not the House amendment, requires the involvement of families and communities to prevent youth from dropping out of school.

HR

5. The House amendment, but not the Senate bill, includes a reservation of 0.31 of one percent from funds under section 3(a)(1) of this subpart. The Senate bill includes a specified authorization of appropriations under section 1002(d).

HR

6. The House amendment, but not the Senate bill, includes a new "Grants Awarded" paragraph heading and specifies that grants are awarded from funds subsection (b) and not reserved under section 1004 and section 1159. The House amendment, but not the Senate bill, adds a qualifying phrase "that have plans submitted under section 1154 approved" when referencing grants to State educational agencies.

HR

7. The House amendment makes several technical conforming edits to cross-references.

LC

8. The House amendment makes several technical conforming edits to cross-references.

LC

9. The House amendment makes several technical conforming edits to cross-references.

LC

10. The House amendment makes several technical conforming edits to cross-references.

LC

11. The House amendment, but not the Senate bill, eliminates the limitation on the minimum percentage for Puerto Rico if any State would receive less than it received in the preceding fiscal year.

HR

12. The House amendment makes technical conforming edits to cross-references.

LC

13. The Senate bill, but not the House amendment, modifies language related to assisting the transition of children and youth "between" correctional facilities and locally operated programs.

HR

14. The Senate bill requires States to describe program objectives and outcomes that will be assessed to determine program effectiveness. The House amendment requires States to describe how they will assess the effectiveness of programs.

HR

15. The House amendment, but not the Senate bill, includes a provision related to prioritizing a regular high school diploma.

SR

16. The House amendment, but not the Senate bill, includes this provision related to evaluation.

HR

17. The House amendment makes technical conforming edits to cross-references.

LC

18. The Senate bill, but not the House amendment, includes a provision related to ensuring the prompt re-enrollment of students in juvenile justice system in clause (i), and opportunities for such students to participate in higher education or career pathways.

HR with amendment to strike "prompt" and insert "timely" and strike "higher education or career pathways" and insert "credit bearing coursework while in secondary school, postsecondary education, or career and technical education programming."

19. The House amendment makes technical conforming edits to cross-references.

LC

20. The House amendment makes technical conforming edits to a cross-reference.

LC

21. The Senate bill, but not the House amendment, modifies this provision to add "and respond to".

SR with amendment to strike "supplement and improve" and insert "respond to the educational needs of the children, including by supplementing and improving"

21a. The Senate bill, but not the House amendment, provides for the assessment when the student enters the correctional facility.

HR with an amendment to strike "an" and insert "such"

22. The House amendment makes technical conforming edits to a cross-reference.

LC

23. The House amendment makes technical conforming edits to a cross-reference.

LC

24. The Senate bill, but not the House amendment, includes this provision related to evaluation under section 9601.

LC

25. The Senate bill, but not the House amendment, requires States to include data showing the State agency has maintained the fiscal effort required of a local educational agency under section 9521.

HR with an amendment to strike "9521" and insert "[6521]"

26. The Senate bill, but not the House amendment, updates references to WIOA.

HR

27. The Senate bill and House amendment have slightly different language.

SR

27a. The Senate bill, but not the House amendment, modifies the description to ensure transition plans are in place for incarcerated youth.

HR with an amendment to strike "and, to the extent practicable, to ensure that transition plans are in place" and insert "in order to facilitate the transition of such children and youth between the correctional facility and the local educational agency or alternative education program"

28. The House amendment makes technical conforming edits to a cross-reference.

LC

29. The Senate bill, but not the House amendment, modifies the provision to focus on transitions between facilities for neglected or delinquent children and locally operated programs. The House amendment focuses on transitions from facilities for neglected or delinquent children to locally operated programs.

HR

30. The Senate bill and House amendment are similar, but the House amendment uses the term "regular" high school diploma.

SR

31. The Senate bill requires certified or licensed teachers to work with children and youth with disabilities and other students with special needs. The House amendment requires effective teachers.

HR

32. The Senate bill, but not the House amendment, includes a provision related to identifying and improving practices for youth who have been in contact with the child welfare and juvenile justice systems and has a provision to implement strategies to reduce expulsions and suspensions.

HR with an amendment to strike paragraph (20) and insert the following:

(20) describe how the State agency will, to the extent feasible, note when a youth has come into contact with both the child welfare and juvenile justice systems and deliver evidence-based services and interventions designed to keep such youth in school.

33. The House amendment updates a cross-reference.

LC

34. Both the Senate bill and House amendment contain similar modifications relating to the transition of participants without the need for remediation and referring to career and technical education, except the Senate bill includes "without the need for remediation" after "make a successful transition."

SR with an amendment to strike "without the need for remediation"

35. Both the Senate bill and House amendment allow for the acquisition of equipment, but the bills are structured differently.

LC

36. The Senate bill, but not the House amendment, contains language allowing for pay for success initiatives.

HR with an amendment to strike "that produce" and all that follows through "Federal Government"

37. The Senate bill, but not the House amendment, contains language allowing for targeted services for youth that have come into contact with welfare and juvenile justice systems.

HR

38. The Senate bill includes the word 'challenging' as it relates to State academic standards.

HR

39. The Senate bill and House amendment contain different cross-references to institution-wide projects.

LC

40. The Senate bill includes the word "challenging" as it relates to State academic standards.

HR

41. The Senate bill and House amendment contain different cross-references to fiscal requirements in Title I.

SR with an amendment to strike "1120A and part C" and insert "1118 and part E"

42. The Senate bill and House amendment contain different cross-references to supplement-not-supplant requirements in Title I.

LC

43. The House amendment changes internal cross-references.

LC

44. The Senate bill includes the word "challenging" as it relates to State academic standards.

HR

45. The House amendment, but not the Senate bill, refers to attaining a "regular" high school diploma in the description, the Senate bill references a "high school diploma".

SR

46. The Senate bill, but not the House amendment, strikes 'complete secondary school' from the description.

HR with an amendment to add "regular" before "high school"

47. The Senate bill, but not the House amendment, includes "to the extent practicable, the development and implementation of transition plans" in the description.

SR with amendment to insert "specialized instructional support" before "services, and procedures" and to insert before the semicolon "and how relevant and appropriate academic records and plans regarding the continuation of educational services for such children or youth are shared jointly between the State agency operating the institution or program and local educational agency in order to facilitate the transition of such children and youth between the local educational agency and the State agency;

48. The House amendment changes internal cross-references.

LC

49. The House amendment changes internal cross-references.

LC

50. The Senate bill, but not the House amendment, refers to transitioning children and youth "between" institutions and schools.

HR

51. The Senate bill, but not the House amendment, includes institutions and schools operated by the Secretary of the Interior and schools funded by the BIE.

HR

52. The House amendment, but not the Senate bill, refers to a "regular" high school diploma.

SR

53. The Senate bill, but not the House amendment, adds "without the need for remediation" when describing the successful reentry of students.

SR

54. The House amendment, but not the Senate bill, allows for projects to be conducted with private for-profit organizations.

HR

55. The House amendment and Senate bill provide for different section titles.

LC

56. The Senate bill, but not the House amendment, allows the Secretary to support capacity building.

HR

57. The Senate bill allows the Secretary to reserve not more than 2.5 percent for technical assistance and capacity building. The House amendment allows for not more than 1 percent.

HR

58. The House amendment, but not the Senate bill, makes internal cross-reference updates.

LC

59. The House amendment changes internal cross-references.

LC

60. The Senate bill, but not the House amendment, includes "without the need for remediation" when referring to secondary school completion.

SR

61. The Senate bill, but not the House amendment, includes programs in schools operated by the BIE.

HR

62. The House amendment changes internal cross-references.

LC

63. The House amendment changes internal cross-references.

LC

64. The Senate bill, but not the House amendment, allows transitional and supportive programs to focus on nonacademic needs.

SR

65. The Senate bill makes a technical edit.

LC

66. The House amendment changes internal cross-references.

LC

67. The House amendment changes internal cross-references.

LC

68. The Senate bill, but not the House amendment, includes facilities operated by the Secretary of the Interior and tribes.

HR

69. The House amendment, but not the Senate bill, includes a description of services that participating schools will provide youth returning from correctional facilities.

SR with an amendment to insert "to facilitate the successful transition" before "for children and youth returning".

70. The Senate bill, but not the House amendment, includes a description of activities that LEAs will carry out to successfully transition children and youth into schools served by LEAs or into CTE programs.

SR with amendment in paragraph (4) to strike "for" and insert "to facilitate the successful transition of" after participating schools; and in paragraph (7) to insert "institutions of higher education" after "partnerships with" and strike " develop training, curriculum-based youth entrepreneurship education" and insert "facilitate postsecondary and workforce success for children and youth returning from correctional facilities, such as participation in credit bearing coursework while in secondary school, enrollment in postsecondary education, participation in career and technical education programming" after "businesses to"

71. The Senate bill, but not the House amendment, includes "family members" in the description.

HR

72. The Senate bill, but not the House amendment, updates references to WIOA.

HR

73. The House amendment, but not the Senate bill, includes this provision related to working with probation officers.

SR

74. The Senate bill, but not the House amendment, includes this provision related to addressing the educational needs of children and youth returning from institutions for neglected and delinquent children or from correctional institutions.

SR

75. The Senate bill, but not the House amendment, requires a description of the efforts of LEAs instead of participating schools.

SR

76. The House amendment, but not the Senate bill, refers to "traditional" instead of "regular" public school program.

SR

77. The House amendment, but not the Senate bill, includes a subsection header and update to an internal cross-reference.

LC

78. The Senate bill makes a technical edit.

HR

79. The Senate bill, but not the House amendment, includes a provision to allow for programs to serve at-risk Indian children and youth.

HR

80. The Senate bill, but not the House amendment, includes a provision to allow for pay for success initiatives.

HR with an amendment to strike "that produce" and all that follows through "Federal Government."

81. The House amendment, but not the Senate bill, includes a provision related to contracts and grants for activities under this section.

SR with an amendment to strike "grant" and insert "subgrant" and to strike "(5)" and insert "(7)"

82. The House amendment changes internal cross-references.

LC

83. The Senate bill refers to obtaining a high school diploma, and the House amendment refers to obtaining a "regular" high school diploma.

SR with an amendment to replace "obtain" with "attain"

84. The House amendment, but not the Senate bill, includes language related to seeking a regular high school diploma or its recognized equivalent.

SR

85. The Senate bill includes the word "challenging" as it relates to State academic standards.

HR

86. The Senate bill, but not the House amendment, updates references to WIOA.

HR

87. The Senate bill, but not the House amendment, contains a provision related to developing transition plans.

HR with an amendment to strike the Senate language and insert:

> (12) upon the child's or youth's entry into the correctional facility, work with the child's or youth's family members and the local educational agency that most recently provided services to the child or youth (if applicable) to ensure the that relevant and appropriate academic records and plans regarding the continuation of educational services for such child or youth are shared jointly between the correctional facility and local educational agency in order to facilitate the transition of such children and youth between the local educational agency and the correctional facility; and

88. The House amendment reorders the paragraphs in this section.

HR

89. The House amendment, but not the Senate bill, refers to obtaining a "regular" high school diploma.

SR with an amendment to strike "obtaining" and insert "attaining" in all places in the paragraph

90. The Senate bill refers to reducing or terminating funding based on dropout rates of male or female students over a 3-year period. The House amendment refers to reducing or terminating funding based on students obtaining a regular high school diploma.

SR with an amendment to strike "obtaining" and insert "attaining"

91. The House amendment, but not the Senate bill, changes internal cross-references.

LC

91a. The House amendment, but not the Senate bill, includes a reference to protecting privacy

SR

92. The Senate bill, but not the House amendment, modifies this provision to ensure graduation from high school in the standard number of years.

HR with amendment to strike "standard" and insert "in the number of years established by the State under either the four-year adjusted cohort graduation rate or the extended year adjusted cohort graduation rate, if applicable"

93. The Senate bill, but not the House amendment, modifies this provision to include schools funded by the BIE.

HR

94. The House amendment changes internal cross-references.

LC

95. The House amendment, but not the Senate bill, makes structural changes to this provision.

HR

96. The Senate bill adds language concerning "other life conditions that make the individual at high risk for dependence or delinquency adjudication as it relates to at-risk students".

HR/SR with an amendment to insert "dependency adjudication, or delinquency adjudication" after "failure" and insert "or child welfare system" after "juvenile justice system"

TITLE I, PART E—GENERAL PROVISIONS

1. The Senate bill strikes parts E through H of Title I while the House amendment redesignates part E as part B to reflect striking of parts B through D and F through H earlier in the amendment, redesignates sections accordingly, and makes amendments to those sections.

HR

2. The Senate bill moves part I of Title I to Part E. The House amendment moves Part I of Title I to Part C.

HR

3. The House amendment includes different designations and repeals sections 1904 and 1905.

HR/LC

4. The Senate bill, but not the House amendment, adds "other school leaders (including charter school leaders)" and "paraprofessionals" to the list of individuals that must be consulted before publishing regulations.

HR

5. The House amendment, but not the Senate bill, adds "representatives and members nominated by local and national stakeholder representatives" to the list of individuals that must be consulted before publishing regulations.

HR

6. The Senate bill and the House amendment contain similar language requiring information from regional meetings and electronic exchanges to be made public to interested parties in an easily accessible manner. The House amendment also requires notice of regional meetings to be made public.

SR

7. The Senate bill, but not the House amendment, specifies for what topics under Title I a negotiated rulemaking process must be established. The House amendment includes all items related to Title I.

HR with an amendment to strike "standards, ' and all that follows and insert the following:

"standards, assessments under subsection (b) of section 1111, and the requirement that funds be supplemented and not supplanted under section **[**1120**]**;"

8. The Senate bill, but not the House amendment, includes a provision describing that a negotiated rulemaking process is not

subject to FACA and should follow the provisions of the Negotiated Rulemaking Act of 1990.

HR

9. The Senate bill, but not the House amendment, contains a separate paragraph to describe the regulations process in an emergency situation. The House amendment does include a process for emergency regulations. See note 23.

SR

10. The Senate bill and House amendment contain similar language describing how to designate emergency regulations. See note 24.

SR

11. The Senate bill and House amendment contain similar language requiring the duration of the comment and review period in an emergency situation to be public. See note 25.

SR

12. The Senate bill, but not the House amendment, includes this provision requiring regional meetings before regulation publication in an emergency situation. See note 25.

HR with an amendment to insert "immediately thereafter" before "conduct".

13. Both the Senate bill and House amendment redesignate subsection (c) as subsection (d). Note: House language, which is identical to the Senate bill, below in note 32.

LC

14. Both the Senate bill and House amendment include similar language to provide for an alternative rulemaking process if there is failure to reach consensus, or if the Secretary determines a negotiated rulemaking process is unnecessary.

HR

15. The Senate bill and the House amendment contain similar language requiring notice of proposed rulemaking to committees of jurisdiction. The Senate bill, but not the House amendment, also requires notice of proposed rulemaking to other relevant congressional committees.

HR with an amendment to strike "30" and insert "15 business"

16. The Senate bill and House amendment are similar in requiring "a copy of the proposed regulations" (House amendment) or "regulation to be proposed (Senate bill).

SR

17. The Senate bill and House amendment are similar in requiring a justification for regulations, but use different language.

SR

18. The Senate bill and House amendment include virtually identical provisions on anticipated burden information, except the House amendment refers to "will have" and the Senate bill refers to "will impose".

HR

19. The Senate bill, but not the House amendment, requires information on the anticipated benefits of the regulation.

HR

20. The Senate bill, but not the House amendment, includes language allowing the relevant congressional committees an opportunity to comment on the information in this paragraph.

SR

21. The Senate bill requires a 15-day comment period for Congress, and the House amendment requires a 30-day period.

HR/SR with an amendment to read as follows:

(2) COMMENT PERIOD FOR CONGRESS.—The Secretary shall—

(A) provide Congress with a 15-business day comment period to make comments on the proposed rule; and

(B) include and seek to address all comments submitted by Congress in the public rulemaking record.

22. The House amendment, but not the Senate bill, requires the Secretary to publish how all Congressional comments have been addressed.

See note 21.

23. Both the Senate bill and House amendment require a 90-day public comment and review period, unless an emergency occurs. The Senate bill includes similar procedures for emergency regulations. See notes 9–11.

SR with an amendment to read as follows:

(3) COMMENT AND REVIEW PERIOD AND EMERGENCY SITUATIONS.—The comment and review period for any proposed regulation shall be at least 60 days unless an emergency requires a shorter period, in which case the Secretary shall—

24. The Senate bill and House amendment contain similar language describing how to designate emergency regulations. See note 10.

SR

25. The Senate bill and House amendment contain similar language requiring the duration of the comment and review period in an emergency situation to be public. See note 11.

SR

26. The Senate bill and House amendment include similar language requiring an assessment of the proposed regulation before being made final. The House amendment requires this assessment be independent.

HR/SR to strike

27. Both the Senate bill and House amendment include similar language to require the assessment include a representative sampling of LEAs impacted by the regulation.

HR/SR to strike

28. Both the Senate bill and House amendment include similar language to assess the burden of the regulations.

HR/SR to strike

29. The Senate bill, but not the House amendment, requires the assessment to address the benefits of the regulation.

HR/SR to strike.

30. The Senate bill and the House amendment require the assessment to address whether the rule is financially and operationally viable. The House amendment also requires an analysis of whether the rule is educationally viable. Note subparagraphs (B)

and (C) of the House amendment were reordered to conform with the Senate bill.

HR/SR to strike

31. The Senate bill and the House amendment include similar language on an explanation, but include different references.

HR/SR to strike

32. The Senate bill and the House amendment include this language. See note 13 for redesignation of this subsection in the Senate bill.

LC

33. The Senate bill, but not the House amendment, states that nothing in section 1501 shall affect the Administrative Procedure Act or the Congressional Review Act.

HR

34. Both the Senate bill and the House amendment change internal cross-references, although they are different to reflect different bill structures.

LC

35. The Senate bill and the House amendment make similar modifications relating to how regulations must conform to agreements from negotiated rulemaking, or to an alternative process when negotiated rulemaking is not pursued, except the bills are structured differently.

SR

36. The House amendment, but not the Senate bill, includes a provision requiring States to identify any duplicative or contrasting requirements between State and federal rules or regulations.

SR

37. The House amendment, but not the Senate bill, includes a provision relating to eliminating rules.

SR with an amendment to insert "State" after "eliminate the"

38. The House amendment, but not the Senate bill, includes a provision relating to reporting conflicting requirements.

HR

39. The Senate bill and House amendment are identical, but inconsistency in the Senate bill with how standards are referred to. The Senate bill always refers to "challenging State academic standards."

SR an amendment to insert "challenging" before "State academic standards"

40. The Senate bill deletes references to "vocational' educators" and the House amendment updates references to "career and technical" educators.

SR

41. The House amendment, but not the Senate bill, includes teachers from public charter and traditional public schools.

SR with an amendment to strike (C) and (D) and insert the following:

> (C) teachers from traditional public schools, public charter schools (in a state with a charter school law), and career and technical educators;
>
> (D) principals and other school leaders;

42. The House amendment redesignates subparagraph F as subparagraph (H).

LC

43. The Senate bill and House amendment are identical.

HR/SR with an amendment to "and paraprofessionals" after "personnel"

44. The Senate bill, but not the House amendment, references "representatives of charter schools, as appropriate."

SR

45. The House amendment, but not the Senate bill, references "representatives of public charter school authorizers."

SR with an amendment to insert ", in a State that has a charter school law" after "authorizes"

46. The Senate bill, but not the House amendment, includes paraprofessionals.

SR

47. The House amendment, but not the Senate bill, includes public charter school leaders.

SR with an amendment to insert ", in a State that has a charter school law" after "leaders"

48. The Senate bill updates the section number. The House amendment repeals this provision.

HR

49. The Senate bill and the House amendment redesignate this section, but the language in the Senate bill and House amendment are identical.

LC

50. The House amendment includes a rule of construction related to collective bargaining in Title I. The Senate bill does not contain this provision in this part of Title I.

HR

51. The Senate bill, but not the House amendment, includes a report on subgroup sample size.

HR/SR with an amendment to strike and insert the following into Miscellaneous and Other Laws after Sec. 10310 as a new section:

SEC. [10XXX]. REPORT ON SUBGROUP SAMPLE SIZE.

(a) REPORT.—Not later than 90 days after the date of enactment of this Act, the Director of the Institute of Education Sciences shall publish a report on best practices for determining valid, reliable, and statistically significant minimum numbers of students for each of the subgroups of students, as defined in section 1111(c)(1) of the Elementary and Secondary Education Act of 1965 (as amended by this Act), for the purposes of inclusion as subgroups of students in an accountability system described in section 1111(b)(3) of the Elementary and Secondary Education Act of 1965 (as amended by this Act) and how such minimum number that is determined will not reveal personally identifiable information about students.

(b) PUBLIC DISSEMINATION.—The Director of the Institute of Education Sciences shall work with the Department of Education's existing technical assistance providers and dissemination networks to ensure that the report described under subsection (a) is widely disseminated—(1) to the public, State educational agencies, local educational agencies, and schools; and (2) through electronic trans-

fer and other means, such as posting the report on the website of the Institute of Education Sciences or in another relevant place.

(c) The Director may include best practices on calculating and determining the minimum numbers of students for each of the subgroups of students, but shall not recommend any specific minimum number for such subgroups.

52. The Senate bill, but not the House amendment, includes a report on the implementation of the educational stability for foster care children provisions in Title I.

SR to strike.

53. The Senate bill, but not the House amendment, establishes a student privacy policy committee.

SR

54. The Senate bill, but not the House amendment, contains a report on student home access to digital learning resources.

HR/SR with an amendment to strike and insert the following into Miscellaneous and Other Laws after Sec. 10310 as a new section:

SEC. [10XXX]. REPORT ON STUDENT HOME ACCESS TO DIGITAL LEARNING RESOURCES.

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Director of the Institute of Education Sciences shall complete a study on the educational impact of access to digital learning resources outside of the classroom.—

(b) CONTENTS—Such study shall include—

(1) an analysis of student habits related to digital learning resources outside of the classroom, including the location and types of devices and technologies that students use for educational purposes;

(2) an identification of the barriers students face in accessing digital learning resources outside of the classroom;

(3) a description of the challenges students who lack home Internet access face, including

(A) challenges related to student participation and engagement in the classroom, and

(B) homework completion.

(4) an analysis of how the barriers and challenges such students face impacts the instructional practice of educators. and

(5) a description of the ways in which State educational agencies, local educational agencies, schools, and other entities, including through partnerships, have developed effective means to address the barriers and challenges students face in accessing digital learning resources outside of the classroom.

(b) PUBLIC DISSEMINATION.—The Director of the Institute of Education Sciences shall widely disseminate the findings of the study under this section—

(1) in a timely fashion to the public and the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate

(2) through electronic transfer and other means, such as posting, as available, to the website of the Institute of Education Sciences, or the Department of Education; and

TITLE II—TEACHERS

1. The Senate bill and House amendment have different structures.

LC

2. The House amendment makes technical and conforming changes at end of Title II.

LC

3. The Senate bill, but not the House amendment, moves provisions related to teacher liability protection to Title IX.

HR

4. The Senate bill, but not the House amendment, makes technical changes to paragraph (3) within teacher liability.

HR

5. The Senate bill, but not the House amendment, moves provisions related to internet safety from Title II to Title IX.

SR with an amendment to strike "funds under this part" and insert "funds under this Act" and to move to Title IV, Part A

6. The House amendment, but not the Senate bill, repeals the Teacher Quality Partnerships program in the Higher Education Act.

HR

7. Senate bill and House amendment have different title headings for Title II.

HR

8. Senate bill and House amendment have different titles for part A.

SR

9. Senate bill and House amendment have different purpose sections and purposes.

SR with an amendment to strike paragraphs (2) through (4) and insert the following:

> (2) improving the quality and effectiveness of teachers, principals, and other school leaders;
>
> (3) increasing the number of teachers, principals, and other school leaders who are effective in improving student academic achievement in schools; and
>
> (4) providing low-income and minority students greater access to effective teachers, principals, and other school leaders.

10. The Senate bill, but not the House amendment, includes definitions for part A.

HR with an amendment to insert ", as determined by the State or local educational agency" after "effective teacher" and insert at the end the following:

> (4) TEACHER, PRINCIPAL OR OTHER SCHOOL LEADER PREPARATION ACADEMY.—The term 'teacher, principal, or other school leader preparation academy' means a public or other nonprofit entity, which may be an institution of higher education or an organization affiliated with an institution of higher education, that will prepare teachers, principals, or other school leaders to serve in high-needs schools, and that—

(A) enters into an agreement with a State authorizer that specifies the goals expected of the academy, including—

(i) a requirement that prospective teachers, principals, or other school leaders who are enrolled in a teacher, principal or other school leader preparation academy receive a significant part of their training through clinical preparation that partners the prospective candidate with an effective teacher, principal, or other school leader as determined by the State, respectively, with a demonstrated record of increasing student academic achievement, including for the subgroups of students described in section 1111(c)(1), while also receiving concurrent instruction from the academy in the content area (or areas) in which the prospective teacher, principal, or other school leader will become certified or licensed that links to the clinical preparation experience;

(ii) the number of effective teachers, principals, or other school leaders, respectively, who will demonstrate success in increasing student academic achievement that the academy will prepare; and

(iii) a requirement that a teacher preparation academy will only award a certificate of completion (or degree, if the academy is, or is affiliated with an institution of higher education) after the graduate demonstrates that the graduate is an effective teacher, as determined by the State, with a demonstrated record of increasing student academic achievement either as a student teacher or teacher-of-record on an alternative certificate, license, or credential;

(iv) a requirement that a principal or other school leader preparation academy will only award a certificate of completion (or degree, if the academy is, or is affiliated with, an institution of higher education) after the graduate demonstrates a track record of success in improving student performance; and

(v) timelines for producing cohorts of graduates and conferring certificates of completion (or degrees, if the academy is, or is affiliated with, an institution of higher education) from the academy.

(B) does not have unnecessary restrictions on the methods the academy will use to train prospective teacher or school leader candidates, including—

(i) obligating (or prohibiting) the academy's faculty to hold advanced degrees or conduct academic research;

(ii) restrictions related to the academy's physical infrastructure;

(iii) restrictions related to the number of course credits required as part of the program of study;

(iv) restrictions related to the undergraduate coursework completed by teachers teaching or working on alternative certificates, licenses, or credentials, as

long as such teachers have successfully passed all relevant State-approved content area examinations; or

(v) restrictions related to obtaining accreditation from an accrediting body for purposes of becoming an academy;

(C) limits admission to its program to prospective teacher, principal, or other school leader candidates who demonstrate strong potential to improve student academic achievement, based on a rigorous selection process that reviews a candidate's prior academic achievement or record of professional accomplishment; and

(D) results in a certificate of completion or degree that the State may, after reviewing the academy's results in producing effective teachers, or principals, or other school leaders respectively (as determined by the State) recognize as at least the equivalent of a master's degree in education for the purposes of hiring, retention, compensation, and promotion in the State.

(5) STATE AUTHORIZER.—The term 'State authorizer' means an entity designated by the Governor of a State to recognize teacher or principal preparation academies within the State that—

(A) enters into an agreement with a teacher, principal, or other school leader preparation academy that specifies the goals expected of the academy, as described in (4)(A)(i);

(B) may be a nonprofit organization, State educational agency, or other public entity, or consortium of such entities (including a consortium of States); and

(C) does not reauthorize a teacher or principal preparation academy if the academy fails to produce the minimum number or percentage of effective teachers or principals, respectively (as determined by the State), identified in the academy's authorizing agreement.

11. The Senate bill authorizes Title II at such sums through 2021 for all programs authorized. The House amendment authorizes $2,788,356,000 for Title II (which includes Part A through D) from fiscal year 2016 through 2021 and moves this authorization line to the beginning of the whole bill.

HR/SR with amendment to read as follows:

SEC. 2003. AUTHORIZATION OF APPROPRIATIONS.

(a) GRANTS TO STATES AND LOCAL EDUCATIONAL AGENCIES.—For the purposes of carrying out part A , there are authorized to be appropriated $2,295,830,000 for each of fiscal years 2017 through 2020.

(b) NATIONAL ACTIVITIES.—For the purposes of carrying out part B, there are authorized to be appropriated $468,880,575 for each of fiscal years 2017 and 2018, $469,168,000 for fiscal year 2019 and $489,168,000 for fiscal year 2020.

12. The House amendment authorizes a 75 percent reservation for Part A of the Title II total authorized amount which equals $2,349,830,000 for Part A each year through 2021.

HR

13. The Senate bill authorizes such sums through 2021 for national activities. The House amendment includes a one percent set aside for national activities.

HR

14. The Senate bill specifies outlying areas by name.

HR

15. The Senate bill, but not the House amendment, includes a hold harmless at 2001 level with a percentage reduction provided for in (C) over a 7-year time period. The Senate bill also includes a ratable reduction if funds are insufficient.

HR with amendment to strike "2016 through 2021" in each place it appears and insert "2017 through 2022"

16. The Senate bill and House amendment change the formula in different ways.

HR with amendment to strike paragraph (2)(i) and (2)(ii) and insert the following:

"(i) in fiscal year 2017—

(AA) an amount that bears the same relationship to 35 percent of the excess amount as the number of individuals age 5 through 17 in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all such States, as so determined; and

(BB) an amount that bears the same relationship to 65 percent of the excess amount as the number of individuals age 5 through 17 from families with incomes below the poverty line in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all such States, as so determined.

(ii) in fiscal year 2018—

(AA) an amount that bears the same relationship to 30 percent of the excess amount as the number of individuals age 5 through 17 in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all such States, as so determined; and

(BB) an amount that bears the same relationship to 70 percent of the excess amount as the number of individuals age 5 through 17 from families with incomes below the poverty line in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all such States, as so determined.

(iii) in fiscal year 2019—

(AA) an amount that bears the same relationship to 25 percent of the excess amount as the number of individuals age 5 through 17 in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the

number of those individuals in all such States, as so determined; and

(BB) an amount that bears the same relationship to 75 percent of the excess amount as the number of individuals age 5 through 17 from families with incomes below the poverty line in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all such States, as so determined.

(iv) in fiscal year 2020 and each subsequent fiscal year—

(AA) an amount that bears the same relationship to 20 percent of the excess amount as the number of individuals age 5 through 17 in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all such States, as so determined; and

(BB) an amount that bears the same relationship to 80 percent of the excess amount as the number of individuals age 5 through 17 from families with incomes below the poverty line in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all such States, as so determined.

17. The House amendment includes small state minimum which is similar to the language in the Senate 2(B) exception.

LC

18. The Senate bill, not the House amendment, specifies how funds after FY 2022 are to be allotted.

HR with amendment to strike "2022" and insert "2023"

19. The House amendment, not the Senate bill, includes applicability language as it relates to subparagraph (A), which specifies the formula.

HR

20. The Senate bill and House amendment authorizes the Secretary to reallot amounts unawarded to states that do not apply. In addition, the House amendment, but not the Senate bill, includes reallotment language for circumstances in which only a portion of a State's award is allotted.

HR

21. The Senate bill and House amendment have different structures for title II, Part A. Senate does uses of funds first and State plan second; House does opposite.

LC

22. The Senate bill and House amendment each include 95 percent set aside for subgrants to local educational agencies and one percent for State planning and administration, although they use different language to do so.

HR

23. The Senate bill includes an optional additional three percent State reservation for State activities for principals and other school leaders.

HR with an amendment to strike ", if such reservation" through "the preceding fiscal year"

24. The House amendment includes a requirement that the SEA fulfill its responsibilities with specified funds.

HR

25. Senate bill and House amendment are similar except Senate bill allows institutions of higher education, State agencies of higher education, and for-profit and nonprofit entities to help carry out State activities.

HR

26. Senate bill and House amendment include a number of different activities that states could use the funding for. Both the Senate bill and House amendment include an allowable use for teacher and school leader evaluations.

HR/SR with an amendment to read as follows:

(B) TYPES OF STATE ACTIVITIES.—The activities described in subparagraph (A) are the following:

(i) Reforming teacher, principal, and other school leader certification, recertification, licensing, or tenure systems or preparation program standards and approval processes to ensure that—

(I) teachers have the necessary subject-matter knowledge and teaching skills, as demonstrated through measures determined by the State, which may include teacher performance assessments, in the academic subjects that the teachers teach to help students meet challenging State academic standards described in section 1111(b)(1);

(II) principals and other school leaders have the instructional leadership skills to help teachers teach and to help students meet such challenging State academic standards; and

(III) teacher certification or licensing requirements are aligned with such challenging State academic standards.

(ii) Developing, improving, or providing assistance to local educational agencies to support the design and implementation of teacher, principal, and other school leader evaluation and support systems that are based in part on evidence of student academic achievement, which may include student growth, and shall include multiple measures of educator performance and provide clear, timely, and useful feedback to teachers, principals, and other schools leaders, such as by—

(I) developing and disseminating high-quality evaluation tools, such as classroom observation rubrics, and methods, including training and auditing, for ensuring inter-rater reliability of evaluation results;

(II) developing and providing training to principals, other school leaders, coaches, mentors, and

evaluators on how to accurately differentiate performance, provide useful and timely feedback, and use evaluation results to inform decisionmaking about professional development, improvement strategies, and personnel decisions; and

(III) developing a system for auditing the quality of evaluation and support systems.

'(iii) Improving equitable access to effective teachers.

(iv) Carrying out programs that establish, expand, or improve alternative routes for State certification of teachers (especially for teachers of children with disabilities, English learners, science, technology, engineering, mathematics, or other areas where the State experiences a shortage of educators), principals, and other school leaders, for—

(I) individuals with a baccalaureate or master's degree, or other advanced degree;

(II) mid-career professionals from other occupations;

(III) paraprofessionals;

(IV) former military personnel; and

(V) recent graduates of institutions of higher education with records of academic distinction who demonstrate the potential to become effective teachers, principals, or other school leaders.

(v) Developing, improving, and implementing mechanisms to assist local educational agencies and schools in effectively recruiting and retaining teachers, principals, and other school leaders who are effective in improving student academic achievement, including effective teachers from underrepresented minority groups and teachers with disabilities, such as through—

(I) opportunities for effective teachers to lead, to the extent the state determines that such evidence is reasonably available, evidence-based professional development for their peers; and

(II) providing training and support for teacher leaders and school leaders who are recruited as part of instructional leadership teams.

(vi) Fulfilling the State educational agency's responsibilities concerning proper and efficient administration and monitoring of the programs carried out under this part, including provision of technical assistance to local educational agencies.

(vii) Developing, or assisting local educational agencies in developing—

(I) career opportunities and advancement initiatives that promote professional growth and emphasize multiple career paths, such as instructional coaching and mentoring, including hybrid roles that allow instructional coaching and mentoring while remaining in the classroom, school

leadership, and involvement with school improvement and support;

(II) strategies that provide differential pay, or other incentives, to recruit and retain teachers in high-need academic subjects and teachers, principals, or other school leaders, in low-income schools and school districts, which may include performance-based pay systems; and

(III) new teacher, principal, and other school leader induction and mentoring programs that are, to the extent the state determines that such evidence is reasonably available, evidence-based and designed to—

(aa) improve classroom instruction and student learning and achievement, including through improving school leadership programs; and

(bb) increase the retention of effective teachers, principals, and other school leaders;

(viii) Providing assistance to local educational agencies for—

(I) the development and implementation of high-quality professional development programs for principals that enable the principals to be effective and prepare all students to meet the challenging State academic standards described in section 1111(b)(1); and

(ix) Supporting efforts to train teachers, principals, and other school leaders to effectively integrate technology into curricula and instruction, which may include training to assist teachers in implementing blended learning projects as defined in section **[**4102**]**.

(x) Providing training, technical assistance, and capacity-building to local educational agencies that receive a subgrant under this part.

(xi) Reforming or improving teacher, principal, and other school leader preparation programs such as through establishing teacher, principal, and other school leader residency programs;

(xiii) Establishing or expanding teacher, principal, or other school leader preparation academies, with not more than 2 percent of the funds available for State activities under subparagraph (A), if

(I) allowable under State law;

(II) the State enables candidates attending a teacher, principal, or other school leader preparation academy to be eligible for State financial aid to the same extent as participants in other State-approved teacher or principal preparation programs, including alternative certification, licensure, or credential programs; and

(III) the State enables teachers, principals, or other school leaders who are teaching or working while on alternative certificates, licenses, or cre-

dentials to teach or work in the State while enrolled in a teacher, principal or other school leader preparation academy.

(xiii) Supporting the instructional services provided by effective school library programs.

(xv) Developing, or assisting local educational agencies in developing, strategies that provide teachers, principals, and other school leaders with the skills, credentials, or certifications needed to educate all students in postsecondary education coursework through early college high school or dual or concurrent enrollment courses or programs.

(xvi) Providing training for all school personnel, including teachers, principals, other school leaders, specialized instructional support personnel, and paraprofessionals, regarding how to prevent and recognize child sexual abuse.

(xvii) Supporting opportunities for principals, other school leaders, teachers, paraprofessionals, early childhood education program directors, and other early childhood education program providers to participate in joint efforts to address the transition to elementary school, including issues related to school readiness.

(xviii) Developing and providing professional development for science, technology, engineering, and mathematics subjects, including computer science.

(xix) Supporting the professional development and improving the instructional strategies of teachers, principals, and other school leaders to integrate career and technical education content into academic instructional practices, which may include training on best practices to understand State and regional workforce needs and transitions to postsecondary education and the workforce;

(xx) Supporting and developing efforts to train teachers on the appropriate use of student data to ensure individual student privacy is protected as required under section 444 of the General Education Provisions Act (commonly known as the "Family Educational Rights and Privacy Act of 1974") (20 U.S.C. 123) and in accordance with State student privacy laws and local educational agency student privacy and technology use policies."

(xxi) Enabling States, as a consortium, to voluntarily develop a process that allows teachers who are licensed or certified in a participating State to teach in other participating States without completing additional licensure or certification requirements, except that nothing in this clause shall be construed to allow the Secretary to exercise any direction, supervision, or control over State teacher licensing or certification requirements.

(xxii) Supporting other activities identified by the State that are, to the extent the state determines that

such evidence is reasonably available, evidence-based and that meet the purpose of this title;

27. The Senate bill and House amendment have different sections and different section headers.

SR on title. LC on placement.

28. The Senate bill and House amendment have different content requirements for the State plan/application.

HR/SR with amendment to read as follows:

(d) STATE APPLICATION.—

(1) IN GENERAL.—In order to receive an allotment under this section for any fiscal year, a State shall submit an application to the Secretary, at such time, in such manner as the Secretary may reasonably require.

(2) CONTENTS.—Each application described under paragraph (1) shall include the following:

(A) A description of how the State educational agency will use funds received under this title for State-level activities described in subsection (c).

(B) A description of the State's system of certification and licensing

(C) A description of how activities under this part are aligned with challenging State academic standards, including those standards under section 1111,

(D) A description of how the activities using funds under this part are expected to improve student achievement.

(E) If a State educational agency plans to use funds under this part to improve equitable access to effective teachers, as described in 1111(c)(1)(F), a description of how such funds will be used for such purpose.

(F) If applicable, a description of how the State educational agency will work with local educational agencies in the State to develop or implement state or local teacher or school leader evaluation systems that meet the requirements of (B)(ii).

(G) An assurance that the State educational agency will monitor the implementation of activities under this part and provide technical assistance to local educational agencies in carrying out such activities.

(H) An assurance that the State educational agency will work in consultation with the entity responsible for teacher and principal professional standards, certification, and licensing for the State, and encourage collaboration between educator preparation programs, the State, and local educational agencies to promote the readiness of new educators entering the profession.

(I) An assurance that the State educational agency will comply with section **[**6501**]** (regarding participation by private school children and teachers).

(J) A description of how the State educational agency will improve the skills of teachers, principals, and other school leaders in order to enable them to identify students with specific learning needs, particularly students with disabilities, English learners, students who are gifted and

talented, and students with low literacy levels, and provide instruction based on the needs of such students.

(K) A description of how the State will use data and ongoing consultation as described in paragraph (3) to continually update and improve the activities supported under this part;

(L) A description of how the State educational agency will encourage opportunities for increased autonomy and flexibility for teachers, principals, and school leaders, such as by establishing innovation schools that have a high degree of autonomy over budget and operations, are transparent and accountable to the public, and lead to improved academic outcomes for students; and

(M) A description of actions the State may take to improve preparation programs and strengthen support for principals and other school leaders based on the needs of the State, as identified by the State educational agency.

(3) CONSULTATION.—In developing the State application under this subsection, a State shall—

(A) meaningfully consult with teachers, principals, other school leaders, paraprofessionals (including organizations representing such individuals), specialized instructional support personnel, public charter school leaders (in a state that has charter schools), parents, community partners, and other organizations or partners with relevant and demonstrated expertise in programs and activities designed to meet the purpose of this title;

(B) seek advice from the individuals, organizations, or partners described in subparagraph (A) regarding how best to improve the State's activities to meet the purpose of this title; and

(C) coordinate the State's activities under this part with other related strategies, programs, and activities being conducted in the State.

(4) LIMITATION.—Consultation required under paragraph (3) shall not interfere with the timely submission of the plan required under this section.

29. The Senate bill includes consultation as part of state plan.

HR with an amendment to add "charter school leaders (in a state that has a charter school law)," after "other school leaders," and to strike "plan" and insert "application"

30. The House amendment includes 120 day timeline for state application deemed approval. The Senate bill includes a 90 day timeline for state application approval in Title IX for Title II applications, among others.

HR

31. The House amendment includes disapproval paragraph. The Senate bill contains a disapproval paragraph in Title IX for Title II applications, among others.

HR

32. The House amendment includes notification of state educational agency. The Senate bill includes a notification process in Title IX for Title II applications, among others.

HR

33. The House amendment includes a response timeline of 45 days. The Senate bill includes a similar response timeline in Title IX for Title II applications, among others.

HR

34. The House amendment includes paragraph on failure to respond. The Senate bill includes a paragraph on failure to respond in Title IX for Title II applications, among others.

HR

35. The Senate bill includes a prohibition on Secretary.

HR

36. The Senate bill and House amendment have different section numbers.

LC

37. The Senate bill and House amendment cite different section numbers to reflect differences in respective bill structures.

LC

38. The Senate bill and House amendment change the formula in different ways.

HR

39. The Senate bill and House amendment change the formula in different ways.

HR

40. The Senate bill includes a cap on direct administrative costs of 2 percent.

SR

41. The Senate bill includes a rule of construction to allow schools with certain locale codes (rural locale codes) to combine their allocations.

HR

42. The Senate bill and House amendment have different section numbers.

LC

43. The Senate bill and House amendment have different content requirements for local applications. See also note 46.

HR/SR with amendment to read as follows:

(4) CONTENTS OF APPLICATION.—Each application submitted under paragraph (1) shall include the following:

(A) A description of the activities to be carried out by the local educational agency under this section and how these activities will be aligned with the challenging State academic standards including those described in section 1111(b)(1).

(B) A description of the local educational agency's systems of professional growth and improvement, such as induction for teachers, principals, and other school leaders and opportunities for building the capacity of teachers and opportunities to develop meaningful teacher leadership.

(C) A description of how the local educational agency will prioritize funds to schools served by the agency that are identified under section 1111(d) and have the highest percentage of children counted under section 1124(c).

(D) A description of how the local educational agency will use data and ongoing consultation described in para-

graph (3) to continually update and improve activities supported under this part.

(E) An assurance that the local educational agency will comply with section 9501 (regarding participation by private school children and teachers).

(F) An assurance that the local educational agency will coordinate professional development activities authorized under this part with professional development activities provided through other Federal, State, and local programs.

(5) CONSULTATION.—In developing the application in paragraph (4), a local educational agency shall—

(A) meaningfully consult with teachers, principals, other school leaders, paraprofessionals (including organizations representing such individuals), specialized instructional support personnel, public charter school leaders (in a local educational agency that has charter schools), parents, community partners, and other organizations or partners with relevant and demonstrated expertise in programs and activities designed to meet the purpose of this title;

(B) seek advice from the individuals in subparagraph (A) regarding how best to improve the local educational agency's activities to meet the purpose of this title; and

(C) coordinate the local educational agency's activities under this part with other related strategies, programs, and activities being conducted in the community.

(6) LIMITATION.—Consultation required under paragraph (5) shall not interfere with the timely submission of the plan required under this section.

44. The Senate bill includes a needs assessment analysis for eligibility for a subgrant.

SR

45. The Senate bill includes a consultation requirement.

SR

46. The Senate bill includes separate paragraph for contents of application. The Senate bill and House amendment have different content requirements for local applications. See note 43 above.

SR

47. The Senate bill and House amendment have different uses of funds.

HR/SR with an amendment to read as follows:

(b) TYPES OF ACTIVITIES.—The activities described in this subsection—

(1) shall be in accordance with the purpose of this title;

(2) shall address the learning needs of all students, including children with disabilities, English learners, and gifted and talented students; and

(3) may include, among other programs and activities—

(A) developing or improving a rigorous, transparent, and fair evaluation and support system for teachers, principals, and other school leaders that is based in part on evidence of student achievement, which may include student growth, and shall include multiple measures of edu-

cator performance and provide clear, timely, and useful feedback to teachers, principals, and other schools leaders;

(B) developing and implementing initiatives to assist in recruiting, hiring, and retaining effective teachers, principals, and other school leaders, particularly in low-income schools with high percentages of ineffective teachers and high percentages of students who do not meet the challenging State academic standards described in section 1111(b)(1), to improve within-district equity in the distribution of teachers, principals, and school leaders consistent with the requirements of section 1111(c)(1)(F), such as initiatives that provide—

(i) expert help in screening candidates and enabling early hiring;

(ii) differential and incentive pay for teachers, principals, and other school leaders in high-need academic subject areas and specialty areas, which may include performance-based pay systems;

(iii) teacher, paraprofessional, principal, and other school leader advancement and professional growth, and an emphasis on leadership opportunities, multiple career paths and pay differentiation;

(iv) new teacher, principal, and other school leader induction and mentoring programs that are designed to—

(I) improve classroom instruction and student learning and achievement;

(II) increase the retention of effective teachers, principals, and other school leaders;

(v) the development and provision of training for school leaders, coaches, mentors and evaluators on how to accurately differentiate performance, provide useful feedback, and use evaluation results to inform decisionmaking about professional development, improvement strategies, and personnel decisions; and

(vi) a system for auditing the quality of evaluation and support systems;

(C) differential and incentive pay for teachers, principals, and other school leaders in high-need academic subject areas and specialty areas, which may include performance-based pay systems;

(D) recruiting qualified individuals from other fields to become teachers, principals, or other school leaders including mid-career professionals from other occupations, former military personnel, and recent graduates of institutions of higher education with a record of academic distinction who demonstrate potential to become effective teachers, principals, or other school leaders;

(E) reducing class size to an evidence-based level, to the extent the state, in consultation with local educational agencies in the state, determines that such evidence is reasonably available, to improve student achievement through the recruiting and hiring of additional effective teachers;

(F) providing high-quality evidence-based (to the extent the state, in consultation with local educational agencies in the state, determines that such evidence is reasonably available), personalized professional development for teachers, instructional leadership teams, principals, and other school leaders, focused on improving teaching and student learning and achievement, including supporting efforts to train teachers, principals, and other school leaders to—

(i) effectively integrate technology into curricula and instruction (including education about the harms of copyright piracy);

(ii) use data to improve student achievement and understanding how to protect individual student privacy in accordance with section 444 of the General Education Provisions Act (commonly known as the "Family Educational Rights and Privacy Act of 1974") (20 U.S.C. 123) and State and local policies and laws in the use of such data;

(iii) effectively engage parents, families and community partners, and coordinate services between school and community;

(iv) help all students develop the skills essential for learning readiness, and academic success; and

(v) develop policy with school, local educational agency, community, or State leaders;

(vi) have opportunities for experiential learning through observation;

(G) developing programs and activities that increase the ability of teachers to effectively teach children with disabilities, including children with significant cognitive disabilities, which may include the use of multi-tier systems of support and positive behavioral intervention and supports, and students who are English learners, so that such children with disabilities and students who are English learners can meet the challenging State academic standards described in section 1111(b)(1);

(H) providing programs and activities to increase—

(i) the knowledge base of teachers, principals, and other school leaders on instruction in the early grades and on strategies to measure whether young children are progressing; and

(ii) the ability of principals and other school leaders to support teachers, teacher leaders, early childhood educators, and other professionals to meet the needs of students through age 8, which may include providing joint professional learning and planning activities for school staff and educators in preschool programs that address the transition to elementary school;

(I) providing training, technical assistance, and capacity-building in local educational agencies to assist teachers and school leaders with selecting and implementing formative assessments, designing classroom-based assessments,

and using data from such assessments to improve instruction and student academic achievement, which may include providing additional time for teachers to review student data and respond, as appropriate;

(J) carrying out in-service training for school personnel in—

(i) the techniques and supports needed to help educators understand when and how to refer students affected by trauma, and children with, or at risk of, mental illness;

(ii) the use of referral mechanisms that effectively link such children to appropriate treatment and intervention services in the school and in the community, where appropriate; and

(iii) forming partnerships between school-based mental health programs and public or private mental health organizations;

(iv) addressing issues related to school conditions for student learning, such as safety, peer interaction, drug and alcohol abuse, and chronic absenteeism.

Report Language: The Conferees intend that references to safety and peer interaction within this title include instances of school violence, bullying, and harassment.

(L) providing training to support the identification of students who are gifted and talented, including high-ability students who have not been formally identified for gifted education services, and implementing instructional practices that support the education of such students, such as—

(i) early entrance to kindergarten;

(ii) enrichment, acceleration, and curriculum compacting activities; and

(iii) dual or concurrent enrollment in secondary school and postsecondary education;

(M) supporting the instructional services provided by effective school library programs;

(N) providing training for all school personnel, including teachers, principals, other school leaders, specialized instructional support personnel, and paraprofessionals, regarding how to prevent and recognize child sexual abuse;

(O) developing and providing professional development and instructional materials for science, technology, engineering, and mathematics subjects, including computer science.

(Q) developing feedback mechanisms to improve school working conditions, including through periodically and publicly reporting results of educator support and working conditions feedback;

Report Language: "It is the Conferees' intent that school districts' examinations of working conditions for teachers, principals, and other school leaders should include evaluations of the supports for such individuals developed in consultation with teachers, principals, other school leaders, other school personnel, parents, students, and the community. These supports may include the avail-

ability of high-quality professional development, instructional materials, instructional leadership, opportunities for professional growth, timely availability of data on student academic achievement and growth, and a review of school safety and conditions for learning."

(R) 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;

(S) carrying out other evidence-based activities, to the extent the state, in consultation with local educational agencies in the state, determines that such evidence is reasonably available, identified by the local educational agency that meet the purpose of this title.

Report Language: "The Conferees intend that local educational agencies will use funds in ways that best support teachers to help improve student achievement. Local educational agencies may use funds for activities such as improving the instructional skills of athletic administrators who are also teachers and supporting teachers to increase the entrepreneurial skills of students."

48. The Senate bill, but not the House amendment, requires funds to be used for evidence-based programs and activities, and allows activities to be carried out with a for-profit or non-profit entity, in partnership with an IHE or Indian tribe or tribal organization.

HR with an amendment to strike "evidence-based"

49. The Senate bill includes a separate subparagraph (b) for types of activities that can be funded with local funds, and includes a few required uses of funds.

SR

50. The Senate bill includes principles of effectiveness for programs and activities.

SR

51. The Senate bill includes periodic evaluations of programs and activities and a prohibition on the Secretary.

SR

52. The Senate bill and House amendment have different section numbers and different section headers.

LC

53. The Senate bill and House amendment each require annual reports of local educational agencies to State educational agencies and State educational agencies to the Secretary, but contents of report are different. The Senate bill requires reports be made public.

HR/SR with an amendment to read as follows:

(a) STATE REPORT.—Each State educational agency receiving funds under this part shall annually submit to the Secretary a report that provides—

(1) a description of how the State is using grant funds received under this part to meet the purposes described in section 2101, and how such chosen activities improved teacher,

principal and other school leader effectiveness, as determined by the State or local educational agency;

(2) if funds are used under this part to improve equitable access to teachers, principals, and other school leaders for low-income and minority students, a description of how funds have been used to improve such access;

(3) for a State that implements a teacher, principal, and other school leader evaluation system consistent with **[**section 2101(c)(4)(B)(ii)**]** using funds under this part, the evaluation results of teachers, principals, and other school leaders, except that such information shall not provide personally identifiable information on individual teachers, principals, or other school leaders;

(4) where available, the annual retention rates of effective and ineffective teachers, principals, and other school leaders, as determined by the State, using any methods or criteria the State has or develops under section 1111**[**(c)(2)(A)**]**, except nothing in this paragraph shall be construed to require any State educational agency or local educational agency to collect and report any data the State educational agency or local educational agency is not collecting or reporting as of the date of enactment of Every Student Succeeds Act of 2017.

(b) LOCAL EDUCATIONAL AGENCY REPORT.—Each local educational agency receiving funds under this part shall submit to the State educational agency such information as the State requires, which shall include the information described in subsection (a) for the local educational agency.

(c) AVAILABILITY.—The reports and information provided under subsections (a) and (b) shall be made readily available to the public.

(d) LIMITATION.—The reports and information provided under subsections (a) and (b) shall not reveal personally identifiable information about any individual.

54. The Senate bill and House amendment both provide for technical assistance and national evaluations of programs but with different requirements under those headers.

HR/SR with amendment to read as follows:

PART B—NATIONAL ACTIVITIES

SEC. 2201. RESERVATIONS.

From the amounts appropriated under section 2003(b) for a fiscal year, the Secretary shall reserve—

"(1) **[**$____**]** to carry out activities authorized under subpart 1;

"(2) **[**$____**]** to carry out activities authorized under subpart 2;

"(3) **[**$____**]** to carry out activities authorized under subpart 3; and

"(4) **[**$____**]** to carry out activities authorized under subpart 4.

SUBPART 1—TEACHER AND SCHOOL LEADER INCENTIVE PROGRAM

SEC. 2211. PURPOSES; DEFINITIONS.

(a) PURPOSES.—The purposes of this subpart are—

(1) to assist States, local educational agencies, and nonprofit organizations to develop, implement, improve, or expand comprehensive performance-based compensation systems or human capital management systems for teachers, principals, and other school leaders (especially for teachers, principals, and other school leaders in high-need schools) who raise student academic achievement and close the achievement gap between high- and low-performing students; and

(2) to study and review performance-based compensation systems or human capital management systems for teachers, principals, and other school leaders to evaluate the effectiveness, fairness, quality, consistency, and reliability of the systems.

(b) DEFINITIONS.—In this subpart:

(1) ELIGIBLE ENTITY.—The term 'eligible entity' means—

(A) a local educational agency, including a charter school that is a local educational agency, or a consortium of local educational agencies;

(B) a State educational agency or other State agency designated by the chief executive of a State to participate under this subpart;

(C) the Bureau of Indian Education; or

(D) a partnership consisting of—

(i) 1 or more agencies described in subparagraph (A),(B), or (C); and

(ii) at least 1 nonprofit or for-profit entity.

(2) HIGH-NEED SCHOOL.—The term 'high-need school' means a public elementary school or secondary school that is located in an area in which the percentage of students from families with incomes below the poverty line is 30 percent or more.

(3) HUMAN CAPITAL MANAGEMENT SYSTEM.—The term 'human capital management system' means a system—

(A) by which a local educational agency makes and implements human capital decisions, such as decisions on preparation, recruitment, hiring, placement, retention, dismissal, compensation, professional development, tenure, and promotion; and

(B) that includes a performance-based compensation system.

(4) PERFORMANCE-BASED COMPENSATION SYSTEM.—The term 'performance-based compensation system' means a system of compensation for teachers, principals, and other school leaders that—

(A) differentiates levels of compensation based in part on measurable increases in student academic achievement; and

(B) may include—

(i) differentiated levels of compensation, which may include bonus pay, on the basis of the employ-

ment responsibilities and success of effective teachers, principals, and other school leaders in hard-to-staff schools or high-need subject areas; and

(ii) recognition of the skills and knowledge of teachers, principals, and other school leaders as demonstrated through—

(I) successful fulfillment of additional responsibilities or job functions, such as teacher leadership roles; and

(II) evidence of professional achievement and mastery of content knowledge and superior teaching and leadership skills.

"SEC. 2212. TEACHER AND SCHOOL LEADER INCENTIVE FUND GRANTS.

(a) GRANTS AUTHORIZED.—From the amounts reserved by the Secretary under section 2201(1), the Secretary shall award grants, on a competitive basis, to eligible entities to enable the eligible entities to develop, implement, improve, or expand performance-based compensation systems or human capital management systems, in schools served by the eligible entity.

(b) DURATION OF GRANTS.—

(1) IN GENERAL.—A grant awarded under this subpart shall be for a period of not more than 3 years.

(2) RENEWAL.—The Secretary may renew a grant awarded under this subpart for a period of up to 2 years if the grantee demonstrates to the Secretary that the grantee is effectively utilizing funds. Such renewal may include allowing the grantee to scale up or replicate the successful program.

(3) LIMITATION.—A local educational agency may receive (whether individually or as part of a consortium or partnership) a grant under this subpart only twice, as of the date of enactment of the Every Student Succeeds Act of 2015.

(c) APPLICATIONS.—An eligible entity desiring a grant under this subpart shall submit an application to the Secretary, at such time and in such manner, as the Secretary may reasonably require. The application shall include—

(1) a description of the performance-based compensation system or human capital management system that the eligible entity proposes to develop, implement, improve, or expand through the grant;

(2) a description of the most significant gaps or insufficiencies in student access to effective teachers and school leaders in high-need schools, including gaps or inequities in how effective teachers and school leaders are distributed across the local educational agency, as identified using factors such as data on school resources, staffing patterns, school environment, educator support systems, and other school-level factors;

(3) a description and evidence of the support and commitment from teachers, principals, and other school leaders, which may include charter school leaders, in the school (including organizations representing teachers, principals, and other school leaders), the community, and the local educational agency to the activities proposed under the grant;

(4) a description of how the eligible entity will develop and implement a fair, rigorous, valid, reliable, and objective process to evaluate teacher, principal, and school leader, performance under the system that is based in part on measures of student academic achievement, including the baseline performance against which evaluations of improved performance will be made;

(5) a description of the local educational agencies or schools to be served under the grant, including such student academic achievement, demographic, and socioeconomic information as the Secretary may request;

(6) a description of the effectiveness of teachers, principals, and other school leaders in the local educational agency and the schools to be served under the grant and the extent to which the system will increase the effectiveness of teachers, principals, and other school leaders in such schools;

(7) a description of how the eligible entity will use grant funds under this subpart in each year of the grant, including a timeline for implementation of such activities;

(8) a description of how the eligible entity will continue the activities assisted under the grant after the grant period ends;

(9) a description of the State, local, or other public or private funds that will be used to supplement the grant, including funds under part A, and sustain the activities assisted under the grant at the end of the grant period;

(10) a description of—

(A) the rationale for the project;

(B) how the proposed activities are evidence-based; and

(C) if applicable, the prior experience of the eligible entity in developing and implementing such activities; and

(11) a description of how activities funded under this subpart will be evaluated, monitored, and publically reported.

(d) AWARD BASIS.—

(1) PRIORITY.—In awarding a grant under this subpart, the Secretary shall give priority to an eligible entity that concentrates the activities proposed to be assisted under the grant on teachers, principals, and other school leaders serving in high-need schools.

(2) EQUITABLE DISTRIBUTION.—To the extent practicable, the Secretary shall ensure an equitable geographic distribution of grants under this subpart, including the distribution of such grants between rural and urban areas.

(e) USE OF FUNDS.—

(1) IN GENERAL.—An eligible entity that receives a grant under this subpart shall use the grant funds to develop, implement, improve, or expand, in collaboration with teachers, principals, other school leaders, and members of the public, a performance-based compensation system or human capital management system consistent with this subpart.

(2) AUTHORIZED ACTIVITIES.—Grant funds under this subpart may be used for the following:

(A) Developing or improving an evaluation and support system, including as part of a human capital management system as applicable, that—

(i) reflects clear and fair measures of teacher, principal, and other school leader performance, based in part on demonstrated improvement in student academic achievement; and

(ii) provides teachers, principals, and other school leaders with ongoing, differentiated, targeted, and personalized support and feedback for improvement, including professional development opportunities designed to increase effectiveness.

(B) Conducting outreach within a local educational agency or a State to gain input on how to construct an evaluation system described in subparagraph (A) and to develop support for the evaluation system, including by training appropriate personnel in how to observe and evaluate teachers, principals, and other school leaders.

(C) Providing principals and other school leaders with—

(i) balanced autonomy to make budgeting, scheduling, and other school-level decisions in a manner that meets the needs of the school without compromising the intent or essential components of the policies of the local educational agency or State; and

(ii) authority to make staffing decisions that meet the needs of the school, such as building an instructional leadership team that includes teacher leaders or offering opportunities for teams or pairs of effective teachers or candidates to teach or start teaching in high-need schools together.

(D) Implementing, as part of a comprehensive performance-based compensation system, a differentiated salary structure, which may include bonuses and stipends, to—

(i) teachers who—

(I)(aa) teach in high-need schools; or

(bb) teach in high-need subjects;

(II) raise student academic achievement; or

(III) take on additional leadership responsibilities; or

(ii) principals and other school leaders who serve in high-need schools and raise student academic achievement in the schools.

(E) Improving the local educational agency's system and process for the recruitment, selection, placement, and retention of effective teachers and school leaders in high-need schools, such as by improving local educational agency policies and procedures to ensure that high-need schools are competitive and timely in—

(i) attracting, hiring, and retaining effective educators;

(ii) offering bonuses or higher salaries to effective teachers; or

(iii) establishing or strengthening residency programs.

(F) Instituting career advancement opportunities characterized by increased responsibility and pay that reward and recognize effective teachers and school leaders in high-need schools and enable them to expand their leadership and results, such as through teacher-led professional development, mentoring, coaching, hybrid roles, administrative duties, and career ladders.

(f) MATCHING REQUIREMENT.—Each eligible entity that receives a grant under this subpart shall provide, from non-Federal sources, an amount equal to 50 percent of the amount of the grant (which may be provided in cash or in-kind) to carry out the activities supported by the grant.

(g) SUPPLEMENT, NOT SUPPLANT.—Grant funds provided under this subpart shall be used to supplement, not supplant, other Federal or State funds available to carry out activities described in this subpart.

SEC. 2213. REPORTS.

(a) ACTIVITIES SUMMARY.—Each eligible entity receiving a grant under this part shall provide to the Secretary a summary of the activities assisted under the grant.

(b) REPORT.—The Secretary shall provide to Congress an annual report on the implementation of the program carried out under this subpart, including—

(1) information on eligible entities that received grant funds under this subpart, including—

(A) information provided by eligible entities to the Secretary in the applications submitted under section 2212(c);

(B) the summaries received under subsection (a); and

(C) grant award amounts; and

(2) student academic achievement and, as applicable, growth data from the schools participating in the programs supported under the grant.

(c) EVALUATION AND TECHNICAL ASSISTANCE.—

(1) RESERVATION OF FUNDS.—Of the total amount reserved for this subpart for a fiscal year, the Secretary may reserve for such fiscal year not more than 1 percent for the cost of the evaluation under paragraph (2) and for technical assistance in carrying out this subpart.

(2) EVALUATION.—From amounts reserved under paragraph (1), the Secretary, acting through the Director of the Institute of Education Sciences, shall carry out an independent evaluation to measure the effectiveness of the program assisted under this subpart.

(3) CONTENTS.—The evaluation under paragraph (2) shall measure—

(A) the effectiveness of the program in improving student academic achievement;

(B) the satisfaction of the participating teachers, principals, and other school leaders; and

(C) the extent to which the program assisted the eligible entities in recruiting and retaining high-quality teach-

ers, principals, and other school leaders, especially in high-need subject areas.".

SUBPART 2—LITERACY EDUCATION FOR ALL, RESULTS FOR THE NATION

SEC. 2221. PURPOSES; DEFINITIONS.

(a) PURPOSES.—The purposes of this subpart are—

(1) to improve student academic achievement in reading and writing by providing Federal support to States to develop, revise, or update comprehensive literacy instruction plans that, when implemented, ensure high-quality instruction and effective strategies in reading and writing from early education through grade 12; and

(2) for States to provide targeted subgrants to State-designated early childhood education programs and local educational agencies and their public or private partners to implement evidenced-based programs that ensure high-quality comprehensive literacy instruction for students most in need.

(b) DEFINITIONS.—In this subpart:

(1) COMPREHENSIVE LITERACY INSTRUCTION.—The term 'comprehensive literacy instruction' means instruction that—

(A) includes developmentally appropriate, contextually explicit, and systematic instruction, and frequent practice, in reading and writing across content areas;

(B) includes age-appropriate, explicit, systematic, and intentional instruction in phonological awareness, phonic decoding, vocabulary, language structure, reading fluency, and reading comprehension;

(C) includes age-appropriate, explicit instruction in writing, including opportunities for children to write with clear purposes, with critical reasoning appropriate to the topic and purpose, and with specific instruction and feedback from instructional staff;

(D) makes available and uses diverse, high-quality print materials that reflect the reading and development levels, and interests, of children;

(E) uses differentiated instructional approaches, including individual and small group instruction and discussion;

(F) provides opportunities for children to use language with peers and adults in order to develop language skills, including developing vocabulary;

(G) includes frequent practice of reading and writing strategies;

(H) uses age-appropriate, valid, and reliable screening assessments, diagnostic assessments, formative assessment processes, and summative assessments to identify a child's learning needs, to inform instruction, and to monitor the child's progress and the effects of instruction;

(I) uses strategies to enhance children's motivation to read and write and children's engagement in self-directed learning;

(J) incorporates the principles of universal design for learning;

(K) depends on teachers' collaboration in planning, instruction, and assessing a child's progress and on continuous professional learning; and

(L) links literacy instruction to the challenging State academic standards under [section 1111(b)(1)], including the ability to navigate, understand, and write about, complex print and digital subject matter.

(2) ELIGIBLE ENTITY.—The term 'eligible entity' means an entity that serves a high percentage of high-need schools and consists of—

(A) one or more local educational agencies that—

(i) have the highest number or proportion of children who are counted under [section 1124(c)], in comparison to other local educational agencies in the State;

(ii) are among the local educational agencies in the State with the highest number or percentages of children reading or writing below grade level, based on the most currently available State academic assessment data under section 1111(b)(2); or

(iii) serve a significant number or percentage of schools that are identified for comprehensive support and improvement under subsection 1111(d);

(B) one or more State-designated early childhood education programs, which may include home-based literacy programs for preschool aged children, that have a demonstrated record of providing comprehensive literacy instruction for the age group such program proposes to serve; or

(C) a local educational agency, described in subparagraph (A), or consortium of such local educational agencies, or a State-designated early childhood education program, which may include home-based literacy programs for preschool aged children, acting in partnership with 1 or more public or private nonprofit organizations or agencies (which may include State-designated early childhood education programs) that have a demonstrated record of effectiveness in—

(i) improving literacy achievement of children, consistent with the purposes of their participation, from birth through grade 12; and

(ii) providing professional development in comprehensive literacy instruction.

(3) HIGH-NEED SCHOOL.—

(A) IN GENERAL.—The term 'high-need school' means—

(i) an elementary school or middle school in which not less than 50 percent of the enrolled students are children from low-income families; or

(ii) a high school in which not less than 40 percent of the enrolled students are children from low-income families, which may be calculated using comparable data from the schools that feed into the high school.

(B) LOW-INCOME FAMILY.—For purposes of subparagraph (A), the term 'low-income family' means a family—

(i) in which the children are eligible for a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);

(ii) receiving assistance under the program of block grants to States for temporary assistance for needy families established under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.); or

(iii) in which the children are eligible to receive medical assistance under the Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

SEC. 2222. COMPREHENSIVE LITERACY STATE DEVELOPMENT GRANTS.

(a) GRANTS AUTHORIZED.—From the amounts reserved by the Secretary under section 2201(2) and not reserved under subsection (b), the Secretary shall award grants, on a competitive basis, to State educational agencies to enable the State educational agencies to—

(1) provide subgrants to eligible entities serving a diversity of geographic areas, giving priority to entities serving greater numbers or percentages of disadvantaged children; and

(2) develop or enhance comprehensive literacy instruction plans that ensure high-quality instruction and effective strategies in reading and writing for children from early childhood education through grade 12, including English learners and children with disabilities.

(b) RESERVATION.—From the amounts reserved to carry out this subpart for a fiscal year, the Secretary shall reserve—

(1) not more than a total of 5 percent for national activities including a national evaluation, technical assistance and training, data collection, and reporting;

(2) one-half of 1 percent for the Secretary of the Interior to carry out a program described in this subpart at schools operated or funded by the Bureau of Indian Education; and

(3) one-half of 1 percent for the outlying areas to carry out a program under this subpart.

(c) DURATION OF GRANTS.—A grant awarded under this subpart shall be for a period of not more than 5 years total. Such grant may be renewed for an additional 2-year period upon the termination of the initial period of the grant if the grant recipient demonstrates to the satisfaction of the Secretary that—

(1) the State has made adequate progress; and

(2) renewing the grant for an additional 2-year period is necessary to carry out the objectives of the grant described in subsection (d).

(d) STATE APPLICATIONS.—

(1) IN GENERAL.—A State educational agency desiring a grant under this subpart shall submit an application to the Secretary, at such time and in such manner as the Secretary may require. The State educational agency shall collaborate with the State agency responsible for administering early childhood education programs and the State agency responsible for administering child care programs in the State in writing

and implementing the early childhood education portion of the grant application under this subsection.

(2) CONTENTS.—An application described in paragraph (1) shall include, at a minimum, the following:

(A) A needs assessment that analyzes literacy needs across the State and in high-need schools and local educational agencies that serve high-need schools, including identifying the most significant gaps in literacy proficiency and inequities in student access to effective teachers of literacy, considering each of the subgroups of students, as defined in [section 1111(c)(1)].

(B) A description of how the State educational agency, in collaboration with the State literacy team, if applicable, will develop a State comprehensive literacy instruction plan or will revise and update an already existing State comprehensive literacy instruction plan.

(C) An implementation plan that includes a description of how the State educational agency will carry out the State activities described in subsection (e).

(D) An assurance that the State educational agency will use implementation grant funds described in subsection (e)(1) for comprehensive literacy instruction programs as follows:

(i) Not less than 15 percent of such grant funds shall be used for State and local programs and activities pertaining to children from birth through kindergarten entry.

(ii) Not less than 40 percent of such grant funds shall be used for State and local programs and activities, allocated equitably among the grades of kindergarten through grade 5.

(iii) Not less than 40 percent of such grant funds shall be used for State and local programs and activities, allocated equitably among grades 6 through 12.

(E) An assurance that the State educational agency will give priority in awarding a subgrant under section 2223 to an eligible entity that—

(i) serves children from birth through age 5 who are from families with income levels at or below 200 percent of the Federal poverty line; or

(ii) is a local educational agency serving a high number or percentage of high-need schools.

(e) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to State educational agencies that will use funds under subsection (f) for evidence-based activities, defined as meeting the requirements of subclauses (I), (II), or (III) of section 8101 (23)(A)(i).

(f) STATE ACTIVITIES.—

(1) IN GENERAL.—A State educational agency receiving a grant under this section shall use not less than 95 percent of such grant funds to award subgrants to eligible entities, based on their needs assessment and a competitive application process.

(2) RESERVATION.—A State educational agency receiving a grant under this section may reserve not more than 5 percent for activities identified through the needs assessment and comprehensive literacy plan described in subparagraphs (A) and (B) of subsection (d)(2), including the following activities:

(A) Providing technical assistance, or engaging qualified providers to provide technical assistance, to eligible entities to enable the eligible entities to design and implement literacy programs.

(B) Coordinating with institutions of higher education in the State to provide recommendations to strengthen and enhance pre-service courses for students preparing to teach children from birth through grade 12 in explicit, systematic, and intensive instruction in evidence-based literacy methods.

(C) Reviewing and updating, in collaboration with teachers and institutions of higher education, State licensure or certification standards in the area of literacy instruction in early education through grade 12.

(D) Making publicly available, including on the State educational agency's website, information on promising instructional practices to improve child literacy achievement.

(E) Administering and monitoring the implementation of subgrants by eligible entities.

(3) ADDITIONAL USES.—After carrying out the activities described in paragraphs (1) and (2), a State educational agency may use any remaining amount to carry out 1 or more of the following activities:

(A) Developing literacy coach training programs and training literacy coaches.

(B) Administration and evaluation of activities carried out under this subpart.

SEC. 2223. SUBGRANTS TO ELIGIBLE ENTITIES IN SUPPORT OF BIRTH THROUGH KINDERGARTEN ENTRY LITERACY.

(a) SUBGRANTS.—

(1) IN GENERAL.—A State educational agency receiving a grant under this subpart shall, in consultation with the State agencies responsible for administering early childhood education programs and services, including the State agency responsible for administering child care programs, and, if applicable, the State Advisory Council on Early Childhood Education and Care designated or established pursuant to section 642B(b)(1)(A)(i) of the Head Start Act (42 U.S.C. 9837b(b)(1)(A)(i)), use a portion of the grant funds, in accordance with section 2402(d)(2)(D)(i), to award subgrants, on a competitive basis, to eligible entities to enable the eligible entities to support high-quality early literacy initiatives for children from birth through kindergarten entry.

(2) DURATION.—The term of a subgrant under this section shall be determined by the State educational agency awarding the subgrant and shall in no case exceed 5 years.

(3) SUFFICIENT SIZE AND SCOPE.—Each subgrant awarded under this section shall be of sufficient size and scope to allow

the eligible entity to carry out high-quality early literacy initiatives for children from birth through kindergarten entry.

(b) LOCAL APPLICATIONS.—An eligible entity desiring to receive a subgrant under this section shall submit an application to the State educational agency, at such time, in such manner, and containing such information as the State educational agency may require. Such application shall include a description of—

(1) how the subgrant funds will be used to enhance the language and literacy development and school readiness of children, from birth through kindergarten entry, in early childhood education programs, which shall include an analysis of data that support the proposed use of subgrant funds;

(2) how the subgrant funds will be used to prepare and provide ongoing assistance to staff in the programs, through high-quality professional development;

(3) how the activities assisted under the subgrant will be coordinated with comprehensive literacy instruction at the kindergarten through grade 12 levels;

(4) how the subgrant funds will be used to evaluate the success of the activities assisted under the subgrant in enhancing the early language and literacy development of children from birth through kindergarten entry;

(c) PRIORITY.—In awarding grants under this section, the State educational agency shall give priority to an eligible entity that will use funds under subsection (d) to implement evidence-based activities, defined as meeting the requirements of subclauses (I), (II), or (III) of section 8101 (23)(A)(i).

(d) LOCAL USES OF FUNDS.—An eligible entity that receives a subgrant under this section shall use the subgrant funds, consistent with the entity's approved application under subsection (b), to—

(1) carry out high-quality professional development opportunities for early childhood educators, teachers, principals, other school leaders, paraprofessionals, specialized instructional support personnel, and instructional leaders;

(2) train providers and personnel to develop and administer evidence-based early childhood education literacy initiatives; and

(3) coordinate the involvement of families, early childhood education program staff, principals, other school leaders, specialized instructional support personnel (as appropriate), and teachers in literacy development of children served under the subgrant.

SEC. 2224. SUBGRANTS TO ELIGIBLE ENTITIES IN SUPPORT OF KINDERGARTEN THROUGH GRADE 12 LITERACY.

(a) SUBGRANTS TO ELIGIBLE ENTITIES.—

(1) SUBGRANTS.—A State educational agency receiving a grant under this subpart shall use a portion of the grant funds, in accordance with clauses (ii) and (iii) of section 2402(d)(2)(D), to award subgrants, on a competitive basis, to eligible entities to enable the eligible entities to carry out the authorized activities described in subsections (b) and (c).

(2) DURATION.—The term of a subgrant under this section shall be determined by the State educational agency awarding the subgrant and shall in no case exceed 5 years.

(3) SUFFICIENT SIZE AND SCOPE.—A State educational agency shall award subgrants under this section of sufficient size and scope to allow the eligible entities to carry out high-quality comprehensive literacy instruction in each grade level for which the subgrant funds are provided.

(4) LOCAL APPLICATIONS.—An eligible entity desiring to receive a subgrant under this section shall submit an application to the State educational agency at such time, in such manner, and containing such information as the State educational agency may require. Such application shall include, for each school that the eligible entity identifies as participating in a subgrant program under this section, the following information:

(A) A description of the eligible entity's [needs assessment] conducted to identify how subgrant funds will be used to inform and improve comprehensive literacy instruction at the school.

(B) How the school, the local educational agency, or a provider of high-quality professional development will provide ongoing high-quality professional development to all teachers, principals, other school leaders, specialized instructional support personnel (as appropriate), and other instructional leaders served by the school.

(C) How the school will identify children in need of literacy interventions or other support services.

(D) An explanation of how the school will integrate comprehensive literacy instruction into a well-rounded education.

(E) A description of how the school will coordinate comprehensive literacy instruction with early childhood education and after-school programs and activities in the area served by the local educational agency.

(b) PRIORITY.—In awarding grants under this section, the State educational agency shall give priority to an eligible entity that will use funds under subsection (c) or (d) to implement evidence-based activities, defined as meeting the requirements of subclauses (I), (II), or (III) of section 8101(23)(A)(i).

(c) LOCAL USES OF FUNDS FOR KINDERGARTEN THROUGH GRADE 5.—An eligible entity that receives a subgrant under this section shall use the subgrant funds to carry out the following activities pertaining to children in kindergarten through grade 5:

(1) Developing and implementing a comprehensive literacy instruction plan across content areas for such children that—

(A) serves the needs of all children, including children with disabilities and English learners, especially children who are reading or writing below grade level;

(B) provides intensive, supplemental, accelerated, and explicit intervention and support in reading and writing for children whose literacy skills are below grade level; and

(C) supports activities that are provided primarily during the regular school day but which may be augmented by after-school and out-of-school time instruction.

(2) Providing high-quality professional development opportunities for teachers, literacy coaches, literacy specialists, English as a second language specialists (as appropriate), principals, other school leaders, specialized instructional support personnel, school librarians, paraprofessionals, and other program staff.

(3) Training principals, specialized instructional support personnel, and other school district personnel to support, develop, administer, and evaluate high-quality kindergarten through grade 5 literacy initiatives.

(4) Coordinating the involvement of early childhood education program staff, principals, other instructional leaders, teachers, teacher literacy teams, English as a second language specialists (as appropriate), special educators, school personnel, and specialized instructional support personnel (as appropriate) in the literacy development of children served under this subsection.

(5) Engaging families and encouraging family literacy experiences and practices to support literacy development.

(d) LOCAL USES OF FUNDS FOR GRADES 6 THOURGH 12.—An eligible entity that receives a subgrant under this section shall use subgrant funds to carry out the following activities pertaining to children in grades 6 through 12:

(1) Developing and implementing a comprehensive literacy instruction plan described in subsection (b)(1) for children in grades 6 through 12.

(2) Training principals, specialized instruction support personnel, school librarians, and other school district personnel to support, develop, administer, and evaluate high-quality comprehensive literacy instruction initiatives for grades 6 through 12.

(3) Assessing the quality of adolescent comprehensive literacy instruction as part of a well-rounded education.

(4) Providing time for teachers to meet to plan evidence-based adolescent comprehensive literacy instruction to be delivered as part of a well rounded education.

(5) Coordinating the involvement of principals, other instructional leaders, teachers, teacher literacy teams, English as a second language specialists (as appropriate), paraprofessionals, special educators, specialized instructional support personnel (as appropriate), and school personnel in the literacy development of children served under this subsection.

(e) ALLOWABLE USES.—An eligible entity that receives a subgrant under this section may, in addition to carrying out the activities described in subsection (b) or (c), use subgrant funds to carry out the following activities pertaining to children in kindergarten through grade 12:

(1) Recruiting, placing, training, and compensating literacy coaches.

(2) Connecting out-of-school learning opportunities to in-school learning in order to improve the literacy achievement of the children.

(3) Training families and caregivers to support the improvement of adolescent literacy.

(4) Providing for a multitier system of support.

(5) Forming a school literacy leadership team to help implement, assess, and identify necessary changes to the literacy initiatives in 1 or more schools to ensure success.

(6) Providing time for teachers (and other literacy staff, as appropriate, such as school librarians or specialized instructional support personnel) to meet to plan comprehensive literacy instruction.

SEC. 2225. NATIONAL EVALUATION AND INFORMATION DISSEMINATION.

(a) NATIONAL EVALUATION.—From funds reserved under section 2222(b)(1), the Director of the Institute of Education Sciences shall conduct a national evaluation of the grant and subgrant programs assisted under this subpart. Such evaluation shall include evidence-based research that applies rigorous and systematic procedures to obtain valid knowledge relevant to the implementation and effect of the programs and shall directly coordinate with individual State evaluations of the programs' implementation and impact.

(b) PROGRAM IMPROVEMENT.—The Secretary shall—

(1) provide the findings of the evaluation conducted under this section to State educational agencies and subgrant recipients for use in program improvement;

(2) make such findings publicly available, including on the websites of the Department and the Institute of Education Sciences;

(3) submit such findings to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives; and

(4) make publicly available, in a manner consistent with paragraph (2) best practices for implementing evidence-based activities under this subpart, including evidence-based activities that meet the requirements of subclauses (I), (II), or (III) of section 8101(23)(A)(i).

SEC 2226. [LITERACY PROGRAMS]

(a) IN GENERAL.—From funds made available under section 2201(2), the Secretary may award grants, contracts, or cooperative agreements, on a competitive basis, to eligible entities for the purposes of promoting literacy programs that support the development of literacy skills in low-income communities, including—

(1) developing and enhancing effective school library programs, which may include providing professional development for school librarians, books, and up-to-date materials to high-need schools;

(2) early literacy services, including pediatric literacy programs through which, during well-child visits, medical providers trained in research-based methods of early language and

literacy promotion provide developmentally appropriate books and recommendations to parents to encourage them to read aloud to their children starting in infancy; and

(3) programs that provide high-quality books on a regular basis to children and adolescents from low-income communities to increase reading motivation, performance, and frequency.

(b) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term 'eligible entity' means—

(A) a local educational agency in which 20 percent or more of the students served by the local educational agency are from families with an income below the poverty line;

(B) a consortium of such local educational agencies;

(C) the Bureau of Indian Education; or

(D) an eligible national nonprofit organization.

(2) ELIGIBLE NATIONAL NONPROFIT ORGANIZATION.—The term 'eligible national nonprofit organization' means an organization of national scope that—

(A) is supported by staff, which may include volunteers, or affiliates at the State and local levels; and

(B) demonstrates effectiveness or high-quality plans for addressing childhood literacy activities for the population targeted by the grant.

SEC. 2227. SUPPLEMENT, NOT SUPPLANT.

Grant funds provided under this part shall be used to supplement, and not supplant, other Federal or State funds available to carry out activities described in this part.

SUBPART 3—AMERICAN HISTORY AND CIVICS EDUCATION

SEC. 2231. PROGRAM AUTHORIZED.

(a) IN GENERAL.—From the amount reserved by the Secretary under section 2201(3), the Secretary is authorized to carry out an American history and civics education program to improve—

(1) the quality of American history, civics, and government education by educating students about the history and principles of the Constitution of the United States, including the Bill of Rights; and

(2) the quality of the teaching of American history, civics, and government in elementary schools and secondary schools, including the teaching of traditional American history.

(b) FUNDING ALLOTMENT.—Of the amount reserved under subsection (a) for a fiscal year, the Secretary—

(1) shall use not less than [_____ percent] for activities under section 2232; and

(2) may use not more than [_____ percent] for activities under section 2233.

SEC. 2232. PRESIDENTIAL AND CONGRESSIONAL ACADEMIES FOR AMERICAN HISTORY AND CIVICS.

(a) IN GENERAL.—From the amounts reserved under section 2231(b)(1), the Secretary shall award not more than 12 grants, on a competitive basis, to—

(1) eligible entities to establish Presidential Academies for the Teaching of American History and Civics (in this section

referred to as the 'Presidential Academies') in accordance with subsection (e); and

(2) eligible entities to establish Congressional Academies for Students of American History and Civics (in this section referred to as the 'Congressional Academies') in accordance with subsection (f).

(b) APPLICATION.—An eligible entity that desires to receive a grant under subsection (a) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

(c) ELIGIBLE ENTITY.—The term 'eligible entity' under this section means—

(1) an institution of higher education or nonprofit educational organization, museum, library, or research center with demonstrated expertise in historical methodology or the teaching of American history and civics; or

(2) a consortium of entities described in paragraph (1).

(d) GRANT TERMS.—Grants awarded to eligible entities under subsection (a) shall be for a term of not more than 5 years.

(e) PRESIDENTIAL ACADEMIES.—

(1) USE OF FUNDS.—Each eligible entity that receives a grant under subsection (a)(1) shall use the grant funds to establish a Presidential Academy that offers a seminar or institute for teachers of American history and civics, which—

(A) provides intensive professional development opportunities for teachers of American history and civics to strengthen such teachers' knowledge of the subjects of American history and civics;

(B) is led by a team of primary scholars and core teachers who are accomplished in the field of American history and civics;

(C) is conducted during the summer or other appropriate time; and

(D) is of not less than 2 weeks and not more than 6 weeks in duration.

(2) SELECTION OF TEACHERS.—Each year, each Presidential Academy shall select between 50 and 300 teachers of American history and civics from public or private elementary schools and secondary schools to attend the seminar or institute under paragraph (1).

(3) TEACHER STIPENDS.—Each teacher selected to participate in a seminar or institute under this subsection shall be awarded a fixed stipend based on the length of the seminar or institute to ensure that such teacher does not incur personal costs associated with the teacher's participation in the seminar or institute.

(4) PRIORITY.—In awarding grants under this subsection, the Secretary shall give priority to eligible entities that coordinate or align their activities with the National Park Service National Centennial Parks initiative to develop innovative and comprehensive programs using the resources of the National Parks.

(f) CONGRESSIONAL ACADEMIES.—

(1) USE OF FUNDS.—Each eligible entity that receives a grant under subsection (a)(2) shall use the grant funds to establish a Congressional Academy that offers a seminar or institute for outstanding students of American history and civics, which—

(A) broadens and deepens such students' understanding of American history and civics;

(B) is led by a team of primary scholars and core teachers who are accomplished in the field of American history and civics;

(C) is conducted during the summer or other appropriate time; and

(D) is of not less than 2 weeks and not more than 6 weeks in duration.

(2) SELECTION OF STUDENTS.—

(A) IN GENERAL.—Each year, each Congressional Academy shall select between 100 and 300 eligible students to attend the seminar or institute under paragraph (1).

(B) ELIGIBLE STUDENTS.—A student shall be eligible to attend a seminar or institute offered by a Congressional Academy under this subsection if the student—

(i) is recommended by the student's secondary school principal or other school leader to attend the seminar or institute; and

(ii) will be a junior or senior in the academic year following attendance at the seminar or institute.

(3) STUDENT STIPENDS.—Each student selected to participate in a seminar or institute under this subsection shall be awarded a fixed stipend based on the length of the seminar or institute to ensure that such student does not incur personal costs associated with the student's participation in the seminar or institute.

(g) MATCHING FUNDS.—

(1) IN GENERAL.—An eligible entity that receives funds under subsection (a) shall provide, toward the cost of the activities assisted under the grant, from non-Federal sources, an amount equal to 100 percent of the amount of the grant.

(2) WAIVER.—The Secretary may waive all or part of the matching requirement described in paragraph (1) for any fiscal year for an eligible entity if the Secretary determines that applying the matching requirement would result in serious hardship or an inability to carry out the activities described in subsection (e) or (f).

SEC. 2233. NATIONAL ACTIVITIES.

(a) PURPOSE.—The purpose of this section is to promote new and existing evidence-based strategies to encourage innovative American history, civics and government, and geography instruction, learning strategies, and professional development activities and programs for teachers, principals, and other school leaders, particularly such instruction, strategies, activities, and programs that benefit low-income students and underserved populations.

(b) IN GENERAL.—From the amounts reserved by the Secretary under section 2231(b)(2), the Secretary shall award grants, on a competitive basis, to eligible entities for the purposes of expanding, developing, implementing, evaluating, and disseminating for vol-

untary use, innovative, evidence-based approaches or professional development programs in American history, civics and government, and geography, which—

(1) shall—

(A) show potential to improve the quality of student achievement in, and teaching of, American history, civics and government, or geography, in elementary and secondary schools; and

(B) demonstrate innovation, scalability, accountability, and a focus on underserved populations; and

(2) may include—

(A) Hands-on civic engagement activities for teachers and students; and

(B) programs that educate students about the history and principles of the Constitution of the United States, including the Bill of Rights.

(c) PROGRAM PERIODS AND DIVERSITY OF PROJECTS.—

(1) IN GENERAL.—A grant awarded by the Secretary to an eligible entity under this section shall be for a period of not more than 3 years.

(2) RENEWAL.—The Secretary may renew a grant awarded under this section for 1 additional 2-year period.

(3) DIVERSITY OF PROJECTS.—In awarding grants under this section, the Secretary shall ensure that, to the extent practicable, grants are distributed among eligible entities that will serve geographically diverse areas, including urban, suburban, and rural areas.

(d) APPLICATIONS.—In order to receive a grant under this section, an eligible entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

(e) ELIGIBLE ENTITY.—In this section, the term 'eligible entity' means an institution of higher education or other nonprofit or for-profit organization with demonstrated expertise in the development of evidence-based approaches with the potential to improve the quality of American history, civics and government, or geography learning and teaching.

SUBPART 4—PROGRAMS OF NATIONAL SIGNIFICANCE

SEC. 2241. FUNDING ALLOTMENT.

From the funds reserved under section 2201(4), the Secretary—

(1) shall use not less than [40 percent] to carry out activities under section 2242;

(2) shall use not less than [40 percent] to carry out activities under section 2243;

(3) shall use not less than [____ percent] to carry out activities under section 2244; and

(4) may reserve up to [____ percent] of such funds to carry out activities under section 2245.

SEC. 2242. SUPPORTING EFFECTIVE EDUCATOR DEVELOPMENT.

(a) IN GENERAL.—From the funds reserved by the Secretary under section 2241(1), the Secretary shall award grants, on a competitive basis, to eligible entities for the purposes of—

(1) providing teachers, principals, and other school leaders from nontraditional preparation and certification routes or pathways to serve in traditionally underserved local educational agencies;

(2) providing evidence-based professional development activities that addresses literacy, numeracy, remedial, or other needs of local educational agencies and the students the agencies serve;

(3) providing teachers, principals, and other school leaders with professional development activities that enhance or enable the provision of postsecondary coursework through dual or concurrent enrollment and early college high school settings across a local educational agency;

(4) making freely available services and learning opportunities to local educational agencies, through partnerships and cooperative agreements or by making the services or opportunities publicly accessible through electronic means; or

(5) providing teachers, principals, and other school leaders with evidence-based professional enhancement activities, which may include activities that lead to an advanced credential.

(b) PROGRAM PERIODS AND DIVERSITY OF PROJECTS.—

(1) IN GENERAL.—A grant awarded by the Secretary to an eligible entity under this section shall be for a period of not more than 3 years.

(2) RENEWAL.—The Secretary may renew a grant awarded under this section for 1 additional 2-year period.

(3) DIVERSITY OF PROJECTS.—In awarding grants under this section, the Secretary shall ensure that, to the extent practicable, grants are distributed among eligible entities that will serve geographically diverse areas, including urban, suburban, and rural areas.

(4) LIMITATION.—The Secretary shall not award more than 1 grant under this section to an eligible entity during a grant competition.

(c) COST-SHARING.—

(1) IN GENERAL.—An eligible entity that receives a grant under this section shall provide, from non-Federal sources, not less than 25 percent of the funds for the total cost for each year of activities carried out under this subsection.

(2) ACCEPTABLE CONTRIBUTIONS.—An eligible entity that receives a grant under this section may meet the requirement of paragraph (1) by providing contributions in cash or in kind, fairly evaluated, including plant, equipment, and services.

(3) WAIVERS.—The Secretary may waive or modify the requirement of paragraph (1) in cases of demonstrated financial hardship.

(d) APPLICATIONS.—In order to receive a grant under this section, an eligible entity shall submit an application to the Secretary at such time, in such manner, and as the Secretary may reasonably require. Such application shall include, at a minimum, a certifi-

cation that the services provided by an eligible entity under the grant to a local educational agency or to a school served by the local educational agency will not result in direct fees for participating students or parents.

(e) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to an eligible entity who will implement evidence-based activities, defined as meeting the requirements of subclauses (I), (II), or (III) of section 8101(23)(A)(i).

(f) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term 'eligible entity' means—

(1) an institution of higher education that provides course materials or resources that are evidence-based in increasing academic achievement, graduation rates, or rates of postsecondary education matriculation;

(2) a national nonprofit entity with a demonstrated record of raising student academic achievement, graduation rates, and rates of higher education attendance, matriculation, or completion, or of effectiveness in providing preparation and professional development activities and programs for teachers, principals, and other school leaders;

(3) the Bureau of Indian Education; or

(4) a partnership consisting of—

(A) 1 or more entities described in paragraph (1) or (2); and

(B) a for-profit entity.

SEC. 2243. SCHOOL LEADER RECRUITMENT AND SUPPORT.

(a) IN GENERAL.—From the funds reserved under section 2241(2) the Secretary shall award grants, on a competitive basis, to eligible entities to enable such entities to improve the recruitment, preparation, placement, support, and retention of effective principals and other school leaders in high-need schools, which may include—

(1) developing or implementing leadership training programs designed to prepare and support principals and other school leaders in high-need schools, including through new or alternative pathways or school leader residency programs;

(2) developing or implementing programs or activities for recruiting, selecting, and developing aspiring or current principals and other school leaders to serve in high-need schools;

(3) developing or implementing programs for recruiting, developing, and placing school leaders to improve schools identified for intervention and support under [section 1114(a)(1)(A)], including through cohort-based activities that build effective instructional and school leadership teams and develop a school culture, design, instructional program, and professional development program focused on improving student learning;

(4) providing continuous professional development for principals and other school leaders in high-need schools;

(5) developing and disseminating information on best practices and strategies for effective school leadership in high-need schools, such as training and supporting principals to identify, develop, and maintain school leadership teams using various leadership models; and

(6) other evidence-based programs or activities described in section 2101(c)(3) or section 2103(b)(3) focused on principals and other school leaders in high-need schools.

(b) PROGRAM PERIODS AND DIVERSITY OF PROJECTS.—

(1) IN GENERAL.—A grant awarded by the Secretary to an eligible entity under this section shall be for a period of not more than 5 years.

(2) RENEWAL.—The Secretary may renew a grant awarded under this section for 1 additional 2-year period.

(3) DIVERSITY OF PROJECTS.—In awarding grants under this section, the Secretary shall ensure that, to the extent practicable, grants are distributed among eligible entities that will serve geographically diverse areas, including urban, suburban, and rural areas.

(4) LIMITATION.—The Secretary shall not award more than 1 grant under this section to an eligible entity during a grant competition.

(c) COST-SHARING.—

(1) IN GENERAL.—An eligible entity that receives a grant under this section shall provide, from non-Federal sources, not less than 25 percent of the funds for the total cost for each year of activities carried out under this section.

(2) ACCEPTABLE CONTRIBUTIONS.—An eligible entity that receives a grant under this section may meet the requirement of paragraph (1) by providing contributions in cash or in-kind, fairly evaluated, including plant, equipment, and services.

(3) WAIVERS.—The Secretary may waive or modify the requirement of paragraph (1) in cases of demonstrated financial hardship.

(d) APPLICATIONS.—An eligible entity that desires a grant under this subsection shall submit to the Secretary an application at such time, and in such manner, as the Secretary may require.

(e) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to an eligible entity—

(1) with a record of preparing or developing principals who—

(A) have improved school-level student outcomes;

(B) have become principals in high-need schools; and

(C) remain principals in high-need schools for multiple years; and

(2) who will implement evidence-based activities, defined as meeting the requirements of subclauses (I), (II), or (III) of section 8101(23)(A)(i).

(f) DEFINITIONS.—In this section—

(1) the term 'eligible entity' means—

(A) a local educational agency, including an educational service agency, that serves a high-need school or a consortium of such agencies;

(B) a State educational agency or a consortium of such agencies;

(C) a State educational agency in partnership with 1 or more local educational agencies or educational service agencies that serve a high-need school;

(D) the Bureau of Indian Education; or

(E) an entity described in subparagraph (A), (B), (C), or (D) in partnership with 1 or more nonprofit organizations or institutions of higher education; and

(2) the term 'high-need school' means—

(A) an elementary school in which not less than 50 percent of the enrolled students are from families with incomes below the poverty line; or

(B) a secondary school in which not less than 40 percent of the enrolled students are from families with incomes below the poverty line.

SEC. 2244. TECHNICAL ASSISTANCE AND NATIONAL EVALUATION.

(a) IN GENERAL.—From the funds reserved under section 2241(3), the Secretary—

(1) shall establish, in a manner consistent with section 203 of the Educational Technical Assistance Act of 2002, a comprehensive center on students at risk of not attaining full literacy skills due to a disability that meets the purposes of subsection (b); and

(2) may—

(A) provide technical assistance, which may be carried out directly or through grants or contracts, to States and local educational agencies carrying out activities under this part; and

(B) carry out evaluations of activities by States and local educational agencies under this part, which shall be conducted by a third party or by the Institute of Education Sciences.

(b) PURPOSES.—The comprehensive center established by the Secretary under subsection (a)(1) shall—

(1) identify or develop free or low-cost evidence-based assessment tools for identifying students at risk of not attaining full literacy skills due to a disability, including dyslexia impacting reading and writing, or developmental delay impacting reading, writing, language processing, comprehension, or executive functioning;

(2) identify evidence-based literacy instruction, strategies, and accommodations, including assistive technology, designed to meet the specific needs of such students;

(3) provide families of such students with information to assist such students;

(4) identify or develop evidence-based professional development for teachers, paraprofessionals, principals, other school leaders, and specialized instructional support personnel to—

(A) understand early indicators of students at risk of not attaining full literacy skills due to a disability, including dyslexia impacting reading and writing, or developmental delay impacting reading, writing, language processing, comprehension, or executive functioning;

(B) use evidence-based screening assessments for early identification of such students beginning not later than kindergarten; and

(C) implement evidence-based instruction designed to meet the specific needs of such students; and

(5) disseminate the products of the comprehensive center to regionally diverse State educational agencies, local educational agencies, regional educational agencies, and schools, including, as appropriate, through partnerships with other comprehensive centers established under section 203 of the Educational Technical Assistance Act of 2002 and regional educational laboratories established under section 174 of the Education Sciences Reform Act of 2002.

SEC. 2245. STEM MASTER TEACHER CORPS.

(a) IN GENERAL.—From the funds reserved under section 2241(4) for a fiscal year, the Secretary may award grants to—

(1) State educational agencies to enable such agencies to support the development of a Statewide STEM master teacher corps; or

(2) State educational agencies or nonprofit organizations in partnership with State educational agencies to support the implementation, replication, or expansion of effective science, technology, engineering and mathematics professional development programs in schools across the state through collaboration with school administrators, principals and STEM educators.

(b) STEM MASTER TEACHER CORPS.—For the purposes of this section, the term 'STEM master teacher corps' means a State-led effort to elevate the status of the science, technology, engineering, and mathematics teaching profession by recognizing, rewarding, attracting, and retaining outstanding science, technology, engineering, and mathematics teachers, particularly in high-need and rural schools, by—

(1) selecting candidates to be master teachers in the corps on the basis of—

(A) content knowledge based on a screening examination; and

(B) pedagogical knowledge of and success in teaching;

(2) offering such teachers opportunities to—

(A) work with one another in scholarly communities;

(B) participate in and lead high-quality professional development; and

(3) providing such teachers with additional appropriate and substantial compensation for the work described in paragraph (2) and in the master teacher community.

55. The Senate bill authorizes 40 percent of funds for activities under (c) and 40 percent of funds for activities under (d).

SR

56. The Senate bill authorizes a comprehensive center related to students at risk of not attaining full literacy skills due to a disability as part of the technical assistance and national evaluation required set aside.

See note 54.

57. The Senate bill includes subsection (c) which provides a national competitive grant program for programs of national significance using the 40 percent of funds reserved in note 55.

See note 54.

58. The Senate bill includes (d) which is a national competitive grant program for principal and school leader recruitment and support using the 40 percent of funds reserved in note 55.

See note 54.

59. The Senate bill includes supplement not supplant provision for Part A. The House amendment includes a supplement not supplant provision for all of Title II in section 2403. See note 69.

SR

60. The House amendment includes section for state definition, which is included in an identical way in the Senate bill in note 10.

LC

61. The House amendment includes language to prohibit funding for local or state educational agencies who knowingly transfer employees who engaged in sexual misconduct with a student. The Senate bill includes language addressing employee transfers in Title IX.

HR

62. The Senate bill and House amendment have different Part Bs. The Senate bill includes national competitive grant program to develop and improve performance-based compensation systems or human capital management systems. The House amendment includes a formula grant program to SEAs, which is then subgranted competitively to LEAs and other entities, regarding innovative practices for teachers and school leaders.

See note 54.

63. The House amendment, but not the Senate bill, authorizes a Teacher and School Leader Flexible Grant.

HR

64. The Senate bill and House amendment have different Part C.

See note 54.

65. The Senate bill part C includes programs for American History and Civics Education, Teaching of Traditional American History, Presidential and Congressional Academies for American History and Civics, and a national competitive grant program for innovative approaches to American History, Civics, Government and Geography instruction.

See note 54.

66. House amendment includes edits to Part C that are similar to edits provided for in section 2001 of Senate bill Title II. House amendment strikes sections 2361 and 2368. Changes "principal" to "school leader".

HR

67. The Senate bill and House amendment have a different Part D. The Senate bill Part D authorizes a comprehensive literacy program. The House amendment Part D is general provisions for Title II. See note 69.

See note 54.

68. The Senate bill includes Part E authorizing a grant program for STEM education and a report on cybersecurity education.

SR

69. The Senate bill includes general provisions in Part F. House amendment includes general provisions in Part D. The general provisions are not the same.

LC

70. The Senate bill, but not the House amendment, includes a rule of construction.

HR

71. The House amendment, but not the Senate bill, has a provision about the inclusion of charter schools.

HR

72. The House amendment, but not the Senate bill, includes parents right to know in Title II.

HR

73. The House amendment, but not the Senate bill, includes a supplement, not supplant for the entire Title II.

SR

TITLE III—ENGLISH LEARNERS NOTES

1. Senate maintains this program in Title III and the House amendment moves the program to subpart 4 of Title I.

HR

2. Senate bill and House Amendment identical in these changes except for different locations in bill.

LC

3. The Senate bill authorizes such sums through 2021. The House amendment authorizes a 4.6 percent set-aside of the Title 1 authorization, which equals $747,277,000 each year through 2019. See note 13.

HR with an amendment to strike "such sums as may be necessary for each of fiscal years 2016 through 2021" and insert "$756,332,450 for fiscal year 2017, $769,568,267 for fiscal year 2018, $784,959,633 for fiscal year 2019, $884,959,633 for fiscal year 2020"

4. Senate bill and House amendment have slightly different wording in (2).

HR

5. The Senate bill includes "challenging" before State academic standards.

HR

6. The Senate bill includes "early childhood educators, teachers, principals and other school leaders" in (3) and (4).

HR with an amendment to read as follows: "to assist teachers, including preschool teachers, principals, and other school leaders"

7. The House amendment includes "schools" in (3).

SR

8. The House amendment refers to "high-quality, flexible, evidence-based" language instruction educational programs in (3), while the Senate bill describes such programs as effective.

HR

9. The House amendment refers to "high-quality, evidence-based" instructional programs in (4), while the Senate bill describes such programs as "effective.".

HR

10. The Senate bill includes families in two places as participants in language instruction educational programs. The House amendment does not.

HR

11. Senate bill adds a purpose of the program to provide incentives to improve the instruction and achievement of English learners. The House amendment has no such provision.

SR

12. The Senate bill and House amendment have different section headers.

HR

13. The House amendment provides for a 4.6 percent reservation of Title I authorized amount to fund grants and subgrants for English language acquisition. See note 3

HR

14. The House amendment cites different sections to reflect its transfer of the program to Title I.

LC

15. House amendment strikes "one or more of" when referring to the activities for which a State may use reserved funds.

HR

16. The Senate bill allows States to use funds to implement standardized statewide entrance and exit procedures. The House contains no such provision.

HR

17. Senate bill (B) and House amendment (A) have similar intent but the wording varies slightly. The Senate bill includes teachers and principals in professional development, preparation, and other activities.

HR with amendment to strike "evidence-based" and insert "effective"

18. The Senate uses "effective" when referencing activities in clause (ii) while House uses "evidence-based".

HR

19. Senate bill (C) and House amendment (B) are identical other than having different subparagraph assignments.

LC

20. Senate bill (D) and House amendment (C) are similar but have slight variations in wording. Senate uses "effective" where House uses "evidence-based" in clause (i).

HR

20a. The Senate bill adds that funding can be used to identify and implement programs in early childhood settings in (i).

SR

21. The Senate bill adds "in programs that serve English learners" at end of (iv).

HR

22. Senate bill (E) allows funding to be used to provide recognition to effective programs meeting annual goals for progress in English proficiency. The House amendment (D) refers to recognition for reaching full English proficiency.

SR with an amendment to read as follows:

> (D) Providing recognition, which may include providing financial awards, to subgrantees that have significantly improved the achievement and progress of English learners in meeting—

(i) the State-designed long term goals, including measurements of interim progress towards meeting such goals, established under section 1111(c)(4)(A)(ii) based on the State's English language proficiency assessment under section 1111(b)(2)(F); and

(ii) the challenging State academic standards under section 1111(b)(1).

23. Senate bill adds "direct" before administrative expenses. See note 61.

HR

24. The House amendment reduces the administrative expenses cap to 40 percent, while the Senate bill maintains current law at 60 percent.

SR with an amendment to strike "40 percent" and insert "50 percent"

25. The House amendment strikes subparagraph (A) of current law.

HR

26. The House amendment and Senate bill have different section references.

LC

27. The House amendment requires the use of American Community Survey or state data for (i) and the American Community Survey for (ii). The Senate bill refers to the data used in paragraph (3). See note 30.

LC

28. The Senate bill allows the Secretary to make a State's allotment available on a competitive basis to specially qualified agencies within the State if such State does not submit a satisfactory plan. The House amendment reallots based on subparagraph (A).

HR

29. The Senate bill and House amendment use different structures (i) v. (A) and have different citations because of respective bill structures.

LC

30. The Senate bill includes paragraph (3)(B), which mirrors provision in House amendment (c)(2)(A)(ii) (see note 27).

LC

31. The House amendment strikes section 3112 of current law.

HR

32. The Senate bill and House amendment have different section numbers and titles to reflect different bill structures.

LC

33. House amendment strikes "specially qualified agency" See note 28.

HR

33a. The House amendment strikes and "containing such information". The Senate bill adds "reasonably".

SR

34. The Senate bill and House amendment have different section references.

LC

35. The Senate bill requires State agency plans to describe how the agency will establish and implement standardized, statewide

entrance and exit procedures. The House amendment contains no such provision.

HR

36. The Senate bill (3)(A) is nearly identical to House amendment (2)(A) except House adds "consecutive" before years.

HR with an amendment to insert "consecutive" before "years"

37. The Senate bill and House amendment use different cross-references.

LC

38. The Senate bill and House amendment use different cross-references.

LC

39. The Senate bill (3)(D) and (E) are nearly identical to House amendment (2)(D) and (E) except the Senate bill uses "effective" where the House amendment uses "high quality, evidence-based" to refer to language instruction educational programs.

HR

40. The Senate bill adds "challenging" and a cross-reference when referring to standards.

HR

41. In (F), Senate bill refers to "each eligible" and House amendment refers to "the eligible".

HR

42. In (G), Senate bill adds "of English learners" after parents.

HR

43. The Senate bill and House amendment are nearly identical except the Senate refers to "subpart" in (4) where House uses "chapter" in (3).

LC

44. The Senate bill includes "each" before eligible in (5) and the House amendment makes "entity" plural and includes "in the State" in (4).

HR

45. The Senate bill uses "effective" where the House amendment uses "evidence-based" to refer to language instruction curriculum.

HR

46. The Senate bill requires the agency to describe how it will assist eligible entities in meeting timelines and goals for progress and references the accountability structure in Title I for English language proficiency (which replaces the annual measurable achievement objective system in current law), as well as the challenging academic standards. The House amendment contains no such provision.

HR with an amendment to read as follows:

(6) describe how the agency will assist eligible entities in meeting—

(A) the State-designed long term goals, including measurements of interim progress towards meeting such goals, established under section 1111(c)(4)(A)(ii) based on the State's English language proficiency assessment under section 1111(b)(2)(F); and

(B) the challenging State academic standards described in section 1111(b)(1);

47. The Senate bill requires a description of how the agency will assist eligible entities in decreasing the number of English learners who have not reached proficiency in 5 years. The House amendment refers to English language acquisition generally.

HR/SR to strike House paragraph (5) and Senate paragraph (7)

48. The Senate bill requires the agency to ensure that the needs of immigrant children and youth are being addressed. The House amendment does not include this provision.

HR with an amendment to strike "ensure that" and all that follows and insert "meet the unique needs of children and youth in the state being served through the reservation of funds under section 3114"

49. The Senate bill requires agencies to monitor and evaluate eligible entities' progress in meeting timelines and goals for English proficiency and requires the State to describe the steps it will take to assist eligible entities if strategies are not effective. The House amendment includes no such provision.

HR with an amendment to read as follows:

(9) describe how the agency will monitor the progress of each eligible entity receiving funds under this subpart in helping English learners achieve English proficiency and the steps the State will take to further assist eligible entities if such strategies funded under this part are not effective, such as providing technical assistance and modifying such strategies.';

50. The House amendment strikes "specially qualified agency,".

HR

50a. The House amendment refers to "subpart" in (1)(B), while the Senate bill refers to "part," to reflect different bill structures.

LC

51. The Senate bill and House amendment use different cross-references.

LC

52. The House amendment adds "by the state" after requested.

SR

53. House amendment adds "in a timely manner" after allocating.

SR

53a. The Senate bill and House amendment use different cross-references.

LC

54. The Senate bill strikes "preceding the fiscal year" to refer to the percentage or number of immigrant children and youth enrolled in public and nonpublic schools.

HR

55. The Senate bill and House amendment use different cross-references and have different bill structures.

LC

56. The Senate bill and House amendment have different sections reflective of respective bill structures.

LC

57. The Senate bill includes "challenging" before State academic standards and references section 1111.

HR

58. Senate uses "effective" where the House amendment uses "evidence-based" to describe approaches and methodologies for teaching English learners.

HR

59. The Senate bill includes "programs" after early childhood education and the House amendment has "programs of" before "early childhood education."

HR

60. House amendment includes "evidence-based" to describe activities to expand or enhance language instruction educational programs.

HR

61. The Senate bill includes "direct" to describe administrative expenses. See note 23.

HR

61a. The Senate bill and House amendment have different section references.

LC

62. The Senate bill uses "effective" and "based on high-quality research" where the House amendment uses "high-quality, evidence-based" to describe language instruction educational programs.

HR with an amendment to strike "are based on high-quality research demonstrating" and insert "demonstrate"

63. The Senate bill uses "effective" where the House amendment uses "high-quality, evidence-based" to describe professional development.

HR

63a. The Senate bill includes "principals" in such development.

HR

64. The Senate bill includes "such" before teachers and "principals" as well as "appropriate" before curricula in (B).

HR with an amendment to strike "appropriate"

65. Senate bill uses "effective" where the House amendment uses "evidence-based" in (C).

HR

66. The House amendment requires subgrantees to provide and implement other activities, including parental and community engagement, while the Senate bill only references parent, family and community engagement.

SR with amendment to strike "evidence-based activities" and all that follows, and insert "effective activities and strategies that enhance or supplement language instructional programs for English learners, which—(A) shall include parent, family, and community engagement activities; and (B) may include strategies that serve to coordinate and align related programs."

67. The Senate bill and House amendment use different cross-references.

LC

68. The Senate bill authorizes eligible entities to provide to English learners bilingual paraprofessionals, which may include interpreters and translators. The House amendment does not include such a provision.

HR with an amendment to strike (B) and (C) and insert (B) "intensified instruction, which may include materials in a language that the student can understand, interpreters, and translators"

69. The Senate bill includes "effective preschool" in (4).

HR

70. The Senate bill includes "and family" before outreach in (6).

HR

71. The Senate bill includes "including English learners with a disability" in (7).

HR with an amendment to strike "including" and insert "which may include"

71a. The Senate bill and House amendment have different references.

HR/SR with an amendment to redesignate paragraph (8) as paragraph (9) and insert the following:

> (8) Offering early college high school or dual or concurrent enrollment courses or programs designed to help English learners achieve success in postsecondary education."

72. Senate bill includes "and family" before outreach and "and families" after parents in (A).

HR

73. Senate bill includes "recruitment of" and "early childhood educators, teachers" before paraprofessionals in (B).

HR with an amendment to strike "early childhood educators," and insert "and" after "teachers."

74. The House amendment includes "development" after identification and "awarded" before funds in (D).

SR

75. The Senate bill and House amendment switch the placement if "immigrant children and youth" and "in the local educational agency."

LC

76. The Senate bill and House amendment nearly identical except for slight wording difference in (F).

HR

77. The Senate bill includes "and families" after parents in (G).

HR

78. The House amendment and Senate bill use different cross references.

LC

79. The Senate bill adds "effective" before instruction and "challenging" before State academic standards and a reference to section 1111.

HR

80. The Senate bill, but not the House amendment, requires that the selection of a method of instruction is consistent with requirements on instructional programs under sections 3124 and 3126..

HR

80a. The Senate bill and House amendment use different references

LC

81. The Senate bill and House amendment use different cross-references.

LC

82. The Senate bill includes "challenging" before State academic standards and references section 1111.

HR

83. The House amendment uses "evidence-based" where the Senate bill uses "high-quality" to describe programs and activities to be developed.

SR with an amendment to strike "evidence-based" and insert "effective" and insert ", including language instruction educational programs," after "activities"

84. The Senate bill requires that eligible entities describe how they will ensure elementary and secondary schools assist English learners in meeting annual timelines and goals for progress and the challenging academic standards described in Title I. The House amendment requires a description of how the eligible entity will hold schools accountable for annually assessing the English proficiency of English learners.

HR with an amendment to read as follows:

(2) describe how the eligible entity will ensure that elementary schools and secondary schools receiving funds under this subpart assist English learners in—

(A) achieving English proficiency based on the State's English language proficiency assessment under section 1111(b)(2)(G) consistent with the State's long-term goals, as described in section 1111(c)(4)(A)(ii) and

(B) meeting the challenging State academic standards described in section 1111(b)(1);

85. The Senate bill includes "family" after parent in (3).

HR

86. The House amendment requires an assurance that the eligible entity consulted with various stakeholders in developing the plan. The Senate bill contains similar language in (5)(D) See note 92.

HR

87. The Senate bill includes "demonstrate such proficiency through academic content mastery".

HR/SR with an amendment to strike Senate paragraph (4) and House paragraph (5)

88. The Senate bill and House amendment use different section numbers.

LC

89. The Senate bill includes "will continue to comply with such section throughout each school year for which the grant is received" in (A).

SR

90. The Senate bill requires an assurance that the eligible entity "complies with" State laws, while the House amendment requires the eligible entity "is not in violation" with any State law.

SR

90a. The Senate bill and House amendment have different structures.

LC

91. The Senate bill, but not the House amendment, requires an assurance that the eligible entity has based its plan on high-quality research.

SR

92. The Senate bill includes similar language to paragraph (4) in the House amendment. See note 86.

HR

93. The Senate bill includes an assurance that the eligible entity will, if applicable, coordinate activities and share relevant data with early childhood education providers. The House amendment contains no such provision.

HR

94. The Senate bill and House amendment use different cross-references.

LC

94a. The Senate bill and House amendment use different sections references.

LC

95. House amendment includes "including how such programs and activities supplemented programs funded primarily with State or local funds" at end of (1).

SR

96. The Senate bill includes reporting on the number and percentage of English learners who meet the annual State-determined goals for progress established under section 1111. The House amendment requires reporting on progress made in learning English and meeting state standards.

HR with an amendment to strike "meet the annual State-determined goals for progress established under section 1111(c)(4)(A)(ii)(1)(K)" and subparagraph (A) and insert "are making progress towards achieving English language proficiency as described in section 1111(c)(4)(A)(ii)," before "including disaggregated"

97. The Senate bill, but not the House amendment, requires disaggregation by long-term English learners and English learners with disability.

See note 96.

98. The Senate bill and House amendment use different cross-references.

LC

99. The Senate bill and House amendment are similar in (4). The Senate bill includes the percentage of English learners, in addition to the number.

HR

100. The House amendment includes "transitioned to classrooms not tailored for English learners".

HR

101. The Senate bill makes includes "challenging" before State academic standards.

HR

102. The Senate requires reporting for four years after the child stops receiving services, while the House amendment requires reporting for two years.

HR

103. The Senate bill, but not the House amendment, disaggregates data by long-term English learners and English learners with a disability.

HR with an amendment to strike subparagraph (A) and insert the following:

(5) the number and percentage of English learners meeting challenging State academic standards described in section 1111(b)(1) for each of the 4 years after such children are no longer receiving services under this part, including disaggregated, at a minimum, by—

(A) English learners with a disability;

104. The House amendment includes "first enrollment in the local educational agency" in (6).

SR

105. The Senate bill and House amendment have different titles.

LC

106. The House amendment requires that the report is used to determine the effectiveness of programs in assisting English learners, and to decide how to improve programs. The Senate bill includes no such provision.

HR

107. The Senate bill includes a special rule stating that specially qualified agencies shall provide such report to the Secretary. The House amendment includes no such provision.

HR

108. The Senate bill and House amendment have different section numbers and titles.

LC

109. The House amendment makes this report annual, while the Senate bill requires the report every second year.

HR

110. The House amendment strikes "limited English proficient" and uses "English learners" at end of (b)(2).

SR

111. The Senate bill and House amendment use different cross-references.

LC

112. The Senate bill and House amendment use different cross-references.

LC

113. The House amendment strikes "limited English proficient" and uses "English learners" at end of (b)(5).

SR

114. The Senate bill requires the report to contain the findings of the evaluation related to English learners under section 9601. The House amendment includes no such provision.

HR with an amendment to insert "the most recent evaluation" before "related to English learners"

115. The Senate bill (8) strikes "classrooms where instruction is not tailored for English learners".

HR

116. The Senate bill and House amendment have different bill structures.

LC

117. The House amendment requires the Secretary to report to Congress on parallel Federal programs. The Senate bill includes no such provision.

SR

118. The Senate bill and House amendment use different section numbers.

LC

119. The Senate bill and House amendment use different section numbers.

LC

120. The Senate bill and House amendment have different section numbers.

LC

121. The Senate bill and House amendment have different section numbers.

LC

122. The Senate bill and House amendment have different section numbers.

LC

123. The Senate bill and House amendment have different section numbers.

LC

124. The Senate bill uses "entities" where House amendment uses "organizations" after public or private.

HR

125. The Senate bill allows grants to be made for "capacity building, or evidence-based activities," in addition to professional development.

SR

126. The Senate bill includes "inservice".

HR

127. The Senate bill uses "effective" where the House amendment uses "evidence-based" to describe professional development programs.

HR

128. The Senate bill includes "may" before assist institutions and includes "and for other activities to increase teachers and school leader effectiveness" in (1).

SR with an amendment to strike (1) and insert: (1) "for effective preservice or inservice professional development programs that will improve the qualifications and skills of educational personnel involved in the education of students who are English learners, including personnel who are not certified or licensed and educational paraprofessionals, and for other activities to increase teacher and school leader effectiveness in meeting the needs of English learners;"

129. The Senate bill includes "family" after parent in (3).

HR

130. The Senate bill uses "effective" where House uses "evidence-based" to describe practices in the instruction of English learners.

HR

131. The Senate bill includes "develop" before share and "such as through the use of technology-based programs" at the end in (4).

HR

132. The Senate bill, but not the House amendment, allows grants to be awarded for financial assistance and costs to meet certification or licensing requirements for teachers of English learners.

HR

133. The Senate bill, but not the House amendment, allows grants to be awarded to support school readiness and transitions from early childhood education programs for English learners.

HR

134. The House amendment adds "in consortia" in the definition of eligible entity.

SR

135. The Senate bill, but not the House amendment, includes a definition for English Learner with a Disability.

HR

136. The Senate bill maintains definitions of Native American and Native American language, Native Hawaiian or Native American Pacific Islander native language educational organization, specially qualified agency, and tribally sanctioned educational authority. The House strikes such definitions.

HR

137. The Senate bill, but not the House amendment, includes definitions for Long-Term English Learner.

SR

138. The Senate bill makes a technical edit to paragraph (13) and the House amendment strikes this definition.

HR

139. The Senate bill and House amendment use different cross-references.

LC

140. The Senate bill, but not the House amendment, requires the Clearinghouse to collect and disseminate information on the education of and best practices on instructing and serving English learners with a disability.

HR

141. The House amendment, but not the Senate bill, includes rule of construction that nothing shall authorize the Secretary to hire new personnel.

SR

142. The Senate bill, but not the House amendment, authorizes a survey to be conducted by the Director of the Institute of Education Sciences and the Secretary of Education on the accuracy of the American Community Survey language items in identifying English learners.

SR

TITLE IV—SAFE AND HEALTH STUDENTS

1. The Senate bill replaces the current law Safe and Drug-Free Schools and Communities grant program with the Safe and Healthy Students grant program. The House amendment consolidates this program into the Local Academic Flexible Grant.

HR/SR with amendment to strike and insert new Title IV language to read as follows:

TITLE IV—21ST CENTURY SCHOOLS

SEC. 4001. GENERAL PROVISIONS.

[(a) TITLE IV.—Title IV (20 U.S.C. 7101 et seq.) is amended—]

[(1) by redesignating subpart 3 of part A as subpart 5 of part F of title VIII, as redesignated by section 8106(1), and moving that subpart to follow subpart 4 of part F of title VIII, as redesignated by sections 2001 and 8106(1);]

[(2) by redesignating section 4141 as section 8561;]

[(3) by redesignating section 4155 as section 8537 and moving that section so as to follow section 8536;]

[(4) by redesignating part C as subpart 6 of part F of title VIII, as redesignated by section 8106(1), and moving that subpart to follow subpart 5 of part F of title VIII, as redesignated by section 8106(1) and paragraph (1); and]

[(5) by redesignating sections 4301, 4302, 4303, and 4304, as sections 8571, 8572, 8573, and 8574, respectively.

[(b) TITLE V.—]

[(1) TRANSFER AND REDESIGNATION.—Title V (20 U.S.C. 7201 et seq.) is amended—]

[(A) by striking part A;]

[(B) by striking subparts 2 and 3 of part B;]

[(C) by striking part D;]

[(D) by transferring parts B and C to title IV, as amended by subsection (a), and inserting after part B of such title, and redesignating such sections parts C and D, respectively;]

[(E) in part C, as transferred by subparagraph (D), by striking "Subpart 1—Charter School Programs";]

[(F) by redesignating sections 5201 through 5211 as sections 4301 through 4311, respectively;]

[(G) by redesignating sections 5301 through 5307 as sections 4401 through 4407, respectively;]

[(H) by striking sections 5308 and 5310; and]

[(I) by redesignating sections 5309 and 5311 as sections 4408 and 4409, respectively.]

[(2) REPEAL.—Title V (20 U.S.C. 7201 et seq.), as amended by paragraph (1), is repealed.]

SEC. 4002. GRANTS TO STATES AND LOCAL EDUCATIONAL AGENCIES.

Part A of title IV (20 U.S.C. 7101 et seq.) is amended to read as follows:

PART A—STUDENT SUPPORT AND ACADEMIC ENRICHMENT GRANTS

SEC. 4101. PURPOSE.

The purpose of this part is to improve students' academic achievement by increasing the capacity of States, local educational agencies, schools, and local communities to—

(1) provide all students with access to a well-rounded education;

(2) improve school conditions for student learning; and

(3) improve the use of technology in order to improve the academic achievement, academic growth, and digital literacy of all students—

SEC. 4102. DEFINITIONS.

In this part:

(1) BLENDED LEARNING.—The term 'blended learning' means a formal education program that leverages both technology-based and face-to-face instructional approaches—

(A) that include an element of online or digital learning, combined with supervised learning time, and student-led learning, in which the elements are connected to provide an integrated learning experience; and

(B) where students are provided some control over time, path, or pace.

(2) CONTROLLED SUBSTANCE.—The term 'controlled substance' means a drug or other substance identified under Schedule I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)).

(3) DIGITAL LEARNING.—The term 'digital learning' means any instructional practice that effectively uses technology to strengthen a student's learning experience and encompasses a wide spectrum of tools and practices, including—

(A) interactive learning resources, digital learning content (which may include openly licensed content), software, or simulations, that engage students in academic content;

(B) access to online databases and other primary source documents;

(C) the use of data and information to personalize learning and provide targeted supplementary instruction;

(D) online and computer-based assessments;

(E) learning environments that allow for rich collaboration and communication, which may include student collaboration with content experts and peers;

(F) hybrid or blended learning, which occurs under direct instructor supervision at a school or other location away from home and, at least in part, through online delivery of instruction with some element of student control over time, place, path, or pace; and

(G) access to online course opportunities for students in rural or remote areas.

(4) DRUG.—The term 'drug' includes—

(A) controlled substances;

(B) the illegal use of alcohol or tobacco, including smokeless tobacco products and electronic cigarettes; and

(C) the harmful, abusive, or addictive use of substances, including inhalants and anabolic steroids.

(5) DRUG AND VIOLENCE PREVENTION.—The term 'drug and violence prevention' means—

(A) with respect to drugs, prevention, early intervention, rehabilitation referral, recovery support services, or education related to the illegal use of drugs, such as raising awareness about, to the extent a state, in consultation with local educational agencies in the state, determines that such evidence is reasonably available, the evidence-based consequences of drug use; and

(B) with respect to violence, the promotion of school safety, such that students and school personnel are free from violent and disruptive acts, including sexual harassment and abuse, and victimization associated with prejudice and intolerance, on school premises, going to and from school, and at school-sponsored activities, through the creation and maintenance of a school environment that is free of weapons and fosters individual responsibility and respect for the rights of others.

(7) SCHOOL-BASED MENTAL HEALTH SERVICES PROVIDER.—The term 'school-based mental health services provider' includes a State-licensed or State-certified school counselor, school psychologist, school social worker, or other State licensed or certified mental health professional qualified under State law to provide mental health services to children and adolescents.

(8) STATE.—The term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

(9) STEM-FOCUSED SPECIALTY SCHOOL.—The term 'STEM-focused specialty school' means a school, or dedicated program within a school, that engages students in rigorous, relevant, and integrated learning experiences focused on science, technology, engineering, and mathematics, including computer science, which include authentic schoolwide research.

SEC. 4103. FORMULA GRANTS TO STATES.

(a) RESERVATIONS.—From the total amount appropriated under section 4112 for a fiscal year, the Secretary shall reserve—

(1) one-half of 1 percent for allotments for the outlying areas to be distributed among those outlying areas on the basis of their relative need, as determined by the Secretary, in accordance with the purpose of this part;

(2) one-half of 1 percent for the Secretary of the Interior for programs under this part in schools operated or funded by the Bureau of Indian Education; and

(3) 2 percent for technical assistance and capacity building.

(b) STATE ALLOTMENTS.—

(1) ALLOTMENT.—

(A) IN GENERAL.—Subject to subparagraphs (B) and (C), from the amount appropriated to carry out this part that remains after the Secretary makes the reservations under subsection (a), the Secretary shall allot to each State having a plan approved under subsection (c) an amount that bears the same relationship to the remainder

as the amount the State received under subpart 2 of part A of title I for the preceding fiscal year bears to the amount all States received under that subpart for the preceding fiscal year.

(B) SMALL STATE MINIMUM.—No State receiving an allotment under this paragraph shall receive less than one-half of 1 percent of the total amount allotted under this paragraph.

(C) PUERTO RICO.—The amount allotted under this paragraph to the Commonwealth of Puerto Rico for a fiscal year may not exceed one-half of 1 percent of the total amount allotted under this paragraph.

(3) REALLOTMENT.—If a State does not receive an allotment under this part for a fiscal year, the Secretary shall reallot the amount of the State's allotment to the remaining States in accordance with this subsection.

(c) STATE PLAN.—

(1) IN GENERAL.—In order to receive an allotment under this section for any fiscal year, a State shall submit a plan to the Secretary, at such time and in such manner as the Secretary may reasonably require.

(2) CONTENTS.—Each plan submitted by a State under this section shall include the following:

(A) A description of how the State educational agency will use funds received under this part for State-level activities.

(B) A description of how the State educational agency will ensure that awards made to local educational agencies under this part are in amounts that are consistent with [section 4105(a)(2)—

(C) Assurances that the State educational agency will—

(i) review existing resources and programs across the State and will coordinate any new plans and resources under this part with such existing resources and programs;

(ii) monitor the implementation of activities under this part and provide technical assistance to local educational agencies in carrying out such activities; and

(iii) provide for equitable access for all students to the activities supported under this part, including aligning those activities with the requirements of other Federal laws.

Report Language: "The Conferees intend that States will provide activities under this part in accordance with the gender equity requirements in Title IX of the Education Amendments Act of 1972."

SEC. 4104. STATE USE OF FUNDS.

(a) IN GENERAL.—Each State that receives an allotment under section 4103 shall—

(1) reserve not less than 95 percent of the amount allotted to such State, for each fiscal year, for allotments to local educational agencies under section 4105;

(2) reserve not more than 1 percent of the amount allotted to such State, for each fiscal year, for the administrative costs of carrying out its responsibilities under this part; and

(3) use the amount made available to the State and not reserved under paragraphs (1) and (2) for activities described in subsection (b).

(b) STATE ACTIVITIES.—Each State that receives an allotment under section 4103 shall use the funds available under subsection (a)(3) for activities and programs designed to meet the purposes of this part, which—

(1) shall include—

(A) providing monitoring of, and training, technical assistance, and capacity building to, local educational agencies that receive an allotment under section 4104; and

(B) public reporting on how funds made available under this part are being expended by local educational agencies, including the degree to which the local educational agencies have made progress toward meeting the objectives and outcomes described in section 4106(e)(1)(E); and

(2) may include—

(A) identifying and eliminating State barriers to the coordination and integration of programs, initiatives, and funding streams that meet the purposes of this part, so that local educational agencies can better coordinate with other agencies, schools, and community-based services and programs; or

(B) supporting local educational agencies in providing programs and activities that—

(i) offer well-rounded educational experiences to all students, as described in section 4107, including female students, minority students, English learners, children with disabilities, and low-income students who are often underrepresented in critical and enriching subjects, which may include—

(I) increasing student access to and improving student engagement and achievement in—

(aa) high-quality courses in science, technology, engineering, and mathematics, including computer science;

(bb) activities and programs in music and the arts;

(cc) foreign languages;

(dd) accelerated learning programs that provide—

(AA) postsecondary level courses accepted for credit at institutions of higher education, including dual or concurrent enrollment programs, and early college high schools; or

(BB) postsecondary level instruction and examinations that are accepted for credit at institutions of higher education,

including Advanced Placement and International Baccalaureate programs;

(ee) American history, civics, economics, geography, social studies, or government education;

(ff) environmental education; or

(gg) other courses, activities, and programs or other experiences that contribute to a well-rounded education; or

(II) reimbursing low-income students to cover part or all of the costs of accelerated learning examination fees, as described in subclause (I)(dd);

(ii) foster safe, healthy, supportive, and drug-free environments that support student academic achievement, as described in section 4108, which may include—

(I) coordinating with any local educational agencies or consortia of such agencies implementing a youth PROMISE plan to reduce exclusionary discipline, as described in section 4108(5)(F);

(II) supporting local educational agencies to—

(aa) implement, to the extent the state determines that such evidence is reasonably available, evidence-based mental health awareness training programs to provide education to school personnel regarding resources available in the community for students with mental illnesses and other relevant resources relating to mental health or the safe de-escalation of crisis situations involving a student with a mental illness; or

(bb) expand access to or coordinate resources for school-based counseling and mental health programs, such as through school-based mental health services partnership programs;

(III) providing local educational agencies, to the extent the state determines that such evidence is reasonably available, with evidence-based resources addressing ways to integrate health and safety practices into school or athletic programs; and

Report Language: "The Conferees intend that references to health and safety practices for school and athletic programs may include developing plans for concussion safety and recovery practices, cardiac conditions, exposure to excessive heat and humidity, guidelines for emergency action plans for youth athletics, and developing and implementing school asthma management plans."

(IV) disseminating best practices and evaluating program outcomes relating to any local educational agency activities to promote student safety and violence prevention through effective com-

munication as described in section 4108(5)(C)(iv); and

(iii) increase access to personalized, rigorous learning experiences supported by technology by—

(I) providing technical assistance to local educational agencies to improve the ability of local educational agencies to—

(aa) identify and address technology readiness needs, including the types of technology infrastructure and access available to the students served by the local educational agency, including computer devices, access to school libraries, Internet connectivity, operating systems, related network infrastructure, and data security;

(bb) use technology, consistent with the principles of universal design for learning, to support the learning needs of all students, including children with disabilities and English learners; and

(cc) build capacity for principals, other school leaders, and local educational agency administrators to support teachers in using data and technology to improve instruction and personalize learning;

(II) supporting schools in rural and remote areas to expand access to high-quality digital learning opportunities;

(III) developing or utilizing, to the extent the state determines that such evidence is reasonably available, evidence-based or innovative strategies for the delivery of specialized or rigorous academic courses and curricula through the use of technology, including digital learning technologies and assistive technology, which may include increased access to online dual or concurrent enrollment opportunities, career and technical courses, and programs leading to a recognized postsecondary credential (as defined in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102));

(IV) disseminating promising practices related to technology instruction, data security, and the acquisition and implementation of technology tools and applications, including through making such promising practices publicly available on the website of the State educational agency;

(V) providing teachers, paraprofessionals, school librarians and media personnel, specialized instructional support personnel, and administrators with the knowledge and skills to use technology effectively, including effective integration of technology, to improve instruction and student achievement, which may include coordination with

teacher, principal, and other school leader preparation programs; and

(VI) making instructional content widely available through open educational resources, which may include providing tools and processes to support local educational agencies in making such resources widely available.

SEC. 4105. ALLOCATIONS TO LOCAL EDUCATIONAL AGENCIES.

(a) ALLOCATIONS TO LOCAL EDUCATIONAL AGENCIES.—

(1) IN GENERAL.—From the funds reserved by a State under section 4104(a)(1), the State shall allocate to each local educational agency that has an application approved by the State educational agency under section 4106 in the State an amount that bears the same relationship to the total amount of such reservation as the amount the local educational agency received under subpart 2 of part A of title I for the preceding fiscal year bears to the amount all local educational agencies in the State received under that subpart for the preceding fiscal year.

(2) MINIMUM LOCAL EDUCATIONAL AGENCY ALLOCATION.—No allocation to a local educational agency under this paragraph may be made in an amount that is less than $10,000.

(3) CONSORTIA.—Local educational agencies in a State may form a consortium and combine the funds each such agency in the consortium received under this section to jointly carry out the local activities described in this part.

(b) RATABLE REDUCTION.—If the amount reserved by the State under section 4104(a)(1) is insufficient to make allocations to local educational agencies 'in an amount equal to the minimum allocation described in subsection (a)(2), such allocations shall be ratably reduced.

(c) ADMINISTRATIVE COSTS.—Of the amount received under subsection (a)(2), a local educational agency may reserve not more than 2 percent for the direct administrative costs of carrying out the local educational agency's responsibilities under this part.

SEC. 4106. LOCAL EDUCATIONAL AGENCY APPLICATIONS.

(a) IN GENERAL.—To be eligible to receive an allocation under section 4105(a), a local educational agency shall—

(1) submit an application, which shall contain, at a minimum, the information described in subsection (e), to the State educational agency at such time, in such manner, and containing such information as the State educational agency may reasonably require; and

(2) complete a needs assessment in accordance with subsection (d).

(b) CONSORTIUM.—If a local educational agency desires to carry out the activities described in this part in consortium with one or more surrounding local educational agencies as described in section 4105(a)(2)(C), such local educational agencies shall submit a single application as required under subsection (a).

(c) CONSULTATION.—

(1) IN GENERAL.—A local educational agency, or consortium of such agencies, shall develop its application through con-

sultation with parents, teachers, principals, other school leaders, specialized instructional support personnel, students, community-based organizations, local government representatives (which may include a local law enforcement agency, local juvenile court, local child welfare agency, or local public housing agency), Indian tribes or tribal organizations that may be located in the region served by the local educational agency (where applicable), charter school teachers, principals, and other school leaders (if such agency or consortium of such agencies supports charter schools), and others with relevant and demonstrated expertise in programs and activities designed to meet the purpose of this part.

(2) CONTINUED CONSULTATION.—The local educational agency, or consortium of such agencies, shall engage in continued consultation with the entities described in paragraph (1) in order to improve the local activities in order to meet the purpose of this part and to coordinate such implementation with other related strategies, programs, and activities being conducted in the community.

(d) NEEDS ASSESSMENT.—

(1) IN GENERAL.—Except as provided in paragraph (2) and prior to receiving an allocation under this part, a local educational agency or consortium of such agencies shall conduct a comprehensive needs assessment of the local educational agency or agencies proposed to be served under this part in order to examine needs for improvement of—

(A) access to, and opportunities for, a well-rounded education for all students;

(B) school conditions for student learning in order to create a healthy and safe school environment; and

(C) access to personalized learning experiences supported by technology and professional development for the effective use of data and technology.

(2) EXCEPTION.—A local educational agency receiving an allocation under section 4105(a) in an amount that is less than $30,000 shall not be required to conduct a comprehensive needs assessment under paragraph (1).

(3) FREQUENCY OF NEEDS ASSESSMENT.—Each local educational agency, or consortium of local educational agencies, shall conduct the needs assessment described in paragraph (1) once every 3 years.

(e) CONTENTS OF LOCAL APPLICATION.—Each application submitted under this section by a local educational agency, or a consortium of such agencies, shall include the following:

(1) DESCRIPTIONS.—A description of the activities and programming that the local educational agency, or consortium of such agencies, will carry out under this part, including a description of—

(A) any partnership with an institution of higher education, business, nonprofit organization, community-based organization, [or other public or private entity with a demonstrated record of success in implementing activities under this part;

(B) if applicable, how funds will be used for activities related to supporting well-rounded education under section 4107;

(C) if applicable, how funds will be used for activities related to supporting safe and healthy students under section 4108;

(D) if applicable, how funds will be used for activities related to supporting the effective use of technology in schools under section 4109; and

(E) the program objectives and intended outcomes for activities under this part, and how the local educational agency, or consortium of such agencies, will periodically evaluate the effectiveness of the activities carried out under this section based on such objectives and outcomes.

(2) ASSURANCES.—Each application shall include assurances that the local educational agency, or consortium of such agencies, will—

(A) prioritize the distribution of funds to schools served by the local educational agency, or consortium of such agencies, that—

(i) are among the schools with the greatest needs, as determined by such local educational agency, or consortium;

(ii) have the highest percentages or numbers of children counted under [section 1124(c)];

(iii) are identified for comprehensive support and improvement under [section 1111(c)(4)(D)(i)];

(iv) are implementing targeted support and improvement plans as described in [section 1111(d)(2)]; or

(v) are identified as a persistently dangerous public elementary school or secondary school under [section 9532];

(B) comply with section [9501] (regarding equitable participation by private school children and teachers);

(C) use a portion of funds, which shall not be less than 20 percent of funds, received under this part to support at least one activity authorized under section 4107;

(D) use a portion of funds, which shall not be less than 20 percent of funds, received under this part to support at least one activity authorized under section 4108;

(E) use a portion of funds received under this part to support at least one activity authorized under section 4109(a), including an assurance that the local educational agency, or consortium of local educational agencies, will comply with the requirements of section 4109(b); and

(F) annually report to the State for inclusion in the report described in section 4104(b)(1)(B) how funds are being used under this part to meet the requirements of subparagraphs (C) through (E).

(f) SPECIAL RULE.—Any local educational agency receiving an allocation under section 4105(a)(1) in an amount less than $30,000 shall be required to provide only one of the assurances described in subparagraphs (C), (D), or (E) of subsection (e)(2).

SEC. 4107. ACTIVITIES TO SUPPORT WELL–ROUNDED EDUCATIONAL OPPORTUNITIES.

Subject to section 4106(f), each local educational agency, or consortium of such agencies, that receives an allocation under section 4105(a) shall use a portion of such funds to develop and implement programs and activities that support access to a well-rounded education and that—

(1) are coordinated with other schools and community-based services and programs;

(2) may be conducted in partnership with an institution of higher education, business, nonprofit organization, community-based organization, or other public or private entity with a demonstrated record of success in implementing activities under this section; and

(3) may include programs and activities, such as—

(A) college and career guidance and counseling programs, such as—

(i) postsecondary education and career awareness and exploration activities;

(ii) training counselors to effectively utilize labor market information in assisting students with postsecondary education and career planning; and

(iii) financial literacy and Federal financial aid awareness activities;

(B) programs and activities that use music and the arts as tools to support student success through the promotion of constructive student engagement, problem solving, and conflict resolution;

(C) programming and activities to improve instruction and student engagement in science, technology, engineering and mathematics, including computer science, (referred to in this section as 'STEM subjects') by—

(i) increasing access for students through grade 12 who are members of groups underrepresented in such subject fields, such as female students, minority students, English learners, children with disabilities, and economically disadvantaged students, to high-quality courses;

(ii) supporting the participation of low-income students in nonprofit competitions related to STEM subjects (such as robotics, science research, invention, mathematics, computer science, and technology competitions);

(iii) providing hands-on learning and exposure to science, technology, engineering, and mathematics and supporting the use of field-based or service learning to enhance the students' understanding of the identified subjects;

(iv) supporting the creation and enhancement of STEM-focused specialty schools; and (v) facilitating collaboration among school, after-school program, and informal program personnel to improve the integration of programming and instruction in the identified subjects;

(vi) integrating other academic subjects, including the arts, into STEM programs to increase participation in STEM, improve attainment of STEM-related skills, and promote well-rounded education;"

(D) efforts to raise student academic achievement through accelerated learning programs described in section 4104(b)(2)(B)(i)(I)(dd), such as—

(i) reimbursing low-income students to cover part or all of the costs of accelerated learning examination fees, if the low-income students are enrolled in accelerated learning courses and plan to take accelerated learning examinations; or

(ii) increasing the availability of, and enrollment in accelerated learning courses, accelerated learning examinations, dual or concurrent enrollment programs, and early college high school courses;

(E) activities to promote the development, implementation, and strengthening of programs to teach traditional American history, civics, economics, geography, or government education;

(F) foreign language instruction;

(G) environmental education;

(H) programs and activities that promote volunteerism and community involvement; or

(I) programs and activities that support educational programs that integrate multiple disciplines, such as programs that combine arts and math; or"

(J) other activities and programs to support student access to, and success in, a variety of well-rounded education experiences.

SEC. 4108. ACTIVITIES TO SUPPORT SAFE AND HEALTHY STUDENTS.

Subject to section 4106(f), each local educational agency, or consortium of such agencies, that receives an allocation under section 4105(a) shall use a portion of such funds to develop, implement, and evaluate comprehensive programs and activities that—

(1) are coordinated with other schools and community-based services and programs;

(2) foster safe, healthy, supportive, and drug-free environments that support student academic achievement;

(3) promote the involvement of parents in the activity or program;

(4) may be conducted in partnership with an institution of higher education, business, nonprofit organization, community-based organization, or other public or private entity with a demonstrated record of success in implementing activities under this section; and

(5) may include, among other programs and activities—

(A) to the extent the state, in consultation with local educational agencies in the state, determines that such evidence is reasonably available, evidence-based drug and violence prevention activities and programs (including programs to educate students against the use of alcohol, tobacco, marijuana, smokeless tobacco products, and electronic cigarettes), including professional development and

training for school and specialized instructional support personnel and interested community members in prevention, education, early identification, intervention mentoring, recovery support services and, where appropriate, rehabilitation referral, as related to drug and violence prevention;

(B) in accordance with section 4111—

(i) school-based mental health services, including early identification of mental-health symptoms, drug use and violence, and appropriate referrals to direct individual or group counseling services; and

(ii) school-based mental health services partnership programs that—

(I) are conducted in partnership with a public or private mental-health entity or health care entity; and

(II) provide comprehensive school-based mental health services and supports and staff development for school and community personnel working in the school that are—

(aa) based on trauma-informed and, to the extent the state, in consultation with local educational agencies in the state, determines that such evidence is reasonably available, evidence-based practices;

(bb) coordinated (where appropriate) with early intervening services carried out under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.); and

(cc) provided by qualified mental and behavioral health professionals who are certified or licensed by the State involved and practicing within their area of expertise;

(C) programs or activities that—

(i) integrate health and safety practices into school or athletic programs;

(ii) support a healthy, active lifestyle, including nutritional education and regular, structured physical education activities and programs, and which may address chronic disease management with instruction led by school nurses, nurse practitioners, or other appropriate specialists or professionals to help maintain the well-being of students;

(iii) help prevent bullying and harassment;

(iv) improve instructional practices for developing relationship-building skills, such as effective communication, and improve safety through the recognition and prevention of coercion, violence, or abuse, including teen and dating violence, stalking, domestic abuse, and sexual violence and harassment;

(v) provide mentoring and school counseling to all students, including children who are at risk of academic failure, dropping out of school, involvement in

criminal or delinquent activities, or drug use and abuse;

(vi) establish or improve school dropout and re-entry programs; or

Report Language: "The Conferees intend that throughout this part, references to children who are at risk of academic failure or dropping out of school include expectant and parenting students who have unique educational needs. Local educational agencies should provide opportunities for the enrollment, attendance, and success of such students."

(vii) establish learning environments and enhance students' effective learning skills essential for school readiness and academic success, such as by providing integrated systems of student and family supports;

(D) high-quality training for school personnel, including specialized instructional support personnel, related to—

(i) suicide prevention;

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

(iii) crisis management and conflict resolution techniques;

(iv) human trafficking (defined, for purposes of this subparagraph, 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));

(v) school-based violence prevention strategies;

(vi) drug abuse prevention, including educating children facing substance abuse at home; and

(vii) bullying and harassment prevention;

(E) in accordance with section 4111, child sexual abuse awareness and prevention programs or activities, such as programs or activities designed to provide—

(i) age-appropriate and developmentally-appropriate instruction for students in child sexual abuse awareness and prevention, including how to recognize child sexual abuse and how to safely report child sexual abuse; and

(ii) information to parents and guardians of students about child sexual abuse awareness and prevention, including how to recognize child sexual abuse and how to discuss child sexual abuse with a child;

(F) designing and implementing a locally-tailored plan to reduce exclusionary discipline practices in elementary and secondary schools that—

(i) is consistent with best practices;

(ii) includes, to the extent the state, in consultation with local educational agencies in the state, determines that such evidence is reasonably available, evidence-based strategies; and

(iii) is aligned with the long-term goal of prison reduction through opportunities, mentoring, intervention, support, and other education services, referred to as a 'youth PROMISE plan'; or

(G) implementation of schoolwide positive behavioral interventions and supports, including through coordination with similar activities carried out under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), in order to improve academic outcomes and school conditions for student learning;

(H) designating a site resource coordinator at a school or local educational agency to provide a variety of services, such as—

(i) establishing partnerships within the community to provide resources and support for schools;

(ii) ensuring all service and community partners are aligned with the academic expectations of a community school in order to improve student success; and

(iii) strengthening relationships between schools and communities; or

(I) pay-for-success initiatives aligned with the purposes of this section.

SEC. 4109. ACTIVITIES TO SUPPORT THE EFFECTIVE USE OF TECHNOLOGY.

(a) USES OF FUNDS.—Subject to section 4106(f), each local educational agency, or consortium of such agencies, that receives an allocation under section 4015(a) shall use a portion of such funds to improve the use of technology to improve the academic achievement, academic growth, and digital literacy of all students, including by meeting the needs of such agency or consortium identified in the need assessment conducted under section 4106(d) (if applicable), which may include—

(1) providing educators, school leaders, and administrators with the professional learning tools, devices, content, and resources to—

(A) personalize learning to improve student academic achievement;

(B) discover, adapt, and share relevant high-quality educational resources;

(C) use technology effectively in the classroom, including by administering computer-based assessments and blended learning strategies; and

(D) implement and support school- and districtwide approaches for using technology to inform instruction, support teacher collaboration, and personalize learning;

(2) building technological capacity and infrastructure, which may include—

(A) procuring content and ensuring content quality; and

(B) purchasing devices, equipment, and software applications in order to address readiness shortfalls;

(3) developing or utilizing effective or innovative strategies for the delivery of specialized or rigorous academic courses and curricula through the use of technology, including digital learning technologies and assistive technology;

(4) carrying out blended learning projects, which shall include—

(A) planning activities, which may include development of new instructional models (including blended learning technology software and platforms), the purchase of digital instructional resources, initial professional development activities, and one-time information technology purchases, except that such expenditures may not include expenditures related to significant construction or renovation of facilities; or

(B) ongoing professional development for teachers, principals, other school leaders, or other personnel involved in the project that is designed to support the implementation and academic success of the project;

(5) providing professional development in the use of technology (which may be provided through partnerships with outside organizations) to enable teachers and instructional leaders to increase student achievement in the areas of science, technology, engineering, and mathematics, including computer science; and

(6) providing students in rural, remote, and underserved areas with the resources to take advantage of high-quality digital learning experiences, digital resources, and access to online courses taught by effective educators.

(b) SPECIAL RULE.—A local educational agency, or consortium of such agencies, shall not use more than 15 percent of funds for purchasing technology infrastructure as described in subsection (a)(2)(B), which shall include technology infrastructure purchased for the activities under subsection (a)(4)(A) .

SEC. 4110. SUPPLEMENT, NOT SUPPLANT.

Funds made available under this part shall be used to supplement, and not supplant, non-Federal funds that would otherwise be used for activities authorized under this part.

SEC. 4111. PROHIBITIONS.

(a) PARENTAL CONSENT.—

(1) IN GENERAL.—

(A) INFORMED WRITTEN CONSENT.—Each entity receiving an allocation under this title shall obtain prior written, informed consent from the parent of each child who is under 18 years of age to participate in any mental-health assessment or service that is funded under this title and conducted in connection with an elementary school or secondary school under this part.

(B) CONTENTS.—Before obtaining the consent described in subparagraph (A), the entity shall provide the parent written notice describing in detail such mental health assessment or service, including the purpose for such assessment or service, the provider of such assessment or service, when such assessment or service will begin, and how long such assessment or service will may last.

(C) LIMITATION.—The informed written consent required under this paragraph shall not be a waiver of any rights or protections under Section 444 of the General Education Provisions Act (20 U.S.C. 1232g).

(2) EXCEPTION.—Notwithstanding paragraph (1)(A), the written, informed consent described in such paragraph shall not be required in—

(A) an emergency, where it is necessary to protect the immediate health and safety of the child, other children, or entity personnel; or

(B) other instances where an entity actively seeks parental consent but such consent cannot be reasonably obtained, as determined by the State or local educational agency, including in the case of a child whose parent has not responded to the notice described in paragraph (1)(B) or who has attained 14 years of age and is an unaccompanied youth, as defined in section 725 of the Federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11434a).

(b) PROHIBITED USE OF FUNDS.—No funds under this title may be used for medical services or drug treatment or rehabilitation, except for integrated student supports, specialized instructional support services, or referral to treatment for impacted students, which may include students who are victims of, or witnesses to, crime or who illegally use drugs.

(c) PROHIBITION ON MANDATORY MEDICATION.—No child shall be required to obtain a prescription for a substance covered by the Controlled Substances Act (21 U.S.C. 801 et seq.) as a condition of—

(1) receiving an evaluation or other services described under this part,' or

(2) attending a school receiving assistance under this title**]**.

(d) RULE OF CONSTRUCTION.—Nothing in this part may be construed to—

(1) authorize activities or programming that encourages teenage sexual activity; or

(2) prohibit effective activities or programming that meet the requirements of section **[**85XX**]**

SEC. 4112. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this part $1,650,000,000 for fiscal year 2017 and $1,600,000,000 for each of fiscal years 2018 through 2020.

2. The Senate bill reauthorizes and makes changes to the 21st Century Community Learning Centers grant program. The House amendment consolidates this program into the Local Academic Flexible Grant.

HR with an amendment to read as follows:

PART B—21ST CENTURY COMMUNITY LEARNING CENTERS

SEC. 4201. 21ST CENTURY COMMUNITY LEARNING CENTERS.

(a) PROGRAM AUTHORIZED.—Part B of title IV (20 U.S.C. 7171 et seq.) is amended to read as follows:

PART B—21ST CENTURY COMMUNITY LEARNING CENTERS

SEC. 4201. PURPOSE; DEFINITIONS.

(a) PURPOSE.—The purpose of this part is to provide opportunities for communities to establish or expand activities in community learning centers that—

(1) provide opportunities for academic enrichment, including providing tutorial services to help students, particularly students who attend low-performing schools, to meet challenging State academic standards under section 1111(b)(1);

(2) offer students a broad array of additional services, programs, and activities, such as youth development activities, service learning, nutrition and health education, drug and violence prevention programs, counseling programs, art, music, physical fitness and wellness programs, technology education programs, financial literacy programs, environmental literacy programs, mathematics, science, career and technical programs, internship or apprenticeship programs, and other ties to an in-demand industry sector or occupation for high school students that are designed to reinforce and complement the regular academic program of participating students; and

(3) offer families of students served by community learning centers opportunities for active and meaningful engagement in their children's education, including opportunities for literacy and related educational development.

(b) DEFINITIONS.—In this part:

(1) COMMUNITY LEARNING CENTER.—The term 'community learning center' means an entity that—

(A) assists students to meet challenging State academic standards under section 1111(b)(1) by providing the students with academic enrichment activities and a broad array of other activities (such as programs and activities described in subsection (a)(2)) during nonschool hours or periods when school is not in session (such as before and after school or during summer recess) that—

(i) reinforce and complement the regular academic programs of the schools attended by the students served; and

(ii) are targeted to the students' academic needs and aligned with the instruction students receive during the school day; and

(B) offers families of students served by such center opportunities for literacy, and related educational development and opportunities for active and meaningful engagement in their children's education.

(2) COVERED PROGRAM.—The term 'covered program' means a program for which—

(A) the Secretary made a grant under this part (as this part was in effect on the day before the date of enactment of the Every Student Succeeds Act); and

(B) the grant period had not ended on that date of enactment.

(3) ELIGIBLE ENTITY.—The term 'eligible entity' means a local educational agency, community-based organization, In-

dian tribe or tribal organization (as such terms are defined in section 4 of the Indian Self-Determination and Education Act (25 U.S.C. 450b)), another public or private entity, or a consortium of 2 or more such agencies, organizations, or entities.

(4) EXTERNAL ORGANIZATION.—The term 'external organization' means—

(A) a nonprofit organization with a record of success in running or working with after school programs; or

(B) in the case of a community where there is no such organization, a nonprofit organization in the community that enters into a agreement or partnership with an organization described in subparagraph (A) to receive mentoring and guidance.

(5) RIGOROUS PEER-REVIEW PROCESS.—The term 'rigorous peer-review process' means a process by which—

(A) employees of a State educational agency who are familiar with the 21st century community learning center program under this part review all applications that the State receives for awards under this part for completeness and applicant eligibility;

(B) the State educational agency selects peer reviewers for such applications, who shall—

(i) be selected for their expertise in providing effective academic, enrichment, youth development, and related services to children; and

(ii) not include any applicant, or representative of an applicant, that has submitted an application under this part for the current application period; and

(C) the peer reviewers described in subparagraph (B) review and rate the applications to determine the extent to which the applications meet the requirements under sections 4204(b) and 4205.

(6) STATE.—The term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

SEC. 4202. ALLOTMENTS TO STATES.

(a) RESERVATION.—From the funds appropriated under section 4206 for any fiscal year, the Secretary shall reserve—

(1) such amounts as may be necessary to make continuation awards to grant recipients under covered programs (under the terms of those grants);

(2) not more than 1 percent for national activities, which the Secretary may carry out directly or through grants and contracts, such as providing technical assistance to eligible entities carrying out programs under this part or conducting a national evaluation; and

(3) not more than 1 percent for payments to the outlying areas and the Bureau of Indian Education, to be allotted in accordance with their respective needs for assistance under this part, as determined by the Secretary, to enable the outlying areas and the Bureau to carry out the purpose of this part.

(b) STATE ALLOTMENTS.—

(1) DETERMINATION.—From the funds appropriated under section 4206 for any fiscal year and remaining after the Sec-

retary makes reservations under subsection (a), the Secretary shall allot to each State for the fiscal year an amount that bears the same relationship to the remainder as the amount the State received under [subpart 2 of part A of title I for the preceding fiscal year] bears to the amount all States received under [that subpart] for the preceding fiscal year, except that no State shall receive less than an amount equal to one-half of 1 percent of the total amount made available to all States under this subsection.

(2) REALLOTMENT OF UNUSED FUNDS.—If a State does not receive an allotment under this part for a fiscal year, the Secretary shall reallot the amount of the State's allotment to the remaining States in accordance with this part.

(c) STATE USE OF FUNDS.—

(1) IN GENERAL.—Each State that receives an allotment under this part shall reserve not less than 93 percent of the amount allotted to such State under subsection (b), for each fiscal year for awards to eligible entities under section 4204.

(2) STATE ADMINISTRATION.—A State educational agency may use not more than 2 percent of the amount made available to the State under subsection (b) for—

(A) the administrative costs of carrying out its responsibilities under this part;

(B) establishing and implementing a rigorous peer-review process for subgrant applications described in section 4204(b) (including consultation with the Governor and other State agencies responsible for administering youth development programs and adult learning activities); and

(C) awarding of funds to eligible entities (in consultation with the Governor and other State agencies responsible for administering youth development programs and adult learning activities).

(3) STATE ACTIVITIES.—A State educational agency may use not more than 5 percent of the amount made available to the State under subsection (b) for the following activities:

(A) Monitoring and evaluation of programs and activities assisted under this part.

(B) Providing capacity building, training, and technical assistance under this part.

(C) Comprehensive evaluation (directly, or through a grant or contract) of the effectiveness of programs and activities assisted under this part.

(D) Providing training and technical assistance to eligible entities that are applicants for or recipients of awards under this part.

(E) Ensuring that any eligible entity that receives an award under this part from the State aligns the activities provided by the program with the challenging State academic standards.

(F) Ensuring that any such eligible entity identifies and partners with external organizations, if available, in the community.

(G) Working with teachers, principals, parents, the local workforce, the local community, and other stake-

holders to review and improve State policies and practices to support the implementation of effective programs under this part.

(H) Coordinating funds received under this part with other Federal and State funds to implement high-quality programs.

(I) Providing a list of prescreened external organizations, as described in section 4203(a)(11).

SEC. 4203. STATE APPLICATION.

(a) IN GENERAL.—In order to receive an allotment under section 4202 for any fiscal year, a State shall submit to the Secretary, at such time as the Secretary may require, an application that—

(1) designates the State educational agency as the agency responsible for the administration and supervision of programs assisted under this part;

(2) describes how the State educational agency will use funds received under this part, including funds reserved for State-level activities;

(3) contains an assurance that the State educational agency—

(A) will make awards under this part to eligible entities that serve—

(i) students who primarily attend—

(I) schools that have been identified under [section 1111(d)]; and

(II) other schools determined by the local educational agency to be in need of intervention and support; and

(ii) the families of such students; and

(B) will further give priority to eligible entities that propose in the application to serve students described in subclauses (I) and (II) of section 4204(i)(1)(A)(i);

(4) describes the procedures and criteria the State educational agency will use for reviewing applications and awarding funds to eligible entities on a competitive basis, which shall include procedures and criteria that take into consideration the likelihood that a proposed community learning center will help participating students meet the challenging State academic standards and any local academic standards;

(5) describes how the State educational agency will ensure that awards made under this part are—

(A) of sufficient size and scope to support high-quality, effective programs that are consistent with the purpose of this part; and

(B) in amounts that are consistent with section 4204(h);

(6) describes the steps the State educational agency will take to ensure that programs implement effective strategies, including providing ongoing technical assistance and training, evaluation, dissemination of promising practices, and coordination of professional development for staff in specific content areas and youth development;

(7) describes how programs under this part will be coordinated with programs under this Act, and other programs as appropriate;

(8) contains an assurance that the State educational agency—

(A) will make awards for programs for a period of not less than 3 years and not more than 5 years; and

(B) will require each eligible entity seeking such an award to submit a plan describing how the activities to be funded through the award will continue after funding under this part ends;

(9) contains an assurance that funds appropriated to carry out this part will be used to supplement, and not supplant, other Federal, State, and local public funds expended to provide programs and activities authorized under this part and other similar programs;

(10) contains an assurance that the State educational agency will require eligible entities to describe in their applications under section 4204(b) how the transportation needs of participating students will be addressed;

(11) describes how the State will—

(A) prescreen external organizations that could provide assistance in carrying out the activities under this part; and

(B) develop and make available to eligible entities a list of external organizations that successfully completed the prescreening process;

(12) provides—

(A) an assurance that the application was developed in consultation and coordination with appropriate State officials, including the chief State school officer, and other State agencies administering before and afterschool or summer recess programs and activities, the heads of the State health and mental health agencies or their designees, statewide after-school networks (where applicable) and representatives of teachers, local educational agencies, and community-based organizations; and

(B) a description of any other representatives of teachers, parents, students, or the business community that the State has selected to assist in the development of the application, if applicable;

(13) describes the results of the State's needs and resources assessment for before and after school or summer recess programs and activities, which shall be based on the results of on-going State evaluation activities;

(14) describes how the State educational agency will evaluate the effectiveness of programs and activities carried out under this part, which shall include, at a minimum—

(A) a description of the performance indicators and performance measures that will be used to evaluate programs and activities with emphasis on alignment with the regular academic program of the school and the academic needs of participating students, including performance indicators and measures that—

(i) are able to track student success and improvement over time;

(ii) include State assessment results and other indicators of student success and improvement, such as improved attendance during the school day, better classroom grades, regular (or consistent) program attendance, and on-time advancement to the next grade level; and

(iii) for high school students, may include indicators such as career competencies, successful completion of internships or apprenticeships, or work-based learning opportunities;

(B) a description of how data collected for the purposes of subparagraph (A) will be collected; and

(C) public dissemination of the evaluations of programs and activities carried out under this part; and

(15) provides for timely public notice of intent to file an application and an assurance that the application will be available for public review after submission.

(b) DEEMED APPROVAL.—An application submitted by a State educational agency pursuant to subsection (a) shall be deemed to be approved by the Secretary unless the Secretary makes a written determination, prior to the expiration of the 120-day period beginning on the date on which the Secretary received the application, that the application is not in compliance with this part.

(c) DISAPPROVAL.—The Secretary shall not finally disapprove the application, except after giving the State educational agency notice and an opportunity for a hearing.

(d) NOTIFICATION.—If the Secretary finds that the application is not in compliance, in whole or in part, with this part, the Secretary shall—

(1) give the State educational agency notice and an opportunity for a hearing; and

(2) notify the State educational agency of the finding of noncompliance and, in such notification—

(A) cite the specific provisions in the application that are not in compliance; and

(B) request additional information, only as to the noncompliant provisions, needed to make the application compliant.

(e) RESPONSE.—If the State educational agency responds to the Secretary's notification described in subsection (d)(2) during the 45-day period beginning on the date on which the agency received the notification, and resubmits the application with the requested information described in subsection (d)(2)(B), the Secretary shall approve or disapprove such application prior to the later of—

(1) the expiration of the 45-day period beginning on the date on which the application is resubmitted; or

(2) the expiration of the 120-day period described in subsection (b).

(f) FAILURE TO RESPOND.—If the State educational agency does not respond to the Secretary's notification described in subsection (d)(2) during the 45-day period beginning on the date on which the

agency received the notification, such application shall be deemed to be disapproved.

(g) LIMITATION.—The Secretary may not impose a priority or preference for States or eligible entities that seek to use funds made available under this part to extend the regular school day.

"SEC. 4204. LOCAL COMPETITIVE SUBGRANT PROGRAM.

(a) IN GENERAL.—

(1) COMMUNITY LEARNING CENTERS.—A State that receives funds under this part for a fiscal year shall provide the amount made available under section 4202(c)(1) to award subgrants to eligible entities for community learning centers in accordance with this part.

(2) EXPANDED LEARNING PROGRAM ACTIVITIES.—A State that receives funds under this part for a fiscal year may use funds under section 4202(c)(1) to support those enrichment and engaging academic activities described in section 4205(a) that—

(A) are included as part of an expanded learning program that provide students at least 300 additional program hours before, during, or after the traditional school day;

(B) supplement but do not supplant school day requirements; and

(C) are awarded to entities that meet the requirements of subsection (i).

(b) APPLICATION.—

(1) IN GENERAL.—To be eligible to receive a subgrant under this part, an eligible entity shall submit an application to the State educational agency at such time, in such manner, and including such information as the State educational agency may reasonably require.

(2) CONTENTS.—Each application submitted under paragraph (1) shall include—

(A) a description of the activities to be funded, including—

(i) an assurance that the program will take place in a safe and easily accessible facility;

(ii) a description of how students participating in the program carried out by the community learning center will travel safely to and from the center and home, if applicable; and

(iii) a description of how the eligible entity will disseminate information about the community learning center (including its location) to the community in a manner that is understandable and accessible;

(B) a description of how such activities are expected to improve student academic achievement as well as overall student success;

(C) a demonstration of how the proposed program will coordinate Federal, State, and local programs and make the most effective use of public resources;

(D) an assurance that the proposed program was developed and will be carried out—

(i) in active collaboration with [the schools participating students attend—NOTE: schools in which the students participating in the program attend?] (including through the sharing of relevant data among the schools), all participants in the eligible entity, and any partnership entities described in subparagraph (H), in compliance with applicable laws relating to privacy and confidentiality; and

(ii) in alignment with the challenging State academic standards and any local academic standards;

(E) a description of how the activities will meet the measures of effectiveness described in section 4205(b);

(F) an assurance that the program will target students who primarily attend schools eligible for schoolwide programs under section 1113 and the families of such students;

(G) an assurance that subgrant funds under this part will be used to increase the level of State, local, and other non-Federal funds that would, in the absence of funds under this part, be made available for programs and activities authorized under this part, and in no case supplant Federal, State, local, or non-Federal funds;

(H) a description of the partnership between a local educational agency, a community-based organization, and another public entity or private entity, if appropriate;

(I) an evaluation of the community needs and available resources for the community learning center, and a description of how the program proposed to be carried out in the center will address those needs (including the needs of working families);

(J) a demonstration that the eligible entity will use best practices, including research or evidence-based practices, to provide educational and related activities that will complement and enhance academic performance, achievement, postsecondary and workforce preparation, and positive youth development of the students;

(K) a description of a preliminary plan for how the community learning center will continue after funding under this part ends;

(L) an assurance that the community will be given notice of an intent to submit an application and that the application and any waiver request will be available for public review after submission of the application;

(M) if the eligible entity plans to use volunteers in activities carried out through the community learning center, a description of how the eligible entity will encourage and use appropriately qualified persons to serve as the volunteers; and

(N) such other information and assurances as the State educational agency may reasonably require.

(c) APPROVAL OF CERTAIN APPLICATIONS.—The State educational agency may approve an application under this part for a program to be located in a facility other than an elementary school or secondary school only if the program will be at least as available

and accessible to the students to be served as if the program were located in an elementary school or secondary school.

(d) PERMISSIVE LOCAL MATCH.—

(1) IN GENERAL.—A State educational agency may require an eligible entity to match subgrant funds awarded under this part, except that such match may not exceed the amount of the subgrant and may not be derived from other Federal or State funds.

(2) SLIDING SCALE.—The amount of a match under paragraph (1) shall be established based on a sliding scale that takes into account—

(A) the relative poverty of the population to be targeted by the eligible entity; and

(B) the ability of the eligible entity to obtain such matching funds.

(3) IN-KIND CONTRIBUTIONS.—Each State educational agency that requires an eligible entity to match funds under this subsection shall permit the eligible entity to provide all or any portion of such match in the form of in-kind contributions.

(4) CONSIDERATION.—Notwithstanding this subsection, a State educational agency shall not consider an eligible entity's ability to match funds when determining which eligible entities will receive subgrants under this part.

(e) PEER REVIEW.—In reviewing local applications under this part, a State educational agency shall use a rigorous peer-review process or other methods of ensuring the quality of such applications.

(f) GEOGRAPHIC DIVERSITY.—To the extent practicable, a State educational agency shall distribute subgrant funds under this part equitably among geographic areas within the State, including urban and rural communities.

(g) DURATION OF AWARDS.—A subgrant awarded under this part shall be awarded for a period of not less than 3 years and not more than 5 years.

(h) AMOUNT OF AWARDS.—A subgrant awarded under this part may not be made in an amount that is less than $50,000.

(i) PRIORITY.—

(1) IN GENERAL.—In awarding subgrants under this part, a State educational agency shall give priority to applications—

(A) proposing to target services to—

(i) students who primarily attend schools that—

(I) have been identified under ⟦section 1111(d)⟧ or other schools determined by the local educational agency to be in need of intervention and support to improve student academic achievement and other outcomes; and

(II) enroll students who may be at risk for academic failure, dropping out of school, involvement in criminal or delinquent activities, or who lack strong positive role models; and

(ii) the families of students described in clause (i);

(B) submitted jointly by eligible entities consisting of not less than 1—

(i) local educational agency receiving funds under part A of title I; and

(ii) another eligible entity; and

(C) demonstrating that the activities proposed in the application—

(i) are, as of the date of the submission of the application, not accessible to students who would be served; or

(ii) would expand accessibility to high-quality services that may be available in the community.

(2) SPECIAL RULE.—The State educational agency shall provide the same priority under paragraph (1) to an application submitted by a local educational agency if the local educational agency demonstrates that it is unable to partner with a community-based organization in reasonable geographic proximity and of sufficient quality to meet the requirements of this part.

(3) LIMITATION.—A State educational agency may not impose a priority or preference for eligible entities that seek to use funds made available under this part to extend the regular school day.

(j) RENEWABILITY OF AWARDS.—A State educational agency may renew a subgrant provided under this part to an eligible entity, based on the eligible entity's performance during the initial subgrant period following an eligible entity receiving a subgrant.

"SEC. 4205. LOCAL ACTIVITIES.

(a) AUTHORIZED ACTIVITIES.—Each eligible entity that receives an award under section 4204 may use the award funds to carry out a broad array of activities that advance student academic achievement and support student success, including—

(1) academic enrichment learning programs, mentoring programs, remedial education activities, and tutoring services, that are aligned with—

(A) State and local content and student academic achievement standards; and

(B) local curricula that are designed to improve student academic achievement;

(2) well-rounded education activities, including such activities that enable students to be eligible for credit recovery or attainment;

(3) literacy education programs, including financial literacy programs and environmental literacy programs;

(4) programs that support a healthy, active lifestyle, including nutritional education and regular, structured physical activity programs;

(5) services for individuals with disabilities;

(6) programs that provide after-school activities for students who are English learners that emphasize language skills and academic achievement;

(7) cultural programs;

(8) telecommunications and technology education programs;

(9) expanded library service hours;

(10) parenting skills programs that promote parental involvement and family literacy;

(11) programs that provide assistance to students who have been truant, suspended, or expelled to allow the students to improve their academic achievement;

(12) drug and violence prevention programs and counseling programs;

(13) programs that build skills in science, technology, engineering, and mathematics (referred to in this paragraph as 'STEM'), including computer science, and that foster innovation in learning by supporting nontraditional STEM education teaching methods; and

(14) programs that partner with in-demand fields of the local workforce or build career competencies and career readiness and ensure that local workforce and career readiness skills are aligned with the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.) and the Workforce Innovation and Opportunity Act (29 U.S.C. 3101 et seq.).

(b) MEASURES OF EFFECTIVENESS.—

(1) IN GENERAL.—For a program or activity developed pursuant to this part to meet the measures of effectiveness, monitored by the State educational agency as described in section 4203(a)(14), such program or activity shall—

(A) be based upon an assessment of objective data regarding the need for before and after school or summer recess programs and activities in the schools and communities;

(B) be based upon an established set of performance measures aimed at ensuring the availability of high-quality academic enrichment opportunities;

(C) if appropriate, be based upon evidence-based research that the program or activity will help students meet [the challenging State academic standards and any local academic standards

(D) ensure that measures of student success align with the regular academic program of the school and the academic needs of participating students and include performance indicators and measures described in section 4203(a)(14)(A); and

(E) collect the data necessary for the measures of student success described in subparagraph (D).

(2) PERIODIC EVALUATION.—

(A) IN GENERAL.—The program or activity shall undergo a periodic evaluation in conjunction with the State educational agency's overall evaluation plan as described in section 4203(a)(14), to assess the program's progress toward achieving the goal of providing high-quality opportunities for academic enrichment and overall student success.

(B) USE OF RESULTS.—The results of evaluations under subparagraph (A) shall be—

(i) used to refine, improve, and strengthen the program or activity, and to refine the performance measures;

(ii) made available to the public upon request, with public notice of such availability provided; and

(iii) used by the State to determine whether a subgrant is eligible to be renewed under section 4204(j).

SEC. 4206. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this part $1,000,000,000 for fiscal year 2017, $1,100,000,000 for each of fiscal years 2018 through 2020.".

[(b) TRANSITION.—The recipient of a multiyear grant award under part B of title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7171 et seq.), as such Act was in effect on the day before the date of enactment of this Act, shall continue to receive funds in accordance with the terms and conditions of such award**]**.

3. The Senate bill reauthorizes and makes minimal changes to the Elementary and Secondary School Counseling Program. The House amendment consolidates this program into the Local Academic Flexible Grant.

SR

4. The Senate bill reauthorizes and makes minimal changes to the Physical Education Program. The House amendment consolidates this program into the Local Academic Flexible Grant.

SR

5. The House amendment and the Senate bill include the Family Engagement in Education Programs in different titles.

HR/SR with an amendment to insert as "PART E"

6. The Senate bill and the House amendment have different section references, but include identical purposes for the program.

LC

7. The Senate bill and the House amendment include different section references, but identical "grants authorized" language.

LC

8. The Senate bill and the House amendment have different section numbers for the "applications" section.

LC

9. The House amendment, but not the Senate bill, includes an assurance in the application for the applicant to conduct adult literacy training in the community, including financial literacy.

SR

10. The Senate bill and the House amendment have different section references in the "use of funds" language.

LC

11. The House amendment, but not the Senate bill, includes a provision to teach parents about the harms of copyright piracy in addition to technology in the uses of funds.

HR

12. The Senate bill and House amendment have different section references in the "technical assistance" language.

LC

13. The Senate bill and House amendment have different section references in the title.

LC

13a. The Senate bill, but not the House amendment, includes Indian tribe and tribal organizations as eligible contractors.

HR

14. The Senate bill authorizes such sums for each year 2016–2021. The House amendment authorizes $25,000,000 for each year 2016–2019.

HR with an amendment to strike "such sums as may be necessary" and insert "$10,000,000" and strike "2016 through 2021" and insert "2017 through 2020"

TITLE V—CHARTER SCHOOLS

0. The charter school provisions use a different term for "English learners" than other provisions in the bill.

HR/SR Every reference to "Students who are English learners" should be changed to "English learners"

0a. The Senate bill and the House amendment refer to expansion and replication differently.

HR to use Senate language on "expansion and replication"

1. The House amendment moves the Charter Schools Program from Title V in current law to Title III Part A. The Senate bill maintains the program as Title V Part A.

HR/SR with an amendment to redesignate the charter school program as Part C of Title IV

2. The Senate bill strikes, redesignates, and replaces a number of sections of current law, while the House amendment strikes and replaces current law wholesale.

LC

3. The Senate bill and the House amendment have different section titles.

LC

3a. The House amendment, but not the Senate bill, contains a findings section.

HR

4. The House amendment, but not the Senate bill, includes a sense of Congress.

HR

5. The House amendment, but not the Senate bill, includes a purpose of the program to improve the United States education system and build a stronger America.

SR

6. The Senate bill uses the phrase "increase" the number of high quality charter schools, while the House amendment uses the word "expand".

HR

7. The Senate bill and House amendment include different language regarding opportunities and referencing students.

HR

7a. The Senate bill has a reference to standards.

HR

8. The House amendment, but not the Senate bill, includes a program purpose to support quality accountability and transparency for authorizing entities.

SR with an amendment to strike "quality accountability" and insert "quality, accountability"

9. The Senate bill includes early childhood students, while the House amendment does not.

HR

10. The Senate bill and House amendment use slightly different wording in paragraph (1).

HR with an amendment to add "new" after "the startup of" and strike "the expansion of" and insert "to expand"

11. The Senate bill specifies the activities that will be carried out under (A), whereas the House amendment blankets these activities under the umbrella of "charter school development."

HR with an amendment to add "new" after "the startup of" and strike "the expansion of" and insert "to expand"

12. The Senate bill uses slightly different wording than the House amendment, but has similar policy.

HR

13. The Senate bill and House amendment use different cross-references.

LC

14. The Senate bill and House amendment use different cross-references.

LC

15. The Senate bill reserves no less than 25 percent for a national activities competition, while the House amendment caps national activities at 10 percent.

HR with an amendment to strike "reserve not less than 25%" and insert "reserve 22.5%"

16. The Senate bill and House amendment use different cross-references.

LC

16a. The House amendment and Senate bill have different references to the reservation language.

LC

16b. The House amendment, but not the Senate bill, includes subpart 2.

HR

16c. The Senate bill and House amendment have different references to the bill name.

LC

17. The House amendment, but not the Senate bill, requires GAO to issue a report on the State use of administrative funds.

HR

18. The Senate bill and the House amendment use different section numbers.

LC

19. The House amendment moves the definition of eligible entity to Section 3103(i). The Senate bill and House amendment contain identical language.

LC

20. The Senate bill inserts the phrase "on a competitive basis".

HR

21. The Senate bill and House amendment use different cross-references.

LC

22. The House amendment awards subgrants for "opening and preparing to operate", charter schools, while the Senate bill uses a different structure.

SR with an amendment to strike paragraph (1) and insert: "(1) award subgrants to eligible applicants enable eligible applicants to—

(A) open and prepare for the operation of new charter schools;

(B) open and prepare for the operation of replicated high-quality charter schools; or

(C) expand high-quality charter schools; and

23. The Senate bill, but not the House amendment, lists specific activities that qualify as "improving authorizing quality".

HR

24. The Senate bill and the House amendment use different cross-references.

LC

24a. The House amendment and the Senate bill have different titles for the subsection.

HR

25. The House amendment allows the State to set-aside funds for administrative costs, which may include technical assistance, whereas the Senate bill clarifies the same set-aside can address the administrative costs of technical assistance.

SR

26. The House amendment allows a state entity to carry out a subgrant competition and technical assistance directly through grants, contractors, or cooperative agreements, while the Senate bill only allows their use to provide technical assistance.

HR

27. The House amendment and the Senate bill use different wording in the rule of construction regarding lotteries.

SR with an amendment to strike "states" and insert "state entities, or prohibit State entities from awarding subgrants to eligible applicants"

28. The Senate bill and House amendment use different cross-references.

LC

29. The Senate bill, but not the House amendment, clarifies that the rule of construction does not prohibit schools from specializing in providing specific services for students with special needs.

HR

Report Language: "Subparagraph (B) allows a public charter school receiving funding under this section to specialize in providing specific services; however, Conferees do not intend inclusion of this language to allow for funding under this section to support the opening, replication, or expansion of public charter schools that intentionally seek to serve only children with disabilities, children with a specific disability classification, or other children with specific needs through use of exclusionary recruitment, enrollment, or

retention policies or procedures. Conferees believe that charter schools specializing in specific services must adhere to all Federal and State statutory and regulatory requirements pertaining to student recruitment, enrollment, and retention."

30. The Senate bill establishes a 3-year grant period with the possibility for a 2-year extension. The House amendment establishes a 5-year grant period.

SR

31. The Senate bill establishes a subgrant period of 3 years with the possibility of a 2-year extension, where planning time may not exceed 18 months. The House amendment caps subgrants at 5 years, but also contains an 18 month limit for planning and design.

SR

31a. The Senate bill uses "awarding subgrants", but the House amendment uses "receiving a grant"

LC

32. The House amendment, but not the Senate bill, includes provisions outlining the number and amount of grants for the Secretary to disperse, as well as requirements for the Secretary to annually review how States are using their grant funds to assess if the Secretary should terminate or reduce the amount of grant funds.

SR with an amendment to strike paragraph (3) and insert the following:

(3) GRANT AWARDS.—

(A) IN GENERAL.—The Secretary—

(i) shall for each fiscal year for which funds are appropriated under 4311—

(I) award not less than 3 grants under this section; and

(II) fully obligate the first 2 years of funds appropriated for the purpose of awarding grants under this section in the first fiscal year for which such grants are awarded; and

(ii) prior to the start of the third year of the grant period and each succeeding year of each grant awarded under this section to a State entity—

(I) shall review—

(aa) whether the State entity is using the grant funds for the agreed upon uses of funds; and

(bb) whether the full amount of the grant will be needed for the remainder of the grant period; and

(II) may, as determined necessary based on that review, terminate or reduce the amount of the grant and reallocate the remaining grant funds to other State entities—

(aa) by using such funds to award grants under this section to other State entities; or

(bb) in a fiscal year in which the amount of such remaining funds is insufficient to award grants under item (aa), in accordance with subparagraph (B).

(B) REMAINING FUNDING.—In a fiscal year for which there are remaining grant funds under this paragraph, but the amount of such funds is insufficient to award a grant to a State entity under this section, the Secretary shall use such remaining grants funds to supplement funding for grants under section 4305(a)(2), but not to supplant—]

(i) the funds reserved under section 4305(a)(2); and]

(ii) funds otherwise reserved under section 4302(b)(2) to carry out national activities under section 4305.]

33. The Senate bill and the House amendment contain different titles, but similar wording for project diversity.

LC

33a. The Senate bill and House amendment use different words for awarding vs receiving.

LC

33b. The Senate bill and House amendment use different words for possible versus practicable and applicable.

HR

34. The Senate bill contains an additional provision that directs States to prioritize applicants that plan to serve students from low-income families.

SR

35. The Senate bill, but not the House amendment, clarifies that the waiver authority applies to charter schools supported under this part.

SR

35a. The House amendment and Senate bill have different cross-references.

LC

36. The Senate bill and House amendment contain similar grant limitations: a State cannot have more one than one grant awarded at a time.

LC

37. The Senate bill allows grantees to receive more than one subgrant during each grant period if it has "demonstrated a strong track record of positive results," while the House amendment refers to "improved educational results."

SR

38. The House amendment clarifies a distinct period (3 years) that is different than the total grant period (5 years) for demonstrating results, whereas the Senate bill maintains demonstration as "the course of the grant period".

SR

39. The Senate bill and House amendment use a slightly different structure.

LC

40. The Senate bill and House amendment use different list structures.

LC

41. The House amendment, but not the Senate bill, requires an explanation of how the State will help all charter schools to meet the needs of students with disabilities and English learners. Simi-

lar requirements occur in section 5102(f)(1)(A)(x) of the Senate bill and in section 3103(e)(xi) of the House amendment.

SR

42. The House amendment, but the not Senate bill, requires an explanation of how the State will have clear plans and procedures to assist students in the case of a charter revocation or closure.

SR with an amendment to strike "have" and insert "ensure that public chartering agencies, in collaboration with surrounding local educational agencies where applicable, establish"

43. The Senate bill and House amendment use different list structures.

LC

44. The House amendment requires the entity to work with the SEA to "adequately" operate the State entity's program "where" applicable, the Senate bill does not include "adequately" and says "if" applicable rather than "where".

HR on "adequately." LC on "if" vs "where"

45. The House amendment specifies the activities that an applicant will carry out under its program, while the Senate bill does not.

HR

46. The Senate bill references to opening and expanding schools and the House amendment does not.

SR with an amendment to strike subclause (I) and insert "(I) is using funds provided under this section for the activities described in subsection (b)(1);"

46a. The House amendment and the Senate bill use different cross-references.

LC

47. The House amendment, but not the Senate bill, specifies that the operation of the school will be continued in a way that is consistent with its application.

SR

48. The House amendment, but not the Senate bill, requires a description of how the entity will support school turnarounds.

HR/SR with an amendment to strike clause (vii) and insert the following:

> (vii) support charter schools in local educational agencies identified by the State under section 1111(d), and the use of charter schools to improve, or in turning around, struggling schools;

49. The Senate bill and House amendment both require an explanation of retention and inclusion practices for all students. The House amendment specifically identifies foster and homeless students, and disciplinary practices.

HR/SR to strike paragraphs (viii) and (ix) and insert the following:

> (viii) work with charter schools on—
>
> (I) recruitment and enrollment practices to promote inclusion of all students, including by eliminating any barriers to enrollment for educationally disadvantaged students, (who include foster youth and unaccompanied homeless youth; and

(II) supporting all students once they are enrolled to promote retention, including by reducing the overuse of discipline practices that remove students from the classroom;

50. The Senate bill and House amendment both require an explanation of how the State will work with schools on recruitment practices. The House amendment additionally prohibits schools from having barriers (in the form of policies or procedures) for educationally disadvantaged students, and requires an explanation of how schools are in compliance with Federal and State laws on enrollment practices.

See note 49.

51. The Senate bill and House amendment both require explanations on how the state entity will share best practices. The House amendment additionally includes enumerated course and subject materials (professional development in STEM, etc).

HR with an amendment to strike "among" and insert "between"

52. The Senate bill and House amendment use different list structures.

LC

53. The Senate bill and House amendment use different cross-references.

LC

54. The House amendment differentiates authorizing requirements for State entities that are a State educational agency, a State charter school board, or Governor of a State. ⟦See below for Charter Support Organization (CSO) Applicants⟧ The Senate bill requires an explanation of which actor in the state will be responsible for oversight of public chartering agencies, and includes a rule of construction regarding changing state law/practices.

SR with an amendment to add "how the State" after "(xiv)" and strike "actively"

55. House amendment differentiates authorizing requirements for State entities that are CSOs. The House amendment requires CSOs to participate State charter authorizer oversight activities. The Senate bill includes all applicants in the authorizing requirements in (B) See note 54.

SR

56. The House amendment, but not the Senate bill, requires a description of how the State entity will support the creation of secondary schools.

SR

57. The Senate bill and House amendment use different section references.

LC

58. The Senate bill and House amendment require information on how the State can carry out priorities and is working to develop a statewide system that supports charter schools, but use slightly different wording.

HR

59. The Senate bill requires a description of how the State entity will solicit input from parents and communities. The House amendment has them later in the bill. See notes 65 and 79.

SR

60. The House amendment, but note the Senate bill, requires the State to create a strategy to encourage relationships between charter schools and LEAs.

SR

61. The Senate bill and House amendment use slightly different language to describe the subgrant process.

LC

62. The Senate bill specifically refers to "charter management organizations" (CMOs), while the House amendment refers to "partner organizations."

SR

63. The Senate bill and House amendment require descriptions of quality controls, and include contracts or performance agreements and inclusion of student achievement performance as potential examples. The Senate bill additionally includes financial audits and closure procedures as examples, while the House amendment refers to revocation and renewal procedures.

SR with an amendment strike "academic" before "accountability system" and add "and impact on student achievement (which may include student academic growth) after "system"

64. The Senate bill, but not the House amendment, requires a description of how autonomy and flexibility for charter schools is consistent with the definition of a charter school.

HR

65. The House amendment requires subgrant applicants to solicit parental and community input. The Senate bill includes parental/community involvement language in section 5103(f)(1)(C)(iii) (see note 59). See also Selection Criteria for both Senate and House bills.

SR

66. The Senate bill and House amendment are similar, but use slightly different wording. The Senate bill refers to "fiscal sustainability" and the House amendment uses "financial sustainability".

SR

67. The Senate bill requires applicants to describe parental engagement activities. No specific requirement exists in the House amendment.

SR with an amendment to insert the following:

(V) a description of how the eligible applicant will support the use of effective parent, family, and community engagement strategies to operate each charter school that will receive funds under the State entity's program; and

68. The Senate bill includes "from eligible applicants" after applications.

LC

69. The House amendment refers to "State entity," while the Senate bill uses "entity".

SR

70. The Senate bill requires a description of how the State entity will help "address" transportation needs, while the House amendment uses "consider".

HR/SR with an amendment to strike (F) and insert the following:

"(F) a description of how the State entity will ensure each charter school receiving funds under the State entity's program have considered and planned for the transportation needs of the schools' students; and"

71. The Senate bill, but not the House amendment, requires information about State open meetings and open records laws.

HR

72. The House amendment requires a description of how the State entity will support diverse charter models. The Senate bill includes no such provision.

SR

73. The House amendment requires "a description of how assurances will be met." The Senate bill requires an assurance.

HR

74. The Senate bill, but not the House amendment, includes "autonomy in personnel decisions" under autonomy of budget and operations.

HR

75. The Senate bill and House amendment use different cross references (but both refer to identical language).

LC

76. The House amendment refers to the "State entity's program" while the Senate bill refers to the "entity's" program.

SR

77. The Senate bill, but not the House amendment, requires the State entity to hold authorizers accountable for ensuring that charter schools meet federal compliance requirements.

SR

78. The Senate bill and House amendment requires States to ensure authorizers will monitor recruitment and enrollment processes. The Senate bill also includes monitoring of "retaining" students and requires authorizes to provide technical assistance. See 3103(2)(D) for similar technical assistance in the House amendment.

HR with an amendment to strike "and provides adequate technical assistance to"

79. The House amendment, but not the Senate bill, requires authorizers to have oversight of schools to ensure they solicit parent and community input.

HR

80. The House amendment, but not the Senate bill, requires that State entities provide adequate technical assistance to eligible entities to meet program objectives.

SR with an amendment to strike "and (ix)" after "(viii)" and strike paragraph (ii)

81. The House amendment requires States to provide technical assistance for recruiting, enrolling, and retaining "underserved students" at "rates similar to public schools," while the Senate bill does not make this distinction. See sec. 5103(2)(C) for slightly similar provisions.

HR

82. The Senate bill and House amendment requires promoting quality authorizing, but the Senate bill clarifies this action to be consistent with State law.

HR

83. The House amendment requires the inclusion of measures as part of the annual assessment of performance data, as appropriate, whereas the Senate bill lists measures as examples.

SR

84. The House amendment, but not the Senate bill, requires a description of how the State entity will work to ensure that charter schools are included in decisionmaking.

SR

85. The Senate bill requires this info to be published on the school website, and must include parent contract requirements, financial obligations, and enrollment criteria.

HR with an amendment to strike "in the State" and insert ", receiving funds under the State entity's program,"

86. The House amendment, but not the Senate bill, clarifies that annual performance data is not necessary if the results would reveal personally identifiable information and includes "any other information the State requires all public schools to be reported."

HR with amendment to insert at the end of (E) ", except that such disaggregation shall not be required in a case in which the number of students in a group is insufficient to yield statically reliable information or the results would reveal personally identifiable information about an individual student"

87. The Senate bill and House amendment use slightly different wording.

SR

88. The House amendment refers to "the law", while the Senate refers to "such law".

HR

89. The Senate bill requires the Secretary to consider the actual number of schools to be opened and students served, whereas the House amendment uses the term "ambitiousness" of the State entity's objectives for the program.

SR

90. The House amendment includes a selection criteria for quality strategies that assess achievement of program objectives.

HR

91. The Senate bill focuses on schools' progress toward meeting the definition of a high-quality charter school, whereas the House amendment focuses on meeting applicant objectives.

SR

91a. The Senate bill and House amendment have different language on the State entity's plan.

SR

92. Both the House amendment and the Senate bill require State entities to monitor subgrantees, but the House amendment uses the qualifier "adequate" to describe monitoring practices.

SR

93. The House amendment, but not the Senate bill, requires States to describe how they will avoid duplication of work.

SR

94. Both the House amendment and the Senate bill require States to describe plans for technical assistance, but the House amendment uses the qualifier "adequate" for technical assistance.

HR

94a. The House amendment and the Senate bill have different language in (I).

LC

95. The Senate bill and the House amendment use different list structures.

LC

95a. The Senate bill and the House amendment have different language regarding authorized public chartering agencies.

SR

95b. The Senate bill and the House amendment have different language regarding appeals.

HR

96. The House amendment, but not the Senate bill, gives priority to States without caps on charter schools.

HR

97. The Senate bill and the House amendment use slightly different wording.

SR

98. The House amendment, but not the Senate bill, requires a State entity to demonstrate that its State offers these opportunities.

HR

99. The Senate bill, but not the House amendment, lists the ability to share in bonds or mill levies.

HR

100. The House amendment, but not the Senate bill, gives priority to States that partner with organizations that have been successful in supporting statewide charter development.

HR

101. Both the House amendment and the Senate bill give priority to States that support charter schools that engage in dropout prevention activities, but the House amendment adds comprehensive career counseling practices.

SR

102. The Senate bill gives priority to States that offer charter schools a high degree of autonomy.

SR

103. The House amendment grants priority for States that authorize all charter schools to serve as school food authorities.

HR

104. The Senate bill uses "may include", whereas the House amendment uses "such as" to describe allowable use of funds.

HR with an amendment to strike "may" and insert "shall" and to insert "one or more of the following activities—" after "include"

104a. The House amendment includes "open and prepare to operate".

HR with an amendment to strike "carry out activities related to opening a new charter school, replicating a high-

quality charter school, or expanding a high-quality charter school, which may include" and insert "support one or more of the activities described in subsection (b)(1), which shall include one or more of the following activities"

105. The Senate bill allows charter schools to use funding for "acquisition, expansion, or preparation" of a school building, while the House amendment allows funding to be used for necessary renovations and minor repairs.

HR/SR with an amendment to strike paragraphs (1) through (6) and insert the following:

(1) preparing teachers, school leaders, and specialized instructional support personnel, including through paying the costs associated with—

(A) providing professional development;

(B) hiring and compensating, during the eligible applicant's planning period specified in the application for subgrant funds required under this section, one or more of the following—

(i) teachers,

(ii) School leaders; or

(iii) Specialized instructional support personnel;

(2) Acquiring supplies, training, equipment, including technology, and educational materials, including developing and acquiring instructional materials;

(3) Carrying out necessary renovations, including renovations to ensure that a new school building complies with applicable statutes and regulations, and minor facilities repair (excluding construction).

(4) Providing one-time, startup costs associated with providing transportation to students to and from the charter school;

(5) community engagement activities, which may include the cost of students and staff recruitment; or

(6) Providing for other appropriate, non-sustained costs related to planning, opening, and preparing to operate a new charter school, replicating a high-quality charter school, or expanding a high-quality charter school when such costs cannot be met from other sources.

106. The Senate bill allows funding to be used for hiring teachers, while the House amendment allows funding to be used for "preparing" teachers and school leaders. The Senate bill refers to professional development in (4).

See note 105.

107. The Senate bill, but not the House amendment, allows funding to be used to provide transportation.

See note 105.

108. Both the Senate bill and House amendment allow funding to be used for instructional materials and supplies. The Senate bill also allows funding to be used to hire additional nonteaching staff.

See note 105.

109. The Senate bill, but not the House amendment, includes a general use of funds allowance.

See note 105.

Report Language: "Conferees intend for subgrantees to be able to use funding to pay the costs associated with professional development, which may include training for charter school board members on how to fulfill their oversight, management, and governance responsibilities and effectively support charter schools."

110. The Senate bill allows funding to be used for early childhood education programs, while the House amendment does not.

SR

111. While the Senate bill and House amendment have different grant period limits, reports under both bills are required at the end of the third year, and two years afterward (effectively).

SR

111a. The Senate bill and House amendment have different language in (1).

HR

112. The House amendment, but not the Senate bill, requires the State to report on how it met the State-determined objectives outlined in the State's application.

SR

113. The Senate bill and House amendment contain similar language. The Senate bill additionally requires States to report on the amount of each subgrant awarded.

HR

114. The Senate bill and the House amendment contain similar language, although the House amendment requires States to report on their progress on all priorities, as applicable, whereas the Senate bill only requires reporting on some of those priorities.

HR/SR

114a. The Senate bill and the House amendment have different language in Senate (B) and House (5).

LC

115. The Senate bill requires reporting on subgrantee use of funds for early childhood programs, if applicable.

SR

116. The Senate bill and the House amendment have different section numbers.

LC

117. The Senate bill requires the Secretary to award not less than 3 grants. The House amendment does not contain a grant number directive, but does require the Secretary to consider the diversity of applications when awarding grants.

HR

118. The Senate bill, but not the House amendment, refers to applicant as eligible entity.

LC

119. The House amendment, but not the Senate bill, includes a reference to subsection (a).

LC

120. The Senate bill clarifies that predevelopment costs qualify as costs related to construction of new facilities.

SR

121. The Senate bill and the House amendment contain substantively identical language.

SR

122. The House amendment includes the applicable subsection **[**(e)**]**.

LC

123. The House amendment clarifies the applicable section **[**(a)**]**.

LC

124. The House amendment clarifies an exclusion for subsection (k).

SR

125. The Senate bill clarifies an exclusion for subsection (k), and the House amendment clarifies the applicable subsection **[**(a)**]**.

SR

126. The House amendment clarifies the applicable subsection **[**(f)(1)**]**.

SR

127. The House amendment, but not the Senate bill, clarifies that GEPA applies to recovery of funds.

LC

128. The House amendment, but not the Senate bill, includes a reference to U.S. Code.

LC

129. The Senate bill and House amendment are identical, but use different section references.

LC

129a. The House amendment and Senate bill have different language for supplement, not supplant language.

SR

130. The House amendment, but not the Senate bill, clarifies an exception for clause **[**(ii)**]**.

HR

131. The House amendment, but not the Senate bill, contains provisions regarding States without per-pupil facilities aid programs specified in State law.

SR

132. The Senate bill directs the Secretary to reserve not less than 80 percent of funds for the CMO competition. The House amendment reserves not less than 75 percent for a grant competition to serve CMOs and applicants that did not apply/receive a grant under section 3103.

HR with an amendment to strike "less" and insert "more"

133. The Senate bill reserves the remainder of funds (essentially not more than 20%) for the remaining national activities. The House amendment directs the Secretary to reserve not more than 25% for the remaining national activities.

HR/SR with an amendment to insert the following:

(a) IN GENERAL.—From the amount reserved under section 4302(b)(2), the Secretary shall—

(1) use not more than 80 percent of such funds to award grants in accordance with subsection (b);

(2) use not more than 9 percent of such funds to award grants, on a competitive basis, to eligible applicants for the purpose of carrying out the activities described in section 4303(h) in—

(A) a State that did not apply for a grant under section 4303; or

(B) a State that did not receive a grant under section 4303; and

134. The Senate bill allows funding for national activities to be used to award grants to eligible applicants in states that did not receive a grant under section 5103. The House amendment includes this program in the CMO competition.

See note 133.

135. The Senate bill authorizes grants for CMOs and nonprofits to replicate and expand high-quality charter school models, whereas the House amendment also authorizes the grants for start-ups, and delineates allowable activities as defined under the State grant competition.

HR

136. The Senate bill and the House amendment both define eligible entities as CMOs, but the Senate bill also encompasses nonprofits overseeing CMOs, and the House amendment extends grants to eligible applicants in states that did not receive a grant, and does not extend eligibility to nonprofits.

HR with amendment to strike subparagraph (A)

137. The Senate bill outlines specific application requirements for grants available under this subsection, whereas the House amendment uses the same terms and conditions required under section 3103.

HR

138. The House amendment also reserves 75 percent of the subsection (b) grant competition for CMOs.

HR

139. The Senate bill and the House amendment selection criteria for subsection (b) grants are similar, but not identical.

HR/SR with amendment to read as follows:

(2) APPLICATION REQUIREMENTS.—An eligible entity desiring to receive a grant under this subsection shall submit an application to the Secretary at such time and in such manner as the Secretary may require. The application shall include the following:

(A) EXISTING CHARTER SCHOOL DATA.—For each charter school currently operated or managed by the eligible entity—

(i) student assessment results for all students and for each category of students described in section 1111(b)(2)(B)(xi);

(ii) attendance and student retention rates for the most recently completed school year and, if applicable, the most recent available 4-year adjusted cohort graduation rates and extended-year adjusted cohort graduation rates (as such rates were calculated on the day before enactment of the Every Student Succeeds Act); and

(iii) information on any significant compliance and management issues encountered within the last 3 years by any school operated or managed by

the eligible entity, including in the areas of student safety and finance.

(B) DESCRIPTIONS.—A description of—

(i) the eligible entity's objectives for implementing a high-quality charter school program with funding under this subsection, including a description of the proposed number of high-quality charter schools to be replicated or expanded with funding under this subsection.

(ii) the educational program that the eligible entity will implement in the charter schools that the eligible entity proposes to replicate or expand, including information on how the program will enable all students to meet the challenging State academic standards under section 1111(b)(1), the grade levels or ages of students who will be served, and the instructional practices that will be used.

(iii) how the operation of the charter schools to be replicated or expanded will be sustained after the grant under this subsection has ended, which shall include a multi-year financial and operating model for the eligible entity.

(iv) how the eligible entity will ensure schools that expand or replicate using funding provided under this section will recruit and enroll students, including children with disabilities, English learners, and other educationally disadvantaged students.

(v) any request and justification for any waivers of Federal statutory or regulatory requirements that the eligible entity believes are necessary for the successful operation of the charter schools to be replicated or expanded with funding under this subsection.

(C) ASSURANCES.—An assurance that the eligible entity has sufficient procedures in effect to ensure timely closure of low-performing or financially mismanaged charter schools and clear plans and procedures in effect for the students in such schools to attend other high-quality schools; and

(3) SELECTION CRITERIA.—The Secretary shall select eligible entities to receive grants under this subsection, on the basis of the quality of the applications submitted under paragraph (2), after taking into consideration such factors as—

(A) the degree to which the eligible entity has demonstrated success in increasing academic achievement for all students and for each of the [subgroup] of students defined in section 1111(b)(3)(A) attending the charter schools the eligible entity operates or manages;

(B) a determination that the eligible entity has not operated or managed a significant proportion of charter schools that—

(i) have been closed;

(ii) have had a school charter revoked due to problems with statutory or regulatory compliance; or

(iii) have had the school's affiliation with the eligible entity revoked or removed, including through voluntary disaffiliation; and

(C) a determination that the eligible entity has not experienced significant problems with statutory or regulatory compliance that could lead to the revocation of a school's charter; and

(4) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to eligible entities that—

(A) plan to operate or manage high-quality charter schools with racially and socioeconomically diverse student bodies;

(B) demonstrate success in working with schools identified for improvement by the State;

(C) propose to replicate high-quality charter school that are secondary schools or expand high-quality charter school models to serve secondary school students; or

(D) propose to operate or manage high-quality charter schools that focus on dropout recovery and academic reentry.

140. The Senate bill and House amendment allow grants to be made on the basis of the quality of the application submitted. The Senate bill provides more detail on the application requirements under (2). See note 137.

See note 139.

141. The Senate bill includes selection criteria for demonstrated success in student achievement for all students.

See note 139.

142. The House amendment includes selection criteria for the number of network schools that meet the definition of a high-quality charter school.

See note 139.

143. Both the Senate bill and House amendment require considering the demonstrated success in serving educationally disadvantaged students, and the Senate bill extends this provision to each of the categories of students and includes a cross-reference.

See note 139.

144. The House amendment, but not the Senate bill, requires the Secretary consider whether the applicant has school closure procedures.

See note 139.

145. The Senate bill, but not the House amendment, requires the Secretary to consider the applicant's financial and operational model.

See note 139.

146. The Senate bill and House amendment require the Secretary to take into account whether the applicant has managed unsuccessful charter schools, but use different wording to describe such charter schools.

See note 139.

147. The Senate bill, but not the House amendment, requires a determination regarding statutory or regulatory compliance.

See note 139.

148. The House amendment, but not the Senate bill, requires the Secretary to consider the applicant's demonstrated success working with schools identified for improvement.

See note 139.

149. The Senate bill, but not the House amendment, prioritizes applicants serving high numbers of disadvantaged students.

See note 139.

150. The Senate bill and House amendment use different cross-references.

LC

151. The House amendment, but not the Senate bill, includes the manner in which the Secretary may award grants.

HR

152. The Senate bill, but not the House amendment, adds new subsection (c) to explain how Title I, Part A funding should be calculated for a new or significantly expanding charter schools.

HR

153. The Senate bill amends the definition of a charter school, while the House amendment moves the definition of a charter school to Title VI.

HR

154. The Senate bill includes the term "operates or manages multiple" while the House amendment includes "manages a network of" in the definition of charter management organization.

SR with an amendment to add "operates or" after "organization that"

155. The Senate bill specifies a minimum threshold of 50 percent or adding 2 or more grades for determining whether a high-quality charter school has expanded. The House amendment uses the term "significantly" increased and specifies adding 1 or more grades.

SR

156. The House amendment does not contain the qualifier "student".

HR

157. The House amendment includes cross reference to Title I requirements.

HR

158. The Senate bill and House amendment use different cross-references.

HR with an amendment to strike "categories of students, as defined in section 1111(b)(3)(A)" and insert "subgroups of students, as defined in section 1111(c)(2)"

159. The Senate bill, but not the House amendment, includes a requirement that replicated charter schools must be operated or managed by the same nonprofit organization.

SR

160. The Senate bill authorizes "such sums" annually through 2021, while the House amendment authorizes $300 million annually through 2019.

HR/SR with an amendment to read as follows:

SEC. 5111. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out the activities of this part, $270,000,000 for fiscal year 2017, $270,000,000 for fiscal year 2018, $300,000,000 for fiscal year 2019, $300,000,000 for fiscal year 2020.

TITLE V—MAGNETS NOTES

1. The Senate bill redesignates Part C as Part B of Title V and redesignates sections accordingly throughout, while the House amendment redesignates Part C as subpart 2 of Title III.

HR/SR with amendment to redesignate as part D of Title IV

2. The Senate bill includes the findings in current law, while the House amendment strikes such findings.

HR with amendment to strike "2,000,000" and insert "2,500,000" and strike "65" and insert "69"

3. The Senate bill, but not the House amendment, adds socioeconomic integration to this purpose in paragraph (1).

SR

4. The Senate bill, but not the House amendment, adds "expansion" in addition to development and implementation.

HR

5. The Senate bill refers to "challenging" standards, and references standards under Title I.

HR

6. The Senate bill, but not the House amendment, adds "expansion" in addition to development and design.

HR

7. The Senate uses the phrase "enter the workforce without the need for postsecondary education" while the House amendment refers to "postsecondary education or employment".

SR

8. The Senate bill, but not the House amendment, inserts language about ethnic and socioeconomic backgrounds.

SR

9. The House amendment, but not the Senate bill, refers to authorized appropriations for the program.

HR

10. The Senate bill, but not the House amendment, adds a requirement to submit any available evidence of increasing integration.

HR with an amendment to insert "or if such evidence is not available, a rationale, based on current research, for" before "how the proposed magnet school"

11. The Senate bill, but not the House amendment, adds a requirement to submit evidence to support this description.

SR with an amendment to insert "including any evidence, or if such evidence is not available, a rationale based on current research findings, to support such description." at the end of (B)

12. The Senate bill, but not the House amendment, adds a description of how the applicant will monitor the impact of funded activities.

HR

13. The Senate bill makes a technical edit.

LC

14. The Senate bill and House amendment make similar modifications referring to "effective" rather than "highly qualified" teachers.

LC

15. The Senate bill expands anti-discrimination requirements to cover current actions.

SR

16. The Senate bill makes a technical edit.

LC

17. The Senate bill makes a technical edit.

LC

18. The Senate bill adds evidence-based priorities for creating new, or revising, and expanding magnet school programs.

HR/SR with an amendment to insert the following:

(2) propose to—

(A) carry out a new, evidence-based magnet school program;

(B) significantly revise an existing magnet school program, using evidence-based methods and practices, as available; or

(C) expand or replicate an existing magnet school program that has a demonstrated record of success in increasing student academic achievement, and reducing isolation of minority groups

(3) propose to select students to attend magnet school programs by methods such as lottery, rather than through academic examination; and

(4) propose to increase racial integration by taking into account socioeconomic diversity in designing and implementing magnet school programs.

19. The Senate bill makes a technical edit.

HR

20. The Senate bill, but not the House amendment, adds an additional use of funds to establish, expand, or strengthen interdistrict magnet programs.

HR with an amendment to insert the following after paragraph (8):

(9) to provide transportation to and from the magnet school, provided that such transportation is sustainable beyond the grant period.

21. The Senate bill and the House amendment contain similar language, but the House amendment lists out specific academic courses, whereas the Senate bill refers to academic, career, or technological skills and professional skills.

SR

22. The Senate bill refers to "challenging" standards, and references standards under Title I.

HR

23. The Senate bill, but not the House amendment, provides for a possible two year grant renewal.

SR with an amendment to strike "3" and insert "5" in (a) and strike (c) and insert the following:

(c) AMOUNT.—No grant awarded under this part to a local educational agency, or consortium of such agencies, shall be for more than $15,000,000 for the grant period referred to in subsection (a)

24. The Senate bill, but not the House amendment, changes the award month to June.

HR

25. The House amendment redesignates section 5310 as section 3127, while the Senate bill strikes this evaluation in entirety.

HR

26. The Senate bill authorizes the program at such sums as may be necessary. The House amendment moves this provision to Section 3 and authorizes funding at $91,600,000.

HR with amendment to strike "such sums as may be necessary for each of fiscal years 2016 through 2021" and insert "$94,000,000 for fiscal year 2017, $96,820,000 for fiscal year 2018, $102,387,150 for fiscal year 2019, $108,530,379 for fiscal year 2020"

27. The Senate bill, but not the House amendment, adds an allowable reservation for technical assistance.

HR with an amendment to strike "carry out dissemination projects" and insert "share best practices"

28. The House amendment and Senate bill refer to different cross references for authorized appropriations for the program.

HR

TITLE V PART C–L—PROGRAMS

1. The Senate bill, but not the House amendment, authorizes the Supporting High-Ability Learners and Learning program.

HR with an amendment to insert the following as a new Title IV Part [F]:

SEC. 4XXX. SUPPORTING HIGH-ABILITY LEARNERS AND LEARNING.

[(a) PURPOSE.—The purpose of this section is to promote a coordinated program, to be known as the 'Jacob K. Javits Gifted and Talented Students Education Program', of evidence-based research, demonstration projects, innovative strategies, and similar activities designed to build and enhance the ability of elementary schools and secondary schools nationwide to identify gifted and talented students and meet their special educational needs.**]**

(b) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—The Secretary (after consultation with experts in the field of the education of gifted and talented students) shall make awards to, or enter into contracts with, State educational agencies, local educational agencies, the Bureau of Indian Education, institutions of higher education, other public agencies, and other private agencies and organizations to assist such agencies, institutions, or organizations, or the Bureau, in carrying out programs or projects to fulfill the purpose described in section 4641(a)(3), including the training of personnel in the identification and education of gifted and talented students and in the use, where appropriate, of gifted and talented services, materials, and methods for all students.

(2) APPLICATION.—Each entity seeking assistance under this section shall submit an application to the Secretary at

such time and in such manner as the Secretary may reasonably require. Each application shall describe how—

(A) the proposed identification methods, as well as gifted and talented services, materials, and methods, can be adapted, if appropriate, for use by all students; and

(B) the proposed programs can be evaluated.

(c) USES OF FUNDS.—Programs and projects assisted under this section may include each of the following:

(1) Conducting evidence-based research on methods and techniques for identifying and teaching gifted and talented students and for using gifted and talented programs and methods to identify and provide the opportunity for all students to be served, particularly low-income and at-risk students.

(2) Establishing and operating programs and projects for identifying and serving gifted and talented students, including innovative methods and strategies for identifying and educating students who may not be served by traditional gifted and talented programs (such as summer programs, mentoring programs, peer tutoring programs, service learning programs, and cooperative learning programs involving business, industry, and education).

(3) Providing technical assistance and disseminating information, which may include how gifted and talented programs and methods may be adapted for use by all students, particularly low-income and at-risk students.

(d) CENTER FOR RESEARCH AND DEVELOPMENT.—

(1) IN GENERAL.—The Secretary (after consultation with experts in the field of the education of gifted and talented students) may establish a National Research Center for the Education of Gifted and Talented Children and Youth through grants to, or contracts with, one or more institutions of higher education or State educational agencies, or a combination or consortium of such institutions and agencies and other public or private agencies and organizations, for the purpose of carrying out activities described in subsection (c).

(2) DIRECTOR.—The National Center shall be headed by a Director. The Secretary may authorize the Director to carry out such functions of the National Center as may be agreed upon through arrangements with institutions of higher education, State educational agencies, local educational agencies, or other public or private agencies and organizations.

(e) COORDINATION.—Evidence-based activities supported under this section—

(1) shall be carried out in consultation with the Institute of Education Sciences to ensure that such activities are coordinated with and enhance the research and development activities supported by the Institute; and

(2) may include collaborative evidence-based activities which are jointly funded and carried out with such Institute.

(f) GENERAL PRIORITY.—In carrying out this section, the Secretary shall give highest priority to programs and projects designed to—

(1) develop new information that—

(A) improves the capability of schools to plan, conduct, and improve programs to identify and serve gifted and talented students; or

(B) assists schools in the identification of, and provision of services to, gifted and talented students (including economically disadvantaged individuals, individuals who are English learners, and children with disabilities) who may not be identified and served through traditional assessment methods; or

(2) implement evidence-based activities, defined in this section as activities that meet the requirements of [section 8101(23)(A)(i).]

(g) PARTICIPATION OF PRIVATE SCHOOL CHILDREN AND TEACHERS.—In making grants and entering into contracts under this section, the Secretary shall ensure, where appropriate, that provision is made for the equitable participation of students and teachers in private nonprofit elementary schools and secondary schools, including the participation of teachers and other personnel in professional development programs serving such students.

(h) REVIEW, DISSEMINATION, AND EVALUATION.—The Secretary shall—

(1) use a peer-review process in reviewing applications under this section;

(2) ensure that information on the activities and results of programs and projects funded under this section is disseminated to appropriate State educational agencies, local educational agencies, and other appropriate organizations, including nonprofit private organizations; and

(3) evaluate the effectiveness of programs under this section in accordance with section 8601, in terms of the impact on students traditionally served in separate gifted and talented programs and on other students, and submit the results of such evaluation to Congress not later than 2 years after the date of enactment of the Every Student Succeeds Act.

(i) PROGRAM OPERATIONS.—The Secretary shall ensure that the programs under this section are administered within the Department by a person who has recognized professional qualifications and experience in the field of the education of gifted and talented students and who shall—

(1) administer and coordinate the programs authorized under this section;

(2) serve as a focal point of national leadership and information on the educational needs of gifted and talented students and the availability of educational services and programs designed to meet such needs;

(3) assist the Director of the Institute of Education Sciences in identifying research priorities that reflect the needs of gifted and talented students; and

(4) disseminate, and consult on, the information developed under this section with other offices within the Department."

2. The Senate bill, but not the House amendment, authorizes the Education Innovation and Research program. See note 78.

HR with an amendment to insert the following as a new Title IV Part [F]:

SEC. 4611. GRANTS FOR EDUCATION INNOVATION AND RESEARCH.

(a) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—From funds reserved under section 4601(b)(2)(A), the Secretary shall make grants to eligible entities to enable the eligible entities to—

(A) develop, implement, replicate, or scale entrepreneurial, evidence-based, field-initiated innovations to improve student achievement and attainment for high-need students; and

(B) rigorously evaluate such innovations.

(2) DESCRIPTION OF GRANTS.—The grants described in paragraph (1) shall include—

(A) early-phase grants to fund the development, implementation, and feasibility testing of a program, which prior research suggests has promise, for the purpose of determining whether the program can successfully improve student achievement or attainment for high-need students;

(B) mid-phase grants to fund implementation and a rigorous evaluation of a program that has been successfully implemented under an early-phase grant described in subparagraph (A) or other effort meeting similar criteria, for the purpose of measuring the program's impact and cost effectiveness, if possible using existing administrative data; and

(C) expansion grants to fund implementation and a rigorous replication evaluation of a program that has been found to produce sizable, important impacts under a mid-phase grant described in subparagraph (B) or other effort meeting similar criteria, for the purposes of—

(i) determining whether such impacts can be successfully reproduced and sustained over time; and

(ii) identifying the conditions in which the program is most effective.

(b) ELIGIBLE ENTITY.—In this subpart, the term 'eligible entity' means any of the following:

(1) A local educational agency.

(2) A State educational agency.

(3) The Bureau of Indian Education.

(4) A consortium of State educational agencies or local educational agencies.

(5) A State educational agency, a local educational agency, or the Bureau of Indian Education, in partnership with—

(A) a nonprofit organization;

(B) a business;

(C) an educational service agency; or

(D) an institution of higher education.

(c) RURAL AREAS.—In awarding grants under subsection (a), the Secretary shall ensure that not less than 25 percent of the funds made available for any fiscal year are awarded for programs that meet both of the following requirements:

(1) The grantee is—

(A) a local educational agency with an urban-centric district locale code of 32, 33, 41, 42, or 43, as determined by the Secretary;

(B) a consortium of such local educational agencies; or

(C) an educational service agency or a nonprofit organization in partnership with such a local educational agency.

(2) A majority of the schools to be served by the program are designated with a school locale code of 32, 33, 41, 42, or 43, or a combination of such codes, as determined by the Secretary.

(d) MATCHING FUNDS.—In order to receive a grant under subsection (a), an eligible entity shall demonstrate that the eligible entity will provide matching funds in an amount equal to 10 percent of the funds provided under such grant, except that the Secretary may waive the matching funds requirement, on a case-by-case basis, upon a showing of exceptional circumstances, such as—

(1) the difficulty of raising matching funds for a program to serve a rural area;

(2) the difficulty of raising matching funds in areas with a concentration of local educational agencies or schools with a high percentage of students aged 5 through 17—

(A) who are in poverty, as counted in the most recent census data approved by the Secretary;

(B) who are eligible for a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);

(C) whose families receive assistance under the State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.); or

(D) who are eligible to receive medical assistance under the Medicaid program; and

(3) the difficulty of raising funds in designated tribal areas.

(e) EVALUATION.—Each recipient of a grant under this section shall conduct an independent evaluation of the effectiveness of the program carried out with a grant under this section carried out under subsection (a)(1).

(f) TECHNICAL ASSISTANCE.—The Secretary may reserve not more than 5 percent of the funds appropriated under section 4601(b)(2)(A) for each fiscal year to provide technical assistance for eligibility entities, which may include pre-application workshops and web-based seminars, and to disseminate best practices.

3. The Senate bill, but not the House amendment, authorizes the Accelerated Learning program. See note 78.

SR

4. The Senate bill, but not the House amendment, authorizes the Ready-to-Learn program. See note 78.

HR with an amendment to insert the following as a new Title IV Part [F]:

SEC. 4XXX. READY TO LEARN PROGRAMMING.

(a) AWARDS TO PROMOTE SCHOOL READINESS THROUGH READY TO LEARN PROGRAMMING.—

(1) IN GENERAL.—Awards made to eligible entities described in paragraph (3) to fulfill the purpose described in section 4641(a)(2) shall—

[(A) be known as 'Ready to Learn Programming awards'; and]

(B) be used to—

(i) develop, produce, and distribute educational and instructional video programming for preschool and elementary school children and their parents in order to facilitate student academic achievement;

(ii) facilitate the development, directly or through contracts with producers of children's and family educational television programming, of educational programming for preschool and elementary school children, and the accompanying support materials and services that promote the effective use of such programming;

(iii) facilitate the development of programming and digital content containing Ready-to-Learn-based children's programming and resources for parents and caregivers that is specially designed for nationwide distribution over public television stations' digital broadcasting channels and the Internet;

(iv) contract with entities (such as public telecommunications entities) so that programming developed under this section are disseminated and distributed to the widest possible audience appropriate to be served by the programming, and through the use of the most appropriate distribution technologies; and

(v) develop and disseminate education and training materials, including interactive programs and programs adaptable to distance learning technologies, that are designed—

(I) to promote school readiness; and

(II) to promote the effective use of materials developed under clauses (ii) and (iii) among parents, teachers, Head Start providers, providers of family literacy services, child care providers, early childhood development personnel, elementary school teachers, public libraries, and after-school program personnel caring for preschool and elementary school children.

(2) AVAILABILITY.—In awarding or entering into grants, contracts, or cooperative agreements under this section, the Secretary shall ensure that eligible entities described in paragraph (3) make programming widely available, with support materials as appropriate, to young children, parents, child care workers, Head Start providers, and providers of family literacy services to increase the effective use of such programming.

(3) ELIGIBLE ENTITIES.—To be eligible to receive a grant, contract, or cooperative agreement under this section, an entity shall be a public telecommunications entity that is able to demonstrate each of the following:

(A) A capacity for the development and national distribution of educational and instructional television programming of high quality that is accessible by a large ma-

jority of disadvantaged preschool and elementary school children.

(B) A capacity to contract with the producers of children's television programming for the purpose of developing educational television programming of high quality.

(C) A capacity, consistent with the entity's mission and nonprofit nature, to negotiate such contracts in a manner that returns to the entity an appropriate share of any ancillary income from sales of any program-related products.

(D) A capacity to localize programming and materials to meet specific State and local needs and to provide educational outreach at the local level.

(4) COORDINATION OF ACTIVITIES.—An entity receiving a grant, contract, or cooperative agreement under this section shall consult with the Secretary and the Secretary of Health and Human Services—

(A) to maximize the utilization of quality educational programming by preschool and elementary school children, and make such programming widely available to Federally funded programs serving such populations; and

(B) to coordinate activities with Federal programs that have major training components for early childhood development, including programs under the Head Start Act (42 U.S.C. 9831 et seq.) and State training activities funded under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.), regarding the availability and utilization of materials developed under paragraph (1)(B)(v) to enhance parent and child care provider skills in early childhood development and education.

(b) APPLICATIONS.—To be eligible to receive a grant, contract, or cooperative agreement under subsection (a), an entity shall submit to the Secretary an application at such time and in such manner as the Secretary may reasonably require. The application shall include—

(1) a description of the activities to be carried out under this section;

(2) a list of the types of entities with which such entity will enter into contracts under subsection (a)(1)(B)(iv);

(3) a description of the activities the entity will undertake widely to disseminate the content developed under this section; and

(4) a description of how the entity will comply with subsection (a)(2).

(c) REPORTS AND EVALUATIONS.—

(1) ANNUAL REPORT TO SECRETARY.—An entity receiving a grant, contract, or cooperative agreement under this section shall prepare and submit to the Secretary an annual report. The report shall describe the program activities undertaken with funds received under the grant, contract, or cooperative agreement, including each of the following:

(A) The programming that has been developed, directly or indirectly, by the eligible entity, and the target population of the programming.

(B) The support and training materials that have been developed to accompany the programming, and the method by which the materials are distributed to consumers and users of the programming.

(C) The means by which programming developed under this section has been distributed, including the distance learning technologies that have been utilized to make programming available, and the geographic distribution achieved through such technologies.

(D) The initiatives undertaken by the entity to develop public-private partnerships to secure non-Federal support for the development, distribution, and broadcast of educational and instructional programming.

(2) REPORT TO CONGRESS.—The Secretary shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives a biannual report that includes the following:

(A) A summary of the activities assisted under subsection (a).

(B) A description of the education and training materials made available under subsection (a)(1)(B)(v), the manner in which outreach has been conducted to inform parents and child care providers of the availability of such materials, and the manner in which such materials have been distributed in accordance with such subsection.

(d) ADMINISTRATIVE COSTS.—An entity that receives a grant, contract, or cooperative agreement under this section may use up to 5 percent of the amount received under the grant, contract, or agreement for the normal and customary expenses of administering the grant, contract, or agreement.

(e) FUNDING RULE.—Not less than 60 percent [of the amount used by the Secretary to carry out this section] for each fiscal year shall be used to carry out activities under clauses (ii) through (iv) of subsection (a)(1)(B).

5. The Senate bill and House amendment have different names for these programs.

HR/SR with an amendment to strike.

6. The Senate bill, but not the House amendment, enumerates specific purposes for this program.

HR/SR with an amendment to strike.

7. The House amendment, but not the Senate bill, includes findings.

HR/SR with an amendment to strike.

8. The Senate bill, but not the House amendment, defines "digital learning".

HR/SR with an amendment to strike.

9. The House amendment, but not the Senate bill, defines the term "eligible partnership".

HR/SR with an amendment to strike.

10. The Senate bill, but not the House amendment, defines the term "eligible technology".

HR/SR with an amendment to strike.

11. The House amendment, but not the Senate bill, defines the term "school partner".

HR/SR with an amendment to strike.

12. The House amendment, but not the Senate bill, defines the term "digital learning partner".

HR/SR with an amendment to strike.

13. The Senate bill, but not the House amendment, defines the term "technology readiness survey".

HR/SR with an amendment to strike.

14. The House amendment, but not the Senate bill, defines the term "evaluation partner".

HR/SR with an amendment to strike.

15. The Senate bill, but not the House amendment, defines the term "universal design for learning".

HR/SR with an amendment to strike.

16. The House amendment, but not the Senate bill, defines the term "institution of higher education".

HR/SR with an amendment to strike.

17. The House amendment, but not the Senate bill, defines the term "local educational agency".

HR/SR with an amendment to strike.

18. The House amendment, but not the Senate bill, defines the term "Secretary".

HR/SR with an amendment to strike.

19. The Senate bill, but not the House amendment, contains restrictions concerning the E-Rate program.

HR/SR with an amendment to strike.

20. The Senate bill authorizes grants to States for the purposes of subgranting on a competitive or formula basis depending on appropriated levels. The House amendment authorizes a competitive grant program directly to eligible partnerships.

HR/SR with an amendment to strike.

21. The Senate bill, but not the House amendment, specifies grant reservations.

HR/SR with an amendment to strike.

22. The House amendment sets grant period parameters between 3–5 years. The Senate bill is silent on grant period descriptions—both for grants and subgrants—but requires the Secretary to make grants for each fiscal year.

HR/SR with an amendment to strike.

23. The House amendment names the school as the fiscal agent. The Senate bill directs grants to State educational agencies.

HR/SR with an amendment to strike.

24. The Senate bill, but not the House amendment, defines minimum allotment requirements to States.

HR/SR with an amendment to strike.

25. The Senate bill, but not the House amendment, defines reallotment requirements.

HR/SR with an amendment to strike.

26. The Senate bill, but not the House amendment, requires a State match of funding from non-federal sources.

HR/SR with an amendment to strike.

27. The Senate bill, but not the House amendment, allows for an exception to the State match requirement.

HR/SR with an amendment to strike.

28. The Senate bill and House amendment have different lead-ins to the application contents.

HR/SR with an amendment to strike.

29. The Senate bill, but not the House amendment, requires a description on promoting college and career readiness, including with isolated populations.

SR

30. The Senate bill, but not the House amendment, requires a description on professional development on personalized learning and open educational resources.

SR

31. The Senate bill, but not the House amendment, requires a description on building infrastructure.

SR

32. The Senate bill, but not the House amendment, requires an assurance that each local educational agency will conduct a technology readiness survey.

SR

33. The Senate bill, but not the House amendment, requires an assurance on interoperable technology systems.

SR

34. The Senate bill, but not the House amendment, requires an assurance on making content widely available.

SR

35. The Senate bill, but not the House amendment, requires a description on how the state will award subgrants.

SR

36. The Senate bill, but not the House amendment, requires a description on how the state will evaluate program impact.

SR

37. The Senate bill, but not the House amendment, requires an assurance on consultation with local educational agencies.

SR

38. The Senate bill, but not the House amendment, requires an assurance on matching funds.

SR

39. The Senate bill, but not the House amendment, requires an assurance on privacy.

SR

40. The Senate bill, but not the House amendment, requires an assurance that funding will supplement, not supplant Federal, State, or local funds.

SR

41. The House amendment, but not the Senate bill, requires a description of the eligible partnership.

SR

42. The House amendment, but not the Senate bill, requires a description on technology-based learning.

SR

43. The House amendment, but not the Senate bill, requires an assurance on relevant teacher licensure requirements.

SR

44. The House amendment, but not the Senate bill, requires an assurance on student access to equipment.

HR

45. The House amendment, but not the Senate bill, requires an assurance on parental consent.

HR

46. The House amendment, but not the Senate bill, requires a description about the need, quality, and strength of partnership experience, and quality of evaluation.

HR

47. The House amendment, but not the Senate bill, requires a description on how the evaluation complies with IES evaluation design.

HR

48. The House amendment, but not the Senate bill, requires a description on the program evaluation design that meets the parameters required under this part. See note 71.

HR

49. The House amendment, but not the Senate bill, requires a description on the number of students receiving benefits.

HR

50. The House amendment gives the Secretary discretion to add to the program application.

HR/SR with an amendment to strike.

51. The House amendment, but not the Senate bill, requires a peer review process for reviewing applications.

HR

52. The House amendment requires the Secretary to enforce grant diversity. The Senate bill contains no similar provision in requirements for subgrants.

HR

53. The House amendment, but not the Senate bill, contains Selection Criteria.

HR

54. The House amendment requires dedicated funding for rural schools. The Senate bill does not contain a rural set-aside, but does prioritize schools serving rural areas. See sec. 5706 (a)(2) on Senate priorities for subgrantees.

HR/SR with an amendment to strike.

55. The Senate bill defines specific uses of funds for States. The House amendment does not contain any similar provisions.

SR

56. The Senate bill allows State grantees to reserve 10 percent of grant funds for statewide activities. The House amendment does not contain any similar provisions.

SR

57. The Senate bill defines specific uses of funds for State grantees. The House amendment does not contain any similar provisions.

SR

58. The Senate bill, but not the House amendment, contains parameters around State purchasing consortia.

SR

59. The Senate bill, but not the House amendment, requires competitive or formula subgrants depending on appropriations.

SR

60. The Senate bill details requirements on the subgrant application. The House amendment does not contain a subgrant competition. See section 905 for information on the House amendment grant application.

HR/SR with an amendment to strike.

61. The Senate bill prescribes local uses of funds for subgrantees. The House amendment prescribes uses for funds for eligible partnerships.

HR/SR with an amendment to strike.

62. The Senate bill requires not less than 25 percent of funds to be used for technology infrastructure. The House amendment uses different wording, includes examples, and does not specify a percentage for infrastructure.

HR/SR with an amendment to strike.

63. The Senate bill, but not the House amendment, allows a State to modify the percentage of funds for technology infrastructure.

SR

64. The Senate bill, but not the House amendment, allows local educational agencies to form purchasing consortium.

SR

65. The Senate bill allows funding to be used for blended learning projects. The House amendment contains no similar provision but includes blended learning language in the Local Academic Flexible grant.

HR/SR with an amendment to strike.

66. The House amendment, but not the Senate bill, includes examples of practices and strategies to be used to inform instruction.

HR

67. The House amendment, but not the Senate bill, requires funds to be used for students with specific educational needs.

HR

68. The House amendment, but not the Senate bill, includes examples of tools, courses, and strategies to help students develop 21st Century skills.

HR

69. The House amendment, but not the Senate bill, includes examples of online courses.

HR

70. The Senate bill, but not the House amendment, requires a report submitted to the Secretary on the status of the State's plan, the type of technology acquired, and the activities funded under this section. See note 71 on the report on the evaluation.

SR

71. The House amendment requires partnerships to complete an independent evaluation of the grant activities. The Senate bill does not require such an evaluation, although the bill does require a report to the Secretary on grant activities.

HR

72. The Senate bill authorizes the program at such sums. The House amendment does not include an authorization.

HR/SR with an amendment to strike.

73. The Senate bill, but not the House amendment, authorizes the Literacy and Arts Education program. See note 78.

HR with an amendment to insert the following as a new Title IV Part [F]:

"SEC. 4642. ASSISTANCE FOR ARTS EDUCATION.

(a) AWARDS TO PROVIDE ASSISTANCE FOR ARTS EDUCATION.—

(1) IN GENERAL.—Awards made to eligible entities to fulfill the purpose described in section 4641(a)(1), shall be used for a program (to be known as the 'Assistance for Arts Education program') to promote arts education for disadvantaged students and students who are children with disabilities, through activities such as—

(A) professional development for arts educators, teachers, and principals;

(B) development and dissemination of instructional materials and arts-based educational programming, including online resources, in multiple arts disciplines; and

(C) community and national outreach activities that strengthen and expand partnerships among schools, local educational agencies, communities, or national centers for the arts.

(b) CONDITIONS.—As conditions of receiving assistance made available under this section, the Secretary shall require each eligible entity receiving such assistance—

(1) to coordinate, to the extent practicable, each project or program carried out with such assistance with appropriate activities of public or private cultural agencies, institutions, and organizations, including museums, arts education associations, libraries, and theaters; and

(2) to use such assistance only to supplement, and not to supplant, any other assistance or funds made available from non-Federal sources for the activities assisted under this subpart.

(c) CONSULTATION.—In carrying out this section, the Secretary shall consult with Federal agencies or institutions, arts educators (including professional arts education associations), and organizations representing the arts (including State and local arts agencies involved in arts education).

(d) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term 'eligible entity' means—

(A) a local educational agency in which 20 percent or more of the students served by the local educational agency are from families with an income below the poverty line;

(B) a consortium of such local educational agencies;

(C) the Bureau of Indian Education; or

(D) an eligible national nonprofit organization.

(2) ELIGIBLE NATIONAL NONPROFIT ORGANIZATION.—The term 'eligible national nonprofit organization' means an organization of national scope that—

(A) is supported by staff, which may include volunteers, or affiliates at the State and local levels; and

(B) demonstrates effectiveness or high-quality plans for addressing arts education activities for [disadvantaged students or students who are children with disabilities]

74. The Senate bill, but not the House amendment, authorizes the Early Learning Alignment and Improvement Grants program. See note 78.

HR with an amendment to strike and insert the following in Title IX as a new Part [X]:

SEC. ___ 1. PRESCHOOL DEVELOPMENT GRANTS.

Part of title IX, as added by section **[____]**, is further amended by adding at the end the following:

"Subpart 5—Preschool Development Grants

"SEC. [9xxx]. PURPOSES; DEFINITIONS.

(a) PURPOSES.—The purposes of this subpart are—

(1) to assist States to develop, update, or implement a strategic plan that facilitates collaboration and coordination among existing programs of early childhood care and education in a mixed delivery system across the State designed to prepare low-income and vulnerable children to enter kindergarten; and

(2) to improve transitions from such system into the local educational agency or elementary school that enrolls such children,

(3) to accomplish the purposes described in in (1) and (2) by—

(A) more efficiently using Federal, State, local, and non-governmental resources existing when the State applies for a grant under this subpart to align and strengthen delivery of existing programs;

(B) coordinating the delivery models and funding streams existing when the State applies for a grant under this subpart in the mixed delivery system; and

(C) developing recommendations to better utilize existing resources, as of the date of receipt of a grant under this subpart in order to improve—

(i) the overall participation of children in a mixed delivery system of Federal, State, and local early childhood education programs;

(ii) program quality, while maintaining availability of services;

(iii) parental choice among existing programs; and

(iv) school readiness for children from low-income families, including during such children's transition into elementary school;

(4) to encourage partnerships among Head Start providers, State and local governments, Indian tribes and tribal organizations, and private entities (including faith- and community-based entities), and local educational agencies, to improve coordination, program quality, and delivery of services; and

(5) to maximize parental choice among a mixed delivery system of early childhood education program providers.

(b) DEFINITIONS.—In this subpart:

(1) CENTER OF EXCELLENCE IN EARLY CHILDHOOD.—The term 'Center of Excellence in Early Childhood' means a Center of Excellence in Early Childhood designated under section 657B(b) of the Head Start Act (42 U.S.C. 9852b(b)).

(2) EARLY CHILDHOOD EDUCATION PROGRAM.—The term 'early childhood education program' has the meaning given the term in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003).

(3) EXISTING PROGRAM.—The term 'existing program' means a Federal, State, local, or privately funded early childhood education program that was operating in the State at any time on or after date of enactment of the [____ Act of ____] through funds that were not provided by a grant under this section.

(4) MIXED DELIVERY SYSTEM.—The term 'mixed delivery system' means multiple types of entities that deliver early childhood education programs (including Head Start, licensed family and center-based child care programs, public schools, and community-based organizations) through both public and private funds, in a variety of programmatic and organizational structures. [Note: As written, this will require the system to have both public and private funding.]

(5) SECRETARY.—The term 'Secretary' means the Secretary of Health and Human Services

(6) STATE ADVISORY COUNCIL.—The term 'State Advisory Council' means a State Advisory Council on Early Childhood Education and Care designated or established under section 642B(b)(1)(A) of the Head Start Act (42 U.S.C. 9837b(b)(1)(A)).

"SEC. [4652]. PROGRAM AUTHORIZED.

(a) GRANTS AUTHORIZED.—

(1) IN GENERAL.—From amounts made available under section [9xxx] to the Secretary, jointly with the Secretary of Education, shall award grants, on a competitive basis, to States to enable the States to carry out the activities described in subsection (d).

(2) DURATION OF GRANTS.—A grant awarded under paragraph (1) shall be for a period of not more than 1 year and may be renewed by the Secretary, jointly with the Secretary of Education under subsection (e)

(3) MATCHING REQUIREMENT.—Each State that receives a grant under this section shall provide funds from non-Federal sources (which may be provided in cash or in kind) to carry out the activities supported by the grant, in an amount equal to not less than 30 percent of the amount of the grant.

(b) INITIAL APPLICATION.—A State desiring a grant under subsection (a)(1) shall submit an application at such time and in such manner as the Secretary may reasonably require. The application shall contain—

(1) an identification of the State entity that the Governor of the State has appointed to be responsible for duties under this section;

(2) a description of how such State entity proposes to accomplish the activities described in subsection (d) and meet the purposes of this subpart, including—

(A) a timeline for strategic planning activities; and

(B) a description of how activities described in subparagraph (A) and subsection (d), will increase participation of children from low-income families in high-quality

early childhood education programs as a result of the grant;

(3) a description of the Federal, State, and local existing programs in the State for which such State entity proposes to facilitate collaboration and coordination activities, as required under subsection (d) including—

(A) programs carried out under the Head Start Act (42 U.S.C. 9801 et seq.), including the Early Head Start programs carried out under such Act (42 U.S.C. 9801 et seq.);

(B) child care programs carried out under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.) or section 418 of the Social Security Act (42 U.S.C. 618); and

(C) other Federal, State, local, and Indian tribe or tribal organization programs of early learning, childhood education, child care, and development operating in the State, as of the date of the application for the grant, including programs operated by Indian tribes and tribal organizations, and private entities (including faith- and community-based entities);

(4) a description of how the State, in collaboration with Centers of Excellence in Early Childhood, if appropriate, will provide technical assistance and disseminate best practices;

(5) a description of how the State plans to sustain the activities described in subsection (d) with non-Federal sources after such funds are no longer available

(6) a description of how the State will work with the State Advisory Council and Head Start collaboration office.

(c) SELECTION CRITERIA.—In awarding grants under subsection (a), the Secretary shall—

(1) award grants to States that have met the application requirements under subsection (b);

(2) to the extent practicable, ensure an equitable geographic distribution of grants, including urban, suburban, and rural distribution;

(3) assure that a State has a mixed delivery system in place as of the date of the award; and

(4) give priority to—

(A) a State that has not received a preschool development grant for development or expansion under section 14006 of the America Reinvestment and Recovery Act of 2009 (20 U.S.C. 10006);

(B) a State that has not previously received a grant under this section; and

(C) a State that will use the grant funds for evidence-based activities, defined as meeting the requirements of subclauses (I), (II), or (III) of section 8101(23)(A)(i).

(d) USE OF FUNDS.—A State, acting through the State entity appointed under subsection (b)(1), that receives a grant under subsection (a)(1) shall use the grant funds for all of the following activities:

(1) Conducting a periodic statewide needs assessment concerning—

(A) the availability and quality of existing programs in the State, including such programs serving the most vulnerable or underserved populations and children in rural areas;

(B) to the extent practicable, the unduplicated number of children served in existing programs; and

(C) to the extent practicable, the unduplicated number of children awaiting service in such programs

(2) Developing a strategic plan that recommends collaboration, coordination, and quality improvement activities (including activities to improve the transition into elementary school) among existing programs in the State and local educational agencies. Such plan shall include information that—

(A) identifies opportunities for, and barriers to, collaboration and coordination among existing programs in the State, including among State, local, and tribal (if applicable) agencies responsible for administering such programs;

(B) recommends partnership opportunities among Head Start providers, local educational agencies, State and local governments, Indian tribes and tribal organizations, and private entities (including faith- and community-based entities) that would improve coordination, program quality, and delivery of services;

(C) builds on existing plans and goals with respect to early childhood education programs, including improving coordination and collaboration among such programs, as of the date the grant was awarded, of the State Advisory Council while incorporating new or updated Federal, State, and local statutory requirements, including—

(i) the requirements of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.); and

(ii) when appropriate, information found in the report required under section 13 of the Child Care and Development Block Grant Act of 2014 (Public Law 113–186; 128 Stat. 2002); and

(D) describes how accomplishing the activities described in subparagraphs (A) through (C) will better serve children and families in existing programs and how such activities will increase the overall participation of children in the State.

(3) Maximizing parental choice and knowledge about the State's existing mixed delivery system of early childhood education programs and providers by—

(A) ensuring parents are provided information about the variety of early childhood education programs for children from birth to kindergarten entry in the State's mixed delivery system.

(B) promoting and increasing involvement by parents and family members, including families of disadvantaged youth, in the development of their children and the transition from an existing program into an elementary school.

(4) Sharing best practices between early childhood education program providers in the State to increase collaboration and efficiency of services, including to improve transitions from such programs to elementary school.

(5) After activities under paragraphs (1) and (2) have been completed, improving the overall quality of early childhood education programs in the State, including by developing and implementing evidence-based practices, defined as meeting the requirements of subclauses (I), (II), or (III) of section 8101 (23)(A)(i), to improve professional development for early childhood education providers and educational opportunities for children.

(e) RENEWAL GRANTS.—

(1) IN GENERAL.—The Secretary, jointly with the Secretary of Education, may use funds available under section ⟦9xxx⟧ to award renewal grants, to States described in paragraph (2) to enable such States to continue activities described in subsection (d) or to carry out additional activities described in paragraph (5).

(2) ELIGIBLE STATES.—A State is eligible for a grant under paragraph (1) if—

(A) the State has received a grant under subsection (a)(1) and the grant period has concluded; or

(B)(i) the State has received a preschool development grant for development or expansion under section 14006 of the America Reinvestment and Recovery Act of 2009 (20 U.S.C. 10006) and the grant period for such grant has concluded; and

(ii) the Secretary allows such State to apply directly for a renewal grant under this subsection, rather than an initial grant under subsection (a)(1) if the State submits with its application the needs analysis completed under the preschool development grant, updated, as necessary to respond to current needs, in place of the activities under subsection (d).

(3) DURATION OF GRANTS.—A grant awarded under this subsection shall be for a period of not more than 3 years and may not be renewed by the Secretary or the Secretary of Education.

(4) APPLICATION.—A State described in paragraph (2) that desires a grant under this subsection shall submit an application for renewal at such time and in such manner as the Secretary may reasonably require. The application shall contain—

(A) applicable information required in subsection (b), updated by the State as necessary determined the State;

(B) in the case of a State described in paragraph (2)(A), a description of how funds were used for the activities described in subsection (d) in the initial grant period and the extent to which such activities will continue to be supported in the renewal period;

(C) in the case of a State described in paragraph (2)(B), how a needs assessment completed prior to the date of the application, such as the needs analysis completed under the preschool development grant and updated as

necessary in accordance with paragraph (2)(B)(ii), will be sufficient information to inform the use of funds under this subsection, and a copy of such needs assessment;

(D) a description of how funds will be used for the activities described in paragraph (5) during the renewal grant period, if the State proposes to use grant funds for such activities; and

(E) a description of how the State plans to sustain the activities described in subsection (d) and paragraph (5) with non-Federal sources after such funds are no longer available.

(5) ADDITIONAL ACTIVITIES.—

(A) IN GENERAL.—Each State that receives a grant under this subsection may use grant funds to award subgrants to existing programs in a mixed delivery system across the State designed to benefit low-income and vulnerable children prior to entering kindergarten, to—

(i) enable the existing programs to implement identified areas of improvement as determined by the State through use of funds under subsection (d); and

(ii) as determined through the use of funds under subsection (d), expand access to such existing programs; or

(iii) develop new programs to address the needs of children and families eligible for, but not currently served by such programs, if the State ensures—

(I) the distribution of subgrants under this paragraph supports a mixed delivery system; and

(II) funds made available under this paragraph shall be used to supplement, and not supplant, any other Federal, State, or local funds that would otherwise be available to carry out the activities assisted under this section.

(B) PRIORITY.—In awarding subgrants under this subsection, a State shall prioritize identified activities of improvement in the existing State mixed delivery system of early childhood education, as of the date of award of the subgrant, that would improve services for low-income and vulnerable children living in rural areas.

(C) SPECIAL RULE.—A State receiving a renewal grant under this subsection that elects to award subgrants under this paragraph shall not—

(i) for the first year of the renewal grant, use more than 60 percent of the grant funds available for such year to award such subgrants; and

(ii) for each of the second and third years of the renewal grant, use more than 75 percent of the grant funds available for such year to award subgrants.

(f) STATE REPORTING.—

(1) INITIAL GRANTS.—A State that receives an initial grant under subsection (a)(1) shall submit a final report to the Secretary not later than 6 months after the end of the grant period. The report shall include—

(A) a description of how, and to what extent, funds were utilized for activities described in subsection (d) and any other activities through which funds were used to meet purposes of this subpart;

(B) a description of strategies undertaken at the State level and, if applicable, local or program level, to implement recommendations in the strategic plan developed under subsection (d)(2);

(C) a description of any new partnerships among Head Start providers, State and local governments, Indian tribes and tribal organizations, and private entities (including faith-and community-based) and how these partnerships improve coordination and delivery of services;

(D) if applicable, the degree to which the State used information from the report required under section 13 of the Child Care and Development Block Grant Act of 2014 to inform activities, and how this information was useful in coordinating and collaborating among programs and funding streams;

(E) the extent to which activities funded by the initial grant led to the blending or braiding of other public and private funding;

(F) how information about existing programs for children from birth to kindergarten entry was disseminated to parents and families, and how involvement by parents and family was improved; and

(G) other State-determined and voluntarily provided information to share best practices regarding early childhood education programs, and coordination of such programs.

(2) RENEWAL GRANTS.—A State receiving a renewal grant under subsection (e) shall submit a follow-up report to the Secretary not later than 6 months after the end of the grant period that includes—

(A) the updated information described in paragraph (1); and (B) if applicable, information on how the State was better able to serve children through the distribution of funds in accordance with subsection (e)(5), through—

(i) a description of the activities conducted through the use of subgrant funds, including, where appropriate, measurable areas of program improvement and better utilization of existing resources; and

(ii) best practices from the utilization of subgrant funds, including how to better serve the most vulnerable, underserved, and rural populations.

(g) LIMITATIONS ON FEDERAL INTERFERENCE.—Nothing in this subpart shall be construed to authorize the Secretary or the Secretary of Education to establish any criterion for grants made under this section that specifies, defines, or prescribes—

(1) early learning and development guidelines, standards, or specific assessments, including the standards or measures that States use to develop, implement, or improve such guidelines, standards, or assessments;

(2) specific measures or indicators of quality early learning and care, including—

(A) the systems that States use to assess the quality of early childhood education programs and providers, school readiness, and achievement; and

(B) the term 'high-quality' as it relates to early learning, development, or care;

(3) early learning or preschool curriculum, programs of instruction, or instructional content;

(4) teacher and staff qualifications and salaries;

(5) class sizes and ratios of children to instructional staff;

(6) any criterion a program is required to meet to benefit from activities under this section;

(7) the scope of programs, including length of program day and length of program year; and

(8) any aspect or parameter of a teacher, principal, other school leader, or staff evaluation system within a State, local educational agency, or early childhood education program.

(h) RULE OF CONSTRUCTION.—Nothing in this subpart shall be construed to authorize the Secretary, the Secretary of Education, the State, or another governmental agency to alter requirements for existing programs for which coordination and alignment activities are recommended under this section, or to force programs to adhere to any recommendations developed through this program. The Secretary, the Secretary of Education, State, or agency may only take an action described in this subsection as otherwise authorized under Federal, State, and local laws.

(i) RULE OF CONSTRUCTION.—Nothing in this subpart shall be construed to authorize the Secretary of Education to have sole decision-making or regulatory authority in carrying out the activities under this subpart.

SEC. ____2. REVIEW OF FEDERAL EARLY CHILDHOOD EDUCATION PROGRAMS.

(a) IN GENERAL.—The Secretary of Health and Human Services, in consultation with the heads of all Federal agencies that administer Federal early childhood education programs, shall conduct an interdepartmental review of all early childhood education programs for children less than 6 years of age in order to

(1) Develop a plan for the elimination of overlapping programs, as identified by the Government Accountability Office's 2012 annual report (GAO–12–342SP);

(2) Determine if the activities conducted by States using grant funds from preschool development grants under section 9207 have led to better utilization of resources; and

(3) Make recommendations to Congress for streamlining all such programs.

(b) REPORT AND UPDATES—The Secretary of Health and Human Services, in consultation with the heads of all Federal agencies that administer Federal early childhood education programs, shall—

(1) Not later than 2 years after the date of enactment of this Act, prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee

on Education and the Workforce of the House of Representatives a detailed report that—

(A) Outlines the efficiencies that can be achieved by, and specific recommendations for, eliminating overlap and fragmentation among all Federal early childhood education programs;

(B) Explains how the use by States of preschool development grant funds under section 9207 has led to the better utilization of resources; and

(C) Builds upon the review of Federal early learning and care programs required under section 13 of the Child Care and Development Block Grant Act of 2014 (Public Law 113–186; 128 Stat. 2002); and

(2) Annually prepare and submit to such Committees a detailed update of the report described in paragraph (1).

"SEC.___. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to the Secretary of Health and Human Services to carry out this subpart $250,000,000 for each of fiscal years 2017 through 2020. **[**Note: This authorization should be moved up into section 9xxx, with the other authorizations for this part, when incorporated into Title IX (National Activities).**]**".

Report Language: "The Conferees intend for Preschool Development Grants to be jointly administered by the Department of Health and Human Services and the Department of Education. Recognizing the expertise that the Department of Education has in helping States develop and expand early learning programs, the Conferees expect that the Department of Education willbean equal partner with the Department of Health and Human Services in decision making around the selection of grantees, communicating with States, and providing technical assistance to States throughout the grant process in order to increase the quality of and overall participation of children in early childhood education programs."

75. The Senate bill, but not the House amendment, authorizes the Innovation Schools Demonstration Authority. See note 78.

SR

76. The Senate bill, but not the House amendment, authorizes the Full-Service Community Schools program. See note 78.

HR with an amendment to insert the following as a new Title IV Part [F]:

SEC. 4 XXX. FULL–SERVICE COMMUNITY SCHOOLS.

(a) APPLICATION.—An eligible entity that desires a grant under this subpart for activities described in this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require. The Secretary shall require that each such application include the following:

(1) A description of the eligible entity.

(2) A memorandum of understanding among all partner entities that will assist the eligible entity to coordinate and provide pipeline services and that describes the roles the partner entities will assume.

(3) A description of the capacity of the eligible entity to coordinate and provide pipeline services at 2 or more full-service community schools.

(4) A comprehensive plan that includes descriptions of the following:

(A) The student, family, and school community to be served, including information about demographic characteristics.

(B) A needs assessment that identifies the academic, physical, nonacademic, health, mental health, and other needs of students, families, and community residents.

(C) Annual measurable performance objectives and outcomes, including an increase in the number and percentage of families and students targeted for services each year of the program, in order to ensure that children are—

(i) prepared for kindergarten;

(ii) achieving academically; and

(iii) safe, healthy, and supported by engaged parents.

(D) Pipeline services, including existing and additional pipeline services, to be coordinated and provided by the eligible entity and its partner entities, including an explanation of—

(i) why such services have been selected;

(ii) how such services will improve student academic achievement; and

(iii) how such services will address annual measurable performance objectives and outcomes established under subparagraph (C).

(E) Plans to ensure that each full-service community school site has full-time coordination and management of pipeline services at such school, including a description of the applicable funding sources, plans for professional development for the personnel managing, coordinating, or delivering pipeline services, and plans for joint utilization and management of school facilities.

(F) Plans for periodic evaluation based upon attainment of the performance objectives and outcomes described in subparagraph (C).

(G) Plans for sustaining the programs and services described in this subsection after the grant period.

(5) An assurance that the eligible entity and its partner entities will focus services on schools eligible for a schoolwide program under section 1114(b).

(b) PRIORITY.—In awarding grants under this subpart for activities described in this section, the Secretary shall give priority to eligible entities that—

(1)(A) will serve a minimum of 2 or more full-service community schools eligible for a schoolwide program under section 1114(b), as part of a community- or district-wide strategy; or

(B) include a local educational agency that satisfies the requirements of—

(i) subparagraph (A), (B), or (C) of section [5311(b)(1)]; or

(ii) subparagraphs (A) and (B) of section 5321(b)(1);

(2) will be connected to a consortium comprised of a broad representation of stakeholders or a consortium demonstrating a history of effectiveness; and

(3) will use funds for evidence-based activities described in subsection (e), defined for purposes of this paragraph as activities that meet the requirements of section [8101(23)(A)(i)].

(c) PLANNING.—The Secretary may authorize an eligible entity receiving a grant under this subpart for activities described in this section to use not more than 10 percent of the total amount of grant funds for planning purposes.

(d) MINIMUM AMOUNT.—The Secretary may not award a grant under this subpart for activities described in this section to an eligible entity in an amount that is less than $75,000 for each year of the grant period, subject to the availability of appropriations.

(e) USE OF FUNDS.—Grants awarded under this subpart for activities described in this section shall be used to—

(1) coordinate not less than 3 existing pipeline services, and provide not less than 2 additional pipeline services, at 2 or more public elementary schools or secondary schools;

(2) integrate multiple services into a comprehensive, coordinated continuum to achieve the annual measurable performance objectives and outcomes under subsection (a)(4)(C) to meet the holistic needs of children; and

(3) if applicable, coordinate and integrate services provided by community-based organizations and government agencies with services provided by specialized instructional support personnel.

(f) EVALUATIONS BY THE INSTITUTE OF EDUCATION SCIENCES.—The Secretary, acting through the Director of the Institute of Education Sciences, shall conduct evaluations on the effectiveness of grants under this subpart for activities described in this section in achieving the purpose described in section 4621(2).

(g) EVALUATIONS BY GRANTEES.—The Secretary shall require each eligible entity receiving a grant under this subpart for activities described in this section—

(1) to conduct periodic evaluations of the progress achieved with the grant toward the purpose described in section 4621(2);

(2) to use such evaluations to refine and improve activities carried out through the grant and the annual measurable performance objectives and outcomes under subsection (a)(4)(C); and

(3) to make the results of such evaluations publicly available, including by providing public notice of such availability.

(h) CONSTRUCTION CLAUSE.—Nothing in this section shall be construed to alter or otherwise affect the rights, remedies, and procedures afforded school or local educational agency employees under Federal, State, or local laws (including applicable regulations or court orders) or under the terms of collective bargaining agreements, memoranda of understanding, or other agreements between such employees and their employers.

(i) SUPPLEMENT, NOT SUPPLANT.—Funds made available to an eligible entity through a grant under this subpart for activities de-

scribed in this section may be used only to supplement, and not supplant, any other Federal, State, or local funds that would otherwise be available to carry out the activities assisted under this section.

77. The Senate bill, but not the House amendment, authorizes the Promise Neighborhoods program. See note 78.

HR/SR with amendment to strike and insert the following as a new Title IV Part [X]:

SEC. 4XXX. PROMISE NEIGHBORHOODS.

(a) APPLICATION REQUIREMENTS.—An eligible entity desiring a grant under this subpart for activities described in this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require, including, at a minimum, all of the following:

(1) A plan to significantly improve the academic outcomes of children living in a neighborhood that is served by the eligible entity—

(A) by providing pipeline services that address the needs of children in the neighborhood, as identified by the needs analysis described in paragraph (4); and

(B) that is supported by evidence-based practices.

(2) A description of the neighborhood that the eligible entity will serve.

(3) Measurable annual objectives and outcomes for the grant, in accordance with the metrics described in subsection (h), for each year of the grant.

(4) An analysis of the needs and assets of the neighborhood identified in paragraph (1), including—

(A) the size and scope of the population affected;

(B) a description of the process through which the needs analysis was produced, including a description of how parents, families, and community members were engaged in such analysis;

(C) an analysis of community assets and collaborative efforts (including programs already provided from Federal and non-Federal sources) within, or accessible to, the neighborhood, including, at a minimum, early learning opportunities, family and student supports, local businesses, and institutions of higher education;

(D) the steps that the eligible entity is taking, at the time of the application, to address the needs identified in the needs analysis; and

(E) any barriers the eligible entity, public agencies, and other community-based organizations have faced in meeting such needs.

(5) A description of all data that the entity used to identify the pipeline services to be provided and how the eligible entity will—

(A) collect data on children served by each pipeline service; and

(B) increase the percentage of children served over time.

(6) A description of the process used to develop the application, including the involvement of family and community members.

(7) A description of how the pipeline services will facilitate the coordination of the following activities:

(A) Providing early learning opportunities for children, including by—

(i) providing opportunities for families to acquire the skills to promote early learning and child development; and

(ii) ensuring appropriate diagnostic assessments and referrals for children with disabilities and developmental delays, consistent with the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), where applicable.

(B) Supporting, enhancing, operating, or expanding rigorous and comprehensive evidence-based educational improvements, which may include high-quality academic programs, expanded learning time, and programs and activities to prepare students for postsecondary education admissions and success.

(C) Supporting partnerships between schools and other community resources with an integrated focus on academics and other social, health, and familial supports.

(D) Providing social, health, nutrition, and mental health services and supports, for children, family, and community members, which may include services provided within the school building.

(E) Supporting evidence-based programs that assist students through school transitions, which may include expanding access to postsecondary education courses and postsecondary education enrollment aid or guidance, and other supports for at-risk youth.

(8) A description of the strategies that will be used to provide pipeline services (including a description of which programs and services will be provided to children, family members, community members, and children within the neighborhood) to support the purpose described in section 4621(1).

(9) An explanation of the process the eligible entity will use to establish and maintain family and community engagement, including—

(A) involving representative participation by the members of such neighborhood in the planning and implementation of the activities of each grant awarded under this subpart for activities described in this section;

(B) the provision of strategies and practices to assist family and community members in actively supporting student achievement and child development;

(C) providing services for students, families, and communities within the school building; and

(D) collaboration with institutions of higher education, workforce development centers, and employers to align expectations and programming with postsecondary education and workforce readiness,

(10) An explanation of how the eligible entity will continuously evaluate and improve the continuum of high-quality pipeline services to provide for continuous program improvement and potential expansion.

(b) PRIORITY.—In awarding grants for activities described in this section, the Secretary shall give priority to eligible entities that will use funds under subsection (d) for evidence-based activities, which, for purposes of this [subsection], is defined as activities meeting the requirement of [section 8101(23)(A)(i)].

(c) MEMORANDUM OF UNDERSTANDING.—As eligible entity shall, as part of the application described in subsection (a), submit a preliminary memorandum of understanding, signed by each partner entity or agency described in section 4622(1)(A)(3) (if applicable) and detailing each partner's financial, programmatic, and long-term commitment with respect to the strategies described in the application.

(d) USES OF FUNDS.—Each eligible entity that receives a grant under this subpart to carry out a program of activities described in this section shall use the grant funds to—

(1) support planning activities to develop and implement pipeline services;

(2) implement the pipeline services; and

(3) continuously evaluate the success of the program and improve the program based on data and outcomes.

(e) SPECIAL RULES.—

(1) FUNDS FOR PIPELINE SERVICES.—Each eligible entity that receives a grant under this subpart for activities described in this section shall, for the first and second year of the grant, use not less than 50 percent of the grant funds to carry out the activities described in subsection (d)(1).

(2) OPERATIONAL FLEXIBILITY.—Each eligible entity that operates a school in a neighborhood served by a grant program under this subpart for activities described in this section shall provide such school with the operational flexibility, including autonomy over staff, time, and budget, needed to effectively carry out the activities described in the application under subsection (a).

(3) LIMITATION ON USE OF FUNDS FOR EARLY CHILDHOOD EDUCATION PROGRAMS.—Funds provided under this subpart for activities described in this section that are used to improve early childhood education programs shall not be used to carry out any of the following activities:

(A) Assessments that provide rewards or sanctions for individual children or teachers.

(B) A single assessment that is used as the primary or sole method for assessing program effectiveness.

(C) Evaluating children, other than for the purposes of improving instruction, classroom environment, professional development, or parent and family engagement, or program improvement.

(f) REPORT.—Each eligible entity that receives a grant under this subpart for activities described in this section shall prepare and submit an annual report to the Secretary, which shall include—

(1) information about the number and percentage of children in the neighborhood who are served by the grant program, including a description of the number and percentage of children accessing each support or service offered as part of the pipeline services; and

(2) information relating to the performance metrics described in subsection (h).

(g) PUBLICLY AVAILABLE DATA.—Each eligible entity that receives a grant under this subpart for activities described in this section shall make publicly available, including through electronic means, the information described in subsection (f). To the extent practicable, such information shall be provided in a form and language accessible to parents and families in the neighborhood served under the grant, and such information shall be a part of statewide longitudinal data systems.

(h) PERFORMANCE METRICS.—

(1) IN GENERAL.—Each eligible entity that receives a grant under this subpart for activities described in this section shall collect data on performance indicators of pipeline services and family and student supports and report the results to the Secretary, who shall use the results as a consideration in continuing grants after the third year of the initial grant period and in awarding grant renewals.

(2) INDICATORS.—The performance indicators shall address the entity's progress toward significantly improving the academic and developmental outcomes of children living in the most distressed communities of the United States from birth through postsecondary education and career entry, including ensuring school readiness, high school graduation, and postsecondary education and career readiness for such children, through—

(A) the use of data-driven decision making; and

(B) access to a community-based continuum of high-quality services, beginning at birth.

(i) EVALUATION.—The Secretary shall reserve not more than 5 percent of the funds made available under section 4601(b)(2)(A) to provide technical assistance and evaluate the implementation and impact of the activities funded under this section, in accordance with section 8601.

78. The House amendment, but not the Senate bill, authorizes a Local Academic Flexible Grant in Title III, Part B of the House amendment.

HR

TITLE VI—INNOVATION AND FLEXIBILITY

1. The Senate bill, but not the House amendment, inserts purposes for Title VI.

SR

2. The House repeals Title VI.

HR

3. The Senate bill and House amendment both strike subpart 1 of Part A of Title VI.

LC

4. The Senate bill and House amendment both strike subpart 4 of Part A of Title VI.

LC

5. That Senate bill redesignates subpart 2 as subpart 1. The House amendment strikes subpart 2 of Part A of Title VI.

HR

6. The Senate bill allows SEAs and LEAs to transfer Title II Part A, Title IV Part A, and funding from the I–TECH program between program titles or into Title I. The House amendment allows funding within Title I to be transferred to other programs within Title I, but repeals section 6113. See note 5.

HR/SR with an amendment to read as follows:

(3) by amending section 5102, as redesignated by paragraph (2), to read as follows:

SEC. 5102. PURPOSE.

The purpose of this part is to allow States and local educational agencies the flexibility to target Federal funds to the programs and activities that most effectively address the unique needs of States and localities."

(4) in section 5103, as redesignated by paragraph (2)—

(A) in subsection (a)—

(i) in paragraph (1)—

(I) in the matter preceding subparagraph (A)—

(aa) by striking "subpart" and inserting "part"; and

(bb) by striking "not more than 50 percent of the nonadministrative State funds" and inserting "all, or any lesser amount, of State funds"; and

(II) by striking subparagraphs (A) through (D) and inserting the following:

(A) Part A of title II.

(B) Part A of title IV.

(C) Section 4202(c)(3)."; and

(ii) by striking paragraph (2) and inserting the following:

(2) ADDITIONAL FUNDS.—In accordance with this part, a state may transfer any funds allotted to the State under a provision listed in paragraph (1) for a fiscal year to its allotment under any other of the following provisions:

(A) Part A of title I.

(B) Part C of title I.

(C) Part D of title I.

(D) Part A of title III. and

(E) Part C of title V."; and

(B) in subsection (b)—

(i) in paragraph (1)—

(I) in subparagraph (A)—

(aa) by striking "subpart" and inserting "part";

(bb) by striking "(except" and all that follows through "subparagraph (C))" and insert-

ing "may transfer all, or any lesser amount, of the funds allocated to it";

(II) by—

(aa) striking subparagraph (B) and

(bb) redesignating subparagraph (C) as subparagraph (B); and;

(cc) by amending subparagraph (B), as redesignated in item (bb) to read as follows:

(B) ADDITIONAL FUNDS FOR TITLE I.—In accordance with this part, a local educational agency may transfer any funds allotted to such agency under a provision listed in paragraph (2) for a fiscal year to its allotment under any other of the following provisions:

(i) Part A of title I;

(ii) Part C of title I;

(iii) Part D of title I;

(iv) Part A of title III; and

(v) Part C of title V." and

(ii) in paragraph (2)—

(I) by striking "subparagraph (A), (B), or (C)" and inserting "subparagraph (A) or (B)"; and

(II) by striking subparagraphs (A) through (D) and inserting the following:

(A) Part A of title II.

(B) Part A of title IV.

(C) Section 4202(c)(3).": and

(C) by striking subsection (c) and inserting the following:

(c) NO TRANSFER OF CERTAIN FUNDING.—A State or local educational agency may not transfer under this part to any other program any funds allotted or allocated to it for the following provisions:

(1) Part A of title I.

(2) Part C of title I.

(3) Part D of title I.

(4) Part A of title III.

(5) Part B of title V."; and

(d) MODIFICATION OF PLANS AND APPLICATIONS; NOTIFICATION.—

(1) STATE TRANSFERS.—Each State that makes a transfer of funds under this section shall—

(A) modify, to account for such transfer, each State plan, or application submitted by the State, to which such funds relate;

(B) not later than 30 days after the date of such transfer, submit a copy of such modified plan or application to the Secretary; and

(C) not later than 30 days before the effective date of such transfer, notify the Secretary of such transfer.

(2) LOCAL TRANSFERS.—Each local educational agency that makes a transfer of funds under this section shall—

(A) modify, to account for such transfer, each local plan, or application submitted by the agency, to which such funds relate;

(B) not later than 30 days after the date of such transfer, submit a copy of such modified plan or application to the State; and

(C) not later than 30 days before the effective date of such transfer, notify the State of such transfer.

(e) APPLICABLE RULES.—

(1) IN GENERAL.—Except as otherwise provided in this part, funds transferred under this section are subject to each of the rules and requirements applicable to the funds under the provision to which the transferred funds are transferred.

(2) CONSULTATION.—Each State educational agency or local educational agency that transfers funds under this section shall conduct consultations in accordance with section **[**9501**]**, if such transfer transfers funds from a program that provides for the participation of students, teachers, or other educational personnel, from private schools.

7. The Senate bill, but not the House amendment, authorizes a weighted student funding flexibility pilot program for LEAs.

HR with an amendment to redesignate this program as Title I, Part E, and redesignated Part E of Title I as Part F, and amend the language of the program as follows:

PART E—FLEXIBILITY FOR EQUITABLE PER-PUPIL FUNDING

SEC. [1xxx]. FLEXIBILITY FOR EQUITABLE PER-PUPIL FUNDING

(a) PURPOSE.—The purpose of the program under this section is to provide local educational agencies with flexibility to consolidate eligible Federal funds and State and local education funding in order to create a single school funding system based on weighted per-pupil allocations for low-income and otherwise disadvantaged students.

(b) AUTHORITY.—(1) IN GENERAL.—The Secretary is authorized to enter into local flexibility demonstration agreements—

(A) for not more than 3 years with local educational agencies that are selected under subsection (c) and submit proposed agreements that meet the requirements of subsection (d); and

(B) under which such agencies may consolidate and use funds in accordance with subsection (d) in order to develop and implement a school funding system based on weighted per-pupil allocations for low-income and otherwise disadvantaged students.

(2) FLEXIBILITY.—Except as described in subparagraph (J) of subsection (d)(1), the Secretary is authorized to waive for local educational agencies entering into agreements under this section any provision of this Act that would otherwise prevent such agency from using eligible Federal funds as part of such agreement.

(c) SELECTION OF LOCAL EDUCATIONAL AGENCIES.—

(1) IN GENERAL.—The Secretary may enter into local flexibility demonstration agreements with not more than 50 local educational agencies with an approved application under subsection (d).

(2) SELECTION.—Each local educational agency shall be selected based on such agency—

(A) submitting a proposed local flexibility demonstration agreement under subsection (d);

(B) demonstrating that the agreement meets the requirements of subsection (d); and

(C) agreeing to meet the continued demonstration requirements under subsection (e).

(3) EXPANSION.—Beginning with the 2019–2020 academic year, the Secretary may extend funding flexibility authorized under this part to any local educational agency that submits and has approved an application under subsection (d), so long as the demonstration agreements with local educational agencies described in paragraph (1) meet the requirements of subsection (d)(2) and subsection (e)(1)..

(d) REQUIRED TERMS OF LOCAL FLEXIBILITY DEMONSTRATION AGREEMENT.—

(1) APPLICATION.—Each local educational agency that desires to participate in the program under this section shall submit, at such time and in such form as the Secretary may prescribe, an application to enter into a local flexibility demonstration agreement with the Secretary in order to develop and implement a school funding system based on weighted per-pupil allocations that meets the requirements of this section. The application shall include—

(A) a description of the school funding system based on weighted per-pupil allocations, including the weights used to allocate funds within the system, the local educational agency's legal authority to use local and State education funds consistent with this section, how the system will meet the requirements under paragraph (2), and how the system will support the academic achievement of students, including low-income students, the lowest-achieving students, English learners, and students with disabilities;

(B) a list of funding sources, including eligible Federal funds the local educational agency will include in such system;

(C) a description of the amount and percentage of total local educational agency funding, including State, local, and eligible Federal funds, that will be allocated through such system;

(D) the per-pupil expenditures (including actual personnel expenditures, including staff salary differentials for years of employment, and actual nonpersonnel expenditures) of State and local funds for each school served by the agency for the preceding fiscal year;

(E) the per-pupil amount of eligible Federal funds each school served by the agency, disaggregated by program, received in the preceding fiscal year;

(F) a description of how the system will ensure that any eligible Federal funds allocated through the system will meet the purposes of each Federal funding stream, including serving students from low-income families, English learners, migratory children, and children who are neglected, delinquent, or at risk, as applicable:

Report Language: "It is the Conferees' intent that eligible Federal funds will be used with State and local education funds to meet the needs of students from low-income families, English learners, migratory children, and children who are neglected, delinquent, or at risk, as applicable. This should not be interpreted to require that every dollar a local educational agency receives under a Federal program be allocated to a student who otherwise would have been identified under that program, but should be interpreted to require that the weighted student funding system under this section will broadly serve the students and the purposes for which the funding is provided."

(H) an assurance that the local educational agency developed and will implement the local flexibility demonstration agreement in consultation with teachers, principals, other school leaders, including charter school leaders (in a local educational agency that has charter schools), administrators of Federal programs impacted by the agreement, parents, community leaders, and other relevant stakeholders;

(I) an assurance that the local educational agency will use fiscal control and sound accounting procedures that ensure proper disbursement of, and accounting for, eligible Federal funds consolidated and used under such system;

(J) an assurance that the local educational agency will continue to meet the fiscal provisions in section **[**1118**]** and the requirements under sections 1120 and **[**9501**]**; and

(K) an assurance that the local educational agency will meet the requirements of all applicable Federal civil rights laws in carrying out the agreement and in consolidating and using funds under the agreement."

(2) REQUIREMENTS OF SYSTEM.—A local educational agency's school funding system based on weighted per-pupil allocations shall meet each of the following requirements:

(A) The system shall—

(i) except as allowed under subparagraph (B), allocate a significant portion of funds, including State, local, and eligible Federal funds, to the school level based on the number of students in a school and a formula developed by the agency under this section that determines per-pupil weighted amounts; and

(ii) use weights or allocation amounts that allocate substantially more funding to English learners and students from low-income families, and students with any other characteristics chosen by the local education agency, than to other students; and

(iii) ensure that each high-poverty school received more per-pupil funding, including from Federal, State, and local sources, for low-income students and at least as much per-pupil funding, including from Federal, State, and local sources, for English learners as the school received in the year prior to carrying out the pilot program.

(B) The system shall be used to allocate to schools a significant portion, which percentage shall be agreed upon during the application process and shall include all school-level actual personnel expenditures for instructional staff and actual nonpersonnel expenditures, of all the local educational agency's local and State education funds, and eligible Federal funds; and

(C) In establishing the percentage in subparagraph (B), the district shall demonstrate that the percentage under such subparagraph is sufficient to carry out the purposes of the pilot and to meet each of the requirements of (d) and that the percentage of local and State education funds, and eligible Federal funds that are not allocated through the formula does not undermine or conflict with the requirements of the pilot including (d)(2)C).

Report Language: "The Conferees intend that the single school funding system will be used to, from the beginning, allocate a significant portion of all the local educational agency's local and State education funds, as well as eligible Federal funds, and that this portion will continue to increase over time. Reporting on how funds not allocated through the system are being spent will continue to occur. The Conferees intend that the negotiation between the Secretary and school district to establish the initial portion will be based on best practices in the field."

(D) After allocating funds through the school funding system, the local educational agency shall charge schools for the per-pupil expenditures of Federal, State, and local funds, including actual personnel expenditures for instructional staff and actual nonpersonnel expenditures.

(e) CONTINUED DEMONSTRATION.—Each local educational agency with an approved application under subsection (d) shall annually—

(1) demonstrate to the Secretary that no high-poverty school served by the agency received less per-pupil funding, including from Federal, State, and local sources, for low-income students or less per-pupil funding, including from Federal, State, and local sources, for English learners than the school received in the previous year;

(2) make public and report to the Secretary the per-pupil expenditures (including actual personnel expenditures that include staff salary differentials for years of employment, and actual non-personnel expenditures) of State, local, and Federal funds for each school served by the agency, and disaggregated by student poverty quartile and by minority student quartile for the preceding fiscal year; and

(3) make public the total number of student enrolled in each school served by the agency and the number of students enrolled in each such school disaggregated by each of the subgroups of students, as defined in section 1111(c)(2).

(f) ELIGIBLE FEDERAL FUNDS.—In this section, the term 'eligible Federal funds' means funds received by a local educational agency under titles I, II, and III, Part A of IV, and Part C of Title V of this Act.

(g) LIMITATIONS ON ADMINISTRATIVE EXPENDITURES.—Each local educational agency that has entered into a local flexibility demonstration agreement with the Secretary under this section may use, for administrative purposes, from eligible Federal funds not more than the percentage of funds allowed for such purpose under any of titles I, II, or III, Part A of Title IV, or Part C of Title V.

(h) PEER REVIEW.—The Secretary may establish a peer-review process to assist in the review of a proposed local flexibility demonstration agreement.

(i) NONCOMPLIANCE.—The Secretary may, after providing notice and an opportunity for a hearing (including the opportunity to provide information as provided for in subsection (j)), terminate a local flexibility demonstration agreement under this section if there is evidence that the local educational agency has failed to comply with the terms of the agreement and the requirements under subsections (d) and (e).

(j) EVIDENCE.—If a local educational agency believes that the Secretary's determination under subsection (i) is in error for statistical or other substantive reasons, the local educational agency may provide supporting evidence to the Secretary, and the Secretary shall consider that evidence before making a final termination determination.

(k) PROGRAM EVALUATION.—From the amount reserved for evaluation activities in section **[**9601**]**, the Secretary, acting through the Director of the Institute of Education Sciences, shall, in consultation with the relevant program office at the Department, evaluate the implementation and impact of the local flexibility demonstration agreements under this section, consistent with section **[**9601**]** and specifically on improving the equitable distribution of State and local funding and increasing student achievement.

(l) RENEWAL OF LOCAL FLEXIBILITY DEMONSTRATION AGREEMENT.—The Secretary may renew for additional 3-year terms a local flexibility demonstration agreement under this section if—

(1) the local educational agency has met the requirements under subsections (d)(2) and (e) and agrees to and has a high likelihood of continuing to meet such requirements; and

(2) the Secretary determines that renewing the local flexibility demonstration agreement is in the interest of students served under titles I and III, including students from low-income families, English learners, migratory children, and children who are neglected, delinquent, or at risk.

(m) DEFINITION OF HIGH–POVERTY SCHOOL.—In this section, the term 'high-poverty school' means a school that is in the highest 2 quartiles of schools served by a local educational agency, based on the percentage of enrolled students from low-income families.".

8. The House amendment redesignates subpart 1 of part B of title VI as subpart 5 of part A of title I. Section 6202 in the Senate bill is redesignated to section 1230 in the House amendment.

HR/SR with an amendment to redesignate subpart 1 of Part B of Title VI as subpart 1 of Part C of Title V.

9. The House amendment redesignates subpart 1 of Part B of Title VI as chapter A of subpart 5 of Part A of Title I. The name

of the program is the same in both the Senate bill and House amendment.

LC

10. The Senate bill, but not the House amendment, includes changes to references in section 6211 for use of funds flexibility. The House amendment repeals such section.

HR

11. The House amendment, but not the Senate bill, redesignates subsection (b) of section 6212 as subsection (d) of section 1231.

HR

Report Language: "It is the Conferees" intent that, should the current locale codes required under this part no longer exist due to being revised as part of improvements necessary to support Institute of Education Sciences statistical programs, the Secretary of Education work with relevant agencies to examine the impact of such revisions on rural school districts for various programs across all federal laws and consult, to the extent practicable, with the Committee on Health, Education, Labor and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives to discuss the impact of the changes."

12. The Senate bill, but not the House amendment, makes a technical edit in subparagraph (B) to account for a later change.

HR

13. The Senate bill, but not the House amendment, includes new eligibility language for educational service agencies.

HR

14. The Senate bill, but not the House amendment, includes references for applicable funding for the Small, Rural, Schools Achievement program.

HR with an amendment to strike "Part G of Title V" and insert "[subpart 3 of Part E of Title IV]"

15. The House amendment redesignates section 6212 as section 1231 of chapter A of subpart 5 of Part A of Title I.

LC

16. The House amendment specifies a 0.6 of 1 percent reservation for the Small, Rural Schools Achievement program. The Senate bill includes no such reservation, but authorizes funds to be spent equally between subparts 1 and 2 of Part B of Title VI. **See note 53.**

HR

17. The Senate bill allows funding to be spent on activities under Part A of Title II. The House amendment allows funding to be spent on activities under all of Title II.

HR

18. The Senate bill, but not the House amendment, allows funding to be spent on activities under Part A or B of Title IV.

HR with an amendment to strike "or Part B"

19. The Senate bill, but not the House amendment, allows funding to be spent on activities under Part G of Title V.

HR with an amendment to strike "Part G of Title V" and insert ["subpart 3 of Part E of Title IV"]

20. The Senate bill, but not the House amendment, adds a new paragraph (1) and heading.

HR

21. The Senate bill and House amendment make similar modifications to this provision related to the amounts local educational agencies receive, except the House amendment only subtracts the total received under subpart 2 of Part A of Title II and the Senate bill subtracts all funding for Part A of Title II, Part A of Title IV, Part G of Title V. See note 14.

LC

22. The Senate bill, but not the House amendment, provides a special determination for funding amounts for LEAs that are members of an educational service agency.

HR

23. The Senate bill is restructured to include a new subparagraph with a heading.

HR

24. The Senate bill, but not the House amendment, provides a special rule for increased initial amounts subject to appropriations.

HR with an amendment to strike "252" and insert "265"

25. Both the Senate bill and House amendment include similar hold harmless provisions, except the Senate bill includes a section reference and the House amendment includes different internal references. See note 11.

LC

26. The House amendment, but not the Senate bill, redesignates subsection (d) as subsection (e).

HR

27. The Senate bill, but not the House amendment, requires local educational agencies to administer an assessment consistent with the requirements under section 1111(b)(2) of such bill.

SR on language. LC on structure.

28. The House amendment redesignates subpart 2 of Part B of Title VI as chapter B of subpart 5 of Part A of Title I.

LC

29. The House amendment redesignates section 6221 as section 1235.

LC

30. The House amendment changes internal cross-references to account for earlier restructuring of the program.

LC

31. The House amendment specifies a 0.6 of 1 percent reservation for the Rural and Low-Income School program. The Senate bill includes no such reservation, but authorizes funds to be spent equally between subparts 1 and 2 of Part B of Title VI. See note 55.

HR

32. The House amendment changes internal cross-references to the eligibility and application section to account for earlier restructuring of the program.

LC

33. The House amendment changes internal cross-references to account for differences in bill structure.

LC

34. The House amendment redesignates section 6222 as section 1236.

LC

35. The Senate bill describes that funds "shall be used for any of the following:" The House amendment refers to "shall be used for activities authorized under any of the following" when describing how grant funds will be used.

LC

36. The Senate bill allows funding to be spent on activities under part A ofTtitle II. The House amendment allows funding to be spent on activities under all of Title II.

HR

37. The Senate bill, but not the House amendment, allows funding to be spent on activities under Part A of Title IV.

HR

38. The Senate bill, but not the House amendment, allows funding to be spent on parental involvement activities.

HR

39. The Senate bill, but not the House amendment, allows funding to be spent on activities under Part G of Title V.

LC

40. The House amendment redesignates section 6223 as section 1237.

LC

41. The Senate bill and House contain identical language for general information, except for references to "chapter" and "subpart".

LC

42. The Senate bill requires program objectives and outcomes for how students will meet State academic standards. The House amendment does not, but requires a description of how the SEA, specially qualified agency, or LEA will use funds to help students meet academic standards.

HR

43. The Senate bill includes the word "challenging" as it relates to State academic standards.

HR

44. The Senate bill and House amendment are identical, except for section references to account for a different structure.

LC

45. The House amendment redesignates section 6224 as section 1238.

LC

46. The Senate bill, but not the House amendment, requires that 'if the report is submitted by the SEA, then it must describe the methods and criteria the SEA will use to award grants to LEAs. The House amendment requires the report to describe the methods and criteria the SEA or specially qualified agency will use to award grants to LEAs.

HR

47. The Senate bill, but not the House amendment, refers to "objectives and outcomes" when describing how progress has been met in meeting State standards.

HR

48. The Senate bill refers to "challenging State academic standards". The House amendment refers to "State academic standards".

HR

49. The Senate bill requires a summary report to be prepared by the Secretary of Education and submitted to Congress. The House amendment does not contain this provision.

SR

50. The Senate bill, but not the House amendment, updates a cross reference to section 1111.

SR on language. LC on structure.

51. Both the Senate bill and House amendment contain virtually identical provisions related to choice of participation, except for different section references.

LC

52. The House amendment redesignates section 6231 as section 1241 and makes technical changes to update section references.

LC

53. The House amendment redesignates section 6233 as section 1242 and makes technical changes to update section references.

LC

54. The House amendment redesignates section 6234 as section 1243 and makes technical changes to update section references.

LC

55. The Senate bill authorizes "such sums" as may be necessary for reach of the fiscal years 2016 through 2021. The House amendment does not contain this provision for authorizations of appropriations.

HR with amendment to strike "such sums as may be necessary for each of the fiscal years 2016 through 2021" and insert "$169,840,000 for each of the fiscal years 2017 through 2020"

56. The Senate bill maintains and makes a minor change to a prohibition on Federal mandates, direction or control that applies to Title VI. The House amendment does not include this provision as it applies specifically to Title VI, but includes similar provisions in the general provisions of the Act.

HR

57. The Senate bill maintains the rule of construction on equalized spending. The House amendment includes this language in the general provisions of Title I to reflect the restructuring in the House amendment.

LC

58. The Senate bill, but not the House amendment, includes a review relating to rural local educational agencies at the Department of Education.

HR to strike and replace with the following:

SEC. 6005. REVIEW RELATING TO RURAL LOCAL EDUCATIONAL AGENCIES.

(a) REVIEW AND REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary of Education shall—

(1) review the organization, structure, and process and procedures of the Department of Education for administering

its programs and developing policy and regulations, in order to—

(A) assess the methods and manner through which, and the extent to which, the Department of Education takes into account, considers input from, and addresses the unique needs and characteristics of rural schools and rural local educational agencies; and

(B) determine actions that the Department of Education can take to meaningfully increase the consideration and participation of rural schools and rural local educational agencies in the development and execution of the processes, procedures, policies, and regulations of the Department of Education;

(2) make public a preliminary report containing the information described under paragraph (1) and provide Congress and the public with 60 days to comment on the proposed actions under paragraph (1)(B); and

(3) taking into account comments submitted under paragraph (2), issue a final report to the Committee on Health, Education, Labor, and Pensions of the Senate, which shall describe the final actions developed pursuant to paragraph (1)(B).

(b) IMPLEMENTATION.—Not later than 2 years after the date of enactment of this Act, the Secretary of Education shall—

(1) implement each action described in the report under subsection (a)(3); or

(2) provide a written explanation to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives of why the action was not carried out.

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

0. **LC**, remove references to Alaska Native in current law since they are included in the definition of Indian.

1. The Senate bill and House amendment have these programs in different titles. Senate is Title VII; House is Title V.

HR/SR with an amendment to redesignate Title VII as Title VI

2. The Senate bill and House amendment have different title headings.

HR

3. The Senate bill and House amendment have different section headings.

HR

4. The House amendment, but not the Senate bill, includes sentence at the end further clarifying the policy of the United States.

SR

5. The Senate bill and House amendment have different section numbers.

LC

6. The Senate bill and House amendment have similar paragraphs (1) but wording is slightly different.

SR with an amendment to strike "State student academic achievement standards" and insert "the challenging State academic standards, consistent with section 1111(b)(1)"

7. The Senate bill uses term "American Indian" in (2) and (3) where House amendment uses "Indian".

SR

8. The Senate bill includes "principals" in (3).

SR with amendment to strike "school leaders" and insert "principals, other school leaders"

8a. The House amendment includes "culturally appropriate".

SR

8b. The Senate bill includes "supports" in (3).

HR

9. The House amendment, but not the Senate bill, includes "Indian tribes and organizations and other entities".

SR

10. The Senate bill and House amendment are similar except for different structures of purpose statement.

LC

11. The Senate bill says "that are designed to meet the unique . . ." and the House amendment says "by providing for their unique"

HR

12. The Senate bill includes "challenging" and section 1111 reference as it relates to standards.

HR

13. The House amendment, but not the Senate bill, includes "(3) Indian organization; and (4) Alaska Native Organizations."

HR with amendment to insert in paragraph (2) "as provided under (c)(1)" after "Indian tribes" and to insert a new paragraph (3) "Indian organization as provided under (c)(1)"

14. The Senate bill, but not the House amendment, includes paragraph (3) regarding consortia arrangements.

HR with amendment to redesignate (3) as (4) and insert "will" before "receive the"

15. The Senate bill, but not the House amendment, adds 'Subject to paragraph (2)".

HR

16. The Senate bill, but not the House amendment, includes paragraph (2) regarding cooperative agreements.

HR

17. The Senate bill and House amendment have different titles for subsection (c).

HR

18. The House amendment, but not the Senate bill, includes Alaska Native Organizations and specifically mentions Alaska Native children.

HR

19. The Senate bill, but not the House amendment, sets representation threshold at more than one-half of eligible children and House amendment sets it at not less than one-third.

HR

20. The Senate bill, but not the House amendment, includes paragraph (2) regarding unaffiliated Indian tribes.

SR

21. The House amendment, but not the Senate bill, includes Alaska Native Organization after Indian Organization in House amendment (2)(A) and (B)

HR

22. The Senate bill refers to "such tribe, Indian organization or consortium" and the House amendment refers to "such applicant" in (A).

LC

23. The House amendment strikes section 7118(c) referenced in Senate bill (3)(B) and updates section references.

HR

24. House amendment includes paragraph (3) regarding eligibility.

HR

25. The Senate bill, but not the House amendment, includes subparagraph (4).

HR

26. The House amendment, but not the Senate bill, adds Alaska Native Organizations and Alaska Native throughout (d).

HR

27. The Senate bill and House amendment refer to different subsections in paragraph (2) based on bill structure.

LC

28. The Senate bill and House amendment have different entities listed in (A).

HR with an amendment to add "and families members" after "parents".

29. The House amendment, but not the Senate bill, include Alaska Natives in (B) and (C).

HR

30. The House amendment, but not the Senate bill, adds "administrative" to capacity in (D).

SR

31. The Senate bill, but not the House amendment, adds a provision on consortia.

SR

32. The House amendment, but not the Senate bill, removes a reference to current law 7118(c) from the special rule.

HR

33. The Senate bill, but not the House amendment, adds language regarding Indian tribes or consortia for application purposes.

HR

34. The House amendment, but not the Senate bill, adds "Alaska Native" in subsection (b)

HR

35. The Senate bill has "supports". The House amendment has "is consistent with".

SR

36. The Senate bill has "program objectives and outcomes". The House amendment has "academic content" and "student academic achievement goals" for (B).

HR

37. The Senate bill, but not the House amendment, includes "tribe or consortium" and slightly modifies last line of paragraph (3).

HR

38. The House amendment, but not the Senate bill, adds Alaska Native throughout paragraph (5).

HR

39. The House amendment, but not the Senate bill, adds subparagraph (C).

HR

40. The Senate bill and House amendment include different language for clause (iii).

HR

41. The Senate bill adds a reference to FERPA.

HR

42. The Senate bill and House amendment include different language for paragraph (7)

HR with an amendment to insert "meaningfully" before "collaborate" and insert "in a timely, active, and ongoing manner" before "in the development".

43. The Senate bill, but not the House amendment, adds "activities consistent with those" after "services."

SR

44. The House amendment, but not the Senate bill, adds "Alaska Native students".

HR

45. The Senate bill, but not the House amendment, adds "meet program objectives".

HR

46. The House amendment, but not the Senate bill, adds "Alaska Native" in subparagraph (B).

HR

47. The Senate bill, but not the House amendment, has geographic specification for consultation requirements.

HR

48. The House amendment, but not the Senate bill, adds Indian organization and Alaska Native organization and removes "if appropriate" before secondary school students.

HR with an amendment to insert ", Indian organizations,"" after "in such school"

49. The Senate bill inserts "family members" after "parents" in (A)(i) and (B). The House amendment replaces "parents" with "family members" in both places.

HR

50. The Senate bill, but not the House amendment, adds Senate (ii) related to geographic representation.

HR

51. The House amendment, but not the Senate bill, removes "if appropriate" and adds "and Alaska Native" after "students" in clause (iii)

HR

52. The House amendment, but not the Senate bill, adds Alaska Native to (B).

HR

52a. The Senate bill, but not the House amendment, adds "representatives of Indian tribes".

SR

53. The Senate bill, but not the House amendment, adds "family members" to (C).

HR with an amendment to strike "that" and insert "the local educational agency" and move amended paragraph (4)(C) to the end of subsection (c) as a new paragraph (8) and redesignate (4)(D) as the new (4)(C) and (4)(E) as the new (4)(D)

54. The Senate bill, but not the House amendment, strikes "and" in (D)(ii).

SR

55. The House amendment, but not the Senate bill, adds (D)(iii).

SR

56. The Senate bill, but not the House amendment, adds subparagraph (F) for determining the unique needs of Indian students.

SR

57. The Senate bill, but not the House amendment, requires the LEA to coordinate activities with other Federal programs.

HR

58. The House amendment and the Senate bill contain similar provisions related to outreach to family members, except the House amendment includes "adequate" and contains different cross-references.

HR

59. The Senate bill and the House amendment contain a provision related to using the funds only for activities authorized under this subpart.

LC

60. The Senate bill, but not the House amendment, includes a subsection for outreach.

SR

61. The Senate bill, but not the House amendment, includes a subsection for technical assistance.

HR with an amendment to read as follows:

(e) TECHNICAL ASSISTANCE.—The Secretary shall, directly or by contract, provide technical assistance to a local educational agency or Bureau of Indian Education school upon request (in addition to any technical assistance available under other provisions of this Act or available through the Institute of Education Sciences) to support the services and activities provided under this subpart, including technical assistance for—

(1) the development of applications under this subpart, including identifying eligible entities that have not applied for such grants and undertake appropriate activities to encourage such entities to apply for grants under this subpart;

(2) improvement in the quality of implementation, content, and evaluation of activities supported under this subpart; and

(3) integration of activities under this subpart with other educational activities carried out by the local educational agency.';

62. The Senate bill, but not the House amendment, amends paragraph (2) by inserting language related to responsiveness.

SR with an amendment to strike "with special regard for" and insert "to be responsive to"

63. The House amendment, but not the Senate bill, adds "immersion" in paragraph (1).

HR

64. The Senate bill, but not the House amendment, adds "high-quality" in paragraph (3).

SR

65. In paragraph (4), the House amendment includes academic content. The Senate bill references 1111(b).

HR

66. The Senate bill and House amendment have different language with similar meaning for paragraph (5).

HR

67. The House amendment and Senate bill contain different cross-references.

LC

68. The House amendment, but not the Senate bill, inserts a new paragraph, House (10), for relevant curriculum.

HR

69. The Senate bill, but not the House amendment, includes more specific parameters for dropout prevention programs in Senate (12).

SR

70. The House amendment combines Senate (A) and (B) to House (14).

SR

71. The Senate bill and House amendment contain different cross-references.

LC

72. The Senate bill and House amendment have similar language for paragraph (3), except the House amendment includes more specific language.

SR

73. The Senate bill and the House amendment refer to different bill titles.

LC

74. The Senate bill and House amendment use different bill titles.

LC

75. The Senate bill, but not the House amendment, provides for report every five years.

SR

76. The Senate bill, but not the House amendment, specifies different report contents.

HR/SR to strike.

77. The House amendment, but not the Senate bill, includes a final report.

HR/SR to strike.

78. The House amendment, but not the Senate bill, adds paragraph (6) regarding data privacy.

SR

79. The Senate bill, but not the House amendment, includes current law subsection (d) related to Forms and Standards of Proof.

SR

80. The Senate bill and House amendment have different subsection references and titles.

SR

81. The Senate bill and House amendment have different paragraph titles and section references within.

LC

82. The Senate bill and House amendment refer to different bill titles.

LC

83. The House amendment and Senate bill have different subsection letters. See note 82.

LC

84. The Senate bill, but not the House amendment, adds a subsection for technical assistance.

SR

85. The Senate bill updates subsection (c) to reflect changes later in the bill. The House amendment strikes subsection (c).

HR

86. The House amendment and Senate bill contain different subsection letters to reflect prior House amendment changes.

LC

87. The Senate bill and House amendment have different section header titles.

HR

88. The Senate bill, but not the House amendment, rewrites language regarding Tribal Colleges and Universities.

HR

89. The House amendment, but not the Senate bill, adds Alaska Native organization.

HR

90. The House amendment, but not the Senate bill, removes "core academic" before "subjects".

SR

91. The Senate bill, but not the House amendment, adds "youth" after "children" in paragraph (D) and (E).

HR

92. The House amendment, but not the Senate bill, includes "youth" after children. There are slight wording differences between the Senate bill and the House amendment.

SR with an amendment to strike "high quality"

93. The Senate bill, but not the House amendment, changes "tribal leaders" to "traditional leaders" and inserts "youth"

HR

94. The Senate bill's paragraph (2) is located in the House amendment's subparagraph (M), since the House amendment restructured the bill.

SR

95. The Senate bill includes this as paragraph (1)(M), and it is (1)(N) in the House amendment.

SR

96. The Senate bill, but not the House amendment, changes the grant award initial period to three years.

HR

97. The Senate bill, but not the House amendment, adds "family" after "parents" in clause (i).

HR

98. The Senate bill includes "evidence demonstrating that the proposed program is an evidence-based program". The House amendment includes "information demonstrating that the proposed program is a scientifically based research program".

HR with an amendment to strike "evidence" and inserting "information".

99. The Senate bill, but not the House amendment, includes a new subsection regarding continuation.

HR

100. The Senate bill and House amendment have different section numbers.

LC

101. The Senate bill titles the subsection "Purpose" rather than the House amendment title of "Purposes."

SR

102. The Senate bill makes "purposes of the section" singular rather than plural in the House amendment.

SR

103. The Senate bill has "or Alaska Native teachers" in paragraph (1). The House amendment has "and Alaska Native teachers".

SR

104. The Senate bill has "and support" after "provide training."

HR with an amendment to insert "pre- and in-service" before "training"

105. The House amendment has "and Alaska Native individuals" after "Indian". The Senate bill has "or Alaska Native individuals."

LC. See note 0.

106. The Senate bill includes "to enable such individuals to become effective teachers, principals, other school leaders, administrators, teacher aides, counselors, social workers, and specialized instructional support personnel" after "individuals". The House amendment says "to become educators and education support service professionals" after "individuals."

HR with an amendment to strike "teacher aides" and insert "paraprofessionals"

107. The Senate bill, but not the House amendment, adds "or Alaska Native."

LC. See note 0.

108. The Senate bill, but not the House amendment, adds a new paragraph regarding teacher retention.

HR with an amendment to strike "the workforce without the need for postsecondary remediation" and insert " employment"

109. The Senate bill and House amendment have different types of institutions included after "institution of higher education".

HR

110. The Senate bill, but not the House amendment, requires the Bureau schools to be in a consortium, where feasible.

HR

111. The Senate bill, but not the House amendment, adds "or Alaska Native" to paragraph (1).

LC. See note 0.

112. The Senate bill and House amendment structure authorized activities differently.

LC

113. The Senate bill adds "education" after "continuing" in (A).

HR

114. The Senate bill, but not the House amendment, includes a subparagraph on teacher mentoring.

HR with an amendment to strike "tribal elders" and insert "traditional leaders"

115. The Senate bill, but not the House amendment, includes additional subparagraphs (C) and (D).

HR with an amendment to strike "tribal elders" and insert "traditional leaders"

116. The Senate bill, but not the House amendment, includes a subparagraph regarding continuation.

HR

117. The Senate bill and House amendment have different application requirements.

HR with an amendment to strike ", in such manner, and accompanied by such information" and insert "and in such manner"

118. The Senate bill, but not the House amendment, sets minimum standards.

HR

119. The Senate bill, but not the House amendment, adds an optional priority for tribally chartered and federally chartered institutions of higher education.

HR

120. The Senate bill strikes House amendment subparagraphs (A) and (B) and inserts "basis of the length of any period for which the eligible entity has received a grant", which is similar to House amendment subparagraph (B). The Senate bill removes references to previous grants.

HR with amendment to strike "tribally chartered and federally chartered IHEs" and insert "Tribal Colleges and Universities"

121. The Senate bill and House amendment have different grant award year structures.

HR

122. The Senate bill, but not the House amendment, specifies students in a local educational agency that serves a high proportion of Indian or Alaska Native students rather than "people" in the House amendment.

HR. See note 0.

123. The House amendment, but not the Senate bill, includes a section for tribal education agencies cooperative agreements.

HR

124. The House amendment, but not the Senate bill, removes a reference to the authorization section.

LC

125. The House amendment, but not the Senate bill, adds Alaska Native in paragraph (1) and replaces "education" with "improving academic achievement and development".

HR

126. The House amendment, but not the Senate bill, strikes paragraph (2) and renumbers accordingly.

HR

127. The House amendment, but not the Senate bill, strikes explicit reference to IES and changes to "appropriate offices" and removes qualifying language related to the purpose of the research activities.

HR

128. The House amendment adds a reference to the he "Office of Educational Research and Improvement" and the BIE.

HR with an amendment to insert "the Bureau of Indian Education," after "Office of Indian Education Programs,"

129. The House amendment, but not the Senate bill, strikes current law secs. 7132, 7133, 7134.

SR

130. The House amendment creates a Native language program in Section 5132 and the Senate bill creates a Native language immersion program in Part D.

HR/SR with an amendment to insert the following and move to Sec. XXX:

SEC. XXX. NATIVE AMERICAN AND ALASKA NATIVE LANGUAGE IMMERSION SCHOOLS AND PROGRAMS.

(a) PURPOSES.—The purposes of this subsection are—

(1) to establish a grant program to support schools that use Native American and Alaska Native languages as the primary language of instruction;

(2) to maintain, protect, and promote the rights and freedom of Native Americans and Alaska Natives to use, practice, maintain, and revitalize their languages, as envisioned in the Native American Languages Act (25 U.S.C. 2901 et seq.); and

(3) to support the Nation's First Peoples' efforts to maintain and revitalize their languages and cultures, and to improve educational opportunities and student outcomes within Native American and Alaska Native communities.

(b) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—From funds reserved under subsection XXX (National Activities for Title VI), the Secretary shall make grants to eligible entities to develop and maintain, or to improve and expand, programs that support schools, including elementary and secondary school education sites and streams, using Native American and Alaska Native languages as the primary language of instruction.

(2) ELIGIBLE ENTITIES.—In this subsection, the term 'eligible entity' means any of the following entities that has a plan to develop and maintain, or to improve and expand, programs that support the entity's use of Native American or Alaska Native languages as the primary language of instruction:

(A) An Indian tribe.

(B) A Tribal College or University (as defined in section 316 of the Higher Education Act of 1965).

(C) A tribal education agency.

(D) A local educational agency, including a public charter school that is a local educational agency under State law.

(E) A school operated by the Bureau of Indian Education.

(F) An Alaska Native Regional Corporation (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)).

(G) A private, tribal, or Alaska Native nonprofit organization.

(c) APPLICATION.—

(1) IN GENERAL.—An eligible entity that desires to receive a grant under this subsection shall submit an application to the Secretary at such time and in such manner as the Secretary may require, including the following:

(A) The name of the Native American or Alaska Native language to be used for instruction at the school supported by the eligible entity.

(B) The number of students attending such school.

(C) The number of present hours of instruction in or through 1 or more Native American or Alaska Native languages being provided to targeted students at such school, if any.

(D) A description of how the applicant will—

(i) use the funds provided to meet the purposes of this part;

(ii) implement the activities described in [subsection] (e);

(iii) ensure the implementation of rigorous academic content; and

(iv) ensure that students progress towards high-level fluency goals.

(E) Information regarding the school's organizational governance or affiliations, including information about—

(i) the school governing entity (such as a local educational agency, tribal education agency or department, charter organization, private organization, or other governing entity);

(ii) the school's accreditation status;

(iii) any partnerships with institutions of higher education; and

(iv) any indigenous language schooling and research cooperatives.

(F) An assurance that—

(i) the school is engaged in meeting State or tribally designated long term goals for students, as may be required by applicable Federal, State, or tribal law;

(ii) the school provides assessments of students using the Native American or Alaska Native language of instruction, where possible;

(iii) the qualifications of all instructional and leadership personnel at such school is sufficient to deliver high-quality education through the Native American or Alaska Native language used in the school; and

(iv) the school will collect and report to the public data relative to student achievement and, if appropriate, rates of high school graduation, career readiness, and enrollment in postsecondary education or workforce development programs, of students who are enrolled in the school's programs.

(2) LIMITATION.—The Secretary shall not give a priority in awarding grants under this part based on the information described in paragraph (1)(E).

(3) SUBMISSION OF CERTIFICATION.—

(A) IN GENERAL.—An eligible entity that is a public elementary school or secondary school (including a public charter school) or a non-tribal for-profit or nonprofit organization shall submit, along with the application requirements described in paragraph (1), a certification described in subparagraph (B) indicating that the school has the capacity to provide education primarily through a Native American or Alaska Native language and that there are sufficient speakers of the target language at the school or available to be hired by the school.

(B) CERTIFICATION.—The certification described in subparagraph (A) shall be from one of the following entities, on whose land the school is located, that is an entity served by such school, or that is an entity whose members (as defined by that entity) are served by the school:

(i) A Tribal College or University (as defined in section 316 of the Higher Education Act of 1965).

(ii) A federally recognized Indian tribe or tribal organization.

(iii) An Alaska Native Regional Corporation or an Alaska Native nonprofit organization.

(iv) A Native Hawaiian organization.

(d) AWARDING OF GRANTS.—In awarding grants under this subsection, the Secretary shall—

(1) determine the amount of each grant and the duration of each grant, which shall not exceed 3 years; and

(2) ensure, to the maximum extent feasible, that diversity in languages is represented.

(e) ACTIVITIES AUTHORIZED.—

(1) REQUIRED ACTIVITIES.—An eligible entity that receives a grant under this subsection shall use such funds to carry out the following activities:

(A) Supporting Native American or Alaska Native language education and development.

(B) Providing professional development for teachers and, as appropriate, staff and administrators to strengthen the overall language and academic goals of the school that will be served by the grant program.

(2) ALLOWABLE ACTIVITIES.—An eligible entity that receives a grant under this section may use such funds to carry out the following activities:

(A) Developing or refining curriculum, including teaching materials and activities, as appropriate.

(B) Creating or refining assessments written in the Native American or Alaska Native language of instruction that measure student proficiency and that are aligned with State or tribal academic standards.

(C) Carrying out other activities that promote the maintenance and revitalization of the Native American or Alaska Native language relevant to the grant program.

(f) REPORT TO SECRETARY.—Each eligible entity that receives a grant under this part shall prepare and submit an annual report to the Secretary which shall include—

(1) The activities the entity carried out to meet the purposes of this subsection; and

(2) The number of children served by the program and the number of instructional hours in the Native American or Alaska Native language;

(g) ADMINISTRATIVE COSTS.—Not more than 5 percent of the funds provided to a grantee under this section for any fiscal year may be used for administrative purposes.

131. The House amendment and Senate bill have different purposes.

See note 130.

132. The Senate bill includes a general purpose statement for grants awarded.

See note 130.

133. The House amendment and Senate bill have different eligible entities.

See note 130.

134. The Senate bill and House amendment authorize different activities.

See note 130.

135. The Senate bill, but not the House amendment, contains specific application requirements and limitations.

See note 130.

136. The Senate bill and the House amendment contain similar certification requirements.

See note 130.

137. The Senate bill authorizes grants for three years. The House amendment authorizes grants for five years.

See note 130.

138. The Senate bill, but not the House amendment, requires the Secretary to try to ensure diversity of languages in the grant awards.

See note 130.

139. The House amendment, but not the Senate bill, contains a definition of "average".

See note 130.

140. The House amendment, but not the Senate bill, contains a provision related to administrative costs.

See note 130.

141. The Senate bill, but not the House amendment, requires grantees to submit an annual report to the Secretary.

See note 130.

142. The Senate bill, but not the House amendment, authorizes such sums for fiscal years 2016 through 2021.

See note 130.

143. The Senate bill and House amendment have different section numbers.

LC

144. The Senate bill and House amendment have different titles.

HR

145. The Senate bill and House amendment have different purposes for the grant program.

HR

146. The Senate bill and House amendment have different structure. The Senate bill, but not the House amendment, includes definitions and makes Tribal Educational Agencies eligible.

HR

147. The Senate bill, but not the House amendment, makes a technical edit to provide for an earlier provision in the Senate bill.

HR

148. The Senate bill terminates the grant after three years. The House amendment allows for a three year renewal after the initial three year grant.

HR

149. The Senate bill, but not the House amendment, includes a number of uses of funds.

HR with an amendment to strike ", subject to the approval of the Secretary." and insert "consistent with the purposes of this section." after "carry out other activities,"

150. The Senate bill and House amendment have slightly different wording in paragraph (1).

HR with an amendment to strike ", in such manner, containing such information and consistent with such criteria," and insert "and in such manner"

151. The Senate bill, but not the House amendment, adds a new subparagraph for evidence of agreement or capacity.

HR

152. The Senate bill and House amendment have slightly different wording in paragraph (3).

HR with an amendment to strike "only" and "Secretary is satisfied that such"

153. The Senate bill, but not the House amendment, strikes the clause in subparagraph (C) from "except that the availability" and all that follows.

HR

154. The Senate bill and House amendment reference different sections of the Educational Amendments of 1978.

HR

155. The Senate bill, but not the House amendment, prohibits funds from being used for direct services.

HR

156. The Senate bill, but not the House amendment, includes a subsection regarding supplementing, not supplanting funds.

HR

157. The House amendment, but not the Senate bill, strikes sec. 7136 of current law.

SR

158. The Senate bill, but not the House amendment, adds the Secretary of the Interior to be advised by the council.

HR

159. The House amendment, but not the Senate bill, makes references to the definition of Alaska Native in Sec. 5206. The Senate bill states "(D) an Eskimo, Aleut, or other Alaska Native".

HR. See note 0.

160. The House amendment, but not the Senate bill, adds a definition for "Alaska Native organization".

HR

161. The Senate bill, but not the House amendment, adds a definition of "traditional leaders".

HR

162. The Senate bill authorizes such sums through 2021. The House amendment authorizes subpart 1 at $105,921,000 for each year through 2019 and subparts 2 and 3 at $24,858,000 for each year through 2019.

SR with an amendment to insert the following:

(a) in subsection (a), by striking "$105,921,000 for each of fiscal years 2016 through 2019" and inserting "$100,381,000 for fiscal year 2017, $102,388,620 for fiscal year 2018, $104,436,392 for fiscal year 2019, $106,525,120 for fiscal year 2020".

(b) in subsection (b) by striking "$24,858,000 for each of fiscal years 2016 through 2019" and insert "$23,558,000 for each of fiscal years 2017 through 2020".

163. The House amendment moves the Alaska Native program to Part B. The Senate bill includes this in Part C.

HR

164. The Senate bill, but not the House amendment, references "peoples" after "Alaska Native".

HR with an amendment to strike "peoples"

165. The Senate bill and House amendment have slight wording differences in paragraph (6).

HR/SR to strike the paragraph

166. The Senate bill, but not the House amendment, includes "peoples" after "Alaska Native."

HR with an amendment to strike "peoples"

Report Language: "It is the Conferees' intent that the term "Alaska Native" be inclusive of all indigenous groups within Alaska and all Alaska Native peoples.".

167. The Senate bill and House amendment have slight wording differences in paragraph (6).

HR with amendment to strike ", and to ensure" through the period at the end of the sentence.

168. The Senate bill and House amendment are similar, but use different structure and different descriptions of eligible entities.

SR with an amendment to strike "Alaska Native Organizations" through paragraph (2) and insert after "with," "any of the following to carry out the purposes of this part:

(A) Alaska Native Organizations with experience operating programs that fulfill the purposes of this part.

(B) Alaska Native Organizations without such experience that are in partnership with—

(i) a State educational agency or a local educational agency; or

(ii) Alaska Native Organizations that operate programs that fulfill the purposes of this part.

(C) An entity located in Alaska, and predominately governed by Alaska Natives, that does not meet the definition of an Alaska Native Organization, under this part, provided that the entity—

(i) has experience operating programs that fulfill the purposes of this part; and

(ii) is granted an official charter or sanction, as prescribed in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b), from at least one Alaska Native tribe or Alaska Native tribal organization to carry out programs that meet the purposes of this part.

169. The Senate bill, but not the House amendment, adds multi-year award continuations.

HR

170. The House amendment, but not the Senate bill, stipulates mandatory and permissible activities must be specifically in the elementary and secondary education context.

HR with an amendment to strike "peoples"

171. The Senate bill and House amendment are identical except Senate adds Senate clause (iv).

SR with amendment to insert "that are culturally informed and" after "materials that" and ", including curricula intended to preserve and promote Alaska Native culture" at the end of (i).

172. The Senate bill adds "and incorporate . . ." at the end of (B)(i); the House amendment add comma between "understanding of" and "Alaska Natives"

SR with an amendment to insert "and improve their teaching methods" before the period at the end of (i).

173. The Senate bill, but not the House amendment, includes a subparagraph regarding early childhood parenting education activities.

HR

174. The Senate bill and House amendment have different subparagraph letters.

LC

175. The Senate bill, but not the House amendment, includes "and adults" in Senate bill subparagraph (E).

HR

176. The Senate bill and House amendment are similar except for different references to college and career ready in the lead in.

SR with an amendment to strike "and prepare Alaska Native students to be college and career ready upon graduation from secondary school" and insert "enable Alaska Native students served under this part to meet the challenging State academic standards described in section 1111(b)(1) or" after "Activities designed to"

177. The House amendment includes commas after students and the Senate bill says "students and teachers".

HR with an amendment to strike "peoples"

178. The Senate bill and House amendment use different sentence structure in subclause (II).

LC

179. The House amendment, but not the Senate bill, includes a subclause instruction in Alaska Native history.

HR with an amendment to insert "history," after "arts," in subclause (II).

180. The Senate bill, but not the House amendment, includes a hyphen in Senate subclause (III).

LC

181. The House amendment, but not the Senate bill, requires a focus on Alaska Native cultural preservation.

SR

182. The Senate bill, but not the House amendment, includes several other uses.

HR with an amendment to strike (V) and in (iii) to strike "holistic" "to enable such students to benefit from supplemental programs offered", ", school climate, trauma, safety and nonacademic learning" and insert "comprehensive" before "school or community based" and "trauma, and improve conditions for learning at home, in the community, and at school." at the end.

183. The Senate bill, but not the House amendment, includes a subparagraph on immersion nests.

HR with an amendment to strike (G) an insert ", including Native language immersion nests or schools" after immersion activities" in (VI).

Report Language: "The Conferees intend that funds used to support Native language immersion activities, immersion schools and immersion nests may include the establishment or operation of such activities, schools or nests. The Conferees further intend that these immersion activities, schools, or nests not be limited to high school programs but may include a student's educational experience in elementary school or middle school."

184. The Senate bill and House amendment have different language with similar meaning in Senate (H) and House (F).

HR

184a. The Senate bill and House amendment have different language with similar meaning in Senate (I) and House (G).

HR

185. The Senate bill and House amendment have slightly different structure in Senate (J) and House (L).

LC

186. The Senate bill and House amendment have similar intent, but different structure in Senate (K) and House (H).

HR with an amendment to strike "provide" and all that follows and insert " increase connections between schools, families and communities, including positive youth-adult relationships, to promote the academic progress and positive development of Alaska Native children and youth and improve conditions for learning at home, in the community, and at school."

187. The Senate bill and House amendment are similar, but have different wording in Senate (M) and House (J).

SR

Report Language: "It is the Conferees intent that the term regional vocational schools include boarding schools, for Alaska Native students in grades 9 through 12, or at higher levels of education, that provide vocational or career and technical education."

188. The Senate bill, but not the House amendment, includes a subparagraph regarding other activities.

HR

189. The Senate bill, but not the House amendment, moves this to Senate Sec. 7305.

LC

190. The Senate bill, but not the House amendment, strikes this subsection.

HR

191. The Senate bill authorizes such sums through 2021. The House amendment authorizes $33,185,000 each year through 2019.

SR with an amendment to strike "$33,185,000 for each of fiscal years 2016 through 2019" and insert "$31,453,000 for each of fiscal years 2017 through 2020"

192. The Senate bill and House amendment have different language related to program administration.

HR

193. The Senate bill, but not the House amendment, adds additional clarifying language to the Alaska Native definition.

LC

194. The Senate bill, but not the House amendment, adds definition of "Alaska Native tribe" and "Alaska Native Tribal Organization".

SR

195. The House amendment includes a definition of Alaska Native organization.

HR/SR with amendment to read as follows:

(2) ALASKA NATIVE ORGANIZATION.—The term "Alaska Native Organization" means an organization that has or commits to acquire expertise in the education of Alaska Natives and is—

(A) an "Indian tribe" as defined in section 4 of the Indian self-Determination and Education Assistance Act (25 U.S.C. 450b) that is an Indian tribe located in Alaska;

(B) a "tribal organization" as defined in section 4 of the Indian self-Determination and Education Assistance Act (25 U.S.C. 450b) that is a tribal organization located in Alaska; or

(C) an organization listed in clauses (i) through (xii) of section 419(B)(B) of the Social Security Act (42 U.S.C. 619(4)(B)(i)–(xii)), or the successor of an entity so listed;

196. The Senate bill, but not the House amendment, contains a definition of Alaska Native Regional Nonprofit Corporation.

SR

197. The Senate bill, but not the House amendment, adds a section in improving collection, reporting, and analysis on Indian student data.

SR

198. The Senate bill, but not the House amendment, includes a new section require the Secretary of Education to do a study on rural education in Indian country.

SR

199. The Senate bill, but not the House amendment, adds a new section requiring a report on the response to Indian suicides.

HR

200. The Senate bill and House amendment have the Native Hawaiian program in different parts.

HR

201. The Senate bill and House amendment have different findings and are in different sections.

HR

202. The Senate bill and House amendment have the purposes in different sections.

HR

203. The House amendment, but not the Senate bill, includes new language in (1) by adding "implement, assess, and evaluate" and everything after "educational programs"

HR

204. The House amendment, but not the Senate bill, strikes "direction in (2) and adds "more effectively and efficiently" and "on the development" following. It also strikes "on Native Hawaiian education to provide periodic assessments and data collection.

HR

205. The House amendment, but not the Senate bill, strikes current law subparagraphs (3) and (4) and inserts a new (3).

HR

206. The Senate bill and House amendment have different sections and section titles.

LC. HR on title.

207. The Senate bill and House amendment are identical except the Senate uses numeral and the House amendment spells out "one" and they refer differently to islands in (L).

LC

208. The Senate bill and House amendment have slightly different language for paragraph (4).

HR

209. The Senate bill and House amendment are identical except the Senate bill adds "of" after coordination in paragraph (1).

HR

210. The Senate bill, but not the House amendment, includes reference to subsection (a) in subsection (d).

LC

211. The Senate bill and House amendment use different references for activities in paragraph (2)(B).

LC

212. The Senate bill adds reference to Sec. 1111. The House amendment adds "student after "State".

HR

213. The Senate bill and House amendment are identical except the House amendment spells out numbers and the Senate bill uses figures.

LC

214. The Senate bill and House amendment contain different section references.

LC

215. The House amendment, but not the Senate bill, provides for a report.

HR

216. The Senate bill and House amendment have different section numbers and different structures.

HR

217. The House amendment, but not the Senate bill, adds "in order to carry out programs . . . part" and strikes "direct" in subsection (a).

HR

218. The House amendment, but not the Senate bill, adds "education and workforce development" in paragraph (3).

HR

219. The House amendment, but not the Senate bill, changes to "priority" rather than "priorities" in subsection (b); changes "or" to "and entering into"; strikes "carryout activities described in paragraph (3)"; and strikes "entities proposing projects that are assigned to" at the end of subsection (b).

HR

220. The Senate bill and House amendment have different priorities.

HR

221. The House amendment, but not the Senate bill, moves authorization from Sec. 7205 to Sec. 5305.

LC

222. The House amendment authorizes $34,181,000 each year through 2019. The Senate bill authorizes such sums through 2021.

SR with amendment to read as follows:

(a) In subsection (a) to strike $34,181,000 for each of fiscal years 2016 through 2019" and insert "$32,397,000 for each of fiscal years 2017 through 2020"

(b) In subsection (b) to strike "fiscal year after the date of the enactment of the Student Success Act not less than $500,000 for the grant to the Education Council under section 5303." and insert "of fiscal years 2017 through 2020 $500,000 to make a direct grant to the Education Council to carry out section 6204"

223. The Senate bill and House amendment have different structure.

HR

224. The House amendment, but not the Senate bill, adds "high-quality early learning" before "services" in paragraph (1); strikes "age 5" and adds "age of kindergarten entry".

HR

225. The House amendment, but not the Senate bill, strikes clauses (i) and (ii) in current law. The House amendment, but not the Senate bill, includes early care and education programs as services that may be provided by family-based education centers.

HR

226. The House amendment, but not the Senate bill, change "third grade" to "grade 3" in paragraph (3) and changes "5th and 6th" to "Grades 5 and 6".

LC

227. The House amendment, but not the Senate bill, adds "of such students" to end of subparagraph (B).

SR

228. The Senate bill and House amendment have slight wording differences in last clause of (7)(B), which is (G)(ii) in current law.

SR

229. The House amendment, but not the Senate bill, adds "students, parents," before "families" in paragraph (8).

SR

230. The Senate bill and House amendment describe subparagraph (A) differently and subparagraph (C) differently.

SR

231. The House amendment, but not the Senate bill, adds "before", "summer", "expanded learning time", and "weekend academies" in subparagraph (B).

SR

232. The Senate bill and House amendment different on wording in House (9) or current law (I).

HR

233. The House amendment, but not the Senate bill, strikes current law (i), (iv), and (v) in paragraph (9).

SR

234. The House amendment, but not the Senate bill, includes "guidance" in (B) and removes the reference to "receiving scholarship assistance".

SR

235. The House amendment, but not the Senate bill, adds new paragraph (C) regarding professional development activities.

HR

236. The House amendment, but not the Senate bill, strikes current law (4) Special Rule and Conditions.

SR

237. The House amendment, but not the Senate bill, adds subsection (d) Additional Activities.

HR

238. The House amendment, but not the Senate bill, adds "exception" in references it in paragraph (1).

HR

239. The House amendment, but not the Senate bill, strikes Sec. 7206 (b) special rule; adds new (b).

HR

240. The House amendment, but not the Senate bill, adds (c) Supplement Not Supplant.

HR

241. The House amendment, but not the Senate bill, strikes sec. 7207 Definitions.

HR

242. The Senate bill, but not the House amendment, adds "community consultation" to definitions.

HR

TITLE VIII—IMPACT AID

1. The Senate bill includes amendments to the Impact Aid program in Title VIII of the bill. The House amendment includes all Impact Aid changes in Title IV.

HR/SR with an amendment to redesignate Title VIII as Title VII

2. The Senate bill and House amendment are similar, except the Senate bill includes "same challenging" in the description of State academic standards.

HR

3. The Senate bill strikes the language in the FY 2013 National Defense Authorization Act requiring the changes made to Impact Aid in the NDAA to be in place for only two years. The Senate bill makes the Impact Aid changes in NDAA permanent. The House amendment makes such change in conforming amendments. See note 100.

LC

4. The Senate bill and House amendment are identical.

LC

5. The House amendment allows local educational agencies to use facsimiles or productions of original records, or when original records have been unintentionally destroyed, other appropriate records to demonstrate that the value of the Federal property in the local educational agency boundaries is 10 percent or more of all the property in the boundaries to determine eligibility for 8002 funds. The Senate bill includes no such language.

SR

6. The House amendment updates a section reference to reflect the changed structure of the bill. The Senate bill makes no such change.

LC

7. The Senate bill amends the Special Rule used in determining the taxable value for eligible federal property shared by two local educational agencies to allow the Secretary to calculate the value of such Federal property using a specific formula. The House amendment includes no such language.

HR

8. The Senate bill, but not the House amendment, adds new eligibility requirements for local educational agencies containing forest service land and serving certain counties charted under state law.

HR with an amendment to strike "For each fiscal year" and all that follows through to the period.

9. The Senate bill amends the special rule to enable local educational agencies to meet the 10 percent federal property eligibility requirements for 8002 funds if such agency was eligible under the other eligibility requirements for 8002 funds on the day before enactment of the bill. The House amendment amends the special rule to enable local educational agencies to meet the 10 percent federal property eligibility requirements for 8002 funds if records to determine such eligibility were destroyed prior to 2000 and the agency received funds in the previous year.

SR with an amendment to strike FY 2014 and enter "fiscal year after the date of enactment"

10. The House amendment, but not the Senate bill, enables local educational agencies who have consolidated boundaries with 2 or more former local educational agencies after 1938 to allow the Secretary to determine 8002 eligibility based on the eligibility of two or more of the former districts.

SR

11. The House amendment, but not the Senate bill, includes language to further specify the conditions a local educational agency formed by the consolidation of 2 or more former local educational agencies has to meet in order to be eligible for 8002 funds.

SR with an amendment to strike clause i and amend clause ii to strike "for FY 2016" insert "for the fiscal year following enactment and each subsequent fiscal year."

12. The House amendment, but not the Senate bill, includes language to specify the amount of funds a consolidated local educational agency will be eligible to receive.

SR

13. The House amendment, but not the Senate bill, updates section references to reflect the changed structure of the bill.

LC

14. The Senate bill and House amendment are similar, except the Senate bill applies the requirement to submit necessary data for payment calculation to fiscal year 2010 and any succeeding year and the House amendment applies such requirement to fiscal year 2010 through the fiscal year in which the House amendment is authorized.

HR

15. The Senate bill and House amendment repeal subsection (k) detailing special rules for local educational agencies in South Dakota and Pennsylvania.

LC

16. The House amendment repeals eligibility requirements for certain old and combined Federal property before 2000, and certain Federal property after 2000. The Senate bill maintains such requirements.

SR

17. The Senate bill redesignates subsections pursuant to previous changes, and the House amendment similarly does so. However, subsection (n) in the Senate bill is redesignated as subsection (l), and in the House amendment, it is redesignated as subsection (k).

LC

18. The House amendment, but not the Senate bill, updates a reference in redesignated subsection (j) Prior Year Data.

LC

19. The Senate bill and House amendment are virtually identical, except the Senate bill refers to the section to be amended in a different way than the House amendment.

LC

20. The House amendment, but not the Senate bill, allows local educational agencies, when calculating payments for federally connected children, to include children enrolled in the local educational agency due to open enrollment policies, but not those enrolled in distance education programs who do not live in the boundaries of the local educational agency.

HR

21. The Senate bill and House amendment language is identical, except the Senate bill is structured slightly differently.

LC

22. The House amendment, but not the Senate bill, updates section references to reflect the changed structure of the bill.

LC

23. The Senate bill and House amendment both repeal subparagraph (E).

LC

24. The Senate bill and House amendment are the same in structure with these Senate bill designations. See House amendment redesignations in note 38.

LC

25. The Senate bill and House amendment are identical.

LC

26. The Senate bill, but not the House amendment, includes an option for an LEA to be eligible under this subparagraph if such LEA was eligible to receive a payment in FY 2013 and is located in a State that by law has eliminated ad valorem tax as LEA revenue.

SR

27. The Senate bill structures this subclause differently than the House amendment. Under the Senate bill, an LEA is eligible under this subclause if it meets the requirements of items (aa) and (bb). Under item (bb), an LEA must meet the requirements of either subitem (AA) or (BB). Under the House amendment, an LEA is eligible under this subparagraph if it meets the requirements of items (aa), (bb), and (cc).

HR

28. The Senate and House amendment are identical.

LC

29. The Senate bill and House amendment are identical on tax rate. Note the reordering of this provision in the House amendment to match the Senate structure.

LC

30. The Senate bill requires that, for eligibility purposes, an LEA has at least a 30 percent enrollment of federally connected children or at least a 20 percent enrollment of federally connected children and for the previous 3 years, a 65 percent enrollment of

federally connected children who are eligible for free or reduced price lunch.

HR

31. The House amendment requires that, for eligibility purposes, an LEA has at least a 20 percent enrollment of federally connected children and for the previous 3 years, a 65 percent enrollment of federally connected children who are eligible for free or reduced price lunch.

HR

32. The Senate bill requires, for eligibility purposes under this subclause, an LEA to have not less than 5,000 federally connected students who live on federal property and whose parents are either 1) employed on federal property within the LEA grounds; 2) an official of a foreign government; or 3) in active duty. The House amendment requires an LEA to have at least 5,500 of such students.

HR

33. The Senate bill, but not the House amendment, includes a subitem that requires, for eligibility purposes under this subclause, an LEA to have a per-pupil expenditure (PPE) that is less than the average PPE in the State where the LEA is located or the average PPE of all 50 states (except that an LEA with less than 350 students automatically meets this requirement), and a tax rate of not less than 95 percent of the tax rate of LEAs in the State.

HR with an amendment to strike "of" and insert "for comparable" in front of "local educational agencies in the State;" and insert "as provided for under paragraph (2)(B)(II)(bb)" after "has a per-pupil expenditure".

34. The Senate bill and House amendment are identical in describing loss of eligibility under this subparagraph.

LC

35. The Senate bill and House amendment are identical in describing the circumstances for loss of eligibility under this subparagraph if an LEA falls below the requirement to tax at a rate of at least 95 percent of the average tax rate of comparable LEAs in the State.

LC

36. The Senate bill, but not the House amendment, includes a provision describing eligibility under this subparagraph for LEAs that have been taken over by a State board of education in the previous 2 years.

HR

37. The Senate bill and House amendment are identical in describing circumstances around resumption of eligibility. Note this language does not appear in the House amendment because it was drafted as cut-and-bite.

LC

38. The Senate bill and House amendment are the same in structure with these House amendment designations. See Senate bill redesignations in note 24.

LC

39. The Senate bill and House amendment are the same in describing the maximum amount for heavily impacted LEAs.

LC

40. The Senate bill, but not the House amendment, includes a title for the clause, subclause, and item.

LC

41. The Senate bill and House amendment include the same policy to describe the student weight of 0.55 for LEAs with certain types of federally connected children. The House amendment uses slightly different language to describe this policy.

LC

42. The Senate bill and House amendment are similar, except the Senate bill titles the item and adds "and shall be eligible for the student weight as provided for in item (aa)" at the end of the item to describe the student weights for students in LEAs who meet the 'exception' circumstances where a 10 percent enrollment of certain federally connected students is not required. The House amendment does not include this language, but the policy is similar.

HR

43. The Senate bill and House amendment are virtually identical in describing student weights for LEAs with less than 100 federally connected children, except the Senate bill titles the subclause.

LC

44. The Senate bill and House amendment are virtually identical in describing student weights for LEAs with more than 100 but less than 1000 federally connected children, except the Senate bill titles the subclause.

LC

45. The Senate bill, but not the House amendment, titles the clause and subclause.

LC

46. The Senate bill, but not the House amendment, titles the clause and subclause.

LC

47. The Senate bill requires, to be considered a heavily impacted LEA for purposes of the subparagraph, an enrollment of at least 25,000, in which at least 50 percent of children are federally connected, and of that 50 percent, at least 5,000 students live on federal property and have parents who are either 1) employed on federal property within the LEA grounds; 2) an official of a foreign government; or 3) in active duty. The House amendment changes the "5,000" threshold to "5,500".

HR

48. The Senate bill and House amendment are the same in describing the student weights for maximum amount calculations, except the Senate bill titles the clause.

LC

49. The Senate bill and House amendment are identical in describing the data the Secretary will use for providing assistance under this paragraph.

LC

50. The Senate bill and House amendment are similar in describing the determination of average tax rates for general fund purposes for LEAs, except the Senate bill moves the exception, "except as provided in clause (ii)", to the front of the clause (i), and

includes more detailed circumstances for determining exceptions in clause (ii). See note 51. The House amendment includes a specific subparagraph reference to be subject to an exception in this clause, but does not include the detailed circumstances for determining exceptions, as can be seen in note 51.

HR

51. The Senate bill, but not the House amendment, includes specific circumstances for determining average tax rates for general fund purposes for LEAs for FY 2010–2015, and subsequent to 2015. The Senate bill also allows the Secretary to reserve a specific amount of unobligated funds from 2013 and 2014 to meet the requirements of this clause.

HR

52. The Senate bill and House amendment include identical language to describe eligibility for heavily impacted LEAs affected by privatization of military housing.

LC

53. The Senate bill and House amendment include identical language to describe the amount of payment for heavily impacted LEAs affected by privatization of military housing.

LC

54. The Senate bill and House amendment are identical in defining "conversion of military housing units to private housing." Note the language does not appear here from the House amendment because it was drafted in cut-and-bite.

LC

55. The Senate bill and House amendment are identical in describing provisions related to payments to specified military bases.

LC

56. The House amendment, but not the Senate bill, describe provisions for calculating payments for LEAs that provide distance education programs.

HR

57. The Senate bill and House amendment contain different references to describe Learning Opportunity Threshold (LOT) payments in lieu of basic support payments under paragraph (2).

SR

58. The House amendment, but not the Senate bill, strikes" as the case may be" at the end of the subparagraph.

SR

59. The Senate bill and House amendment are identical in describing ratable distribution of LOT payments.

LC

60. The Senate bill includes a limitation on the maximum LOT payment for a LEA. The House amendment includes this language below in subparagraph (F). See note 63.

LC

61. The Senate bill and House amendment include similar provisions to describe the actions to be taken when insufficient funds are available for maximum LOT, except the House amendment refers to (3)(d)(2) where funds are authorized for this program, and contains a different subparagraph reference to the LOT payment.

HR

62. The House amendment, but not the Senate bill, includes language to describe how LOT payments are made when funds are sufficient to give a payment over 100 percent LOT.

SR

63. The House amendment includes similar language to the Senate bill describe a limitation on the maximum LOT payment for a LEA. See note 60.

LC

64. The Senate bill, but not the House amendment, requires the Secretary to provide the LEAs tax rate and percentage LOT to each LEA.

HR with an amendment to insert "compared to the average tax rate for general fund purposes of local educational agencies in the State" after "and the resulting percentage".

65. The House amendment, but not the Senate bill, makes a technical update to address earlier changes.

SR

66. The Senate bill and House amendment make identical technical updates.

LC

67. The Senate bill and House amendment include identical language to describe when data from the fiscal year for which an LEA is applying will not be used to calculate the LEAs payment.

LC

68. The Senate bill and House amendment include identical language to describe when data from the fiscal year for which an LEA is applying will not be used to calculate the LEAs payment.

LC

69. The Senate bill and House amendment include identical language to describe when data from the fiscal year for which an LEA is applying will not be used to calculate the LEAs payment.

LC

70. The Senate bill changes the subsection title to "Students with Disabilities." The House amendment entitles is "Children with Disabilities".

SR

71. The Senate bill changes all references in the subsection to "students with disabilities." The House amendment uses "children with disabilities".

SR

72. The House amendment updates a cross-reference to reflect an earlier change.

LC

73. The Senate bill rewrites the Hold Harmless provisions to describe how payments will go to LEAs where funds are determined to be reduced by more than $5 million or 20 percent from the previous fiscal year. The reduction will be ramped down from 90 percent to 85 percent to 80 percent of what the LEA received in the year prior to any reduction, unless any of those reductions would give the LEA less than they are eligible for.

HR/SR with amendment to read as follows:

(1) IN GENERAL.—In the case of any local educational agency eligible to receive a payment under subsection (b) whose calculated payment amount for a fiscal year is reduced by 20 per-

cent, as compared to the amount received for the previous fiscal year, the Secretary shall pay the local educational agency, for the year of the reduction and the following 2 years, the amount determined under paragraph (2).

(2) AMOUNT OF REDUCTION.—Subject to paragraph (3), A local educational agency described in paragraph (1) shall receive—

(A) for the first year for which the reduced payment is determined, an amount that is not less than 90 percent of the total amount that the local educational agency received under subsection (b) for the previous fiscal year;

(B) for the second year following such reduction, an amount that is not less than 85 percent of the total amount that the local educational agency received under subparagraph (A); and

(C) for the third year following such reduction, an amount that is not less than 80 percent of the total amount that the local educational agency received under subparagraph (B).

(3) SPECIAL RULE.—For any fiscal year for which a local educational agency would receive a payment under subsection (b) in excess of the amount determined under paragraph (2), the payment received by the local educational agency for such fiscal year shall be calculated under paragraph (1) or (2) of subsection (b).

74. The House amendment includes hold harmless language ensuring LEAs receive no less than 90 percent of the calculated maximum amount for which the LEA is eligible in the previous fiscal year. The hold harmless is in place for 3 years.

HR

75. The Senate bill, but not the House amendment, redesignates Ratable Reduction provisions for the hold harmless language when insufficient funds are available.

HR with amendment to strike (2) and insert (4)

76. Both the Senate bill and House amendment strike Maintenance of Effort provisions.

LC

77. The Senate bill and House amendment replace Bureau of Indian Affairs with Bureau of Indian Education.

LC

78. Both the Senate bill and House amendment strike language enabling the Secretary to request of LEAs any information the Secretary may desire in the 8002 and 8003 applications.

LC

79. The Senate bill, but not the House amendment, includes language enabling the Secretary to allow LEAs to count the number of children who register for the school year to determine LEA eligibility.

SR

80. The Senate bill makes technical updates to references to reflect an earlier change.

SR

81. The Senate bill and House amendment update a section reference, although the reference is different in each bill reflecting different bill structures.

LC

82. The House amendment, but not the Senate bill, adds a new eligibility option for construction payments.

HR

83. The Senate bill, but not the House amendment, makes a technical edit to update a mistake in current law.

HR

84. The Senate bill and House amendment update section references, although the references are different in each bill reflecting different bill structures.

LC

85. The Senate bill and House amendment update a section reference, although the reference is different in each bill reflecting different bill structures.

LC

86. Both the Senate and House amendment add a new eligibility option for emergency and modernization construction payments.

LC

87. The House amendment, but not the Senate bill, limits the Secretary from limiting eligibility for LEAs that meet certain requirements, including LEAs where at least 40 percent of federally connected Indian children were enrolled in the prior year and in LEAs where more than 10 percent of the property is exempt from State and local taxation under federal law.

HR

88. The House amendment, but not the Senate bill, strikes language enabling the Secretary to request of LEAs any information the Secretary may desire in the emergency and modernization grant applications.

SR with an amendment in subparagraph (A) by adding at the end "and containing such additional information as may be necessary to meet the award criteria of this subsection as provided in any other Act."

89. Both the Senate bill and the House amendment strike the annual report to the Secretary.

LC

90. The Senate bill and the House amendment update a section reference, although the reference is different in each bill reflecting different bill structures.

LC

91. The Senate bill and the House amendment strike language enabling the Secretary to request of States any information the Secretary may desire in the State's written notice of intention to include Impact Aid payments as State aid to an LEA for the purpose of state equalization plans.

LC

92. The House amendment, but not the Senate bill, includes a technical reference update.

LC

93. The House amendment, but not the Senate bill, strikes a reference to the Act of September 30, 1950 and accompanying related language.

SR

94. The House amendment, but not the Senate bill, adds Coast Guard to the definition of "Armed Forces".

SR

95. The House amendment, but not the Senate bill, strikes a reference to Title VI in the definition of "Current Expenditures".

SR

96. The Senate bill, but not the House amendment, updates the definition of "Federal Property" as it relates to land that is conveyed at any time under the Alaska Native Claims Settler Act to certain parties that meets certain tax circumstances.

HR with an amendment to insert at the end of (bb) "that has no taxing power"

97. The Senate bill and the House amendment update a U.S.C. reference to the Native American Housing Assistance and Self-Determination Act of 1996.

LC

98. The House amendment makes a technical edit, adding a comma, to the definition of "Local Contribution Percentage."

HR

99. The Senate bill updates the five authorization levels for Impact Aid programs to be such sums for fiscal years 2016–2021. The House amendment repeals the authorization levels here, but includes them in Sec 3 of the bill.

HR with an amendment to insert the following:

(a) In paragraph (1) by striking "such sums as may be necessary for each of fiscal years 2016 through 2021" and inserting "$66,813,000 for each of fiscal years 2017 through 2019, $71,997,917 for fiscal year 2020";

(b) In paragraph (2) by striking "such sums as may be necessary for each of fiscal years 2016 through 2021" and inserting "$1,151,233,000 for each of fiscal years 2017 through 2019, $1,240,572,618 for fiscal year 2020";

(c) In paragraph (3) by striking "such sums as may be necessary for each of fiscal years 2016 through 2021" and inserting "$48,316,000 for each of fiscal years 2017 through 2019, $52,065,487 for fiscal year 2020";

(d) In paragraph (5) by striking "such sums as may be necessary for each of fiscal years 2016 through 2021" and inserting "$17,406,000 for each of fiscal years 2017 through 2019, $18,756,765 for fiscal year 2020";

(e) In paragraph (6) by striking "such sums as may be necessary for each of fiscal years 2016 through 2021" and inserting "$4,835,000 for each of fiscal years 2017 through 2019, $5,210,213 for fiscal year 2020";

100. The House amendment makes changes to the FY 2013 NDAA to make the Impact Aid changes included within it permanent. The Senate bill also makes such change. See note 3.

LC

101. The House amendment, but not the Senate bill, strikes all of Title IV.

HR

102. The House amendment, but not the Senate bill, repeals Public Law 113–76; 20 U.S.C. 7702 note.

SR

103. The House amendment, but not the Senate bill, redesignates Title VIII to Title IV.

LC

104. The House amendment, but not the Senate bill, changes all references in Title VIII to appropriate Title IV reference.

LC

TITLE IX—GENERAL PROVISIONS

1. The Senate bill leaves the general provisions in Title IX. The House amendment moved the general provisions to Title VI.

HR/SR with an amendment to redesignate Title IX as Title VIII

2. The Senate bill uses the number "4" and the House amendment uses the word "four" in the title of the definition.

LC

3. The Senate bill and House amendment have different methods for defining four year adjusted cohort graduation rate. The Senate bill refers to the 2008 graduation rate calculation and the House amendment provides for a definition.

SR with an amendment to strike and replace with the following:

(22) FOUR-YEAR ADJUSTED COHORT GRADUATION RATE.—

(A) IN GENERAL.—The term 'four-year adjusted cohort graduation rate' means the ratio where—

(i) the denominator consists of the number of students who form the original cohort of entering first-time 9th grade students enrolled in the high school no later than the effective date for student membership data submitted annually by State educational agencies to the National Center for Education Statistics pursuant to section 153 of the Education Sciences Reform Act, adjusted by—

(I) adding the students who joined that cohort, after the time of the determination of the original cohort; and

(II) subtracting only those students who left that cohort, after the time of the determination of the original cohort, as described in subparagraph (B); and

(ii) except as provided in subclause (III), the numerator—

(I) consists of the number of students in the cohort, as adjusted under clause (i), who earned a regular high school diploma before, during, or at the conclusion of—

(aa) the fourth year of high school; or

(bb) a summer session immediately following the fourth year of high school; and

(II) consists of all students with the most significant cognitive disabilities assessed using the

alternate assessment aligned to alternate academic achievement standards under section 1111(b)(2)(D) awarded a State-defined alternate diploma that is standards-based and aligned with the State requirements for the regular high school diploma, and obtained within the time period for which the State ensures the availability of a free appropriate public education under section 612(a)(1) of the Individuals with Disabilities Education Act; and

Report Language: "It is the Conferees' intent that the State shall determine requirements for both the regular high school diploma and for the State-defined alternate diploma described in this subclause. Requirements determined by the state for the alternate diploma must be aligned to the State's requirements for the regular high school diploma and should be reflective of the State's requirements for a regular high school diploma with respect to satisfactory coursework completion or competency demonstrations that reflect professional judgment as to the highest possible standards achievable by such students."

(III) shall not consist of any student awarded a GED or other recognized equivalent, certificate of completion, certificate of attendance, or similar lesser credential.

(B) COHORT REMOVAL.—To remove a student from a cohort, a school or local educational agency shall require documentation to confirm that the student has transferred out, emigrated to another country, transferred to a prison or juvenile facility, or is deceased.

(C) TRANSFERRED OUT.—

(i) IN GENERAL.—For purposes of this paragraph, the term 'transferred out' means a student who the high school or local educational agency has confirmed, according to clause (ii), has transferred—

(I) to another school from which the student is expected to receive a regular high school diploma; or

(II) to another educational program from which the student is expected to receive a regular high school diploma.

(ii) CONFIRMATION REQUIREMENTS.—

(I) DOCUMENTATION REQUIRED.—The confirmation of a student's transfer to another school or educational program described in clause (i) requires documentation from the receiving school or program that the student enrolled in the receiving school or program.

(II) LACK OF CONFIRMATION.—A student who was enrolled, but for whom there is no confirmation of the student having transferred out, shall remain in the adjusted cohort.

(iii) PROGRAMS NOT PROVIDING CREDIT.—A student who is retained in grade or who is enrolled in a GED or other alternative educational program that does not

issue or provide credit toward the issuance of a regular high school diploma shall not be considered transferred out and shall remain in the adjusted cohort.

(D) SPECIAL RULES.—

(i) COHORT FORMATION.—For those high schools that start after grade 9, the original cohort shall be calculated for the earliest high school grade students attend no later than the effective date for student membership data submitted annually by State educational agencies to the National Center for Education Statistics pursuant to section 153 of the Education Sciences Reform Act.

(ii) VERY SMALL SCHOOLS.—A state educational agency may calculate the 4-year adjusted cohort graduation rate described under this paragraph for a high school with an average enrollment over a 4-year period of less than 100 students for purposes of differentiation under section 1111(c)(4)(D)(i)(II) by—

(I) aggregating data included in the denominator and numerator described under clause (i) and clause (ii) of subparapgrah (A), respectively, over a period of three years; or

(II) Establishing a minimum number of students that must be included in the cohort described in clause (i) of subparagraph (A) that will provide a valid graduation rate calculation as determined by the Secretary, below which the school shall be exempt from such differentiation.

4. The House amendment defines 'charter school' in Title VI. The Senate bill defines "charter school" in Title V. The language is slightly different but substantively the same.

HR

5. The Senate bill and the House amendment contain different section references to reflect different bill structures.

LC

6. The Senate bill and House amendment contain different section references to reflect different bill structures.

LC

7. The Senate bill and House amendment contain different section references to reflect different bill structures.

LC

8. The Senate bill and House amendment contain different section references to reflect different bill structures.

LC

9. The Senate bill modifies the definition of "core academic subjects" and the House amendment eliminates it.

HR/SR with an amendment to insert the following:

(11) WELL-ROUNDED EDUCATION.—The term "well-rounded education" means courses, activities, and programming in subjects including English, reading or language arts, writing, science, technology, engineering, mathematics, foreign languages, civics and government, economics, arts, history, geography, computer science, music, career and technical education, health, and physical education, and any other subject

as determined by the State or local educational agency, with the purpose of providing all students access to an enriched curriculum and educational experience.

10. The Senate bill and House amendment define "covered program" in different ways, reflecting different programs in either bill.

SR with amendment to strike "(B) Title II" through the period at the end and insert "(B) part C of title I; (C) part D of title I; (D) part A of title II; (E) part A of title III; (F) part A of title IV; (G) part B of title IV; (H) subpart 2 of part C of title V"

11. The House amendment, but not the Senate bill, slightly amends this definition.

SR

12. The House amendment, but not the Senate bill, contains a definition of "direct student services".

HR

13. The House amendment, but not the Senate bill, modifies the "distance learning" definition and renames it "distance education".

HR

14. The Senate bill, but not the House amendment, includes a definition of "dual or concurrent enrollment".

HR with an amendment to strike and insert the following:

"(17) DUAL OR CONCURRENT ENROLLMENT PROGRAM.—The term 'dual or concurrent enrollment program' means a program offered by a partnership between at least one institution of higher education and at least one local educational agency through which a secondary school student who has not graduated from high school with a regular high school diploma is able to enroll in one or more postsecondary courses and earn postsecondary credit that is transferable to the institutions of higher education in the partnership and applies toward completion of a degree or recognized educational credential.

15. The Senate bill, but not the House amendment, includes a definition of "early childhood education program".

HR

16. The Senate bill, but not the House amendment includes a definition of "early college high school".

HR with an amendment to strike "transferable" and insert "that are transferable to the institutions of higher education in the partnership"

17. The Senate bill refers to "challenging" academic standards.

HR

18. The Senate bill and House amendment use different cross-references.

HR

19. The Senate bill, but not the House amendment, has a definition for "evidence-based".

HR with an amendment to insert the following:

(23) EVIDENCE-BASED.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'evidence-based', when used with respect to

a State, local educational agency, or school activity, means an activity that—

(i) demonstrates a statistically significant effect on improving student outcomes or other relevant outcomes based on—

(I) strong evidence from at least 1 well-designed and well-implemented experimental study;

(II) moderate evidence from at least 1 well-designed and well-implemented quasi-experimental study; or

(III) promising evidence from at least 1 well-designed and well-implemented correlational study with statistical controls for selection bias; or

(ii) (I) demonstrates a rationale that is based on high-quality research findings or positive evaluation that such activity is likely to improve student outcomes or other relevant outcomes; and

(II) includes ongoing efforts to examine the effects of such activity.

(B) DEFINITION FOR SPECIFIC ACTIVITIES FUNDED UNDER THIS ACT.— The term 'evidence-based', means a State, local educational agency, or school activity that meets the requirements of subclause (I), (II), or (III) of subparagraph (A)(i) when used with respect to interventions or improvement activities or strategies funded under section 1003.

(C) TECHNICAL ASSISTANCE.—If requested by State or local educational agencies, regional educational laboratories shall provide technical assistance to such State or local educational agency in meeting the requirements of this paragraph.

20. The Senate bill, but not the House amendment, has a definition of "expanded learning time".

HR with an amendment to strike "instruction and enrichment in core academic subjects, other academic subjects, and other activities that contribute to" and insert "activities and instruction for enrichment in"

21. The Senate bill and the House amendment have different methods for defining "extended-year adjusted cohort graduation rate". The Senate bill refers to the 2008 regulation and the House amendment defines "extended-year adjusted cohort graduation rate".

SR with an amendment to strike and replace with the following:

(20) EXTENDED-YEAR ADJUSTED COHORT GRADUATION RATE.—

(A) IN GENERAL.—The term 'extended-year adjusted cohort graduation rate' means the ratio where—

(i) the denominator consists of the number of students who form the original cohort of entering first-time 9th grade students enrolled in the high school no later than the effective date for student membership data submitted annually by State educational agencies to the National Center for Education Statistics under

section 153 of the Education Sciences Reform Act, adjusted by—

(I) adding the students who joined that cohort, after the time of the determination of the original cohort; and

(II) subtracting only those students who left that cohort, after the time of the determination of the original cohort, as described in subparagraph (B); and

(ii) except as provided in subclause (III), the numerator—

(I) consists of the number of students in the cohort, as adjusted under clause (i), who earned a regular high school diploma before, during, or at the conclusion of—

(aa) one or more additional years beyond the fourth year of high school; or

(bb) a summer session immediately following the additional year of high school; and

(II) consists of all students with the most significant cognitive disabilities assessed using the alternate assessment aligned to alternate academic achievement standards under section 1111(b)(2)(D) awarded a State-defined alternate diploma that is standards-based and aligned with the State requirements for the regular high school diploma, and obtained within the time period for which the State ensures the availability of a free appropriate public education under section 612(a)(1) of the Individuals with Disabilities Education Act;

Report Language: "It is the Conferees' intent that the State shall determine requirements for both the regular high school diploma and for the State-defined alternate diploma described in this subclause. Requirements determined by the State for the alternate diploma must be aligned to the State's requirements for the regular high school diploma and should be reflective of the State's requirements for a regular high school diploma with respect to satisfactory coursework completion or competency demonstrations that reflect professional judgment as to the highest possible standards achievable by such students."

(III) shall not consist of any student awarded a GED or other recognized equivalent, certificate of completion, certificate of attendance, or similar lesser credential.

(B) COHORT REMOVAL.—To remove a student from a cohort, a school or local educational agency shall require documentation to confirm that the student has transferred out, emigrated to another country, transferred to a prison or juvenile facility, or is deceased.

(C) TRANSFERRED OUT.—

(i) IN GENERAL.—For purposes of this paragraph, the term 'transferred out' means a student who the

high school or local educational agency has confirmed, according to clause (ii), has transferred—

(I) to another school from which the student is expected to receive a regular high school diploma; or

(II) to another educational program from which the student is expected to receive a regular high school diploma.

(ii) CONFIRMATION REQUIREMENTS.—

(I) DOCUMENTATION REQUIRED.—The confirmation of a student's transfer to another school or educational program described in clause (i) requires documentation from the receiving school or program that the student enrolled in the receiving school or program.

(II) LACK OF CONFIRMATION.—A student who was enrolled, but for whom there is no confirmation of the student having transferred out, shall remain in the denominator of the extended-year adjusted cohort.

(iii) PROGRAMS NOT PROVIDING CREDIT.—A student who is retained in grade or who is enrolled in a GED or other alternative educational program that does not issue or provide credit toward the issuance of a regular high school diploma shall not be considered transferred out and shall remain in the extended-year adjusted cohort.

(D) SPECIAL RULE.—For those high schools that start after grade 9, the original cohort shall be calculated for the earliest high school grade students attend no later than the effective date for student membership data submitted annually by State educational agencies to the National Center for Education Statistics pursuant to section 153 of the Education Sciences Reform Act.

22. The House amendment, but not the Senate bill, includes a definition for "high-quality academic tutoring".

HR

23. The Senate bill, but not the House amendment, adds a definition of multi-tier system of supports.

HR with an amendment to strike (33) and insert a new (33) as follows:

'(33) MULTI-TIER SYSTEM OF SUPPORTS.—The term 'multi-tier system of supports' means a comprehensive continuum of evidence-based, systemic practices to support a rapid response to students' needs, with regular observation to facilitate data-based instructional decision making.';

Report Language: "It is the intent of the Conferees that the full range of students" needs, including academic needs and behavioral needs, be addressed through a school's use of a multi-tier system of supports."

24. The House amendment, but not the Senate bill, eliminates the definition of "mentoring".

HR

25. The House amendment and the Senate bill update the definition of "outlying areas" in different ways.

SR

26. The Senate bill, but not the House amendment, includes a definition of "paraprofessional".

HR

27. The Senate bill and House amendment contain different section references in subparagraph (D).

LC

28. The House amendment, but not the Senate bill, includes a definition for "Pay For Success Initiatives".

SR with an amendment to strike the definition and insert the following:

PAY FOR SUCCESS INITIATIVE.—The term "pay for success initiative" means a performance-based grant, contract, or cooperative agreement awarded by a public entity in which a commitment is made to pay for improved outcomes that result in social benefit and direct cost savings or cost avoidance to the public sector. Such an initiative must include—

(1) a feasibility study on the initiative describing how the proposed intervention is based on evidence of effectiveness;

(2) a rigorous, third party evaluation that uses experimental or quasi-experimental design or other research methodologies that allow for the strongest possible causal inferences to determine whether the initiative has met its proposed outcomes;

(3) an annual, publicly available report on the progress of the initiative; and

(4) except as provided as under paragraph (2), a requirement that payments are made to the recipient of a grant contactor or cooperative agreement only when agreed upon outcomes are achieved.

29. The Senate bill and the House amendment both include a definition of "professional development" but they are different.

SR with amendment to strike "the term 'professional development' —" and everything that follows through the "." at the end and insert after "PROFESSIONAL DEVELOPMENT—" the following:

The term "professional development" means activities that—

(A) are an integral part of school and local educational agency strategies for providing educators (including teachers, principals, other school leaders, specialized instructional support personnel, paraprofessionals, and, as applicable, early childhood educators) with the knowledge and skills necessary to enable students to succeed in the [core academic subjects] and to meet challenging State academic standards; and

(B) are sustained (not stand-alone, 1-day, or short term workshops), intensive, collaborative, job-embedded, data-driven, classroom-focused, and may include activities that—

(i) improve and increase teachers'—

(I) knowledge of the academic subjects the teachers teach;

(II) understanding of how students learn; and

(III) ability to analyze student work and achievement from multiple sources, including how to adjust instructional strategies, assessments, and materials based on such analysis;

(ii) are an integral part of broad schoolwide and districtwide educational improvement plans;

(iii) allow personalized plans for each educator to address the educator's specific needs identified in observation or other feedback;

(iv) improve classroom management skills;

(v) support the recruiting, hiring, and training of effective teachers, including teachers who became certified through State and local alternative routes to certification;

(vi) advance teacher understanding of—

(I) effective instructional strategies that are evidence-based; and

(II) strategies for improving student academic achievement or substantially increasing the knowledge and teaching skills of teachers;

(vii) are aligned with, and directly related to academic goals of the school or local educational agency;

(viii) are developed with extensive participation of teachers, principals, other school leaders, parents, representatives of Indian tribes (as applicable), and administrators of schools to be served under this Act;

(ix) are designed to give teachers of children who are English learners, and other teachers and instructional staff, the knowledge and skills to provide instruction and appropriate language and academic support services to those children, including the appropriate use of curricula and assessments;

(x) to the extent appropriate, provide training for teachers, principals, and other school leaders in the use of technology (including education about the harms of copyright piracy), so that technology and technology applications are effectively used in the classroom to improve teaching and learning in the curricula and academic subjects in which the teachers teach;

(xi) as a whole, are regularly evaluated for their impact on increased teacher effectiveness and improved student academic achievement, with the findings of the evaluations used to improve the quality of professional development;

(xii) are designed to give teachers of children with disabilities or children with developmental delays, and other teachers and instructional staff, the knowledge and skills to provide instruction and academic support services to those children, including positive behavioral interventions and supports, multi-tiered systems of supports, and use of accommodations;

(xiii) include instruction in the use of data and assessments to inform and instruct classroom practice;

(xiv) include instruction in ways that teachers, principals, other school leaders, specialized instructional support personnel, and school administrators may work more effectively with parents and families;

(xv) involve the forming of partnerships with institutions of higher education, including, as applicable, Tribal Colleges and Universities as defined in section 316(b) of the Higher Education Act of 1965 (20 U.S.C. 1059c (b)), to establish school-based teacher, principal, and other school leader training programs that provide prospective teachers, novice teachers, principals, and other school leaders with an opportunity to work under the guidance of experienced teachers, principals, other school leaders, and faculty of such institutions;

(xvi) create programs to enable paraprofessionals (assisting teachers employed by a local educational agency receiving assistance under part A of title I) to obtain the education necessary for those paraprofessionals to become certified and licensed teachers;

(xvii) provide follow-up training to teachers who have participated in activities described in this paragraph that are designed to ensure that the knowledge and skills learned by the teachers are implemented in the classroom; and

(xviii) where applicable and practical, provide jointly for school staff and other early childhood education program providers, to address the transition to elementary school, including issues related to school readiness.'

30. The House amendment, but not the Senate bill, includes a definition of "regular high school diploma".

SR with an amendment to strike and replace with the following:

'(37) REGULAR HIGH SCHOOL DIPLOMA.—The term 'regular high school diploma' means the standard high school diploma awarded to the preponderance of students in the State that is fully aligned with State standards, or a higher diploma. Such term shall not include a GED or other recognized equivalent of a diploma, a certificate of attendance, or any lesser diploma award.

31. The Senate bill definition for "school leader" is structured differently from the definition in the House amendment and contains specific references to "elementary school" and "secondary school".

HR

32. The House amendment, but not the Senate bill, refers to optimum conditions for student learning.

HR

33. The Senate bill and House amendment have a different structure for the definition of "specialized instructional support personnel".

LC

34. The Senate bill, but not the House amendment, includes school nurses, speech language pathologists, and school librarians in the definition for "specialized instructional support personnel".

HR

35. The House amendment, but not the Senate bill, updates the definition for "technology".

SR

36. The Senate bill, but not the House amendment, includes a definition for "universal design for learning".

HR

Report Language: "It is the Conferees" intent that the term "universal design for learning" refers to efforts that reduce barriers in instruction, that ensure appropriate accommodations and supports, and that allow all students, particularly those with disabilities and English learners, to meet high academic achievement expectations. The term refers to a scientifically valid framework for guiding educational practice that provides flexibility in the ways information is presented, in the ways students respond or demonstrate knowledge and skills, and in the ways students are engaged."

37. The Senate bill and House amendment contain different title references.

LC

38. The House amendment, but not the Senate bill, strikes the requirement for States to demonstrate a majority of funds come from non-federal sources.

HR

39. The Senate bill, but not the House amendment, adds an additional use of funds

HR

40. The location of section 9203(b) amendments is out of order in the Senate bill.

LC

41. The Senate bill, but not the House amendment, adds an additional use of funds related to fiscal support teams.

HR

42. The House amendment, but not the Senate bill, strikes a reference to "including measurable goals and objectives"

SR with an amendment to insert ", including program objectives" after "effectiveness"

43. The House amendment, but not the Senate bill, removes "nonprofit" from "public and private agencies".

SR

44. The House amendment, but not the Senate bill, removes requirement for the private agency to be nonprofit in 2(A) and 2(B).

SR

45. The Senate bill, but not the House amendment, adds an option for rural districts and educational service agencies to submit a consolidated plan.

HR

46. The House amendment, but not the Senate bill, removes the cross reference to State plans being submitted pursuant to current law section 9305 or separately.

SR

47. The House amendment, but not the Senate bill, removes requirement for the private agency to be nonprofit

SR

48. The Senate bill, but not the House amendment, includes a provision for the local educational agency to request a waiver through the state educational agency and for schools to request waivers through the local educational agency who then may request it through the state educational agency.

HR

49. The House amendment and the Senate bill contain different exceptions.

HR

50. The House amendment also contains limitations.

HR

51. The House amendment, but not the Senate bill, requires the Secretary to waive statutory or regulatory requirements for the state educational agencies, Indian tribes, or schools who submit a waiver pursuant to the subsection.

HR

52. The Senate bill and House amendment have different requirements for the contents of the waiver applications.

HR

53. The Senate bill, but not the House amendment, maintains the requirement that the application describe how the waiver will increase the quality of instruction for students and improve the academic achievement of students. The House amendment includes a requirement that the application reasonably demonstrate how the waiver will improve instruction and advance student academic achievement.

SR with an amendment to strike "reasonably demonstrates that the waiver will improve instruction for students and" and insert "describes how the waiving of those requirements will"

54. The Senate bill, but not the House amendment, requires the entity seeking a waiver to regularly evaluate the effectiveness of the waiver.

HR

55. The Senate bill, but not the House amendment, contains a provision that requires waiver plans to only include information directly related to the waiver request.

SR with an amendment to insert a new subparagraph (E) as follows: "(E) includes only information directly related to the waiver request; and"

and amend subparagraph (E) of current law by inserting the following:

, and, if the waiver relates to provisions of section 1111(b) or **[**(h)**]**, how the State educational agency, local educational agency, or Indian tribe will maintain or improve transparency in reporting to parents and the public on student achievement and school performance, including the achievement of the subgroups of students identified in section 1111**[**(b)(2)(B)(xi)**]**" after "requested"

56. The House amendment and the Senate bill have different lead-ins before subparagraph (A).

LC

57. The Senate bill and the House amendment contain similar language.

HR

58. The Senate bill, but not the House amendment, adds a cross-reference to the language preceding clause (i) permitting the State to act on behalf of local educational agencies.

HR

59. The House amendment, but not the Senate bill, inserts "the public" and "provide input" in clause (i).

SR

60. The House amendment refers to "LEAs" while the Senate bill refers to "any interested LEAs."

HR

61. The Senate bill, but not the House amendment, adds a requirement that the state provide this information to any LEA to the extent the waiver request impacts that LEA.

HR

62. The House amendment, but not the Senate bill, adds "input" to clause (ii).

SR

63. The House amendment, but not the Senate bill, requires the States to describe how they addressed comments when submitting the request to the Secretary.

SR

64. The House amendment, but not the Senate bill, adds opportunities for comment in a reasonable time to the public and LEAs in clause (iii).

SR

65. The Senate bill, but not the House amendment, adds a requirement for the SEA to approve any LEA waiver request in accordance with subsection (a)(2) before submission.

HR

66. The House amendment, but not the Senate bill, adds "and the public" at the end.

SR

67. The House amendment, but not the Senate bill, adds reasonable opportunities for the State and public to comment on waiver requests.

SR

68. The House amendment, but not the Senate bill, includes a peer review requirement.

HR

69. The Senate bill and House amendment have different paragraph numbers.

HR

70. The Senate bill requires the Secretary to issue a written determination regarding the approval or disapproval and the House amendment requires the Secretary to approve the waiver unless certain conditions are met.

HR with amendment to insert "initial" after "regarding the" and strike "submitted," and all that follows and insert "submitted." Initial disapproval of such request shall be based on the determination of the Secretary that—"

71. The Senate bill includes a 90 day timeline, the House amendment includes 60 days.

HR with amendment to strike "90" and insert "120"

72. The House amendment, but not the Senate bill, includes clauses (iii) and (iv).

SR with amendment to strike "clause (iii)" insert all that follows:

> '(iii) the plan that is required under paragraph (1)(C), provides insufficient information to demonstrate that the waiving of such requirements will advance student academic achievement consistent with the purposes of this Act; or

72A. The Senate bill and the House amendment have the same subparagraph (B).

HR/SR with amendment to strike "If the Secretary determines" and all that follows through "section," and insert "Upon the initial determination of disapproval under subparagraph (A),"

73. The Senate bill, but not the House amendment adds a mention of "through the State educational agency".

HR

74. The Senate bill requires the Secretary to provide detailed reasons for the waiver determination and permits the reasons to be posted online. The House amendment says the detailed reasons have to be provided at the request of the SEA.

HR

75. The Senate bill, but not the House amendment includes "through the SEA".

HR

76. The Senate bill and House amendment refer to the 60 day timeline in different ways.

HR

76a. The Senate bill and House amendment have the same clause (iii).

SR with amendment to strike "public"

76b. The Senate bill and the House amendment have the same subparagraph (C).

HR/SR with amendment to insert "ultimately" after "The Secretary may"

77. The Senate bill, but not the House amendment, includes "through the SEA".

HR

78. The House amendment contains "if requested" at the end of subclause (II).

SR.

79. The Senate bill and House amendment contain different provisions on external conditions.

HR

80. The House amendment, but not the Senate bill, includes Indian tribes in paragraph (1).

SR

81. The House amendment, but not the Senate bill, removes the paragraph related to maintenance of effort.

HR

82. The House amendment, but not the Senate bill removes the paragraph related to charter schools. The Senate bill updates a cross reference in paragraph (8) of the Senate bill.

HR

83. The House amendment, but not the Senate bill, makes changes to current law paragraph (9) (paragraph (7) in the House amendment) regarding prohibitions.

HR/LC

84. The Senate bill and House amendment contain different section references.

LC

85. The Senate bill, but not the House amendment, makes updates to paragraph (10) of the Senate bill to reflect a change in bill structure.

SR

86. The House amendment, but not the Senate bill, shortens the length of possible waiver approval time from 4 years to 3 years.

HR

86a. The House amendment, but not the Senate bill, changes "Secretary determines" to "State demonstrates".

SR

87. The Senate bill and House amendment contain different provisions related to limitations.

SR with amendment to strike "any criterion that specifies, defines, describes, or prescribes" and all that follows to "improve" and insert "any specific elements of"

88. The Senate bill and House amendment have different reporting requirements.

HR

89. The Senate bill and House amendment have different requirements for the termination of waivers.

HR

90. The Senate bill, but not the House amendment, includes a provision for the repeal of waivers.

SR

91. The Senate bill, but not the House amendment, includes a provision for a plan approval process for all State and local applications and plans in the bill, including consolidated State and local plans.

Note not needed.

92. The Senate bill redesignates current law section 4303 as section 9573, and updates references to early childhood. The House amendment repeals current law section 4303.

HR

93. The Senate bill, but not the House amendment, includes a provision for a plan approval process for all State applications and plans in the bill, including consolidated State plans. The House amendment includes similar language for Title II State applications.

HR with amendment to read as follows:

(3) by inserting after section 9401 the following:

PART E—APPROVAL AND DISAPPROVAL OF STATE PLANS AND LOCAL APPLICATIONS

SEC. 9451. APPROVAL AND DISAPPROVAL OF STATE PLANS.

(a) APPROVAL—A plan submitted by a State pursuant to section [2101(d), 4103(d), or 9302] shall be approved by the Secretary unless the Secretary makes a written determination (which shall include rationale supporting such determination), prior to the expiration of the 90-day period beginning on the date on which the Secretary received the plan, that the plan is not in compliance with section [2101(d) or 4103(d) or part C], respectively; and

94. The Senate bill, but not the House amendment, includes a provision for a plan disapproval process for all State applications and plans in the bill, including consolidated State plans. The House amendment includes similar language for Title II State applications.

HR with an amendment to read as follows:

(E) conduct a hearing within 30 days of the plan's resubmission under subparagraph (C), unless a State declines the opportunity for such hearing; and

(F) request additional information, only as to the noncompliant provisions, needed to make the plan compliant.

(c) LIMITATION.—A plan submitted under section [section 2101(d), 4103(d), or 9302] shall not be approved or disapproved based upon the activities proposed within such plan if such proposed activities meet the applicable program requirements."

(3) RESPONSE.—If the State educational agency responds to the Secretary's notification described in paragraph (2)(A) during the 45-day period beginning on the date on which the State educational agency received the notification, and resubmits the plan with the requested information described in paragraph (2)(C), the Secretary shall approve such plan unless the Secretary determines the plan does not meet the requirements of this part.

95. The Senate bill ensures consolidated State plans related to Part A are subject to Title I peer review.

HR

96. The Senate bill, but not the House amendment, includes a provision for a plan approval process for all local applications and plans in the bill, including consolidated local plans. The House amendment includes similar language for Title II local applications.

HR with amendment to read as follows:

SEC. 9452. APPROVAL AND DISAPPROVAL OF LOCAL EDUCATIONAL AGENCY APPLICATIONS.

(a) APPROVAL—An application submitted by a local educational agency pursuant to section [2102(b), 4104(b), or 9305], shall be approved by the State educational agency unless the State educational agency makes a written determination (which shall include the supporting information and rationale for such determination), prior to the expiration of the 90 day period beginning on the date on which the State educational agency received the application, that the application is not in compliance with section 2102(b) or 4104(b), or part C, respectively.

97. The Senate bill, but not the House amendment, includes a provision for a plan disapproval process for all local applications and plans in the bill, including consolidated local plans. The House amendment includes similar language for Title II local applications.

HR with amendment to read as follows:

(b) DISAPPROVAL PROCESS.—

(E) conduct a hearing within 30 days of the application's resubmission under subparagraph (C), unless a local educational agency declines the opportunity for such hearing; and

(3) RESPONSE.—If the local educational agency responds to the State educational agency's notification described in paragraph (2)(A) during the 45-day period beginning on the date on which the local educational agency received the notification, and resubmits the application with the requested information described in paragraph (2)(C), the State educational agency shall approve such application unless the State educational agency determines the application does not meet the requirements of this part.

98. The Senate bill and House amendment make different changes to participation requirements for private school children.

STRIKE

99. The House amendment, but not the Senate bill, adds "or their representatives".

HR

100. The House amendment, but not the Senate bill, adds an ombudsman.

SR

101. The House amendment, but not the Senate bill, makes changes to expenditures, including adding provisions for obligations of funds and notice of allocation.

HR

102. The House amendment includes a (B) for obligation of funds.

SR with amendment to strike clause (ii)

Report Language: "It is the Conferees intent to ensure that the agency shall provide services to eligible students under this provision in a timely manner to ensure such services will be provided in the year in which the funds were received by such agency. If the agency does not provide equitable services in the year in which the funds were received, such funds should not be redistributed for general use because such services were not provided."

103. House amendment adds paragraph (C).

SR with an amendment to strike "determine" through all of clause (ii) and insert "provide notice in a timely manner to the appropriate private school officials in the State of the allocation of funds for educational services and other benefits under this subpart that the local educational agencies have determined are available for eligible private school children."

104. The Senate bill and House amendment have equitable participation provisions apply to different programs in the Act.

SR with an amendment to strike and insert the following:

(A) Part C of title I;
(B) Part A of title II;
(C) Part A of title III;
(D) Part A of title IV; and
(E) Part B of title IV;

105. The Senate bill and House amendment have different changes to subsection (c)(1).

SR with amendment to strike "in order to reach an agreement, with appropriate private school officials during the design and development of the programs under this Act, on issues such as" and insert ". Such agency and private school officials shall both have the goal of reaching agreement on how to provide equitable and effective programs for eligible private school children,"

106. The House and Senate make different changes to subparagraph (E).

HR

107. The House amendment adds "or representatives" to subparagraph (F).

HR

108. The Senate bill but not the House amendment includes contract before services.

SR

109. The House amendment includes a subparagraph (G).

HR

110. The Senate bill and House amendment include similar policy in subparagraph (G) of the Senate bill and subparagraph (H) of the House amendment.

HR

110a. The House amendment includes subparagraph (I).

SR

111. The House amendment includes "or representatives" in paragraph (2).

HR

112. The House amendment makes changes to paragraph (2).

HR

113. The House amendment adds paragraph (5) on documentation.

SR with an amendment to strike "or representatives" and to insert after "indicate" "that such officials' belief" (See EP #33)

114. The House amendment adds paragraph (6) on compliance.

SR with an amendment to strike "or representatives" and insert "make a decision that treats" after "or did not"

115. The House amendment adds subparagraph (C) in paragraph (6) on state services.

SR with amendment to strike "and institutions, if—"and all that follows through the end and insert "and institutions, if the appropriate private school officials or their representatives have—

'(I) requested that the State educational agency provide such services directly; and

'(II) demonstrated that the local educational agency involved has not met the requirements of this section in accordance with the procedures for making such a request, as prescribed by the State educational agency;"

116. The House amendment and Senate bill reference different sections in 6502 and 6503.

LC

117. The House amendment, but not the Senate bill, adds a 45 day timeline for complaints to be resolved by the states.

SR

118. The House amendment changes the Secretary's timeline to 90 days.

SR

119. The Senate bill, but not the House amendment, includes a provision for maintenance of effort.

HR

120. The Senate bill, but not the House amendment, includes a change to this provision for school prayer.

HR

121. The Senate bill and the House amendment both include prohibitions on Federal government and use of funds, but include different language.

SR with amendment to read as follows:

SEC. 8XXX. PROHIBITION AGAINST FEDERAL MANDATES, DIRECTION, OR CONTROL.

(a) IN GENERAL.—No officer or employee of the Federal Government shall, through grants, contracts, or other cooperative agreements, mandate, direct, or control a State, local educational agency, or school's specific instructional content, academic standards and assessments, curricula, or program of instruction developed and implemented to meet the requirements of this Act (including any requirement, direction, or mandate to adopt the Common Core State Standards developed under the Common Core State Standards Initiative, any other academic standards common to a significant number of States, or any assessment, instructional content, or curriculum aligned to such standards), nor shall anything in this Act be construed to authorize such officer or employee to do so.

(b) FINANCIAL SUPPORT.—No officer or employee of the Federal Government shall condition or incentivize the receipt of any grant, contract, or cooperative agreement, the receipt of any priority or preference under such grant, contract, or cooperative agreement, or the receipt of a waiver under section 【8401】 upon a State, local educational agency, or school's adoption or implementation of specific instructional content, academic standards and assessments, curricula, or program of instruction developed and implemented to meet the requirements of this Act (including any condition, priority, or preference to adopt the Common Core State Standards developed under the Common Core State Standards Initiative, any other academic standards common to a significant number of States, or any assessment, instructional content, or curriculum aligned to such standards).

SEC. 8XXX. PROHIBITIONS ON FEDERAL GOVERNMENT AND USE OF FEDERAL FUNDS.

(a) GENERAL PROHIBITION.—Nothing in this Act shall be construed to authorize an officer or employee of the Federal Government, including through a grant, contract, or cooperative agreement, to mandate, direct, or control a State, local educational agency, or school's curriculum, program of instruction, or allocation of State or local resources, or mandate a State or any subdivision thereof to spend any funds or incur any costs not paid for under this Act

122. The Senate bill and the House amendment include prohibitions on the endorsement of curriculum, but include different language.

SR with amendment to strike "directly or indirectly"

123. The House amendment includes a protection for local control.

SR with an amendment to strike "directly" or indirectly"

124. The Senate bill and the House amendment include a prohibition on Federal approval of standards using different language.

SR with an amendment to strike "directly" or indirectly"

125. The Senate bill, but not the House amendment, includes a rule of construction.

HR with an amendment to strike subparagraph (A) and to strike in subparagraph (B) "Nothing in this section" and insert "Nothing in this Act"

125a. The House amendment and Senate bill have different references, but the same policy.

LC

126. The House amendment, but not the Senate bill, contains provisions on prohibited uses of funding for construction, medical services, drug treatment, and other uses.

SR

126a. The House amendment, but not the Senate bill, has a prohibition for construction in (1)

SR with an amendment to strike "title IV or otherwise authorized"

126b. The House amendment and Senate bill includes different paragraph (2)s.

HR

126c. The House amendment, but not the Senate bill, has a paragraph on transportation prohibition.

SR

126d. The House amendment, but not the Senate bill, makes changes to (4) and (5).

HR

127. The Senate bill and the House amendment include an Armed Forces Recruiter Access policy, but use different language in (a)(1).

SR

128. The House amendment, but not the Senate bill, amends the opt out process.

SR

129. The House amendment, but not the Senate bill, adds a rule of construction on opt-in processes.

SR

130. The House amendment, but not the Senate bill, adds a provision on parental consent.

SR

130a. The House amendment includes a reference to the bill title.

LC

131. The Senate bill and the House amendment include a prohibition on federally sponsored testing, but use different language.

HR

132. The Senate bill, but not the House amendment updates an ESRA reference.

HR

133. The Senate bill, but not the House amendment, also includes a rule of construction.

SR

134. The Senate bill and the House amendment include a limitation on national testing or certification for teachers, but use different language.

HR with an amendment to insert in the heading ", principals, or other school leaders" after teachers

135. The Senate bill adds "principals" after "teachers".

HR with an amendment to read as follows:

"(1) by inserting ', principals, or other school leaders,' after 'teacher'; and" insert ", or other school leaders" before the period.

136. The Senate bill adds "or incentive regarding" after "administration of".

HR

137. The House amendment moves the prohibition regarding state aid and changes "title viii" to "title iv" to reflect a change of structure in the House amendment, but otherwise the provisions are identical.

HR/SR with an amendment to strike "title VIII" and insert "title VII"

138. The House amendment, but not the Senate bill, includes a provision on prohibitions regarding requiring state participation.

SR

139. The Senate bill, but not the House amendment, includes a provision on consultation with Indian tribes.

HR to strike the Senate language and insert the following:

SEC. XX. CONSULTATION WITH INDIAN TRIBES AND TRIBAL ORGANIZATIONS.

(a) IN GENERAL.—To ensure timely and meaningful consultation on issues affecting American Indian and Alaska Native students, an affected local educational agency shall consult with appropriate officials from Indian tribes or tribal organizations approved by the tribes located in the area served by the local educational agency prior to the affected local educational agency's submission of a required plan or application for a covered program under this Act or for a program under Title VII of this Act.

(b) DOCUMENTATION.—Each affected local educational agency shall maintain in the agency's records and provide to the State educational agency a written affirmation signed by the appropriate officials of the participating tribes that the consultation required by this section has occurred. If such officials do not provide such affirmation within a reasonable period of time, the affected local educational agency shall forward documentation that such consultation has taken place to the State educational agency.

(c) AFFECTED LOCAL EDUCATIONAL AGENCY.—In this section, the term 'affected local educational agency' means a local educational agency—

(1) with an enrollment of American Indian or Alaska Native students that is not less than 50 percent of the total enrollment of the local educational agency; or

'(2) that received a grant in the previous fiscal year under Title VI, Part A, Subpart 1 that exceeded $40,000. .'.

(e) APPROPRIATE OFFICIALS.—In this section, the term "appropriate officials" means tribal officials who are elected or appointed tribal leaders or officials designated in writing by an Indian tribe for this specific consultation purpose.

(f) RULE OF CONSTRUCTION.—Subject to the requirement in (a), nothing in this section shall be construed to require the local educational agency to determine who are the appropriate officials nor shall the local educational agency be liable for consultation with appropriate officials that the tribe determines were not the correct individuals.

(g) LIMITATION.—

(1) Consultation required under this section shall not interfere with the timely submission of the plans or applications required under this Act..

140. The Senate bill, but not the House amendment, includes a provision on competitive grants applications from BIE.

SR

141. The Senate bill, but not the House amendment, includes a provision on outreach and technical assistance for rural local educational agencies.

HR

142. The Senate bill, but not the House amendment, includes a provision on consultation with the governor.

HR

143. The Senate bill and House amendment, include provisions to protect local control, but use different language.

HR

144. The Senate bill, but not the House amendment includes a rule of construction regarding travel to and from school.

HR

145. The House amendment, but not the Senate bill, includes a provision regarding abortion and school-based health centers.

SR with an amendment to strike and insert the following:

SEC. 6532. SCHOOLCHILDREN'S PROTECTION FROM ABORTION PROVIDERS."

and all that follows and insert the following:

SEC. XXXX. LIMITATIONS ON SCHOOL-BASED HEALTH CENTERS.

Notwithstanding section **[**8102**]**, funds used for activities under this Act shall be carried out in accordance with the provision of section 399z–1(a)(3)(C) of the Public Health Service Act (42 U.S.C. 280h–5(a)(3)(C)).

146. The House amendment, but not the Senate bill, includes a provision regarding state control over standards.

SR with an amendment to strike "or any other specific standards," and insert "or otherwise revise their standards."

147. The Senate bill and the House amendment include similar provisions, except that the House amendment adds "as prescribed under section 1401.".

HR

148. The House amendment, but not the Senate bill, includes a provision for peer review to relate to the whole bill.

HR

149. The House amendment, but not the Senate bill, includes a provision for parental consent.

HR

150. The House amendment, but not the Senate bill, includes a provision for reduction in federal spending.

HR

151. The House amendment, but not the Senate bill, includes findings and a sense of Congress on protecting student privacy.

SR

152. The House amendment, but not the Senate bill, includes a provision for States retaining rights and authorities they do not expressly waive.

HR

153. The House amendment, but not the Senate bill, contains a provision on reallocation among the states.

HR/SR Strike all and replace with the following:

SENSE OF THE CONGRESS.—It is the Sense of Congress that State and local officials should be consulted and made aware of the requirements that accompany participation in activities authorized under this Act prior to a State or local educational agency's request to participate in such activities.

154. The House amendment, but not the Senate bill, contains a definition for State with a biennial legislature.

HR

155. The House amendment, but not the Senate bill, contains a provision related to the intent of Congress.

HR

156. The House amendment requires the Secretary to ensure that grantees understand their responsibility to protect student privacy. The Senate bill does not include this provision in this title.

SR with an amendment to strike "ensure" and insert "require an assurance that"

157. The House amendment, but not the Senate bill, eliminates current law section 9532 regarding "Unsafe School Choice Option."

HR

158. The Senate bill and the House amendment include a part on Evaluations, but include different provisions.

HR

159. The Senate bill requires and prioritizes evaluations, studies, and dissemination. The House amendment just allows these things.

HR

160. The Senate bill and House amendment make evaluating effects and efficiencies of programs allowable, but use different structures.

HR

161. The Senate bill and House amendment allow funds to be used to increase evaluation usefulness, but use different language.

HR

162. The Senate bill, but not the House amendment, allows funds to assist grantees in collecting and analyzing data related to evaluations.

HR

163. The Senate bill and House amendment both require an evaluation plan, but use different language around the requirements.

HR

164. The Senate bill requires the National Assessment of Title I funds to go directly to this section, and excludes other Title I funds to be reserved for evaluation. The House amendment prohibits the reservation of Title I funds.

HR

165. The Senate bill, but not the House amendment, includes this provision on consolidation.

HR

166. The Senate bill and House amendment contain similar language related to evaluation activities authorized elsewhere, but the House amendment includes "other than Title I" and refers to "or project" in two places.

HR

167. The House amendment redesignates several sections of current law in Title VI, General Provisions.

LC

167a. The House amendment, but not the Senate bill, repeals Title IX.

HR

168. The Senate bill and House amendment have different section references and titles.

HR/SR with an amendment to strike Sec. 9117 and insert the following:

SEC. 9117. PROHIBITION ON AIDING AND ABETTING SEXUAL ABUSE.

Subpart 2 of part F of title IX (20 U.S.C. 7901 et seq.), as amended by sections 4001(3) and 9114, and redesignated by section 9106(1), is further amended by adding at the end the following:

SEC. 9539. PROHIBITION ON AIDING AND ABETTING SEXUAL ABUSE.

(a) IN GENERAL.—A State, State educational agency, or local educational agency in the case of a local educational agency designated under State law, that receives Federal funds under this Act shall have laws, regulations, or policies that prohibit any person who is a school employee, contractor, or agent, or any State educational agency or local educational agency, from assisting a school

employee, contractor, or agent in obtaining a new job, apart from the routine transmission of administrative and personnel files, if the person or agency knows, or has probable cause to believe, that such school employee, contractor, or agent engaged in sexual misconduct regarding a minor or student in violation of the law.

(b) EXCEPTION.—The requirements of subsection (a) shall not apply if the information giving rise to probable cause—

(1)(A) has been properly reported to a law enforcement agency with jurisdiction over the alleged misconduct; and

(B) has been properly reported to any other authorities as required by Federal, State, or local law, including title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.) and the regulations implementing such title under part 106 of title 34, Code of Federal Regulations, or any succeeding regulations; and

(2)(A) the case has been officially closed or the prosecutor with jurisdiction over the alleged misconduct has investigated the allegations and notified school officials that there is insufficient information to establish probable cause that the school employee, contractor, or agent engaged in sexual misconduct regarding a minor or student in violation of the law;

(B) the school employee, contractor, or agent has been charged with, and exonerated of, the alleged misconduct; or

(C) the case remains open but there have been no charges filed against, or indictment of, the school employee, contractor, or agent within 4 years of the date on which the information was reported to a law enforcement agency.

(c) PROHIBITION.—The Secretary shall not have the authority to mandate, direct, or control the specific measures adopted by a State, State educational agency, or local educational agency under this section.

(d) CONSTRUCTION.—Nothing in this section shall be construed to prevent a State from adopting, or to override a State law, regulation, or policy that provides, greater or additional protections to prohibit any person who is a school employee, contractor, or agent, or any State educational agency or local educational agency, from assisting a school employee who engaged in sexual misconduct regarding a minor or student in violation of the law in obtaining a new job.".

169. The Senate bill, but not the House amendment, includes the State in addition to the State educational agency and local educational agency in the prohibition.

See note 168.

170. The Senate bill, but not the House amendment, requires that any State, State educational agency, or local educational agency that receives funds under this Act have laws, regulations, or policies in place to prohibit assisting in the transfer.

See note 168.

171. The House amendment, but not the Senate bill, makes a local educational agency or State educational ineligible for funds under this Act if they "knowingly facilitate" a transfer of an employee.

See note 168.

172. The Senate bill, but not the House amendment, includes contractors or agents in addition to school employees.

See note 168.

173. The Senate bill, but not the House amendment, uses the phrase "knows or recklessly disregards credible information indicating".

See note 168.

Report Language: "As used in section 8546, Prohibition on Aiding and Abetting Sexual Abuse, the phrase "has probable cause to believe" means that the person knows facts that would lead a reasonable person to conclude that a school employee, contractor, or agent has previously engaged in, or is currently engaging in sexual misconduct."

174. The House amendment, but not the Senate bill, uses the phrase "knowingly facilitates the transfer of".

See note 168.

175. The Senate bill, but not the House amendment, includes exceptions for certain circumstances.

See note 168.

176. The Senate bill, but not the House amendment, includes a prohibition on secretarial authority to mandate, direct, or control specific measures adopted by a State, State educational agency, or local educational agency.

See note 168.

177. The Senate bill, not the House amendment, has a rule of construction regarding State's rights and laws.

See note 168.

McKinney-Vento Homeless Assistance Act

1. The House amendment has a separate Title VII for "Homeless Education". The Senate bill merges "Homeless Education" with "Other Laws" and "Miscellaneous" in Title X.

HR/SR with an amendment to place in new Title IX

2. The House amendment and Senate bill refer to the paragraph to be amended in the McKinney-Vento Homeless Assistance Act in different ways.

LC

3. The House amendment and Senate bill use different language when referring to State and local educational agencies.

SR

4. The House amendment and Senate bill make the same change in paragraph (3).

LC

5. The Senate bill includes the word "challenging" as it relates to State academic standards.

HR

6. The House amendment and Senate bill provide for different section titles.

HR

7. The House amendment and Senate bill make different references to the Act to be amended.

LC

8. The House amendment provides for a technical edit.

HR

9. The Senate bill amends subsection (b) to be named "(b) Reservations" and to include two paragraphs—"(1) Students in Territories" and "(2) Indian Students".

SR

10. The Senate bill authorizes a 0.1 percent reservation for certain outlying areas, which the House amendment provides for in subsection (c)(2)(A).

SR

11. The Senate bill requires the Secretary to transfer 1 percent of funds to the Department of Interior, which the House amendment provides for in subsection (c)(2)(B)(i).

SR

12. The Senate bill requires the Secretary and the Department to enter an agreement on use and distribution of the transferred funds, which the House amendment provides for in subsection (c)(2)(B)(ii).

SR

13. The House amendment strikes the requirement that the Secretary must provide to a State, at a minimum, the amount a State received in 2001 under section 722(c) of the McKinney-Vento Homeless Education Assistance Act as one option under "State Allocations."

HR

14. The House amendment strikes paragraph (3) that excludes certain outlying areas from being considered a "State" for purposes of fund allocations.

HR

15. The Senate bill redesignates paragraph (3) as paragraph (4).

SR

16. The Senate bill renames subsection (c) to be titled "(c) Allotments".

SR

17. The Senate bill makes technical changes to subsection (c) "Allotments".

SR

18. The Senate bill creates a new paragraph allowing the Secretary to ratably reduce State allotments under this section if insufficient funds are available, which the House amendment provides for in subsection (c)(1)(B).

SR

19. The House amendment makes a technical change to change a reference to "Grants" to "Grant funds from a grant made to a State".

HR

20. The Senate bill adds "and youths" as it relates to the identification of homeless children.

HR

21. The Senate bill and House amendment make similar changes to this required use of funds, but the Senate bill changes "or" to "including."

HR

22. The Senate bill and House amendment are similar, except the Senate bill includes "for the Office" to clarify what entity the described duties in the subtitle are for.

LC

23. The House amendment expands grant activities to include professional development opportunities for the homeless liaison and other local educational agency personnel to better identify and respond to the needs of homeless children and youth.

SR

24. The House amendment removes the word "sums" and inserts "grant funds under this subsection" to describe funds made available under the subtitle. The House amendment makes a technical edit to a reference to account for a previous change.

HR on first sentence. LC on second sentence.

25. The Senate bill makes a technical edit to a reference to account for a previous change.

SR

26. The House amendment describes when a State may use funds available for State activities—after it distributes subgrants to local educational agencies.

SR

27. The House amendment, but not the Senate bill, makes a technical change to remove a reference to a section that no longer exists in the amendment.

SR

28. The Senate bill, but not the House amendment, makes a technical edit to a reference to account for a later change.

HR

29. The House amendment, but not the Senate bill, makes the report on separate schools and local educational agencies an annual report as opposed to a one-time report.

HR

30. The House amendment adds a requirement in the annual report for the Secretary to review homeless students' educational progress under the States academic standards for those students who are in separate schools.

SR

31. The Senate bill and House amendment make identical changes in clause (iii).

LC

32. The Senate bill and House amendment include different text to describe modifications to be made to subsection (f).

LC

33. The Senate bill and House amendment include identical language in paragraph (1), except a technical difference in subparagraph (A) where the Senate bill adds "which shall be" when describing how the number of homeless children will be posted.

LC

34. The House amendment and Senate bill are identical.

LC

35. The Senate bill, but not the House amendment, includes "reasonably" before "require, a report".

HR

36. The House amendment, but not the Senate bill, includes "support" before services.

HR

37. The Senate bill, but not the House amendment, requires the Coordinator for Education of Homeless Children and Youths in each State to conduct monitoring of the local educational agencies to ensure compliance with various requirements, in addition to providing them technical assistance.

HR

38. The Senate bill and House amendment refer to the local educational agency liaison by differing terms.

HR

39. The Senate bill, but not the House amendment, requires the Coordinator for Education of Homeless Children and Youths in each State to provide training for local educational agency personnel and the local educational agency liaison on the definitions of terms related to homelessness throughout the McKinney-Vento Homeless Assistance Act.

SR with an amendment to insert ", and provide training on the definitions of terms related to homelessness specified in sections 103, 401, and 725 to the liaison" after youths

40. The Senate bill and House amendment are similar, except the Senate bill offers additional clarifying language on how the provision relates to unaccompanied youths.

HR

41. The Senate bill and House amendment include different text to describe modifications to be made to subsection (g).

LC

42. The House amendment adds additional qualifying language to this paragraph to describe how a State will submit a plan in order to be eligible for funds.

HR

43. The Senate bill and House amendment are similar, except the Senate bill includes "challenging" in describing State academic standards.

HR

44. The House amendment and Senate bill are identical.

LC

45. The House amendment and Senate bill are identical.

LC

46. The Senate bill includes additional school personnel who must be included in programming intended to heighten awareness of the specific needs of homeless children and youths.

HR with amendment to insert "other" before "school leaders"

46a. The Senate bill, but not the House amendment, makes reference to subparagraph (J)(ii).

LC

47. The Senate bill strikes "runaway and homeless youths" and inserts "of homeless children and youths, including such children and youths who are runaway and homeless youths;"

HR

48. The House amendment and Senate bill are identical.

LC

49. The House amendment and Senate bill are identical.

LC

50. The Senate bill includes language requiring that homeless children have access to "the same" State and local public preschool programs as other children in the State and adds qualifying language on how the same access for homeless children will be achieved. The House amendment requires homeless children have "equal" access to public preschool programs as other children.

SR with an amendment to strike "equal"

51. The Senate bill, but not the House amendment, requires that States implement policies and practices to ensure that homeless youths and youths separated from public schools receive appropriate credit for full or partial coursework satisfactorily completed while attending a prior school as an example of how homeless youths are accorded equal access to appropriate secondary education and support services.

SR with an amendment to strike "services; and" and insert the following:

services, including by identifying and removing barriers that prevent youths described in this clause from receiving appropriate credit for full or partial coursework satisfactorily completed while attending a prior school, in accordance with State, local and school policies.

52. The Senate bill, but not the House amendment, includes specific types of Federal, State, or local education programs in which the State must ensure homeless children are able to participate, if such programs are available at the State or local levels.

SR with amendment to strike clause (iv) and in clause (iii) from "are able" and all that follows and insert the following:

do not face barriers to accessing academic and extra-curricular activities, including magnet school, summer school, career and technical education, advanced placement, online learning opportunities, and charter school programs, if such programs are available at the State and local levels.

Report Language: "When considering barriers, the Conferees intend for homeless students to be afforded the same opportunities to participate in academic and extracurricular activities as other students, but not for policies to be applied to homeless students who do not meet relevant eligibility criteria for such activities. Academic and extracurricular activities should make every effort to offer opportunities to homeless students by revising the policies and procedures that create barriers specifically related to the students' homelessness and not to other factors that may compromise program integrity."

53. The Senate bill, but not the House amendment, requires States to describe procedures to ensure State and local policies and practices are adopted to promote homeless children and youths' academic success.

SR

54. The House amendment and Senate bill are identical.

LC

55. The House amendment and Senate bill are identical.

LC

56. The Senate bill, but not the House amendment, includes examples to specific barriers to the enrollment and retention of homeless youths.

HR with amendment to strike "State, including" and all that follows and insert the following:

"State, including barriers to enrollment and retention due to outstanding fees and fines, or absences.

57. The House amendment and Senate bill are similar.

LC

58. The House amendment and Senate bill are identical.

LC

59. In clause (ii), the Senate bill requires assurances the homeless liaison will have sufficient training and time to carry out required duties.

SR with an amendment to add "able to carry out the duties described in paragraph (6)(A)" after "person" and strike "to carry out the duties described in paragraph (6)(A) after "youths" and to add a new (iv) at the end that reads "(iv) the state and its local educational agencies will adopt policies and practices to ensure participation by liaisons described in clause (ii) in professional development and other technical assistance activities provided pursuant to paragraphs (5) and (6) of subsection (f), as determined appropriate by the Office of the Coordinator."

60. In clause (iii), the Senate bill adds clarifying language that a homeless child's school of origin may include a preschool.

SR

61. The House amendment and Senate bill are identical.

LC

62. The House amendment, but not the Senate bill, includes an additional requirement for the State to describe how homeless youths will receive assistance from counselors to improve college readiness.

SR

63. The Senate bill and House amendment are identical.

LC

64. The Senate bill and House amendment are virtually identical, except the Senate bill changes "or" to "and" between subclauses (I) and (II) within clause (i).

HR

65. The House amendment and Senate bill are identical.

LC

66. The House amendment and Senate bill are identical.

LC

67. The Senate bill adds "or (in the case of an unaccompanied youth) the youth" to clarify to whom the presumption applies when discussing the best interest of an unaccompanied youth.

HR

68. The House amendment adds the words "student-centered" when discussing the factors related to a child's best interest. The Senate bill and House amendment contain different language with the same intention as it relates to giving priority to the request of a parent, guardian, or unaccompanied youth.

HR with an amendment to add "student-centered" before "factors related".

69. The House amendment requires that if a local educational agency determines that it is not in the child or youth's best interest to attend the school of origin, the local educational agency must provide a written explanation in a manner and form understandable to parents, guardians, or an unaccompanied youth and information regarding the right to appeal the decision. The Senate amendment requires such information to be provided after already sending a child or youth to the new school.

SR

70. In clause (iv), the Senate bill requires an unaccompanied youth's views to be considered and taken into account when determining such youth's best interest. The House amendment requires such youth's views to be prioritized.

SR

71. The Senate bill adds "immediate" to the subparagraph title.

HR

72. The House amendment and Senate bill are identical.

LC

73. The House amendment and Senate bill are identical.

LC

74. The Senate bill refers to "health records" when describing the relevant health records needed to be obtained for an enrolling homeless child or youth and the House amendment refers to "other required health records".

SR

75. The Senate bill contains clarifying language regarding who shall be referred to the homeless liaison in the case of unaccompanied youths.

HR

76. The Senate bill refers to "health records" in describing records in the subparagraph and the House amendment refers to "other required health records".

SR

77. The Senate bill, but not the House amendment, expands the enrollment disputes process to apply to disputes over eligibility for enrollment.

SR with an amendment to add "eligibility," after "over"

78. The Senate bill, but not the House amendment, includes language clarifying that enrollment in a public school includes a public preschool.

SR

79. The House amendment and Senate bill are identical.

LC

80. The Senate bill and House amendment are similar, except the Senate bill includes clarifying language around how the clause applies to unaccompanied youth and that decisions related to school selection and enrollment will require a written explanation be provided to parents, guardians, or an unaccompanied youth.

HR

81. The House amendment and Senate bill are similar.

SR

82. The House amendment and Senate bill are identical.

LC

83. The Senate bill includes this as a new subparagraph (G). The House amendment includes this in a new subparagraph (I). The Senate exchanges the content of subparagraphs (G) and (I).

LC

84. The Senate bill contains language clarifying language that information on a homeless student's living situation should be treated as a student education record, and not directory information, under section 444 of the General Education Provisions Act. The House amendment includes similar language, and clarifies that information will not be released to certain individuals, per specific regulations.

HR with an amendment to strike "and not as directory information" and insert "and shall not be deemed directory information"

85. The House amendment and Senate bill are identical.

LC

86. The Senate bill and House amendment are identical, except the Senate bill includes this definition as subparagraph (I)(i) and the House amendment includes this as subparagraph (G)(i).

SR with an amendment to insert ", including a preschool" before the period at the end.

87. The Senate bill and House amendment are similar, except the Senate bill uses different language to describe how a receiving school is a school of origin and does not include "for all feeder schools" at the end of the clause.

SR

88. The House amendment, but not the Senate bill, includes an additional requirement for schools to ensure homeless children and youth are held to the same State academic standards to which other students are held.

HR

89. The Senate bill and House amendment require that homeless children and youth are provided comparable services, including transportation. The Senate bill clarifies that such transportation may include transportation to a preschool.

SR

90. The Senate bill includes access to charter and magnet school programs as examples of comparable services homeless students must receive.

SR

91. The House amendment and Senate bill are identical.

LC

92. The House amendment and Senate bill are identical.

LC

93. The House amendment and Senate bill are identical.

LC

93a. The House amendment and Senate bill are identical.

LC

94. The Senate bill and House amendment are similar, except the Senate bill includes transportation and transfer of records as examples of inter-district activities rather than as two separate categories. The Senate bill structures the clause differently than the House amendment.

SR

95. The House amendment and Senate bill are identical.

LC

96. The House amendment and Senate bill are identical.

LC

97. The House amendment and Senate bill are identical.

LC

98. The Senate bill and House amendment are virtually identical, except the House amendment includes a comma after "access to" and before "available"

SR

99. The House amendment and Senate bill are identical.

LC

100. The Senate bill and House amendment are similar, except the Senate bill does not include a reference to section 504 of the Rehabilitation Act of 1973.

SR

101. The Senate bill and House amendment are virtually identical, except the House amendment adds outreach activities in clause (i) in addition to coordination activities, which will be used by school personnel to identify homeless children.

SR

102. The House amendment and Senate bill are identical.

LC

103. The Senate bill and House amendment are virtually identical, except the Senate bill includes specific references to other laws where services for homeless youth are also provided to which such youth should have access.

HR

104. The Senate bill and House amendment are virtually identical, except the Senate bill refers to "families and homeless children and youths" and the House amendment uses "families, children, and youths".

HR

105. The House amendment and Senate bill are identical.

LC

106. The House amendment and Senate bill are identical.

LC

107. The House amendment and Senate bill are identical.

LC

108. The House amendment and Senate bill are identical.

LC

109. The House amendment and Senate bill are identical.

LC

110. The House amendment and Senate bill are identical.

LC

111. The Senate bill and House amendment are similar, except the Senate bill adds "challenging" to the description of State academic standards. The House amendment also includes "and practices" after "policies" as it relates to required access to secondary education and support services.

HR

112. The Senate bill allows unaccompanied youths to obtain assistance to receive verification of homelessness for FAFSA eligi-

bility. The House amendment requires that unaccompanied youths receive verification as homeless for FAFSA eligibility.

HR

113. The Senate bill and House amendment are similar, except the Senate bill adds "who are in secondary school" in describing the homeless youth who must be informed of the duties of the homeless liaison.

SR

114. The Senate bill and House amendment use virtually identical language to describe the annually required list of liaisons on the State website.

LC

115. The House amendment and Senate bill are virtually identical, except the Senate bill includes a reference to "information and data" needed to meet a requirement in another subsection. The House amendment just refers to "data".

SR

116. The Senate bill, but not the House amendment, adds a new subparagraph requiring homeless liaisons to participate in professional development as determined appropriate by the State coordinator. The House amendment includes no such requirement.

SR

117. The Senate bill allows homeless liaisons or members of the personnel of a local educational agency who receive appropriate training to certify a child who is eligible for McKinney Vento services under this Act, or a parent or family of such a child or youth, as eligible for services under Title IV of McKinney Vento.

HR with an amendment to strike paragraph (E) and insert the following:

(E) HOMELESS STATUS.—A local educational agency liaison designated under paragraph (1)(J)(ii) who receives training described in subsection (f)(6) may affirm without further agency action by the Department of Housing and Urban Development a child or youth who is eligible for and participating in a program provided by the local educational agency, or the immediate family of such a child or youth, who meets the eligibility requirements of this Act for a program or service authorized under title IV, as eligible for such program or service.

118. The Senate bill, but not the House amendment, removes "that receives assistance under this subtitle" to require all States to review and revise policies that may act as barriers to the enrollment of homeless children and youths in schools. The Senate bill adds reviewing and revising policies related to identification of homeless children and youths.

SR with an amendment to insert "identification of homeless children and youth or" before "enrollment"

119. The House amendment and Senate bill are identical.

LC

120. The Senate bill adds language expanding requirements regarding special attention to ensure a focus on identification of homeless children and youth who are not currently attending school.

HR

121. The House amendment reauthorizes subsection (h), which provides for a special rule for emergency assistance for students made homeless due to home foreclosure, through 2019 and updates language for authorization levels to reflect this change. The Senate bill strikes subsection (h).

HR

122. The Senate bill and House amendment contain different section titles and refer to McKinney-Vento Homeless Assistance Act in different ways.

HR

123. The Senate bill and House amendment are virtually identical, except Senate bill adds "of homeless children and youth" after "identification of".

SR

124. The House amendment strikes clause (iii), which requires McKinney-Vento funds to be used to expand or improve services as part of a regular academic program, but not to replace such services. The Senate bill maintains such clause.

HR

125. The Senate bill includes a technical, clarifying edit, and the House amendment includes no such edit.

HR

126. The House amendment includes a paragraph limiting the duration of the subgrants that is included in the Senate bill under Section 723(c)(4).

LC

127. The Senate bill requires an assurance that subgrant applicants will spend not less than 90 percent of the local educational agency's combined fiscal effort per student or aggregate expenditures of that agency and the State from the previous year. The House amendment eliminates such maintenance of effort provision.

HR

128. The Senate bill and House amendment include similar provisions, except the Senate bill includes a references to "information and data requested by the State Coordinator" and the House amendment only refers to "data requested by the State coordinator".

SR

129. The Senate bill requires that subgrantees assure they will meet all local educational agency requirements. The House amendment requires that subgrantees assure they will remove barriers to local educational agency compliance with removing barriers to identifying, enrolling, and retaining homeless youth.

HR

130. The House amendment, but not the Senate bill, includes a technical edit to address a later change in removing authorization levels.

HR

131. The Senate bill, but not the House amendment, changes a reference to "preschool" to "early childhood education and other preschool programs".

HR

132. The House amendment and Senate bill are identical.

LC

133. The House amendment and Senate bill are identical.

LC

134. The House amendment and Senate bill are identical.

LC

135. The House amendment and Senate bill are identical.

LC

136. The House amendment and Senate bill are identical.

LC

137. The Senate bill and House amendment are identical. Note clause (iii) of the House amendment amending subparagraph (G) moves to note 140.

LC

138. The House amendment, but not the Senate bill, requires that when determining the quality of an application, the State educational agency consider how local educational agencies applying for funds will leverage resources by maximizing nonsubgrant funding for the homeless liaison position and providing transportation.

SR

139. The Senate bill and House amendment are identical, except the reference to section 1113 is different.

LC

140. The Senate bill and House amendment are similar, except the House amendment strike "case management or related".

HR

141. The Senate bill includes this description above as a new section 723(b)(7). See note 129.

HR

142. The Senate bill and House amendment are similar, except the Senate bill adds "challenging" to describe State academic standards.

HR

143. The House amendment and Senate bill are identical.

LC

144. The Senate bill and House amendment are virtually identical, except the Senate bill appears to have a technical drafting error.

SR

145. The House amendment and Senate bill are identical.

LC

146. The Senate bill and House amendment are similar, except the Senate bill refers to "other health records" and the House amendment refers to "other required health records" when describing required transferring records for homeless students.

SR

147. The Senate bill and House amendment are similar, except the Senate bill includes "and guardians" after "education and training to the parents" and an additional technical clarification in the latter phrase of the paragraph.

SR

147a. The Senate bill adds an additional clarification in the latter sentence of the paragraph.

HR with an amendment to strike "of the" and insert "of such" before "children".

148. The House amendment and Senate bill are identical.

LC

149. The Senate bill and House amendment are virtually identical, except the Senate bill uses "or parental mental health" and the House amendment includes "and parental mental health".

SR

150. The Senate bill, but not the House amendment, amends the paragraph to expand the provision of emergency assistance to ensure that homeless children are able to enroll and succeed in school beyond just attending school. The Senate bill clarifies that school includes preschool programs.

SR with an amendment to insert "and participate fully in school activities" after "school".

150a. The Senate bill, but not the House amendment, clarifies that school includes preschool programs.

SR

151. The Senate bill and House amendment are virtually identical, except in for how they reference the McKinney-Vento Homeless Assistance Act.

LC

152. The House amendment, but not the Senate bill, includes dissemination of the required notice to program grantees.

HR

153. The Senate bill, but not the House amendment, refers to Technical Assistance in the subsection title.

HR

154. Both the Senate bill and House amendment add technical assistance to the required activities of the Secretary.

LC

155. The House amendment, but not the Senate bill, changes references to "applications for grants" to "plans for the use of grant funds".

HR

156. The House amendment, but not the Senate bill, extends the period of application submission and grant distribution.

SR

157. The Senate bill and House amendment are similar, except the Senate refers to supporting areas where documented barriers to education persist. The House amendment does not use the term "documented."

HR

158. The Senate bill requires the Secretary to develop, issue, and publish "guidelines", whereas the House amendment requires the Secretary to develop, issue, and publish "strategies."

HR

159. The Senate bill contains minor technical differences to the House amendment in paragraphs (1) and (2).

LC

160. The Senate bill requires the Secretary to collect and disseminate data on homeless students not less than every two years. The House amendment requires the Secretary to collect and disseminate data periodically, but does not specify a time period.

SR

161. The Senate bill and House amendment contain slightly different language referencing how the location of homeless chil-

dren must be reported. The Senate bill only requires location reporting in cases in which the child or youth's location can be identified.

SR with an amendment to strike "location" and insert "primary nighttime residence"

162. The Senate bill, but not the House amendment, includes a technical edit related to a later change.

SR

163. The Senate bill, but not the House amendment, includes a technical edit related to a later change.

SR

164. The Senate bill, but not the House amendment, adds a requirement for the Secretary to report on the academic progress of homeless students, including progress on academic assessments, as well as the percentage or number of homeless students participating in such assessments, not less than every 2 years.

SR

165. The Senate bill and House amendment reference their respective Act titles.

LC

166. The House amendment provides for technical reference edits not included in the Senate bill.

SR with an amendment to strike paragraph 1 and in paragraph 2, to strike "6101" and insert "8101"

167. The Senate bill strikes "awaiting foster care placement" in the definition of "homeless children and youths".

HR

168. The Senate bill clarifies that the term "unaccompanied youth" includes a homeless child or youth.

HR

169. The Senate bill provides for an effective date of the change to the definition of "homeless children and youths".

HR

170. The Senate bill defines "covered state" for the purposes of the date of enactment for the change to the definition of "homeless children and youths".

HR

171. The Senate bill authorizes such sums for this Act through 2021. The House amendment authorizes $65,042,000 for this Act each year through 2019.

SR to strike "$65,042,000 for each of fiscal years 2016 through 2019" and insert "$85,000,000 for each of fiscal years 2017 through 2020"

Misc. and Other Laws

1. The House amendment, but not the Senate bill, amends IDEA to repeal the definition for "highly qualified" as it applies to special education teachers.

SR with an amendment to insert the following:

(1) Further amend the Individuals with Disabilities Education Act by—

(A) striking "highly qualified teacher" each place it appears and inserting "teachers that meet qualifications as described in section 612(a)(14)(C)"; and

(B) amending section 612(a)(14)—

(i) in subparagraph (C) by striking "school is highly qualified by the deadline established in section 1119(a)(2) of the Elementary and Secondary Education Act of 1965." and inserting: school—

(i) has obtained full State certification as a special education teacher (including certification obtained through alternative routes to certification), or passed the State special education teacher licensing examination, and holds a license to teach in the State as a special education teacher, except that any teacher teaching in a public charter school such teacher meets the requirements set forth in the State's public charter school law;

(ii) has not had special education certification or licensure requirements waived on an emergency, temporary, or provisional basis; and

(iii) holds at least a bachelor's degree."; and

(ii) in subparagraph (D), by striking "highly qualified personnel" and inserting "personnel that meet the applicable requirements described in this paragraph"; and

(2) by striking section 302(a) of the Individuals with Disabilities Education Improvement Act of 2004 and inserting—

(a) Parts A, B, and C, and subpart 1 of part D of the Individuals with Disabilities Education Act, as amended by title I, shall take effect on July 1, 2005.".

Report Language: "The Conferees intend that the requirement for a special educator to hold a bachelor's degree can be met by a teacher holding any bachelor's degree. The Conferees do not intend for the Secretary to require special education teachers to receive a bachelor's degree in any particular subject or field."

2. The House amendment, but not the Senate bill, includes a Sense of Congress on transfers of teachers accused of sexual misconduct.

SR with an amendment to read as follows:

SEC. 801. FINDINGS; SENSE OF THE CONGRESS.

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

(1) There are significant anecdotal reports that some schools and local educational agencies have failed to properly report allegations of sexual misconduct by employees, contractors or agents;

(2) instead of reporting the alleged misconduct to the appropriate authorities such as the police or child welfare services, reports suggest that some schools or local educational agencies have kept the information private or entered into confidentiality agreements with the employee who agrees to leave his or her employment with the school or local educational agency; and

(3) this practice can facilitate the exposure of other students in other jurisdictions to sexual misconduct.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) confidentiality agreements between local educational agencies or schools and child predators should be prohibited;

(2) local educational agencies or schools should not facilitate the transfer of child predators; and

(3) states should require local educational agencies and schools to report any and all information regarding allegations of sexual misconduct to law enforcement and other appropriate authorities.

3. The House amendment, but not the Senate bill, requires the Department of Education OIG contact information to be prominently displayed by all grant or subgrant recipients; the notification of Department of Education employees of their responsibility to report fraud; and the notification of applicants for grants or subgrants of their obligation to be accurate and truthful when applying for grants.

SR with an amendment to strike and replace with the following:

SEC. 802. PREVENTING IMPROPER USE OF TAXPAYER FUNDS.

To address misuse of taxpayer funds, the Secretary of Education shall—

(1) require that each recipient of a grant or subgrant under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) display in a public place the Department of Education Office of Inspector General hotline contact information so any individual who observes, detects, or suspects improper use of taxpayer funds can easily report such improper use;

(2) annually notify employees of the Department of Education of their responsibility to report fraud; and

(3) require applicants—

(A) for grants under such Act—to provide an assurance to submit truthful and accurate information when applying for grants and responding to monitoring and compliance reviews;

(B) for subgrants under such Act to provide a similar assurance to grantees.

4. The House amendment, but not the Senate bill, includes requirements for monitoring and oversight.

SR with an amendment to insert the following:

SEC. 8003. ACCOUNTABILITY TO TAXPAYERS THROUGH MONITORING AND OVERSIGHT

To improve monitoring and oversight of taxpayer funds authorized to be appropriated under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6 6301 et seq.), and to deter and prohibit waste, fraud, and abuse of such funds, the Secretary of Education—

(1) shall notify each recipient of a grant under such Act (and, if applicable, require the grantee to inform each subgrantee) of its responsibility to—

(A) comply with all monitoring requirements under the applicable program or programs; and

(B) monitor properly any subgrantee under the applicable program or programs.

(2) shall review and analyze the results of monitoring and compliance reviews—

(A) to understand trends and identify common issues; and

(B) to issue guidance to help grantees address these issues before the loss or misuse of taxpayer funding occurs;

(3) shall publically report the work undertaken by the Secretary to prevent fraud, waste, and abuse; and

(4) shall work with the Office of Inspector General in the Department of Education as needed to help ensure that employees of such department understand how to monitor grantees properly and to help grantees monitor any sub-grantees properly.

5. The House amendment, but not the Senate bill, prohibits states from requiring school districts that use ESEA funds to hire or pay the salary of teachers to use such funds to make contributions to pension systems beyond the normal cost, and defines "normal cost".

HR

6. The House amendment, but not the Senate bill, provides a Sense of Congress on First Amendment rights on the free exercise of religion.

SR with an amendment to strike the provision and insert the following:

[SEC. 805] SENSE OF CONGRESS ON FIRST AMENDMENT RIGHTS.

It is the sense of Congress that a student, teacher, school administrator, or other school employee retains their rights under the First Amendment during the school day or while on elementary or secondary school grounds.

7. Both the Senate bill and the House amendment specify the definition of the term 'Highly Qualified' in other laws. The Senate bill includes the language in section 10201, while the House amendment includes the language in section 603, and they have different section headings. The languages of the provisions have only minor technical differences.

HR/SR with an amendment to strike the language in both bills and insert the following:

SEC. 9XX. USE OF TERM "HIGHLY QUALIFIED" IN OTHER LAWS. BEGINNING ON THE DATE OF THE ENACTMENT OF THIS ACT.

(a) any reference in sections 420N, 428J, 428K, and 460 of the Higher Education Act to the term "highly qualified" as defined in section 9101 of the Elementary and Secondary Education Act of 1965 shall be treated as a reference to such term under section 9101 of the Elementary and Secondary Education Act of 1965 as in effect on the day before the date of enactment of this Act; and

(b) any other reference in law to the term "highly qualified" as defined in section 9101 of the Elementary and Secondary Education Act of 1965 as such Act was in effect on the day before the date of enactment of this Act shall mean that the teacher meets applicable State certification and licensure requirements, including alternate certification requirements

8. The Senate bill and House amendment include similar language on Department of Education staff. The Senate bill includes

this language as a stand-alone provision in title X of the bill. The House amendment includes the language in the general provisions of the Act.

SR with an amendment to strike and insert the following:

SEC. 6549. DEPARTMENT STAFF.

The Secretary shall—1) not later than 60 days after the date of the enactment of the Student Success Act, identify the number of Department employees who worked on or administered each education program and project authorized under this Act, as such program or project was in effect on the day before such enactment date, and publish such information on the Department's website; (2) not later than 60 days after such enactment date, identify the number of full-time equivalent employees who work on or administer programs or projects authorized under this Act, as in effect on the day before such enactment date, that have been eliminated or consolidated since such date; 3) not later than 1 year after such enactment date, reduce the workforce of the Department by the number of full-time equivalent employees the Department calculated under paragraph (2); and 4) not later than 1 year after such enactment date, report to the Congress on—(A) the number of employees associated with each program or project authorized under this Act administered by the Department; (B) the number of full-time equivalent employees who were determined to be associated with eliminated or consolidated programs or projects under paragraph (2); (C) how the Secretary reduced the number of employees at the Department under paragraph (3); (D) the average salary of the employees described in subparagraph (B) whose positions were eliminated; and (E) the average salary of the full-time equivalent employees who work on or administer a program or project authorized under this Act by the Department, disaggregated by employee function with each such program or project.

9. The House amendment and Senate bill have different timelines

See note 8.

10. The House amendment and Senate bill refer to the Department, ESEA, and the bill titles differently.

See note 8.

11. The House amendment, but not the Senate bill, refers to a timeline.

See note 8.

12. The House amendment and Senate bill refer to ESEA differently.

See note 8.

13. The House amendment, but not the Senate bill, has a provision on reducing the number of Department employees.

See note 8.

14. The Senate bill and House amendment refer to ESEA differently.

See note 8.

15. The Senate bill requirement disaggregation by employee function in paragraph (2). The House amendment requires it in subparagraph (E)

See note 8.

16. The Senate bill and House amendment have different paragraph references.

See note 8.

17. The House amendment, but not the Senate bill, requires the report to describe how the Secretary reduced employees.

See note 8.

18. The House amendment, but not the Senate bill, has two provisions on average salary of eliminated employees and FTE employees working on ESEA programs.

See note 8.

19. The Senate bill, but not the House amendment, requires the report to show how the Secretary addressed report findings relating to FTE employees working on eliminated programs.

See note 8.

20. The Senate bill, but not the House amendment, requires the Secretary to prepare and submit a report updating relevant Committees on continued implementation of OIG recommendations concerning charter schools.

HR with an amendment to read as follows:

SEC. 10203. REPORT ON DEPARTMENT ACTIONS TO ADDRESS OFFICE OF THE INSPECTOR GENERAL REPORTS.

Not later than 6 months after the date of enactment of this Act, the Secretary of Education shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on Education and the Workforce of the House of Representatives, and to the public via the Department's website, a report containing an update on the Department of Education's implementation of recommendations contained in reports from the Office of Inspector General. The review shall include—

(1) a general review of the department's work to implement or address findings contained in OIG reports to improve monitoring and oversight of federal programs, including (A) the March 9, 2010, final management information report of the Office of the Inspector General of the Department of Education, addressing oversight by by local educational agencies and authorized public chartering agencies;

(B) the September 2012 report of the Office of the Inspector General of the Department of Education entitled 'The Office of Innovation and Improvement's Oversight and Monitoring of the Charter Schools Program's Planning and Implementation Grants Final Audit Report'; and

(2) a description of the actions the Department of Education has taken to address the concerns described in outstanding Office of Inspector General audit reports, including the reports listed in (1).

21. The Senate bill, but not the House amendment, provides for a GAO study of the current federally funded services and programs across all agencies with the purpose of benefitting children and how to best coordinate, organize, and integrate these programs.

SR with an amendment to insert the following:

SEC. 9204. STUDY ON THE TITLE I FORMULA.

(a) FINDINGS.—Congress finds the following:

(1) Part A of Title I provides funding to local educational agencies through four separate formulas that have been added to the law over time, and which have "distinct allocation patterns, providing varying shares of allocated funds to different types of local educational agencies or States," according to a 2015 report from the Congressional Research Service.

(2) Minimal effort has been made by the Federal government to determine if the four formulas are adequately delivering funds to local educational agencies with the highest district wide poverty averages.

(3) The formulas for distributing Targeted Grants and Education Finance Incentive grants use two weighting systems, one based on the percentage of children included in the determination of grants to local educational agencies (percentage weighting), and another based on the absolute number of such children (number weighting). Both weighting systems have five quintiles with a roughly equal number of children in each quintile. Whichever of these weighting systems results in the highest total weighted formula child count for a local educational agency is the weighting system used for that agency in the final allocation of Targeted and Education Finance Incentive Grant funds.

(4) The Congressional Research Service has also said the number weighting alternative is generally more favorable to large local educational agencies with much larger geographic boundaries and larger counts of eligible children than smaller local educational agencies with smaller counts, but potentially higher percentages, of eligible children, because large local educational agencies have many more children in the higher weighted quintiles.

(5) In local educational agencies that are classified by the National Center for Education Statistics as "Large City", 47 percent of all students attend schools with 75 percent or higher poverty.

(b) STUDY.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Director of the Institute of Education Sciences shall complete a study on the effectiveness of the four existing title I formulas to deliver funds to the most economically disadvantaged communities.

(2) CONTENTS.—Such study shall include—

(A) an analysis of the distribution of title I funds under the four current formulas;

(B) an analysis of how title I funds are distributed among local educational agencies in each of the 12 locale types classified by the National Center on Education Statistics.

(C) the extent to which the four formulas unduly benefit or unduly disadvantage any of the local educational agencies described in subparagraph (B);

(D) the extent to which the four formulas unduly benefit or unduly disadvantage high-poverty eligible school attendance areas in the local educational agencies described in subparagraph (B);

(E) the extent to which the four formulas unduly benefit or unduly disadvantage lower population local educational agencies with relatively high percentages of districtwide poverty;

(F) the impact of number weighting and percentage weighting in the formulas for distributing Targeted Grants and Education Finance Incentive Grants on each of the local educational agencies described in subparagraph (B);

(G) The impact of number weighting and percentage weighting on targeting Title I–A funds to eligible school attendance areas with the highest concentrations of poverty in local educational agencies described in subparagraph (B), and local educational agencies described in subparagraph (B) with higher percentages of districtwide poverty;

(H) an analysis of other studies and reports produced by public and non-public entities examining the distribution of title I funds under the four current formulas; and

(I) recommendations, as appropriate, for amending or consolidating the existing formulas to better target title I funds to the most economically disadvantaged communities and most economically disadvantaged eligible school attendance areas.

(3) PUBLIC DISSEMINATION.—The Director of the Institute of Education Sciences shall widely disseminate the findings of the study conducted under this section—

(A) in a timely fashion;

(B) to—

(i) the public; and

(ii) the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate; and

(C) through electronic transfer and other means, such as posting to the website of the Institute of Education Sciences or the Department of Education.

22. The Senate bill, but not the House amendment, provides for a Sense of Congress that it remains the sense of Congress that Jack Johnson should receive a posthumous pardon.

HR

23. The Senate bill, but not the House amendment, reauthorizes the Educational Flexibility Partnership Act of 1999.

HR with an amendment to strike "(2) Title VII of the McKinney-Vento Homeless Assistance Act. (42 U.S.C. 11301 et seq.)."

24. The Senate bill, but not the House amendment, creates the American Dream Accounts program.

SR

25. The Senate bill, but not the House amendment, contains a provision requiring IES to conduct a study on the impact of state plan requirements in Sec. 1111 on reducing the number of students who drop out.

HR

26. The Senate bill, but not the House amendment, contains a study on Native American language education.

HR with an amendment to strike and insert the following language after SEC. 6005 in the redesignated Title VI:

(a) DEFINITIONS.—In this section:

(1) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given such term in section 8101 of the Elementary and Secondary Education Act of 1965.

(2) LOCAL EDUCATIONAL AGENCY.—The term "local educational agency" has the meaning given such term in section 8101 of the Elementary and Secondary Education Act of 1965.

(3) NATIVE AMERICAN; NATIVE AMERICAN LANGUAGE.—The terms "Native American" and "Native American language" have the meanings given such terms in section 103 of the Native American Languages Act of 1990 (25 U.S.C. 2902).

(4) STATE EDUCATIONAL AGENCY.—The term "State educational agency" has the meaning given such term in section 8101 of the Elementary and Secondary Education Act of 1965.

(b) STUDY.—By not later than 18 months after the date of enactment of this Act, the Secretary of Education, in collaboration with the Secretary of the Interior, shall—

(1) conduct a study to evaluate all levels of education being provided primarily through the medium of Native American languages; and

(2) report on the findings of such study.

(c) CONSULTATION.—In carrying out the study conducted under subsection (b), the Secretary shall consult with—

(1) institutions of higher education that conduct Native American language immersion programs, including teachers of such programs;

(2) State educational agencies and local educational agencies;

(3) Indian tribes and tribal organizations, as such terms are defined by section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b) that sponsor Native American language immersion schools; and

(4) experts in the fields of Native American or Alaska Native language and Native American language medium education, including scholars who are fluent in Native American languages.

(d) SCOPE OF STUDY.—The study conducted under subsection (b) shall evaluate the components, policies, and practices of successful Native American language immersion schools and programs, including—

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

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

(3) 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 American 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 American language of instruction and in English compare; and

(4) the academic outcomes, 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 American language.

(e) RECOMMENDATIONS.—Not later than 18 months after the date of enactment of this Act, the Secretary of Education, in collaboration with the Secretary of the Interior, shall—

(1) develop a report that includes findings and conclusions regarding the study conducted under subsection (b), including recommendations for such legislative and administrative actions as the Secretary of Education considers to be appropriate;

(2) consult with the entities described in subsection (c) in reviewing such findings and conclusions; and

(3) submit the report 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.

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