

Union Calendar No. 108

113TH CONGRESS
1ST SESSION

H. R. 5

[Report No. 113–150, Part I]

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

IN THE HOUSE OF REPRESENTATIVES

JUNE 6, 2013

Mr. KLINE (for himself, Mr. ROKITA, Mr. PETRI, Ms. FOXX, Mr. ROE of Tennessee, Mr. THOMPSON of Pennsylvania, Mr. GUTHRIE, Mr. BUCSHON, Mrs. ROBY, Mr. HECK of Nevada, Mrs. BROOKS of Indiana, and Mr. MESSER) introduced the following bill; which was referred to the Committee on Education and the Workforce, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

JULY 11, 2013

Additional sponsor: Mr. SALMON

JULY 11, 2013

Reported from the Committee on Education and the Workforce with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

JULY 11, 2013

The Committee on Financial Services discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on June 6, 2013]

A BILL

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

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

3 **SECTION 1. SHORT TITLE.**

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

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

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

- Sec. 1. Short title.*
- Sec. 2. Table of contents.*
- Sec. 3. References.*
- Sec. 4. Transition.*
- Sec. 5. Effective dates.*
- Sec. 6. Authorization of appropriations.*

TITLE I—AID TO LOCAL EDUCATIONAL AGENCIES

Subtitle A—In General

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

Subtitle B—Improving the Academic Achievement of the Disadvantaged

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

Subtitle C—Additional Aid to States and School Districts

- Sec. 131. Additional aid.*

Subtitle D—National Assessment

Sec. 141. National assessment of title I.

Subtitle E—Title I General Provisions

Sec. 151. General provisions for title I.

TITLE II—TEACHER PREPARATION AND EFFECTIVENESS

Sec. 201. Teacher preparation and effectiveness.

Sec. 202. Conforming repeals.

TITLE III—PARENTAL ENGAGEMENT AND LOCAL FLEXIBILITY

Sec. 301. Parental engagement and local flexibility.

TITLE IV—IMPACT AID

Sec. 401. Purpose.

Sec. 402. Payments relating to Federal acquisition of real property.

Sec. 403. Payments for eligible federally connected children.

Sec. 404. Policies and procedures relating to children residing on Indian lands.

Sec. 405. Application for payments under sections 8002 and 8003.

Sec. 406. Construction.

Sec. 407. Facilities.

Sec. 408. State consideration of payments providing State aid.

Sec. 409. Federal administration.

Sec. 410. Administrative hearings and judicial review.

Sec. 411. Definitions.

Sec. 412. Authorization of appropriations.

Sec. 413. Conforming amendments.

TITLE V—GENERAL PROVISIONS FOR THE ACT

Sec. 501. General provisions for the Act.

Sec. 502. Repeal.

Sec. 503. Other laws.

Sec. 504. Amendment to IDEA.

TITLE VI—REPEAL

Sec. 601. Repeal of title VI.

TITLE VII—HOMELESS EDUCATION

Sec. 701. Statement of policy.

Sec. 702. Grants for State and local activities for the education of homeless children and youths.

Sec. 703. Local educational agency subgrants for the education of homeless children and youths.

Sec. 704. Secretarial responsibilities.

Sec. 705. Definitions.

Sec. 706. Authorization of appropriations.

1 **SEC. 3. REFERENCES.**

2 *Except as otherwise expressly provided, whenever in*
3 *this Act an amendment or repeal is expressed in terms of*
4 *an amendment to, or repeal of, a section or other provision,*
5 *the reference shall be considered to be made to a section or*
6 *other provision of the Elementary and Secondary Edu-*
7 *cation Act of 1965 (20 U.S.C. 6301 et seq.).*

8 **SEC. 4. TRANSITION.**

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

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

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

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

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

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

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

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

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

15 “(a) *TITLE I.*—

16 “(1) *PART A.*—There are authorized to be appro-
17 priated to carry out part A of title I \$16,651,767,000
18 for each of fiscal years 2014 through 2019.

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

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

25 “(c) *TITLE III.*—

1 “(1) *PART A.*—

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

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

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

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

17 “(d) *TITLE IV.*—

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

23 “(2) *BASIC PAYMENTS; PAYMENTS FOR HEAVILY*
24 *IMPACTED LOCAL EDUCATIONAL AGENCIES.*—*For the*
25 *purpose of making payments under section 4003(b),*

1 *there are authorized to be appropriated*
2 *\$1,093,203,000 for each of fiscal years 2014 through*
3 *2019.*

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

9 “(4) *CONSTRUCTION.—For the purpose of car-*
10 *rying out section 4007, there are authorized to be ap-*
11 *propriated \$16,529,000 for each of fiscal years 2014*
12 *through 2019.*

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

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

19 ***Subtitle A—In General***

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

21 *The title heading for title I (20 U.S.C. 6301 et seq.)*

22 *is amended to read as follows:*

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

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

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

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

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

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

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

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

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

1 *cation reform, while encouraging state and local inno-*
2 *vation.”.*

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

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

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

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

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

15 *“(A) Section 1003.*

16 *“(B) Section 1004.*

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

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

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

20 *“(F) Chapter B of subpart 6 of part A of*
21 *title I.*

22 *“(2) NOTIFICATION.—Not later than June 1 of*
23 *each year, a State educational agency shall notify the*
24 *Secretary of the State educational agency’s intention*

1 to use the applicable funding for any of the alter-
2 native uses under paragraph (1).

3 “(3) *APPLICABLE FUNDING DEFINED.*—

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

9 “(i) *Section 1003.*

10 “(ii) *Section 1004.*

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

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

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

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

19 “(i) *to reserve, allocate, or spend for*
20 *required activities;*

21 “(ii) *to allocate, allot, or award to*
22 *local educational agencies or other entities*
23 *eligible to receive such funds; or*

24 “(iii) *to use for technical assistance or*
25 *monitoring.*

1 “(4) *DISBURSEMENT.*—*The Secretary shall dis-*
2 *burse the applicable funding to State educational*
3 *agencies for alternative uses under paragraph (1) for*
4 *a fiscal year at the same time as the Secretary dis-*
5 *burses the applicable funding to State educational*
6 *agencies that do not intend to use the applicable*
7 *funding for such alternative uses for the fiscal year.*

8 “(b) *ALTERNATIVE USES OF FEDERAL FUNDS FOR*
9 *LOCAL EDUCATIONAL AGENCIES.*—

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

16 “(A) *Section 1003.*

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

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

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

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

21 “(F) *Subpart 6 of part A of title I.*

22 “(2) *NOTIFICATION.*—*A local educational agency*
23 *shall notify the State educational agency of the local*
24 *educational agency’s intention to use the applicable*
25 *funding for any of the alternative uses under para-*

1 *graph (1) by a date that is established by the State*
2 *educational agency for the notification.*

3 “(3) *APPLICABLE FUNDING DEFINED.*—

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

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

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

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

12 “(iv) *Chapter A of subpart 6 of part A*
13 *of title I.*

14 “(B) *LIMITATION.*—*In this subsection, the*
15 *term ‘applicable funding’ does not include funds*
16 *provided under any of the provisions listed in*
17 *subparagraph (A) that local educational agencies*
18 *are required by this Act—*

19 “(i) *to reserve, allocate, or spend for*
20 *required activities;*

21 “(ii) *to allocate, allot, or award to en-*
22 *tities eligible to receive such funds; or*

23 “(iii) *to use for technical assistance or*
24 *monitoring.*

1 “(4) *DISBURSEMENT.*—*Each State educational*
2 *agency that receives applicable funding for a fiscal*
3 *year shall disburse the applicable funding to local*
4 *educational agencies for alternative uses under para-*
5 *graph (1) for the fiscal year at the same time as the*
6 *State educational agency disburses the applicable*
7 *funding to local educational agencies that do not in-*
8 *tend to use the applicable funding for such alternative*
9 *uses for the fiscal year.*

10 “(c) *RULE FOR ADMINISTRATIVE COSTS.*—*A State*
11 *educational agency or a local educational agency shall only*
12 *use applicable funding (as defined in subsection (a)(3) or*
13 *(b)(3), respectively) for administrative costs incurred in*
14 *carrying out a provision listed in subsection (a)(1) or*
15 *(b)(1), respectively, to the extent that the agency, in the ab-*
16 *sence of this section, could have used funds for administra-*
17 *tive costs with respect to a program listed in subsection*
18 *(a)(3) or (b)(3), respectively.*

19 “(d) *RULE OF CONSTRUCTION.*—*Nothing in this sec-*
20 *tion shall be construed to relieve a State educational agency*
21 *or local educational agency of any requirements relating*
22 *to—*

23 “(1) *use of Federal funds to supplement, not sup-*
24 *plant, non-Federal funds;*

25 “(2) *comparability of services;*

1 “(3) equitable participation of private school stu-
2 dents and teachers;

3 “(4) applicable civil rights requirements;

4 “(5) section 1113; or

5 “(6) section 1111.”.

6 **SEC. 104. SCHOOL IMPROVEMENT.**

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

8 (1) in subsection (a)—

9 (A) by striking “2 percent” and inserting
10 “7 percent”; and

11 (B) by striking “subpart 2 of part A” and
12 all that follows through “sections 1116 and
13 1117,” and inserting “chapter B of subpart 1 of
14 part A for each fiscal year to carry out sub-
15 section (b),”;

16 (2) in subsection (b)—

17 (A) in paragraph (1), by striking “for
18 schools identified for school improvement, correc-
19 tive action, and restructuring, for activities
20 under section 1116(b)” and inserting “to carry
21 out the State’s system of school improvement
22 under section 1111(b)(3)(B)(iii)”;

23 (B) in paragraph (2), by striking “or edu-
24 cational service agencies” and inserting “, edu-
25 cational service agencies, or non-profit or for-

1 *profit external providers with expertise in using*
2 *evidence-based or other effective strategies to im-*
3 *prove student achievement”;*

4 *(3) in subsection (c)—*

5 *(A) in paragraph (1), by inserting “and” at*
6 *the end;*

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

10 *(C) by striking paragraph (3);*

11 *(4) in subsection (d)(1), by striking “subpart 2*
12 *of part A;” and inserting “chapter B of subpart 1 of*
13 *part A;”;*

14 *(5) in subsection (e)—*

15 *(A) by striking “in any fiscal year” and in-*
16 *serting “in fiscal year 2015 and each subsequent*
17 *fiscal year”;*

18 *(B) by striking “subpart 2” and inserting*
19 *“chapter B of subpart 1 of part A”; and*

20 *(C) by striking “such subpart” and insert-*
21 *ing “such chapter”;*

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

25 *(7) by striking subsection (g).*

1 **SEC. 105. DIRECT STUDENT SERVICES.**

2 *The Act (20 U.S.C. 6301 et seq.) is amended by insert-*
3 *ing after section 1003 the following:*

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

5 *“(a) STATE RESERVATION.—Each State shall reserve*
6 *3 percent of the amount the State receives under chapter*
7 *B of subpart 1 of part A for each fiscal year to carry out*
8 *this section. Of such reserved funds, the State educational*
9 *agency may use up to 1 percent to administer direct student*
10 *services.*

11 *“(b) DIRECT STUDENT SERVICES.—From the amount*
12 *available after the application of subsection (a), each State*
13 *shall award grants in accordance with this section to local*
14 *educational agencies to support direct student services.*

15 *“(c) AWARDS.—The State educational agency shall*
16 *award grants to geographically diverse local educational*
17 *agencies including suburban, rural, and urban local edu-*
18 *cational agencies. If there are not enough funds to award*
19 *all applicants in a sufficient size and scope to run an effec-*
20 *tive direct student services program, the State shall*
21 *prioritize awards to local educational agencies with the*
22 *greatest number of low-performing schools.*

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

25 *“(1) shall use up to 1 percent of each award for*
26 *outreach and communication to parents about their*

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

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

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

11 *“(e) APPLICATION.—A local educational agency desir-*
12 *ing to receive an award under subsection (b) shall submit*
13 *an application describing how the local educational agency*
14 *will—*

15 *“(1) provide adequate outreach to ensure parents*
16 *can exercise a meaningful choice of direct student*
17 *services for their child’s education;*

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

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

24 *“(4) determine the requirements or criteria for*
25 *student eligibility for direct student services;*

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

9 “(6) develop an estimated per pupil expenditure
10 available for eligible students to use toward high-qual-
11 ity academic tutoring which shall allow for an ade-
12 quate level of services to increase academic achieve-
13 ment from a variety of high-quality academic tutor-
14 ing providers.

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

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

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

23 “(3) shall ensure that each local educational
24 agency receiving an award will provide an adequate

1 *number of high-quality academic tutoring options to*
2 *ensure parents have a meaningful choice of services.”.*

3 **SEC. 106. STATE ADMINISTRATION.**

4 *Section 1004 (20 U.S.C. 6304) is amended to read as*
5 *follows:*

6 **“SEC. 1004. STATE ADMINISTRATION.**

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

11 *“(1) 1 percent of the amounts received under*
12 *such subparts; or*

13 *“(2) \$400,000 (\$50,000 in the case of each out-*
14 *lying area).*

15 *“(b) EXCEPTION.—If the sum of the amounts reserved*
16 *under subparts 1, 2, and 3 of part A of this title is equal*
17 *to or greater than \$14,000,000,000, then the reservation de-*
18 *scribed in subsection (a)(1) shall not exceed 1 percent of*
19 *the amount the State would receive if \$14,000,000,000 were*
20 *allocated among the States for subparts 1, 2, and 3 of part*
21 *A of this title.”.*

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

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

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

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

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

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

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

20 **“CHAPTER B—ALLOCATIONS”.**

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

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

24 **“SEC. 1111. STATE PLANS.**

25 **“(a) PLANS REQUIRED.—**

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

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

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

21 “(1) *ACADEMIC STANDARDS.*—

22 “(A) *IN GENERAL.*—*Each State plan shall*
23 *demonstrate that the State has adopted academic*
24 *content standards and academic achievement*
25 *standards aligned with such content standards*

1 *that comply with the requirements of this para-*
2 *graph.*

3 “(B) *SUBJECTS.*—*The State shall have such*
4 *academic standards for mathematics, reading or*
5 *language arts, and science, and may have such*
6 *standards for any other subject determined by*
7 *the State.*

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

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

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

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

24 “(i) *the determination about whether*
25 *the achievement of an individual student*

1 *should be measured against such standards*
2 *is made separately for each student; and*

3 “(ii) such standards—

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

7 “(II) promote access to the general
8 curriculum; and

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

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

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

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

23 “(2) ACADEMIC ASSESSMENTS.—

24 “(A) IN GENERAL.—Each State plan shall
25 demonstrate that the State educational agency,

1 *in consultation with local educational agencies,*
2 *has implemented a set of high-quality student*
3 *academic assessments in mathematics, reading*
4 *or language arts, and science. At the State’s dis-*
5 *cretion, the State plan may also demonstrate*
6 *that the State has implemented such assessments*
7 *in any other subject chosen by the State.*

8 “(B) *REQUIREMENTS.—Such assessments*
9 *shall—*

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

16 “(ii) *be the same academic assessments*
17 *used to measure the academic achievement*
18 *of all public school students in the State;*

19 “(iii) *be aligned with the State’s aca-*
20 *ademic standards and provide coherent and*
21 *timely information about student attain-*
22 *ment of such standards;*

23 “(iv) *be used for purposes for which*
24 *such assessments are valid and reliable, be*
25 *of adequate technical quality for each pur-*

1 *pose required under this Act, and be con-*
2 *sistent with relevant, nationally recognized*
3 *professional and technical standards;*

4 *“(v)(I) in the case of mathematics and*
5 *reading or language arts, be administered*
6 *in each of grades 3 through 8 and at least*
7 *once in grades 9 through 12;*

8 *“(II) in the case of science, be adminis-*
9 *tered not less than one time during—*

10 *“(aa) grades 3 through 5;*

11 *“(bb) grades 6 through 9; and*

12 *“(cc) grades 10 through 12; and*

13 *“(III) in the case of any other subject*
14 *chosen by the State, be administered at the*
15 *discretion of the State;*

16 *“(vi) measure individual student aca-*
17 *demically proficiency and growth;*

18 *“(vii) at the State’s discretion—*

19 *“(I) be administered through a*
20 *single annual summative assessment;*
21 *or*

22 *“(II) be administered through*
23 *multiple assessments during the course*
24 *of the academic year that result in a*
25 *single summative score that provides*

1 *valid, reliable, and transparent infor-*
2 *mation on student achievement;*

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

6 *“(ix) provide for—*

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

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

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

1 *as assessed by the State under sub-*
2 *paragraph (D);*

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

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

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

10 “(xii) enable results to be disaggregated
11 within each State, local educational agency,
12 and school by gender, by each major racial
13 and ethnic group, by English language pro-
14 ficiency status, by migrant status, by status
15 as a student with a disability, and by eco-
16 nomically disadvantaged status, except that,
17 in the case of a local educational agency or
18 a school, such disaggregation shall not be re-
19 quired in a case in which the number of
20 students in a category is insufficient to
21 yield statistically reliable information or
22 the results would reveal personally identifi-
23 able information about an individual stu-
24 dent; and

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

5 “(C) ALTERNATE ASSESSMENTS.—A State
6 may provide for alternate assessments aligned
7 with the alternate academic standards adopted
8 in accordance with paragraph (1)(D), for stu-
9 dents with the most significant cognitive disabili-
10 ties, if the State—

11 “(i) establishes and monitors imple-
12 mentation of clear and appropriate guide-
13 lines for individualized education program
14 teams (as defined in section 614(d)(1)(B) of
15 the Individuals with Disabilities Education
16 Act) to apply when determining when a
17 child’s significant cognitive disability justi-
18 fies assessment based on alternate achieve-
19 ment standards;

20 “(ii) ensures that the parents of such
21 students are informed that—

22 “(I) their child’s academic
23 achievement will be measured against
24 such alternate standards; and

1 “(II) whether participation in
2 such assessments precludes the student
3 from completing the requirements for a
4 regular high school diploma;

5 “(iii) demonstrates that such students
6 are, to the extent practicable, included in
7 the general curriculum and that such alter-
8 nate assessments are aligned with such cur-
9 riculum;

10 “(iv) develops, disseminates informa-
11 tion about, and promotes the use of appro-
12 priate accommodations to increase the num-
13 ber of students with disabilities who are
14 tested against academic achievement stand-
15 ards for the grade in which a student is en-
16 rolled; and

17 “(v) ensures that regular and special
18 education teachers and other appropriate
19 staff know how to administer the alternate
20 assessments, including making appropriate
21 use of accommodations for students with
22 disabilities.

23 “(D) ASSESSMENTS OF ENGLISH LANGUAGE
24 PROFICIENCY.—

1 “(i) *IN GENERAL.*—*Each State plan*
2 *shall demonstrate that local educational*
3 *agencies in the State will provide for an an-*
4 *ual assessment of English proficiency of*
5 *all English learners in the schools served by*
6 *the State educational agency.*

7 “(ii) *ALIGNMENT.*—*The assessments*
8 *described in clause (i) shall be aligned with*
9 *the State’s English language proficiency*
10 *standards described in paragraph (1)(E).*

11 “(E) *LANGUAGE ASSESSMENTS.*—*Each*
12 *State plan shall identify the languages other*
13 *than English that are present in the partici-*
14 *pating student population and indicate the lan-*
15 *guages for which yearly student academic assess-*
16 *ments are not available and are needed. The*
17 *State shall make every effort to develop such as-*
18 *sessments and may request assistance from the*
19 *Secretary if linguistically accessible academic as-*
20 *essment measures are needed. Upon request, the*
21 *Secretary shall assist with the identification of*
22 *appropriate academic assessment measures in*
23 *the needed languages, but shall not mandate a*
24 *specific academic assessment or mode of instruc-*
25 *tion.*

1 “(F) *ADAPTIVE ASSESSMENTS.*—A State
2 may develop and administer computer adaptive
3 assessments as the assessments required under
4 subparagraph (A). If a State develops and ad-
5 ministers a computer adaptive assessment for
6 such purposes, the assessment shall meet the re-
7 quirements of this paragraph, except as follows:

8 “(i) Notwithstanding subparagraph
9 (B)(iii), the assessment—

10 “(I) shall measure, at a min-
11 imum, each student’s academic pro-
12 ficiency against the State’s academic
13 standards for the student’s grade level
14 and growth toward such standards;
15 and

16 “(II) if the State chooses, may be
17 used to measure the student’s level of
18 academic proficiency and growth using
19 assessment items above or below the
20 student’s grade level, including for use
21 as part of a State’s accountability sys-
22 tem under paragraph (3).

23 “(ii) Subparagraph (B)(i) shall not be
24 interpreted to require that all students tak-

1 *ing the computer adaptive assessment be ad-*
2 *ministered the same assessment items.*

3 “(3) *STATE ACCOUNTABILITY SYSTEMS.*—

4 “(A) *IN GENERAL.*—*Each State plan shall*
5 *demonstrate that the State has developed and is*
6 *implementing a single, statewide accountability*
7 *system to ensure that all public school students*
8 *graduate from high school prepared for postsec-*
9 *ondary education or the workforce without the*
10 *need for remediation.*

11 “(B) *ELEMENTS.*—*Each State account-*
12 *ability system described in subparagraph (A)*
13 *shall at a minimum—*

14 “(i) *annually measure the academic*
15 *achievement of all public school students in*
16 *the State against the State’s mathematics*
17 *and reading or language arts academic*
18 *standards adopted under paragraph (1),*
19 *which may include measures of student*
20 *growth toward such standards, using the*
21 *mathematics and reading or language arts*
22 *assessments described in paragraph (2)(B)*
23 *and other valid and reliable academic indi-*
24 *cators related to student achievement as*
25 *identified by the State;*

1 “(ii) annually evaluate and identify
2 the academic performance of each public
3 school in the State based on—

4 “(I) student academic achieve-
5 ment as measured in accordance with
6 clause (i); and

7 “(II) the overall performance, and
8 achievement gaps as compared to all
9 students in the school, for economically
10 disadvantaged students, students from
11 major racial and ethnic groups, stu-
12 dents with disabilities, and English
13 learners, except that disaggregation of
14 data under this subclause shall not be
15 required in a case in which the number
16 of students in a category is insufficient
17 to yield statistically reliable informa-
18 tion or the results would reveal person-
19 ally identifiable information about an
20 individual student; and

21 “(iii) include a system for school im-
22 provement for low-performing public schools
23 receiving funds under this subpart that—

1 “(I) implements interventions in
2 such schools that are designed to ad-
3 dress such schools’ weaknesses; and

4 “(II) is implemented by local edu-
5 cational agencies serving such schools.

6 “(C) PROHIBITION.—Nothing in this section
7 shall be construed to permit the Secretary to es-
8 tablish any criteria that specifies, defines, or
9 prescribes any aspect of a State’s accountability
10 system developed and implemented in accordance
11 with this paragraph.

12 “(D) ACCOUNTABILITY FOR CHARTER
13 SCHOOLS.—The accountability provisions under
14 this Act shall be overseen for charter schools in
15 accordance with State charter school law.

16 “(4) REQUIREMENTS.—Each State plan shall de-
17 scribe—

18 “(A) how the State educational agency will
19 assist each local educational agency and each
20 public school affected by the State plan to com-
21 ply with the requirements of this subpart, in-
22 cluding how the State educational agency will
23 work with local educational agencies to provide
24 technical assistance; and

1 “(B) how the State educational agency will
2 ensure that the results of the State assessments
3 described in paragraph (2), the other indicators
4 selected by the State under paragraph (3)(B)(i),
5 and the school evaluations described in para-
6 graph (3)(B)(ii), will be promptly provided to
7 local educational agencies, schools, teachers, and
8 parents in a manner that is clear and easy to
9 understand, but not later than before the begin-
10 ning of the school year following the school year
11 in which such assessments, other indicators, or
12 evaluations are taken or completed.

13 “(5) *TIMELINE FOR IMPLEMENTATION.*—Each
14 State plan shall describe the process by which the
15 State will adopt and implement the State academic
16 standards, assessments, and accountability system re-
17 quired under this section within 2 years of enactment
18 of the Student Success Act.

19 “(6) *EXISTING STANDARDS.*—Nothing in this
20 subpart shall prohibit a State from revising, con-
21 sistent with this section, any standard adopted under
22 this section before or after the date of enactment of the
23 Student Success Act.

24 “(7) *EXISTING STATE LAW.*—Nothing in this sec-
25 tion shall be construed to alter any State law or regu-

1 *lation granting parents authority over schools that re-*
2 *peatedly failed to make adequate yearly progress*
3 *under this section, as in effect on the day before the*
4 *date of the enactment of the Student Success Act.*

5 *“(c) OTHER PROVISIONS TO SUPPORT TEACHING AND*
6 *LEARNING.—Each State plan shall contain assurances*
7 *that—*

8 *“(1) the State will notify local educational agen-*
9 *cies, schools, teachers, parents, and the public of the*
10 *academic standards, academic assessments, and State*
11 *accountability system developed and implemented*
12 *under this section;*

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

20 *“(3) the State educational agency will notify*
21 *local educational agencies and the public of the au-*
22 *thority to operate schoolwide programs;*

23 *“(4) the State educational agency will provide*
24 *the least restrictive and burdensome regulations for*

1 *local educational agencies and individual schools par-*
2 *ticipating in a program assisted under this subpart;*

3 *“(5) the State educational agency will encourage*
4 *schools to consolidate funds from other Federal, State,*
5 *and local sources for schoolwide reform in schoolwide*
6 *programs under section 1114;*

7 *“(6) the State educational agency will modify or*
8 *eliminate State fiscal and accounting barriers so that*
9 *schools can easily consolidate funds from other Fed-*
10 *eral, State, and local sources for schoolwide programs*
11 *under section 1114; and*

12 *“(7) the State educational agency will inform*
13 *local educational agencies in the State of the local*
14 *educational agency’s authority to transfer funds*
15 *under section 1002 and to obtain waivers under sec-*
16 *tion 5401.*

17 *“(d) PARENTAL INVOLVEMENT.—Each State plan shall*
18 *describe how the State educational agency will support the*
19 *collection and dissemination to local educational agencies*
20 *and schools of effective parental involvement practices. Such*
21 *practices shall—*

22 *“(1) be based on the most current research that*
23 *meets the highest professional and technical standards*
24 *on effective parental involvement that fosters achieve-*
25 *ment to high standards for all children;*

1 “(2) be geared toward lowering barriers to great-
2 er participation by parents in school planning, re-
3 view, and improvement; and

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

6 “(e) *PEER REVIEW AND SECRETARIAL APPROVAL.*—

7 “(1) *ESTABLISHMENT.*—Notwithstanding section
8 5543, the Secretary shall—

9 “(A) establish a peer-review process to assist
10 in the review of State plans; and

11 “(B) appoint individuals to the peer-review
12 process who are representative of parents, teach-
13 ers, State educational agencies, and local edu-
14 cational agencies, and who are familiar with
15 educational standards, assessments, account-
16 ability, the needs of low-performing schools, and
17 other educational needs of students, and ensure
18 that 75 percent of such appointees are practi-
19 tioners.

20 “(2) *APPROVAL.*—The Secretary shall—

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

23 “(B) disapprove of the State plan only if
24 the Secretary demonstrates how the State plan
25 fails to meet the requirements of this section and

1 *immediately notifies the State of such determina-*
2 *tion and the reasons for such determination;*

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

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

7 “(ii) *providing technical assistance in*
8 *order to assist the State to meet the require-*
9 *ments of this section; and*

10 “(iii) *providing a hearing; and*

11 “(D) *have the authority to disapprove a*
12 *State plan for not meeting the requirements of*
13 *this subpart, but shall not have the authority to*
14 *require a State, as a condition of approval of the*
15 *State plan, to include in, or delete from, such*
16 *plan one or more specific elements of the State’s*
17 *academic standards or State accountability sys-*
18 *tem, or to use specific academic assessments or*
19 *other indicators.*

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

23 “(4) *PUBLIC REVIEW.—All communications,*
24 *feedback, and notifications under this subsection shall*
25 *be conducted in a manner that is immediately made*

1 available to the public through the website of the De-
2 partment, including—

3 “(A) peer review guidance;

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

5 “(C) State plans submitted or resubmitted
6 by a State, including the current approved
7 plans;

8 “(D) peer review notes;

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

14 “(F) hearings.

15 “(5) PROHIBITION.—The Secretary, and the Sec-
16 retary’s staff, may not attempt to participate in, or
17 influence, the peer review process. No Federal em-
18 ployee may participate in, or attempt to influence the
19 peer review process, except to respond to questions of
20 a technical nature, which shall be publicly reported.

21 “(f) DURATION OF THE PLAN.—

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

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

1 “(B) be periodically reviewed and revised as
2 necessary by the State educational agency to re-
3 flect changes in the State’s strategies and pro-
4 grams under this subpart.

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

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

16 “(h) *REPORTS.*—

17 “(1) *ANNUAL STATE REPORT CARD.*—

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

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

1 “(i) *concise; and*

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

7 “(C) *REQUIRED INFORMATION.—The State*
8 *shall include in its annual State report card in-*
9 *formation on—*

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

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

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

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

8 “(I) the four-year adjusted cohort
9 graduation rate, and

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

16 “(v) each public school’s evaluation re-
17 sults as determined in accordance with sub-
18 section (b)(3)(B)(ii);

19 “(vi) the acquisition of English pro-
20 ficiency by English learners;

21 “(vii) the number and percentage of
22 teachers in each category established under
23 clause (iii) of section 2123(1)(A), except
24 that such information shall not reveal per-

1 *sonally identifiable information about an*
2 *individual teacher; and*

3 *“(viii) the results of the assessments de-*
4 *scribed in subsection (c)(2).*

5 *“(D) OPTIONAL INFORMATION.—The State*
6 *may include in its annual State report card*
7 *such other information as the State believes will*
8 *best provide parents, students, and other mem-*
9 *bers of the public with information regarding the*
10 *progress of each of the State’s public elementary*
11 *schools and public secondary schools.*

12 *“(2) ANNUAL LOCAL EDUCATIONAL AGENCY RE-*
13 *PORT CARDS.—*

14 *“(A) IN GENERAL.—A local educational*
15 *agency that receives assistance under this sub-*
16 *part shall prepare and disseminate an annual*
17 *local educational agency report card.*

18 *“(B) MINIMUM REQUIREMENTS.—The State*
19 *educational agency shall ensure that each local*
20 *educational agency collects appropriate data and*
21 *includes in the local educational agency’s annual*
22 *report the information described in paragraph*
23 *(1)(C) as applied to the local educational agency*
24 *and each school served by the local educational*
25 *agency, and—*

1 “(i) in the case of a local educational
2 agency, information that shows how stu-
3 dents served by the local educational agency
4 achieved on the statewide academic assess-
5 ment and other academic indicators adopt-
6 ed in accordance with subsection
7 (b)(3)(B)(i) compared to students in the
8 State as a whole; and

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

11 “(C) *OTHER INFORMATION.*—A local edu-
12 cational agency may include in its annual local
13 educational agency report card any other appro-
14 priate information, whether or not such informa-
15 tion is included in the annual State report card.

16 “(D) *DATA.*—A local educational agency or
17 school shall only include in its annual local edu-
18 cational agency report card data that are suffi-
19 cient to yield statistically reliable information,
20 as determined by the State, and that do not re-
21 veal personally identifiable information about an
22 individual student.

23 “(E) *PUBLIC DISSEMINATION.*—The local
24 educational agency shall publicly disseminate the
25 information described in this paragraph to all

1 *schools served by the local educational agency*
2 *and to all parents of students attending those*
3 *schools in an understandable and uniform for-*
4 *mat, and, to the extent practicable, in a lan-*
5 *guage that parents can understand, and make*
6 *the information widely available through public*
7 *means, such as posting on the Internet, distribu-*
8 *tion to the media, and distribution through pub-*
9 *lic agencies, except that if a local educational*
10 *agency issues a report card for all students, the*
11 *local educational agency may include the infor-*
12 *mation under this section as part of such report.*

13 “(3) *PREEXISTING REPORT CARDS.*—*A State*
14 *educational agency or local educational agency may*
15 *use public report cards on the performance of stu-*
16 *dents, schools, local educational agencies, or the State,*
17 *that were in effect prior to the enactment of the Stu-*
18 *dent Success Act for the purpose of this subsection, so*
19 *long as any such report card is modified, as may be*
20 *needed, to contain the information required by this*
21 *subsection.*

22 “(4) *PARENTS RIGHT-TO-KNOW.*—

23 “(A) *ACHIEVEMENT INFORMATION.*—*At the*
24 *beginning of each school year, a school that re-*
25 *ceives funds under this subpart shall provide to*

1 *each individual parent information on the level*
2 *of achievement of the parent’s child in each of*
3 *the State academic assessments and other aca-*
4 *ademic indicators adopted in accordance with this*
5 *subpart.*

6 “(B) *FORMAT.*—*The notice and information*
7 *provided to parents under this paragraph shall*
8 *be in an understandable and uniform format*
9 *and, to the extent practicable, provided in a lan-*
10 *guage that the parents can understand.*

11 “(i) *PRIVACY.*—*Information collected under this sec-*
12 *tion shall be collected and disseminated in a manner that*
13 *protects the privacy of individuals consistent with section*
14 *444 of the General Education Provisions Act.*

15 “(j) *VOLUNTARY PARTNERSHIPS.*—*A State may enter*
16 *into a voluntary partnership with another State to develop*
17 *and implement the academic standards and assessments re-*
18 *quired under this section, except that the Secretary shall*
19 *not, either directly or indirectly, attempt to influence,*
20 *incentivize, or coerce State—*

21 “(1) *adoption of the Common Core State Stand-*
22 *ards developed under the Common Core State Stand-*
23 *ards Initiative, any other academic standards com-*
24 *mon to a significant number of States, or assessments*
25 *tied to such standards; or*

1 “(2) participation in any such partnerships.

2 “(k) CONSTRUCTION.—Nothing in this part shall be
3 construed to prescribe the use of the academic assessments
4 described in this part for student promotion or graduation
5 purposes.

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

11 “(1) Each such school that is accredited by the
12 State in which it is operating shall use the assess-
13 ments and other academic indicators the State has
14 developed and implemented to meet the requirements
15 of this section, or such other appropriate assessment
16 and academic indicators as approved by the Sec-
17 retary of the Interior.

18 “(2) Each such school that is accredited by a re-
19 gional accrediting organization shall adopt an appro-
20 priate assessment and other academic indicators, in
21 consultation with and with the approval of, the Sec-
22 retary of the Interior and consistent with assessments
23 and academic indicators adopted by other schools in
24 the same State or region, that meet the requirements
25 of this section.

1 “(3) *Each such school that is accredited by a*
2 *tribal accrediting agency or tribal division of edu-*
3 *cation shall use an assessment and other academic in-*
4 *dicators developed by such agency or division, except*
5 *that the Secretary of the Interior shall ensure that*
6 *such assessment and academic indicators meet the re-*
7 *quirements of this section.”.*

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

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

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

12 “(a) *PLANS REQUIRED.—*

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

23 “(2) *CONSOLIDATED APPLICATION.—The plan*
24 *may be submitted as part of a consolidated applica-*
25 *tion under section 5305.*

1 “(b) *PLAN PROVISIONS.*—*Each local educational agen-*
2 *cy plan shall describe—*

3 “(1) *how the local educational agency will mon-*
4 *itor, in addition to the State assessments described in*
5 *section 1111(b)(2), students’ progress in meeting the*
6 *State’s academic standards;*

7 “(2) *how the local educational agency will iden-*
8 *tify quickly and effectively those students who may be*
9 *at risk of failing to meet the State’s academic stand-*
10 *ards;*

11 “(3) *how the local educational agency will pro-*
12 *vide additional educational assistance to individual*
13 *students in need of additional help in meeting the*
14 *State’s academic standards;*

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

19 “(5) *how the local educational agency will co-*
20 *ordinate programs under this subpart with other pro-*
21 *grams under this Act and other Acts, as appropriate;*

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

24 “(7) *how teachers, in consultation with parents,*
25 *administrators, and specialized instructional support*

1 *personnel, in targeted assistance schools under section*
2 *1115, will identify the eligible children most in need*
3 *of services under this subpart;*

4 *“(8) in general, the nature of the programs to be*
5 *conducted by the local educational agency’s schools*
6 *under sections 1114 and 1115, and, where appro-*
7 *priate, educational services outside such schools for*
8 *children living in local institutions for neglected and*
9 *delinquent children, and for neglected and delinquent*
10 *children in community day school programs;*

11 *“(9) how the local educational agency will ensure*
12 *that migratory children who are eligible to receive*
13 *services under this subpart are selected to receive such*
14 *services on the same basis as other children who are*
15 *selected to receive services under this subpart;*

16 *“(10) the services the local educational agency*
17 *will provide homeless children, including services pro-*
18 *vided with funds reserved under section*
19 *1113(c)(3)(A);*

20 *“(11) the strategy the local educational agency*
21 *will use to implement effective parental involvement*
22 *under section 1118;*

23 *“(12) if appropriate, how the local educational*
24 *agency will use funds under this subpart to support*
25 *preschool programs for children, particularly children*

1 *participating in a Head Start program, which serv-*
2 *ices may be provided directly by the local educational*
3 *agency or through a subcontract with the local Head*
4 *Start agency designated by the Secretary of Health*
5 *and Human Services under section 641 of the Head*
6 *Start Act, or another comparable early childhood de-*
7 *velopment program;*

8 *“(13) how the local educational agency, through*
9 *incentives for voluntary transfers, the provision of*
10 *professional development, recruitment programs, in-*
11 *centive pay, performance pay, or other effective strate-*
12 *gies, will address disparities in the rates of low-in-*
13 *come and minority students and other students being*
14 *taught by ineffective teachers;*

15 *“(14) if appropriate, how the local educational*
16 *agency will use funds under this subpart to support*
17 *programs that coordinate and integrate—*

18 *“(A) career and technical education aligned*
19 *with State technical standards that promote*
20 *skills attainment important to in-demand occu-*
21 *pations or industries in the State and the State’s*
22 *academic standards under section 1111(b)(1);*
23 *and*

1 “(B) work-based learning opportunities that
2 provide students in-depth interaction with in-
3 dustry professionals; and

4 “(15) if appropriate, how the local educational
5 agency will use funds under this subpart to support
6 dual enrollment programs and early college high
7 schools.

8 “(c) ASSURANCES.—Each local educational agency
9 plan shall provide assurances that the local educational
10 agency will—

11 “(1) participate, if selected, in biennial State
12 academic assessments of 4th and 8th grade reading
13 and mathematics under the National Assessment of
14 Educational Progress carried out under section
15 303(b)(2) of the National Assessment of Educational
16 Progress Authorization Act;

17 “(2) inform schools of schoolwide program au-
18 thority and the ability to consolidate funds from Fed-
19 eral, State, and local sources;

20 “(3) provide technical assistance to schoolwide
21 programs;

22 “(4) provide services to eligible children attend-
23 ing private elementary and secondary schools in ac-
24 cordance with section 1120, and timely and meaning-

1 *ful consultation with private school officials or rep-*
2 *resentatives regarding such services;*

3 *“(5) in the case of a local educational agency*
4 *that chooses to use funds under this subpart to pro-*
5 *vide early childhood development services to low-in-*
6 *come children below the age of compulsory school at-*
7 *tendance, ensure that such services comply with the*
8 *performance standards established under section*
9 *641A(a) of the Head Start Act;*

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

13 *“(7) ensure that the results of the academic as-*
14 *sessments required under section 1111(b)(2) will be*
15 *provided to parents and teachers as soon as is prac-*
16 *tically possible after the test is taken, in an under-*
17 *standable and uniform format and, to the extent*
18 *practicable, provided in a language that the parents*
19 *can understand.*

20 *“(d) SPECIAL RULE.—In carrying out subsection*
21 *(c)(5), the Secretary shall—*

22 *“(1) consult with the Secretary of Health and*
23 *Human Services and shall establish procedures (tak-*
24 *ing into consideration existing State and local laws,*

1 *and local teacher contracts) to assist local educational*
2 *agencies to comply with such subparagraph; and*

3 “(2) *disseminate to local educational agencies the*
4 *education performance standards in effect under sec-*
5 *tion 641A(a)(1)(B) of the Head Start Act, and such*
6 *agencies affected by such subsection shall plan for the*
7 *implementation of such subsection (taking into con-*
8 *sideration existing State and local laws, and local*
9 *teacher contracts).*

10 “(e) *PLAN DEVELOPMENT AND DURATION.—*

11 “(1) *CONSULTATION.—Each local educational*
12 *agency plan shall be developed in consultation with*
13 *teachers, school leaders, public charter school rep-*
14 *resentatives, administrators, and other appropriate*
15 *school personnel, and with parents of children in*
16 *schools served under this subpart.*

17 “(2) *DURATION.—Each such plan shall be sub-*
18 *mitted for the first year for which this part is in ef-*
19 *fect following the date of enactment of this Act and*
20 *shall remain in effect for the duration of the agency’s*
21 *participation under this subpart.*

22 “(3) *REVIEW.—Each local educational agency*
23 *shall periodically review and, as necessary, revise its*
24 *plan.*

25 “(f) *STATE APPROVAL.—*

1 “(1) *IN GENERAL.*—*Each local educational agen-*
2 *cy plan shall be filed according to a schedule estab-*
3 *lished by the State educational agency.*

4 “(2) *APPROVAL.*—*The State educational agency*
5 *shall approve a local educational agency’s plan only*
6 *if the State educational agency determines that the*
7 *local educational agency’s plan—*

8 “(A) *enables schools served under this sub-*
9 *part to substantially help children served under*
10 *this subpart to meet the State’s academic stand-*
11 *ards described in section 1111(b)(1); and*

12 “(B) *meets the requirements of this section.*

13 “(3) *REVIEW.*—*The State educational agency*
14 *shall review the local educational agency’s plan to de-*
15 *termine if such agency’s activities are in accordance*
16 *with section 1118.*

17 “(g) *PARENTAL NOTIFICATION.*—

18 “(1) *IN GENERAL.*—*Each local educational agen-*
19 *cy using funds under this subpart and subpart 4 to*
20 *provide a language instruction educational program*
21 *shall, not later than 30 days after the beginning of*
22 *the school year, inform parents of an English learner*
23 *identified for participation, or participating in, such*
24 *a program of—*

1 “(A) the reasons for the identification of
2 their child as an English learner and in need of
3 placement in a language instruction educational
4 program;

5 “(B) the child’s level of English proficiency,
6 how such level was assessed, and the status of the
7 child’s academic achievement;

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

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

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

22 “(F) the specific exit requirements for the
23 program, including the expected rate of transi-
24 tion from such program into classrooms that are
25 not tailored for English learners, and the ex-

1 pected rate of graduation from high school for
2 such program if funds under this subpart are
3 used for children in secondary schools;

4 “(G) in the case of a child with a disability,
5 how such program meets the objectives of the in-
6 dividualized education program of the child; and

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

9 “(i) detailing—

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

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

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

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

1 *cational program for English learners shall be in an*
2 *understandable and uniform format and, to the extent*
3 *practicable, provided in a language that the parents*
4 *can understand.*

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

12 *“(4) PARENTAL PARTICIPATION.—Each local*
13 *educational agency receiving funds under this subpart*
14 *shall implement an effective means of outreach to par-*
15 *ents of English learners to inform the parents regard-*
16 *ing how the parents can be involved in the education*
17 *of their children, and be active participants in assist-*
18 *ing their children to attain English proficiency,*
19 *achieve at high levels in core academic subjects, and*
20 *meet the State’s academic standards expected of all*
21 *students, including holding, and sending notice of op-*
22 *portunities for, regular meetings for the purpose of*
23 *formulating and responding to recommendations from*
24 *parents of students assisted under this subpart.*

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

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

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

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

9 (2) *in subsection (c)(4)—*

10 (A) *by striking “subpart 2” and inserting*
11 *“chapter B”; and*

12 (B) *by striking “school improvement, cor-*
13 *rective action, and restructuring under section*
14 *1116(b)” and inserting “school improvement*
15 *under section 1111(b)(3)(B)(iii)”.*

16 **SEC. 115. SCHOOLWIDE PROGRAMS.**

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

18 (1) *in subsection (a)—*

19 (A) *in paragraph (1)—*

20 (i) *by striking “part” and inserting*
21 *“subpart”; and*

22 (ii) *by striking “in which” through*
23 *“such families”;*

24 (B) *in paragraph (2)—*

1 (i) in subparagraph (A)(i), by striking

2 “part” and inserting “subpart”; and

3 (ii) in subparagraph (B)—

4 (I) by striking “children with

5 limited English proficiency” and in-

6 serting “English learners”; and

7 (II) by striking “part” and in-

8 serting “subpart”;

9 (C) in paragraph (3)(B), by striking

10 “maintenance of effort,” after “private school

11 children,”; and

12 (D) by striking paragraph (4); and

13 (2) in subsection (b)—

14 (A) in paragraph (1)—

15 (i) in subparagraph (A)—

16 (I) by striking “(including” and

17 all that follows through “1309(2))”;

18 and

19 (II) by striking “content stand-

20 ards and the State student academic

21 achievement standards” and inserting

22 “standards”;

23 (ii) in subparagraph (B)—

24 (I) in clause (i), by striking “pro-

25 ficient” and all that follows through

1 “section 1111(b)(1)(D)” and inserting
2 “academic standards described in sec-
3 tion 1111(b)(1)”;

4 (II) in clause (ii), in the matter
5 preceding subclause (I), by striking
6 “based on scientifically based research”
7 and inserting “evidence-based”;

8 (III) in clause (iii)—

9 (aa) in subclause (I)—

10 (AA) by striking “stu-
11 dent academic achievement
12 standards” and inserting
13 “academic standards”; and

14 (BB) by striking
15 “schoolwide program,” and
16 all that follows through
17 “technical education pro-
18 grams; and” and inserting
19 “schoolwide programs; and”;
20 and

21 (bb) in subclause (II), by
22 striking “and”;

23 (IV) in clause (iv)—

24 (aa) by striking “the State
25 and local improvement plans”

1 and inserting “school improve-
2 ment strategies”; and

3 (bb) by striking the period
4 and inserting “; and”; and

5 (V) by adding at the end the fol-
6 lowing new clause:

7 “(v) may be delivered by nonprofit or
8 for-profit external providers with expertise
9 in using evidence-based or other effective
10 strategies to improve student achievement.”;

11 (iii) in subparagraph (C), by striking
12 “highly qualified” and inserting “effective”;

13 (iv) in subparagraph (D)—

14 (I) by striking “In accordance
15 with section 1119 and subsection
16 (a)(4), high-quality” and inserting
17 “High-quality”;

18 (II) by striking “pupil services”
19 and inserting “specialized instruc-
20 tional support services”; and

21 (III) by striking “student aca-
22 demic achievement” and inserting
23 “academic”;

1 (v) in subparagraph (E), by striking
2 “high-quality highly qualified” and insert-
3 ing “effective”;

4 (vi) in subparagraph (G), by striking
5 “, such as Head Start, Even Start, Early
6 Reading First, or a State-run preschool
7 program,”;

8 (vii) in subparagraph (H), by striking
9 “section 1111(b)(3)” and inserting “section
10 1111(b)(2)”;

11 (viii) in subparagraph (I), by striking
12 “proficient or advanced levels of academic
13 achievement standards” and inserting
14 “State academic standards”; and

15 (ix) in subparagraph (J), by striking
16 “vocational” and inserting “career”; and
17 (B) in paragraph (2)—

18 (i) in subparagraph (A)—

19 (I) in the matter preceding clause

20 (i)—

21 (aa) by striking “first de-
22 velop” and all that follows
23 through “2001)” and inserting
24 “have in place”; and

1 (bb) by striking “and its
2 school support team or other tech-
3 nical assistance provider under
4 section 1117”;

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

7 (III) in clause (iv), by striking
8 “section 1111(b)(3)” and inserting
9 “section 1111(b)(2)”; and

10 (ii) in subparagraph (B)—

11 (I) in clause (i)—

12 (aa) in subclause (I), by
13 striking “, after considering the
14 recommendation of the technical
15 assistance providers under section
16 1117,”; and

17 (bb) in subclause (II), by
18 striking “No Child Left Behind
19 Act of 2001” and inserting “Stu-
20 dent Success Act”;

21 (II) in clause (ii)—

22 (aa) by striking “(including
23 administrators of programs de-
24 scribed in other parts of this
25 title)”;

1 (bb) by striking “pupil serv-
2 ices” and inserting “specialized
3 instructional support services”;

4 (III) in clause (iii), by striking
5 “part” and inserting “subpart”; and

6 (IV) in clause (v), by striking
7 “Reading First, Early Reading First,
8 Even Start,”; and

9 (3) in subsection (c)—

10 (A) by striking “part” and inserting “sub-
11 part”; and

12 (B) by striking “6,” and all that follows
13 through the period at the end and inserting “6.”.

14 **SEC. 116. TARGETED ASSISTANCE SCHOOLS.**

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

16 (1) in subsection (a)—

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

19 (B) by striking “operate such” and insert-
20 ing “operate”; and

21 (C) by striking “part” and inserting “sub-
22 part”;

23 (2) in subsection (b)—

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

4 (B) in paragraph (2)—

5 (i) in subparagraph (A)—

6 (I) by striking “limited English
7 proficient children” and inserting
8 “English learners”; and

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

11 (ii) in subparagraph (B)—

12 (I) in the heading, by striking “,
13 EVEN START, OR EARLY READING
14 FIRST”;

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

17 (III) by striking “part” and in-
18 serting “subpart”;

19 (iii) in subparagraph (C)—

20 (I) by amending the heading to
21 read as follows: “SUBPART 3 CHIL-
22 DREN.—”;

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

1 (III) by striking “part” and in-
2 serting “subpart”;

3 (iv) in subparagraphs (D) and (E), by
4 striking “part” each place it appears and
5 inserting “subpart”;

6 (C) in paragraph (3), by striking “part”
7 and inserting “subpart”;

8 (3) in subsection (c)—

9 (A) in paragraph (1)—

10 (i) in the matter preceding subpara-
11 graph (A)—

12 (I) by striking “part” and insert-
13 ing “subpart”; and

14 (II) by striking “challenging stu-
15 dent academic achievement” and in-
16 serting “academic”;

17 (ii) in subparagraph (A)—

18 (I) by striking “part” and insert-
19 ing “subpart”; and

20 (II) by striking “challenging stu-
21 dent academic achievement” and in-
22 serting “academic”;

23 (iii) in subparagraph (B), by striking
24 “part” and inserting “subpart”;

25 (iv) in subparagraph (C)—

1 (I) in the matter preceding clause
2 (i), by striking “based on scientifically
3 based research” and inserting “evi-
4 dence-based”; and

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

7 (v) in subparagraph (D), by striking
8 “such as Head Start, Even Start, Early
9 Reading First or State-run preschool pro-
10 grams”;

11 (vi) in subparagraph (E), by striking
12 “highly qualified” and inserting “effective”;

13 (vii) in subparagraph (F)—

14 (I) by striking “in accordance
15 with subsection (e)(3) and section
16 1119,”;

17 (II) by striking “part” and in-
18 serting “subpart”; and

19 (III) by striking “pupil services
20 personnel” and inserting “specialized
21 instructional support personnel”; and

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

24 (B) in paragraph (2)—

1 (i) in the matter preceding subpara-
2 graph (A), by striking “proficient and ad-
3 vanced levels of achievement” and inserting
4 “academic standards”;

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

7 (iii) in subparagraph (B), by striking
8 “challenging student academic achievement”
9 and inserting “academic”;

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

13 (5) in subsection (e)—

14 (A) in paragraph (2)(B)—

15 (i) in the matter preceding clause (i),
16 by striking “part” and inserting “subpart”;
17 and

18 (ii) in clause (iii), by striking “pupil
19 services” and inserting “specialized instruc-
20 tional support services”; and

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

22 (6) by adding at the end the following new sub-
23 section:

24 “(f) *DELIVERY OF SERVICES.*—The elements of a tar-
25 geted assistance program under this section may be deliv-

1 *ered by nonprofit or for-profit external providers with ex-*
 2 *pertise in using evidence-based or other effective strategies*
 3 *to improve student achievement.”.*

4 **SEC. 117. ACADEMIC ASSESSMENT AND LOCAL EDU-**
 5 **CATIONAL AGENCY AND SCHOOL IMPROVE-**
 6 **MENT; SCHOOL SUPPORT AND RECOGNITION.**

7 *The Act is amended by repealing sections 1116 and*
 8 *1117 (20 U.S.C. 6316; 6317).*

9 **SEC. 118. PARENTAL INVOLVEMENT.**

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

11 *(1) by striking “part” each place such term ap-*
 12 *pears and inserting “subpart”;*

13 *(2) in subsection (a)—*

14 *(A) in paragraph (2)—*

15 *(i) in subparagraph (A), by striking “,*
 16 *and” and all that follows through “1116”;*
 17 *and*

18 *(ii) in subparagraph (D), by striking*
 19 *“, such as” and all that follows through*
 20 *“preschool programs”; and*

21 *(B) in paragraph (3)(A), by striking “sub-*
 22 *part 2 of this part” each place it appears and*
 23 *inserting “chapter B of this subpart”;*

24 *(3) by amending subsection (c)(4)(B) to read as*
 25 *follows:*

1 “(B) a description and explanation of the
2 curriculum in use at the school and the forms of
3 academic assessment used to measure student
4 progress; and”;

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

7 (5) in subsection (e)—

8 (A) in paragraph (1), by striking “State’s
9 academic content standards and State student
10 academic achievement standards” and inserting
11 “State’s academic standards”;

12 (B) in paragraph (3)—

13 (i) by striking “pupil services per-
14 sonnel,” and inserting “specialized instruc-
15 tional support personnel,”; and

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

18 (C) in paragraph (4), by striking “Head
19 Start, Reading First, Early Reading First, Even
20 Start, the Home Instruction Programs for Pre-
21 school Youngsters, the Parents as Teachers Pro-
22 gram, and public preschool and other” and in-
23 serting “other Federal, State, and local”; and

24 (6) by amending subsection (g) to read as fol-
25 lows:

1 “(g) *FAMILY ENGAGEMENT IN EDUCATION PRO-*
 2 *GRAMS.—In a State operating a program under subpart*
 3 *3 of part A of title III, each local educational agency or*
 4 *school that receives assistance under this subpart shall in-*
 5 *form such parents and organizations of the existence of such*
 6 *programs.”.*

7 **SEC. 119. QUALIFICATIONS FOR TEACHERS AND PARA-**
 8 **PROFESSIONALS.**

9 *The Act is amended by repealing section 1119 (20*
 10 *U.S.C. 6319).*

11 **SEC. 120. PARTICIPATION OF CHILDREN ENROLLED IN PRI-**
 12 **VATE SCHOOLS.**

13 *Section 1120 (20 U.S.C. 6320) is amended to read as*
 14 *follows:*

15 **“SEC. 1120. PARTICIPATION OF CHILDREN ENROLLED IN**
 16 **PRIVATE SCHOOLS.**

17 “(a) *GENERAL REQUIREMENT.—*

18 “(1) *IN GENERAL.—To the extent consistent with*
 19 *the number of eligible children identified under sec-*
 20 *tion 1115(b) in the school district served by a local*
 21 *educational agency who are enrolled in private ele-*
 22 *mentary schools and secondary schools, a local edu-*
 23 *cational agency shall—*

24 “(A) *after timely and meaningful consulta-*
 25 *tion with appropriate private school officials or*

1 *representatives, provide such service, on an equi-*
2 *table basis and individually or in combination,*
3 *as requested by the officials or representatives to*
4 *best meet the needs of such children, special edu-*
5 *cational services, instructional services, coun-*
6 *seling, mentoring, one-on-one tutoring, or other*
7 *benefits under this subpart (such as dual enroll-*
8 *ment, educational radio and television, computer*
9 *equipment and materials, other technology, and*
10 *mobile educational services and equipment) that*
11 *address their needs; and*

12 *“(B) ensure that teachers and families of*
13 *the children participate, on an equitable basis,*
14 *in services and activities developed pursuant to*
15 *this subpart.*

16 *“(2) SECULAR, NEUTRAL, NONIDEOLOGICAL.—*
17 *Such educational services or other benefits, including*
18 *materials and equipment, shall be secular, neutral,*
19 *and nonideological.*

20 *“(3) EQUITY.—*

21 *“(A) IN GENERAL.—Educational services*
22 *and other benefits for such private school chil-*
23 *dren shall be equitable in comparison to services*
24 *and other benefits for public school children par-*

1 *participating under this subpart, and shall be pro-*
2 *vided in a timely manner.*

3 “(B) *OMBUDSMAN.*—*To help ensure such eq-*
4 *uity for such private school children, teachers,*
5 *and other educational personnel, the State edu-*
6 *cational agency involved shall designate an om-*
7 *budsman to monitor and enforce the require-*
8 *ments of this subpart.*

9 “(4) *EXPENDITURES.*—

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

20 “(B) *OBLIGATION OF FUNDS.*—*Funds allo-*
21 *cated to a local educational agency for edu-*
22 *cational services and other benefits to eligible*
23 *private school children shall—*

1 “(i) be obligated in the fiscal year for
2 which the funds are received by the agency;
3 and

4 “(ii) with respect to any such funds
5 that cannot be so obligated, be used to serve
6 such children in the following fiscal year.

7 “(C) NOTICE OF ALLOCATION.—Each State
8 educational agency shall—

9 “(i) determine, in a timely manner,
10 the proportion of funds to be allocated to
11 each local educational agency in the State
12 for educational services and other benefits
13 under this subpart to eligible private school
14 children; and

15 “(ii) provide notice, simultaneously, to
16 each such local educational agency and the
17 appropriate private school officials or their
18 representatives in the State of such alloca-
19 tion of funds.

20 “(5) PROVISION OF SERVICES.—The local edu-
21 cational agency or, in a case described in subsection
22 (b)(6)(C), the State educational agency involved, may
23 provide services under this section directly or through
24 contracts with public or private agencies, organiza-
25 tions, and institutions.

1 “(b) *CONSULTATION.*—

2 “(1) *IN GENERAL.*—*To ensure timely and mean-*
3 *ingful consultation, a local educational agency shall*
4 *consult with appropriate private school officials or*
5 *representatives during the design and development of*
6 *such agency’s programs under this subpart in order*
7 *to reach an agreement between the agency and the of-*
8 *ficials or representatives about equitable and effective*
9 *programs for eligible private school children, the re-*
10 *sults of which shall be transmitted to the designated*
11 *ombudsmen under section 1120(a)(3)(B). Such proc-*
12 *ess shall include consultation on issues such as—*

13 “(A) *how the children’s needs will be identi-*
14 *fied;*

15 “(B) *what services will be offered;*

16 “(C) *how, where, and by whom the services*
17 *will be provided;*

18 “(D) *how the services will be academically*
19 *assessed and how the results of that assessment*
20 *will be used to improve those services;*

21 “(E) *the size and scope of the equitable serv-*
22 *ices to be provided to the eligible private school*
23 *children, and the proportion of funds that is al-*
24 *located under subsection (a)(4)(A) for such serv-*
25 *ices, how that proportion of funds is determined*

1 *under such subsection, and an itemization of the*
2 *costs of the services to be provided;*

3 “(F) *the method or sources of data that are*
4 *used under subsection (c) and section 1113(c)(1)*
5 *to determine the number of children from low-in-*
6 *come families in participating school attendance*
7 *areas who attend private schools;*

8 “(G) *how and when the agency will make*
9 *decisions about the delivery of services to such*
10 *children, including a thorough consideration and*
11 *analysis of the views of the private school offi-*
12 *cial or representatives on the provision of serv-*
13 *ices through a contract with potential third-*
14 *party providers;*

15 “(H) *how, if the agency disagrees with the*
16 *views of the private school officials or representa-*
17 *tives on the provision of services through a con-*
18 *tract, the local educational agency will provide*
19 *in writing to such private school officials an*
20 *analysis of the reasons why the local educational*
21 *agency has chosen not to use a contractor;*

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

1 “(J) whether to provide equitable services to
2 eligible private school children—

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

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

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

21 “(2) DISAGREEMENT.—If a local educational
22 agency disagrees with the views of private school offi-
23 cials or representatives with respect to an issue de-
24 scribed in paragraph (1), the local educational agency
25 shall provide in writing to such private school offi-

1 *cials an analysis of the reasons why the local edu-*
2 *cational agency has chosen not to adopt the course of*
3 *action requested by such officials.*

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

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

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

1 *table with respect to eligible private school children.*
2 *If such officials or representatives do not provide such*
3 *affirmation within a reasonable period of time, the*
4 *local educational agency shall forward the documenta-*
5 *tion that such consultation has, or attempts at such*
6 *consultation have, taken place to the State edu-*
7 *cational agency.*

8 “(6) COMPLIANCE.—

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

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

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

6 “(i) *the appropriate private school offi-*
7 *cials or their representatives have—*

8 “(I) *requested that the State edu-*
9 *cational agency provide such services*
10 *directly; and*

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

14 “(ii) *in a case in which—*

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

23 “(II) *90 percent of the eligible*
24 *private school students in a partici-*
25 *pating school attendance area of the*

1 *agency are not being served by the*
2 *agency’s program under this section.*

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

5 *“(1) CALCULATION.—A local educational agency*
6 *shall have the final authority, consistent with this sec-*
7 *tion, to calculate the number of children, ages 5*
8 *through 17, who are from low-income families and at-*
9 *tend private schools by—*

10 *“(A) using the same measure of low income*
11 *used to count public school children;*

12 *“(B) using the results of a survey that, to*
13 *the extent possible, protects the identity of fami-*
14 *lies of private school students, and allowing such*
15 *survey results to be extrapolated if complete ac-*
16 *tual data are unavailable;*

17 *“(C) applying the low-income percentage of*
18 *each participating public school attendance area,*
19 *determined pursuant to this section, to the num-*
20 *ber of private school children who reside in that*
21 *school attendance area; or*

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

1 “(2) *COMPLAINT PROCESS.*—*Any dispute regard-*
2 *ing low-income data for private school students shall*
3 *be subject to the complaint process authorized in sec-*
4 *tion 5503.*

5 “(d) *PUBLIC CONTROL OF FUNDS.*—

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

12 “(2) *PROVISION OF SERVICES.*—

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

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

16 *or*

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

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

1 tract shall be under the control and supervision
2 of such public agency.

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

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

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

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

21 **SEC. 121. FISCAL REQUIREMENTS.**

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

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

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

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

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

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

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

10 (3) *in subsection (b)—*

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

14 (B) *in paragraphs (1) through (3), by strik-*
15 *ing “such as the Early Reading First program”*
16 *each place it appears;*

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

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

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

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

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

5 (2) *in subsection (b)—*

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

9 (B) *in paragraph (3)—*

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

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

17 (iii) *by striking subparagraph (D)*;

18 *and*

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

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

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

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

25 “(a) *RESERVATION.—*

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

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

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

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

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

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

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

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

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

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

10 (1) in subsection (a)—

11 (A) in paragraph (3)—

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

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

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

19 (2) in subsection (c)—

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

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

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

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

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

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

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

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

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

21 *(2) in subsection (b)(1)—*

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

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

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

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

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

12 Section 1127 (20 U.S.C. 6339) is amended by striking
13 “subpart” each place it appears and inserting “chapter”.

14 **Subtitle C—Additional Aid to**
15 **States and School Districts**

16 **SEC. 131. ADDITIONAL AID.**

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

20 (1) by striking parts B through D and F through
21 H; and

22 (2) by inserting after subpart 1 of part A the fol-
23 lowing:

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

2 **“SEC. 1131. PROGRAM PURPOSES.**

3 *“The purposes of this subpart are as follows:*

4 *“(1) To assist States in supporting high-quality*
5 *and comprehensive educational programs and services*
6 *during the school year, and as applicable, during*
7 *summer or intercession periods, that address the*
8 *unique educational needs of migratory children.*

9 *“(2) To ensure that migratory children who*
10 *move among the States, not be penalized in any man-*
11 *ner by disparities among the States in curriculum,*
12 *graduation requirements, and State academic stand-*
13 *ards.*

14 *“(3) To help such children succeed in school,*
15 *meet the State academic standards that all children*
16 *are expected to meet, and graduate from high school*
17 *prepared for postsecondary education and the work-*
18 *force without the need for remediation.*

19 *“(4) To help such children overcome educational*
20 *disruption, cultural and language barriers, social iso-*
21 *lation, various health-related problems, and other fac-*
22 *tors that inhibit the ability of such children to succeed*
23 *in school.*

24 *“(5) To help such children benefit from State*
25 *and local systemic reforms.*

1 **“SEC. 1132. PROGRAM AUTHORIZED.**

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

5 “(b) *GRANTS AWARDED.*—*From the amounts reserved*
6 *under subsection (a) and not reserved under section 1138(c),*
7 *the Secretary shall make allotments for the fiscal year to*
8 *State educational agencies, or consortia of such agencies,*
9 *to establish or improve, directly or through local operating*
10 *agencies, programs of education for migratory children in*
11 *accordance with this subpart.*

12 **“SEC. 1133. STATE ALLOCATIONS.**

13 “(a) *STATE ALLOCATIONS.*—*Except as provided in*
14 *subsection (c), each State (other than the Commonwealth*
15 *of Puerto Rico) is entitled to receive under this subpart an*
16 *amount equal to the product of—*

17 “(1) *the sum of—*

18 “(A) *the average number of identified eligi-*
19 *ble full-time equivalent migratory children aged*
20 *3 through 21 residing in the State, based on data*
21 *for the preceding 3 years; and*

22 “(B) *the number of identified eligible mi-*
23 *gratory children, aged 3 through 21, who re-*
24 *ceived services under this subpart in summer or*
25 *intersession programs provided by the State dur-*
26 *ing the previous year; multiplied by*

1 “(2) 40 percent of the average per-pupil expendi-
2 ture in the State, except that the amount determined
3 under this paragraph shall not be less than 32 per-
4 cent, nor more than 48 percent, of the average per-
5 pupil expenditure in the United States.

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

10 “(c) *ALLOCATION TO PUERTO RICO.*—For each fiscal
11 year, the grant which the Commonwealth of Puerto Rico
12 shall be eligible to receive under this subpart shall be the
13 amount determined by multiplying the number of children
14 who would be counted under subsection (a)(1) if such sub-
15 section applied to the Commonwealth of Puerto Rico by the
16 product of—

17 “(1) the percentage that the average per-pupil
18 expenditure in the Commonwealth of Puerto Rico is
19 of the lowest average per-pupil expenditure of any of
20 the 50 States, except that the percentage calculated
21 under this subparagraph shall not be less than 85
22 percent; and

23 “(2) 32 percent of the average per-pupil expendi-
24 ture in the United States.

25 “(d) *RATABLE REDUCTIONS; REALLOCATIONS.*—

1 “(1) *IN GENERAL.*—

2 “(A) *RATABLE REDUCTIONS.*—*If, after the*
3 *Secretary reserves funds under section 1138(c),*
4 *the amount appropriated to carry out this sub-*
5 *part for any fiscal year is insufficient to pay in*
6 *full the amounts for which all States are eligible,*
7 *the Secretary shall ratably reduce each such*
8 *amount.*

9 “(B) *REALLOCATION.*—*If additional funds*
10 *become available for making such payments for*
11 *any fiscal year, the Secretary shall allocate such*
12 *funds to States in amounts that the Secretary*
13 *determines will best carry out the purpose of this*
14 *subpart.*

15 “(2) *SPECIAL RULE.*—

16 “(A) *FURTHER REDUCTIONS.*—*The Sec-*
17 *retary shall further reduce the amount of any*
18 *grant to a State under this subpart for any fis-*
19 *cal year if the Secretary determines, based on*
20 *available information on the numbers and needs*
21 *of migratory children in the State and the pro-*
22 *gram proposed by the State to address such*
23 *needs, that such amount exceeds the amount re-*
24 *quired under section 1134.*

1 “(B) *REALLOCATION.*—*The Secretary shall*
2 *reallocate such excess funds to other States whose*
3 *grants under this subpart would otherwise be in-*
4 *sufficient to provide an appropriate level of serv-*
5 *ices to migratory children, in such amounts as*
6 *the Secretary determines are appropriate.*

7 “(e) *CONSORTIUM ARRANGEMENTS.*—

8 “(1) *IN GENERAL.*—*In the case of a State that*
9 *receives a grant of \$1,000,000 or less under this sec-*
10 *tion, the Secretary shall consult with the State edu-*
11 *cational agency to determine whether consortium ar-*
12 *rangements with another State or other appropriate*
13 *entity would result in delivery of services in a more*
14 *effective and efficient manner.*

15 “(2) *PROPOSALS.*—*Any State, regardless of the*
16 *amount of such State’s allocation, may submit a con-*
17 *sortium arrangement to the Secretary for approval.*

18 “(3) *APPROVAL.*—*The Secretary shall approve a*
19 *consortium arrangement under paragraph (1) or (2)*
20 *if the proposal demonstrates that the arrangement*
21 *will—*

22 “(A) *reduce administrative costs or pro-*
23 *gram function costs for State programs; and*

24 “(B) *make more funds available for direct*
25 *services to add substantially to the educational*

1 *achievement of children to be served under this*
2 *subpart.*

3 “(f) *DETERMINING NUMBERS OF ELIGIBLE CHIL-*
4 *DREN.—In order to determine the identified number of mi-*
5 *gratory children residing in each State for purposes of this*
6 *section, the Secretary shall—*

7 “(1) *use the most recent information that most*
8 *accurately reflects the actual number of migratory*
9 *children;*

10 “(2) *develop and implement a procedure for*
11 *monitoring the accuracy of such information;*

12 “(3) *develop and implement a procedure for*
13 *more accurately reflecting cost factors for different*
14 *types of summer and intersession program designs;*

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

18 “(A) *the unique needs of those children par-*
19 *ticipating in evidence-based or other effective*
20 *special programs provided under this subpart*
21 *that operate during the summer and intersession*
22 *periods; and*

23 “(B) *the additional costs of operating such*
24 *programs; and*

1 “(5) conduct an analysis of the options for ad-
2 justing the formula so as to better direct services to
3 migratory children, including the most at-risk migra-
4 tory children.

5 “(g) *NONPARTICIPATING STATES*.—In the case of a
6 State desiring to receive an allocation under this subpart
7 for a fiscal year that did not receive an allocation for the
8 previous fiscal year or that has been participating for less
9 than 3 consecutive years, the Secretary shall calculate the
10 State’s number of identified migratory children aged 3
11 through 21 for purposes of subsection (a)(1)(A) by using
12 the most recent data available that identifies the migratory
13 children residing in the State until data is available to cal-
14 culate the 3-year average number of such children in ac-
15 cordance with such subsection.

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

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

21 “(b) *PROGRAM INFORMATION*.—Each such application
22 shall include—

23 “(1) a description of how, in planning, imple-
24 menting, and evaluating programs and projects as-
25 sisted under this subpart, the State and its local oper-

1 *ating agencies will ensure that the unique educational*
2 *needs of migratory children, including preschool mi-*
3 *gratory children, are identified and addressed*
4 *through—*

5 *“(A) the full range of services that are*
6 *available for migratory children from appro-*
7 *priate local, State, and Federal educational pro-*
8 *grams;*

9 *“(B) joint planning among local, State, and*
10 *Federal educational programs serving migratory*
11 *children, including language instruction edu-*
12 *cational programs under chapter A of subpart 4;*
13 *and*

14 *“(C) the integration of services available*
15 *under this subpart with services provided by*
16 *those other programs;*

17 *“(2) a description of the steps the State is taking*
18 *to provide all migratory students with the oppor-*
19 *tunity to meet the same State academic standards*
20 *that all children are expected to meet;*

21 *“(3) a description of how the State will use*
22 *funds received under this subpart to promote inter-*
23 *state and intrastate coordination of services for mi-*
24 *gratory children, including how the State will provide*
25 *for educational continuity through the timely transfer*

1 *of pertinent school records, including information on*
2 *health, when children move from one school to an-*
3 *other, whether or not such a move occurs during the*
4 *regular school year;*

5 *“(4) a description of the State’s priorities for the*
6 *use of funds received under this subpart, and how*
7 *such priorities relate to the State’s assessment of*
8 *needs for services in the State;*

9 *“(5) a description of how the State will deter-*
10 *mine the amount of any subgrants the State will*
11 *award to local operating agencies, taking into ac-*
12 *count the numbers and needs of migratory children,*
13 *the requirements of subsection (d), and the avail-*
14 *ability of funds from other Federal, State, and local*
15 *programs; and*

16 *“(6) a description of how the State will encour-*
17 *age programs and projects assisted under this subpart*
18 *to offer family literacy services if the programs and*
19 *projects serve a substantial number of migratory chil-*
20 *dren whose parents do not have a regular high school*
21 *diploma or its recognized equivalent or who have low*
22 *levels of literacy.*

23 *“(c) ASSURANCES.—Each such application shall also*
24 *include assurances that—*

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

3 “(A) for programs and projects, including
4 the acquisition of equipment, in accordance with
5 section 1136; and

6 “(B) to coordinate such programs and
7 projects with similar programs and projects
8 within the State and in other States, as well as
9 with other Federal programs that can benefit mi-
10 gratory children and their families;

11 “(2) such programs and projects will be carried
12 out in a manner consistent with the objectives of sec-
13 tion 1114, subsections (b) and (d) of section 1115,
14 subsections (b) and (c) of section 1120A, and part C;

15 “(3) in the planning and operation of programs
16 and projects at both the State and local agency oper-
17 ating level, there is consultation with parents of mi-
18 gratory children for programs of not less than one
19 school year in duration, and that all such programs
20 and projects are carried out—

21 “(A) in a manner that provides for the
22 same parental involvement as is required for
23 programs and projects under section 1118, unless
24 extraordinary circumstances make such provi-
25 sion impractical; and

1 “(B) in a format and language understand-
2 able to the parents;

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

7 “(5) the effectiveness of such programs and
8 projects will be determined, where feasible, using the
9 same approaches and standards that will be used to
10 assess the performance of students, schools, and local
11 educational agencies under subpart 1;

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

14 “(A) advocacy and outreach activities for
15 migratory children and their families, including
16 informing such children and families of, or help-
17 ing such children and families gain access to,
18 other education, health, nutrition, and social
19 services;

20 “(B) professional development programs, in-
21 cluding mentoring, for teachers and other pro-
22 gram personnel;

23 “(C) high-quality, evidence-based family lit-
24 eracy programs;

1 “(D) the integration of information tech-
2 nology into educational and related programs;
3 and

4 “(E) programs to facilitate the transition of
5 secondary school students to postsecondary edu-
6 cation or employment without the need for reme-
7 diation; and

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

11 “(d) *PRIORITY FOR SERVICES.*—In providing services
12 with funds received under this subpart, each recipient of
13 such funds shall give priority to migratory children who
14 are failing, or most at risk of failing, to meet the State’s
15 academic standards under section 1111 (b)(1) .

16 “(e) *CONTINUATION OF SERVICES.*—Notwithstanding
17 any other provision of this subpart—

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

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

1 “(3) secondary school students who were eligible
2 for services in secondary school may continue to be
3 served through credit accrual programs until gradua-
4 tion.

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

6 *“The Secretary shall approve each State application*
7 *that meets the requirements of this subpart, and may review*
8 *any such application using a peer review process.*

9 **“SEC. 1136. COMPREHENSIVE NEEDS ASSESSMENT AND**
10 **SERVICE-DELIVERY PLAN; AUTHORIZED AC-**
11 **TIVITIES.**

12 “(a) *COMPREHENSIVE PLAN.—*

13 “(1) *IN GENERAL.—Each State that receives as-*
14 *sistance under this subpart shall ensure that the State*
15 *and its local operating agencies identify and address*
16 *the unique educational needs of migratory children in*
17 *accordance with a comprehensive State plan that—*

18 “(A) *is integrated with other programs*
19 *under this Act or other Acts, as appropriate;*

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

22 “(i) *the unique needs of migratory*
23 *children are specifically addressed in the*
24 *comprehensive State plan;*

1 “(ii) the comprehensive State plan is
2 developed in collaboration with parents of
3 migratory children; and

4 “(iii) the comprehensive State plan is
5 not used to supplant State efforts regarding,
6 or administrative funding for, this subpart;

7 “(C) provides that migratory children will
8 have an opportunity to meet the same State aca-
9 demic standards under section 1111(b)(1) that
10 all children are expected to meet;

11 “(D) specifies measurable program goals
12 and outcomes;

13 “(E) encompasses the full range of services
14 that are available for migratory children from
15 appropriate local, State, and Federal edu-
16 cational programs;

17 “(F) is the product of joint planning among
18 such local, State, and Federal programs, includ-
19 ing programs under subpart 1, early childhood
20 programs, and language instruction educational
21 programs under chapter A of subpart 4; and

22 “(G) provides for the integration of services
23 available under this subpart with services pro-
24 vided by such other programs.

1 “(2) *DURATION OF THE PLAN.*—*Each such com-*
2 *prehensive State plan shall—*

3 “(A) *remain in effect for the duration of the*
4 *State’s participation under this subpart; and*

5 “(B) *be periodically reviewed and revised*
6 *by the State, as necessary, to reflect changes in*
7 *the State’s strategies and programs under this*
8 *subpart.*

9 “(b) *AUTHORIZED ACTIVITIES.*—

10 “(1) *FLEXIBILITY.*—*In implementing the com-*
11 *prehensive plan described in subsection (a), each*
12 *State educational agency, where applicable through*
13 *its local educational agencies, shall have the flexibility*
14 *to determine the activities to be provided with funds*
15 *made available under this subpart, except that such*
16 *funds first shall be used to meet the identified needs*
17 *of migratory children that result from their migratory*
18 *lifestyle, and to permit these children to participate*
19 *effectively in school.*

20 “(2) *UNADDRESSED NEEDS.*—*Funds provided*
21 *under this subpart shall be used to address the needs*
22 *of migratory children that are not addressed by serv-*
23 *ices available from other Federal or non-Federal pro-*
24 *grams, except that migratory children who are eligible*
25 *to receive services under subpart 1 may receive those*

1 *services through funds provided under that subpart,*
2 *or through funds under this subpart that remain after*
3 *the agency addresses the needs described in paragraph*
4 *(1).*

5 *“(3) CONSTRUCTION.—Nothing in this subpart*
6 *shall be construed to prohibit a local educational*
7 *agency from serving migratory children simulta-*
8 *neously with students with similar educational needs*
9 *in the same educational settings, where appropriate.*

10 **“SEC. 1137. BYPASS.**

11 *“The Secretary may use all or part of any State’s allo-*
12 *cation under this subpart to make arrangements with any*
13 *public or private agency to carry out the purpose of this*
14 *subpart in such State if the Secretary determines that—*

15 *“(1) the State is unable or unwilling to conduct*
16 *educational programs for migratory children;*

17 *“(2) such arrangements would result in more ef-*
18 *ficient and economic administration of such pro-*
19 *grams; or*

20 *“(3) such arrangements would add substantially*
21 *to the educational achievement of such children.*

22 **“SEC. 1138. COORDINATION OF MIGRATORY EDUCATION AC-**
23 **TIVITIES.**

24 *“(a) IMPROVEMENT OF COORDINATION.—*

1 “(1) *IN GENERAL.*—*The Secretary, in consulta-*
2 *tion with the States, may make grants to, or enter*
3 *into contracts with, State educational agencies, local*
4 *educational agencies, institutions of higher education,*
5 *and other public and private entities to improve the*
6 *interstate and intrastate coordination among such*
7 *agencies’ educational programs, including through the*
8 *establishment or improvement of programs for credit*
9 *accrual and exchange, available to migratory stu-*
10 *dents.*

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

13 “(b) *STUDENT RECORDS.*—

14 “(1) *ASSISTANCE.*—*The Secretary shall assist*
15 *States in developing and maintaining an effective*
16 *system for the electronic transfer of student records*
17 *and in determining the number of migratory children*
18 *in each State.*

19 “(2) *INFORMATION SYSTEM.*—

20 “(A) *IN GENERAL.*—*The Secretary, in con-*
21 *sultation with the States, shall ensure the linkage*
22 *of migratory student record systems for the pur-*
23 *pose of electronically exchanging, among the*
24 *States, health and educational information re-*
25 *garding all migratory students. The Secretary*

1 *shall ensure such linkage occurs in a cost-effec-*
2 *tive manner, utilizing systems used by the States*
3 *prior to, or developed after, the date of enactment*
4 *of this Act. The Secretary shall determine the*
5 *minimum data elements that each State receiv-*
6 *ing funds under this subpart shall collect and*
7 *maintain. Such minimum data elements may*
8 *include—*

9 *“(i) immunization records and other*
10 *health information;*

11 *“(ii) elementary and secondary aca-*
12 *demie history (including partial credit),*
13 *credit accrual, and results from State as-*
14 *sessments required under section 1111(b)(2);*

15 *“(iii) other academic information es-*
16 *sential to ensuring that migratory children*
17 *achieve to the States’s academic standards;*
18 *and*

19 *“(iv) eligibility for services under the*
20 *Individuals with Disabilities Education*
21 *Act.*

22 *“(B) The Secretary shall consult with*
23 *States before updating the data elements that*
24 *each State receiving funds under this subpart*
25 *shall be required to collect for purposes of elec-*

1 *tronic transfer of migratory student information*
2 *and the requirements that States shall meet for*
3 *immediate electronic access to such information.*

4 “(3) *NO COST FOR CERTAIN TRANSFERS.—A*
5 *State educational agency or local educational agency*
6 *receiving assistance under this subpart shall make*
7 *student records available to another State educational*
8 *agency or local educational agency that requests the*
9 *records at no cost to the requesting agency, if the re-*
10 *quest is made in order to meet the needs of a migra-*
11 *tory child.*

12 “(4) *REPORT TO CONGRESS.—*

13 “(A) *IN GENERAL.—Not later than April*
14 *30, 2014, the Secretary shall report to the Com-*
15 *mittee on Health, Education, Labor, and Pen-*
16 *sions of the Senate and the Committee on Edu-*
17 *cation and the Workforce of the House of Rep-*
18 *resentatives the Secretary’s findings and rec-*
19 *ommendations regarding the maintenance and*
20 *transfer of health and educational information*
21 *for migratory students by the States.*

22 “(B) *REQUIRED CONTENTS.—The Secretary*
23 *shall include in such report—*

1 “(i) a review of the progress of States
2 in developing and linking electronic records
3 transfer systems;

4 “(ii) recommendations for maintaining
5 such systems; and

6 “(iii) recommendations for improving
7 the continuity of services provided for mi-
8 gratory students.

9 “(c) *AVAILABILITY OF FUNDS.*—The Secretary shall
10 reserve not more than \$10,000,000 of the amount reserved
11 under section 1132 to carry out this section for each fiscal
12 year.

13 “(d) *DATA COLLECTION.*—The Secretary shall direct
14 the National Center for Education Statistics to collect data
15 on migratory children.

16 **“SEC. 1139. DEFINITIONS.**

17 *“As used in this subpart:*

18 “(1) *LOCAL OPERATING AGENCY.*—The term
19 ‘local operating agency’ means—

20 “(A) a local educational agency to which a
21 State educational agency makes a subgrant
22 under this subpart;

23 “(B) a public or private agency with which
24 a State educational agency or the Secretary

1 *makes an arrangement to carry out a project*
2 *under this subpart; or*

3 “(C) *a State educational agency, if the*
4 *State educational agency operates the State’s mi-*
5 *gratory education program or projects directly.*

6 “(2) *MIGRATORY CHILD.—The term ‘migratory*
7 *child’ means a child who is, or whose parent or*
8 *spouse is, a migratory agricultural worker, including*
9 *a migratory dairy worker, or a migratory fisher, and*
10 *who, in the preceding 36 months, in order to obtain,*
11 *or accompany such parent or spouse, in order to ob-*
12 *tain, temporary or seasonal employment in agricul-*
13 *tural or fishing work—*

14 “(A) *has moved from one school district to*
15 *another;*

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

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

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

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

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

6 *“(1) to improve educational services for children*
7 *and youth in local and State institutions for ne-*
8 *glected or delinquent children and youth so that such*
9 *children and youth have the opportunity to meet the*
10 *same State academic standards that all children in*
11 *the State are expected to meet;*

12 *“(2) to provide such children and youth with the*
13 *services needed to make a successful transition from*
14 *institutionalization to further schooling or employ-*
15 *ment; and*

16 *“(3) to prevent at-risk youth from dropping out*
17 *of school, and to provide dropouts, and children and*
18 *youth returning from correctional facilities or institu-*
19 *tions for neglected or delinquent children and youth,*
20 *with a support system to ensure their continued edu-*
21 *cation.*

22 *“(b) PROGRAM AUTHORIZED.—From amounts appro-*
23 *priated under section 3(a)(1), the Secretary shall reserve*
24 *0.305 of one percent to carry out this subpart.*

25 *“(c) GRANTS AWARDED.—From the amounts reserved*
26 *under subsection (b) and not reserved under section 1004*

1 *and section 1159, the Secretary shall make grants to State*
 2 *educational agencies that have plans submitted under sec-*
 3 *tion 1154 approved to enable such agencies to award sub-*
 4 *grants to State agencies and local educational agencies to*
 5 *establish or improve programs of education for neglected,*
 6 *delinquent, or at-risk children and youth.*

7 **“SEC. 1142. PAYMENTS FOR PROGRAMS UNDER THIS SUB-**
 8 **PART.**

9 *“(a) AGENCY SUBGRANTS.—Based on the allocation*
 10 *amount computed under section 1152, the Secretary shall*
 11 *allocate to each State educational agency an amount nec-*
 12 *essary to make subgrants to State agencies under chapter*
 13 *A.*

14 *“(b) LOCAL SUBGRANTS.—Each State shall retain, for*
 15 *the purpose of carrying out chapter B, funds generated*
 16 *throughout the State under subpart 1 of this part based on*
 17 *children and youth residing in local correctional facilities,*
 18 *or attending community day programs for delinquent chil-*
 19 *dren and youth.*

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

21 **“SEC. 1151. ELIGIBILITY.**

22 *“A State agency is eligible for assistance under this*
 23 *chapter if such State agency is responsible for providing*
 24 *free public education for children and youth—*

1 “(1) *in institutions for neglected or delinquent*
2 *children and youth;*

3 “(2) *attending community day programs for ne-*
4 *glected or delinquent children and youth; or*

5 “(3) *in adult correctional institutions.*

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

7 “(a) *SUBGRANTS TO STATE AGENCIES.—*

8 “(1) *IN GENERAL.—Each State agency described*
9 *in section 1151 (other than an agency in the Com-*
10 *monwealth of Puerto Rico) is eligible to receive a*
11 *subgrant under this chapter, for each fiscal year, in*
12 *an amount equal to the product of—*

13 “(A) *the number of neglected or delinquent*
14 *children and youth described in section 1151*
15 *who—*

16 “(i) *are enrolled for at least 15 hours*
17 *per week in education programs in adult*
18 *correctional institutions; and*

19 “(ii) *are enrolled for at least 20 hours*
20 *per week—*

21 “(I) *in education programs in in-*
22 *stitutions for neglected or delinquent*
23 *children and youth; or*

1 “(II) *in community day programs*
2 *for neglected or delinquent children*
3 *and youth; and*

4 “(B) *40 percent of the average per-pupil ex-*
5 *penditure in the State, except that the amount*
6 *determined under this subparagraph shall not be*
7 *less than 32 percent, nor more than 48 percent,*
8 *of the average per-pupil expenditure in the*
9 *United States.*

10 “(2) *SPECIAL RULE.—The number of neglected*
11 *or delinquent children and youth determined under*
12 *paragraph (1) shall—*

13 “(A) *be determined by the State agency by*
14 *a deadline set by the Secretary, except that no*
15 *State agency shall be required to determine the*
16 *number of such children and youth on a specific*
17 *date set by the Secretary; and*

18 “(B) *be adjusted, as the Secretary deter-*
19 *mines is appropriate, to reflect the relative*
20 *length of such agency’s annual programs.*

21 “(b) *SUBGRANTS TO STATE AGENCIES IN PUERTO*
22 *RICO.—*

23 “(1) *IN GENERAL.—For each fiscal year, the*
24 *amount of the subgrant which a State agency in the*
25 *Commonwealth of Puerto Rico shall be eligible to re-*

1 *ceive under this chapter shall be the amount deter-*
2 *mined by multiplying the number of children counted*
3 *under subsection (a)(1)(A) for the Commonwealth of*
4 *Puerto Rico by the product of—*

5 *“(A) the percentage which the average per-*
6 *pupil expenditure in the Commonwealth of Puer-*
7 *to Rico is of the lowest average per-pupil expend-*
8 *iture of any of the 50 States; and*

9 *“(B) 32 percent of the average per-pupil ex-*
10 *penditure in the United States.*

11 *“(2) MINIMUM PERCENTAGE.—The percentage in*
12 *paragraph (1)(A) shall not be less than 85 percent.*

13 *“(c) RATABLE REDUCTIONS IN CASE OF INSUFFICIENT*
14 *APPROPRIATIONS.—If the amount reserved for any fiscal*
15 *year for subgrants under subsections (a) and (b) is insuffi-*
16 *cient to pay the full amount for which all State agencies*
17 *are eligible under such subsections, the Secretary shall rat-*
18 *ably reduce each such amount.*

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

20 *“If a State educational agency determines that a State*
21 *agency does not need the full amount of the subgrant for*
22 *which such State agency is eligible under this chapter for*
23 *any fiscal year, the State educational agency may reallocate*
24 *the amount that will not be needed to other eligible State*
25 *agencies that need additional funds to carry out the purpose*

1 *of this chapter, in such amounts as the State educational*
2 *agency shall determine.*

3 **“SEC. 1154. STATE PLAN AND STATE AGENCY APPLICA-**
4 **TIONS.**

5 *“(a) STATE PLAN.—*

6 *“(1) IN GENERAL.—Each State educational*
7 *agency that desires to receive a grant under this*
8 *chapter shall submit, for approval by the Secretary,*
9 *a plan—*

10 *“(A) for meeting the educational needs of*
11 *neglected, delinquent, and at-risk children and*
12 *youth;*

13 *“(B) for assisting in the transition of chil-*
14 *dren and youth from correctional facilities to lo-*
15 *cally operated programs; and*

16 *“(C) that is integrated with other programs*
17 *under this Act or other Acts, as appropriate.*

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

19 *“(A) describe how the State will assess the*
20 *effectiveness of the program in improving the*
21 *academic, career, and technical skills of children*
22 *in the program;*

23 *“(B) provide that, to the extent feasible,*
24 *such children will have the same opportunities to*
25 *achieve as such children would have if such chil-*

1 *dren were in the schools of local educational*
2 *agencies in the State;*

3 “(C) *describe how the State will place a*
4 *priority for such children to obtain a regular*
5 *high school diploma, to the extent feasible; and*

6 “(D) *contain an assurance that the State*
7 *educational agency will—*

8 “(i) *ensure that programs assisted*
9 *under this chapter will be carried out in ac-*
10 *cordance with the State plan described in*
11 *this subsection;*

12 “(ii) *carry out the evaluation require-*
13 *ments of section 1171; and*

14 “(iii) *ensure that the State agencies re-*
15 *ceiving subgrants under this chapter comply*
16 *with all applicable statutory and regulatory*
17 *requirements.*

18 “(3) *DURATION OF THE PLAN.—Each such State*
19 *plan shall—*

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

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

1 “(b) *SECRETARIAL APPROVAL AND PEER REVIEW.*—

2 “(1) *SECRETARIAL APPROVAL.*—*The Secretary*
3 *shall approve each State plan that meets the require-*
4 *ments of this chapter.*

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

8 “(c) *STATE AGENCY APPLICATIONS.*—*Any State agen-*
9 *cy that desires to receive funds to carry out a program*
10 *under this chapter shall submit an application to the State*
11 *educational agency that—*

12 “(1) *describes the procedures to be used, con-*
13 *sistent with the State plan under section 1111, to as-*
14 *sess the educational needs of the children to be served*
15 *under this chapter;*

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

21 “(3) *describes the program, including a budget*
22 *for the first year of the program, with annual updates*
23 *to be provided to the State educational agency;*

24 “(4) *describes how the program will meet the*
25 *goals and objectives of the State plan;*

1 “(5) describes how the State agency will consult
2 with experts and provide the necessary training for
3 appropriate staff, to ensure that the planning and op-
4 eration of institution-wide projects under section 1156
5 are of high quality;

6 “(6) describes how the programs will be coordi-
7 nated with other appropriate State and Federal pro-
8 grams, such as programs under title I of Public Law
9 105–220, career and technical education programs,
10 State and local dropout prevention programs, and
11 special education programs;

12 “(7) describes how the State agency will encour-
13 age correctional facilities receiving funds under this
14 chapter to coordinate with local educational agencies
15 or alternative education programs attended by incar-
16 cerated children and youth prior to and after their
17 incarceration to ensure that student assessments and
18 appropriate academic records are shared jointly be-
19 tween the correctional facility and the local edu-
20 cational agency or alternative education program;

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

23 “(9) designates an individual in each affected
24 correctional facility or institution for neglected or de-
25 linquent children and youth to be responsible for

1 *issues relating to the transition of such children and*
2 *youth from such facility or institution to locally oper-*
3 *ated programs;*

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

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

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

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

1 “(A) is identified as in need of special edu-
2 cation services while the child or youth is in the
3 correctional facility or institution for neglected
4 or delinquent children and youth; and

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

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

18 “(15) provides an assurance that effective teach-
19 ers and other qualified staff are trained to work with
20 children and youth with disabilities and other stu-
21 dents with special needs taking into consideration the
22 unique needs of such students;

23 “(16) describes any additional services to be pro-
24 vided to children and youth, such as career coun-

1 *seling, distance education, and assistance in securing*
2 *student loans and grants; and*

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

8 **“SEC. 1155. USE OF FUNDS.**

9 *“(a) USES.—*

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

13 *“(A) are consistent with the State plan*
14 *under section 1154(a); and*

15 *“(B) concentrate on providing participants*
16 *with the knowledge and skills needed to make a*
17 *successful transition to secondary school comple-*
18 *tion, career and technical education, further edu-*
19 *cation, or employment without the need for re-*
20 *mediation.*

21 *“(2) PROGRAMS AND PROJECTS.—Such programs*
22 *and projects—*

23 *“(A) may include the acquisition of equip-*
24 *ment;*

1 “(B) shall be designed to support edu-
2 cational services that—

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

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

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

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

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

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

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

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

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

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

1 “(4) describes the instructional program, special-
2 ized instructional support services, and procedures
3 that will be used to meet the needs described in para-
4 graph (1), including, to the extent feasible, the provi-
5 sion of mentors for the children and youth described
6 in paragraph (1);

7 “(5) specifically describes how such funds will be
8 used;

9 “(6) describes the measures and procedures that
10 will be used to assess and improve student achieve-
11 ment;

12 “(7) describes how the agency has planned, and
13 will implement and evaluate, the institution-wide or
14 program-wide project in consultation with personnel
15 providing direct instructional services and support
16 services in institutions or community day programs
17 for neglected or delinquent children and youth, and
18 with personnel from the State educational agency;
19 and

20 “(8) includes an assurance that the State agency
21 has provided for appropriate training for teachers
22 and other instructional and administrative personnel
23 to enable such teachers and personnel to carry out the
24 project effectively.

1 **“SEC. 1157. THREE-YEAR PROGRAMS OR PROJECTS.**

2 *“If a State agency operates a program or project under*
3 *this chapter in which individual children or youth are like-*
4 *ly to participate for more than one year, the State edu-*
5 *cational agency may approve the State agency’s applica-*
6 *tion for a subgrant under this chapter for a period of not*
7 *more than 3 years.*

8 **“SEC. 1158. TRANSITION SERVICES.**

9 *“(a) TRANSITION SERVICES.—Each State agency shall*
10 *reserve not less than 15 percent and not more than 30 per-*
11 *cent of the amount such agency receives under this chapter*
12 *for any fiscal year to support—*

13 *“(1) projects that facilitate the transition of chil-*
14 *dren and youth from State-operated institutions to*
15 *schools served by local educational agencies; or*

16 *“(2) the successful re-entry of youth offenders,*
17 *who are age 20 or younger and have received a reg-*
18 *ular high school diploma or its recognized equivalent,*
19 *into postsecondary education, or career and technical*
20 *training programs, through strategies designed to ex-*
21 *pose the youth to, and prepare the youth for, postsec-*
22 *ondary education, or career and technical training*
23 *programs, such as—*

24 *“(A) preplacement programs that allow ad-*
25 *judicated or incarcerated youth to audit or at-*
26 *tend courses on college, university, or community*

1 college campuses, or through programs provided
2 in institutional settings;

3 “(B) worksite schools, in which institutions
4 of higher education and private or public em-
5 ployers partner to create programs to help stu-
6 dents make a successful transition to postsec-
7 ondary education and employment; and

8 “(C) essential support services to ensure the
9 success of the youth, such as—

10 “(i) personal, career and technical,
11 and academic counseling;

12 “(ii) placement services designed to
13 place the youth in a university, college, or
14 junior college program;

15 “(iii) information concerning, and as-
16 sistance in obtaining, available student fi-
17 nancial aid;

18 “(iv) counseling services; and

19 “(v) job placement services.

20 “(b) CONDUCT OF PROJECTS.—A project supported
21 under this section may be conducted directly by the State
22 agency, or through a contract or other arrangement with
23 one or more local educational agencies, other public agen-
24 cies, or private organizations.

1 “(c) *RULE OF CONSTRUCTION.*—*Nothing in this sec-*
 2 *tion shall be construed to prohibit a school that receives*
 3 *funds under subsection (a) from serving neglected and de-*
 4 *linquent children and youth simultaneously with students*
 5 *with similar educational needs, in the same educational set-*
 6 *tings where appropriate.*

7 “**SEC. 1159. TECHNICAL ASSISTANCE.**

8 “*The Secretary shall reserve not more than 1 percent*
 9 *of the amount reserved under section 1141 to provide tech-*
 10 *nical assistance to and support State agency programs as-*
 11 *sisted under this chapter.*

12 “**CHAPTER B—LOCAL AGENCY PROGRAMS**

13 “**SEC. 1161. PURPOSE.**

14 “*The purpose of this chapter is to support the oper-*
 15 *ation of local educational agency programs that involve col-*
 16 *laboration with locally operated correctional facilities—*

17 “(1) *to carry out high quality education pro-*
 18 *grams to prepare children and youth for secondary*
 19 *school completion, training, employment, or further*
 20 *education;*

21 “(2) *to provide activities to facilitate the transi-*
 22 *tion of such children and youth from the correctional*
 23 *program to further education or employment; and*

24 “(3) *to operate programs in local schools for chil-*
 25 *dren and youth returning from correctional facilities,*

1 “(d) *TRANSITIONAL AND ACADEMIC SERVICES.—Trans-*
2 *sitional and supportive programs operated in local edu-*
3 *cational agencies under this chapter shall be designed pri-*
4 *marily to meet the transitional and academic needs of stu-*
5 *dents returning to local educational agencies or alternative*
6 *education programs from correctional facilities. Services to*
7 *students at-risk of dropping out of school shall not have a*
8 *negative impact on meeting the transitional and academic*
9 *needs of the students returning from correctional facilities.*

10 **“SEC. 1163. LOCAL EDUCATIONAL AGENCY APPLICATIONS.**

11 “*Each local educational agency desiring assistance*
12 *under this chapter shall submit an application to the State*
13 *educational agency that contains such information as the*
14 *State educational agency may require. Each such applica-*
15 *tion shall include—*

16 “(1) *a description of the program to be assisted;*

17 “(2) *a description of formal agreements, regard-*
18 *ing the program to be assisted, between—*

19 “(A) *the local educational agency; and*

20 “(B) *correctional facilities and alternative*
21 *school programs serving children and youth in-*
22 *volved with the juvenile justice system;*

23 “(3) *as appropriate, a description of how par-*
24 *ticipating schools will coordinate with facilities work-*
25 *ing with delinquent children and youth to ensure that*

1 *such children and youth are participating in an edu-*
2 *cation program comparable to one operating in the*
3 *local school such youth would attend;*

4 *“(4) a description of the program operated by*
5 *participating schools for children and youth return-*
6 *ing from correctional facilities and, as appropriate,*
7 *the types of services that such schools will provide*
8 *such children and youth and other at-risk children*
9 *and youth;*

10 *“(5) a description of the characteristics (includ-*
11 *ing learning difficulties, substance abuse problems,*
12 *and other needs) of the children and youth who will*
13 *be returning from correctional facilities and, as ap-*
14 *propriate, other at-risk children and youth expected*
15 *to be served by the program, and a description of how*
16 *the school will coordinate existing educational pro-*
17 *grams to meet the unique educational needs of such*
18 *children and youth;*

19 *“(6) as appropriate, a description of how schools*
20 *will coordinate with existing social, health, and other*
21 *services to meet the needs of students returning from*
22 *correctional facilities and at-risk children or youth,*
23 *including prenatal health care and nutrition services*
24 *related to the health of the parent and the child or*
25 *youth, parenting and child development classes, child*

1 *care, targeted reentry and outreach programs, refer-*
2 *als to community resources, and scheduling flexi-*
3 *bility;*

4 “(7) *as appropriate, a description of any part-*
5 *nerships with local businesses to develop training,*
6 *curriculum-based youth entrepreneurship education,*
7 *and mentoring services for participating students;*

8 “(8) *as appropriate, a description of how the*
9 *program will involve parents in efforts to improve the*
10 *educational achievement of their children, assist in*
11 *dropout prevention activities, and prevent the involve-*
12 *ment of their children in delinquent activities;*

13 “(9) *a description of how the program under this*
14 *chapter will be coordinated with other Federal, State,*
15 *and local programs, such as programs under title I*
16 *of Public Law 105–220 and career and technical edu-*
17 *cation programs serving at-risk children and youth;*

18 “(10) *a description of how the program will be*
19 *coordinated with programs operated under the Juve-*
20 *nile Justice and Delinquency Prevention Act of 1974*
21 *and other comparable programs, if applicable;*

22 “(11) *as appropriate, a description of how*
23 *schools will work with probation officers to assist in*
24 *meeting the needs of children and youth returning*
25 *from correctional facilities;*

1 “(12) a description of the efforts participating
2 schools will make to ensure correctional facilities
3 working with children and youth are aware of a
4 child’s or youth’s existing individualized education
5 program; and

6 “(13) as appropriate, a description of the steps
7 participating schools will take to find alternative
8 placements for children and youth interested in con-
9 tinuing their education but unable to participate in
10 a traditional public school program.

11 **“SEC. 1164. USES OF FUNDS.**

12 “Funds provided to local educational agencies under
13 this chapter may be used, as appropriate, for—

14 “(1) programs that serve children and youth re-
15 turning to local schools from correctional facilities, to
16 assist in the transition of such children and youth to
17 the school environment and help them remain in
18 school in order to complete their education;

19 “(2) dropout prevention programs which serve
20 at-risk children and youth;

21 “(3) the coordination of health and social serv-
22 ices for such individuals if there is a likelihood that
23 the provision of such services, including day care,
24 drug and alcohol counseling, and mental health serv-

1 *ices, will improve the likelihood such individuals will*
2 *complete their education;*

3 *“(4) special programs to meet the unique aca-*
4 *ademic needs of participating children and youth, in-*
5 *cluding career and technical education, special edu-*
6 *cation, career counseling, curriculum-based youth en-*
7 *trepreneurship education, and assistance in securing*
8 *student loans or grants for postsecondary education;*
9 *and*

10 *“(5) programs providing mentoring and peer*
11 *mediation.*

12 **“SEC. 1165. PROGRAM REQUIREMENTS FOR CORRECTIONAL**
13 **FACILITIES RECEIVING FUNDS UNDER THIS**
14 **SECTION.**

15 *“Each correctional facility entering into an agreement*
16 *with a local educational agency under section 1163(2) to*
17 *provide services to children and youth under this chapter*
18 *shall—*

19 *“(1) where feasible, ensure that educational pro-*
20 *grams in the correctional facility are coordinated*
21 *with the student’s home school, particularly with re-*
22 *spect to a student with an individualized education*
23 *program under part B of the Individuals with Dis-*
24 *abilities Education Act;*

1 “(2) if the child or youth is identified as in need
2 of special education services while in the correctional
3 facility, notify the local school of the child or youth
4 of such need;

5 “(3) where feasible, provide transition assistance
6 to help the child or youth stay in school, including co-
7 ordination of services for the family, counseling, as-
8 sistance in accessing drug and alcohol abuse preven-
9 tion programs, tutoring, and family counseling;

10 “(4) provide support programs that encourage
11 children and youth who have dropped out of school to
12 re-enter school and obtain a regular high school di-
13 ploma once their term at the correctional facility has
14 been completed, or provide such children and youth
15 with the skills necessary to gain employment or seek
16 a regular high school diploma or its recognized equiv-
17 alent;

18 “(5) work to ensure that the correctional facility
19 is staffed with effective teachers and other qualified
20 staff who are trained to work with children and youth
21 with disabilities taking into consideration the unique
22 needs of such children and youth;

23 “(6) ensure that educational programs in the
24 correctional facility are related to assisting students
25 to meet the States’ academic standards;

1 “(7) to the extent possible, use technology to as-
2 sist in coordinating educational programs between the
3 correctional facility and the community school;

4 “(8) where feasible, involve parents in efforts to
5 improve the educational achievement of their children
6 and prevent the further involvement of such children
7 in delinquent activities;

8 “(9) coordinate funds received under this chapter
9 with other local, State, and Federal funds available to
10 provide services to participating children and youth,
11 such as funds made available under title I of Public
12 Law 105–220, and career and technical education
13 funds;

14 “(10) coordinate programs operated under this
15 chapter with activities funded under the Juvenile Jus-
16 tice and Delinquency Prevention Act of 1974 and
17 other comparable programs, if applicable;

18 “(11) if appropriate, work with local businesses
19 to develop training, curriculum-based youth entrepre-
20 neurship education, and mentoring programs for chil-
21 dren and youth; and

22 “(12) consult with the local educational agency
23 for a period jointly determined necessary by the cor-
24 rectional facility and local educational agency upon
25 discharge from that facility to coordinate educational

1 *services so as to minimize disruption to the child's or*
2 *youth's achievement.*

3 **“SEC. 1166. ACCOUNTABILITY.**

4 *“The State educational agency—*

5 *“(1) may require correctional facilities or insti-*
6 *tutions for neglected or delinquent children and youth*
7 *to demonstrate, after receiving assistance under this*
8 *chapter for 3 years, that there has been an increase*
9 *in the number of children and youth returning to*
10 *school, obtaining a regular high school diploma or its*
11 *recognized equivalent, or obtaining employment after*
12 *such children and youth are released; and*

13 *“(2) may reduce or terminate funding for*
14 *projects under this chapter if a local educational*
15 *agency does not show progress in the number of chil-*
16 *dren and youth obtaining a regular high school di-*
17 *ploma or its recognized equivalent.*

18 **“CHAPTER C—GENERAL PROVISIONS**

19 **“SEC. 1171. PROGRAM EVALUATIONS.**

20 *“(a) SCOPE OF EVALUATION.—Each State agency or*
21 *local educational agency that conducts a program under*
22 *chapters A or B shall evaluate the program, disaggregating*
23 *data on participation by gender, race, ethnicity, and age,*
24 *not less than once every 3 years, to determine the program's*
25 *impact on the ability of participants—*

1 “(1) to maintain and improve educational
2 achievement;

3 “(2) to accrue school credits that meet State re-
4 quirements for grade promotion and high school grad-
5 uation;

6 “(3) to make the transition to a regular program
7 or other education program operated by a local edu-
8 cational agency;

9 “(4) to complete high school (or high school
10 equivalency requirements) and obtain employment
11 after leaving the correctional facility or institution
12 for neglected or delinquent children and youth; and

13 “(5) as appropriate, to participate in postsec-
14 ondary education and job training programs.

15 “(b) *EXCEPTION.*—The disaggregation required under
16 subsection (a) shall not be required in a case in which the
17 number of students in a category is insufficient to yield
18 statistically reliable information or the results would reveal
19 personally identifiable information about an individual
20 student.

21 “(c) *EVALUATION MEASURES.*—In conducting each
22 evaluation under subsection (a), a State agency or local
23 educational agency shall use multiple and appropriate
24 measures of student progress.

1 “(d) *EVALUATION RESULTS.*—*Each State agency and*
2 *local educational agency shall—*

3 “(1) *submit evaluation results to the State edu-*
4 *cational agency and the Secretary; and*

5 “(2) *use the results of evaluations under this sec-*
6 *tion to plan and improve subsequent programs for*
7 *participating children and youth.*

8 **“SEC. 1172. DEFINITIONS.**

9 *“In this subpart:*

10 “(1) *ADULT CORRECTIONAL INSTITUTION.*—*The*
11 *term ‘adult correctional institution’ means a facility*
12 *in which persons (including persons under 21 years*
13 *of age) are confined as a result of a conviction for a*
14 *criminal offense.*

15 “(2) *AT-RISK.*—*The term ‘at-risk’, when used*
16 *with respect to a child, youth, or student, means a*
17 *school-aged individual who—*

18 “(A) *is at-risk of academic failure; and*

19 “(B) *has a drug or alcohol problem, is preg-*
20 *nant or is a parent, has come into contact with*
21 *the juvenile justice system in the past, is at least*
22 *1 year behind the expected grade level for the age*
23 *of the individual, is an English learner, is a*
24 *gang member, has dropped out of school in the*
25 *past, or has a high absenteeism rate at school.*

1 “(3) *COMMUNITY DAY PROGRAM.*—*The term*
2 *‘community day program’ means a regular program*
3 *of instruction provided by a State agency at a com-*
4 *munity day school operated specifically for neglected*
5 *or delinquent children and youth.*

6 “(4) *INSTITUTION FOR NEGLECTED OR DELIN-*
7 *QUENT CHILDREN AND YOUTH.*—*The term ‘institution*
8 *for neglected or delinquent children and youth’*
9 *means—*

10 “(A) *a public or private residential facility,*
11 *other than a foster home, that is operated for the*
12 *care of children who have been committed to the*
13 *institution or voluntarily placed in the institu-*
14 *tion under applicable State law, due to abandon-*
15 *ment, neglect, or death of their parents or guard-*
16 *ians; or*

17 “(B) *a public or private residential facility*
18 *for the care of children who have been adju-*
19 *dicated to be delinquent or in need of super-*
20 *vision.*

21 **“Subpart 4—English Language Acquisition,**
22 **Language Enhancement, and Academic Achievement**

23 **“SEC. 1181. PURPOSES.**

24 *“The purposes of this subpart are—*

1 “(1) to help ensure that *English learners, includ-*
2 *ing immigrant children and youth, attain English*
3 *proficiency and develop high levels of academic*
4 *achievement in English;*

5 “(2) to assist all *English learners, including im-*
6 *migrant children and youth, to achieve at high levels*
7 *in the core academic subjects so that those children*
8 *can meet the same State academic standards that all*
9 *children are expected to meet, consistent with section*
10 *1111(b)(1);*

11 “(3) to assist *State educational agencies, local*
12 *educational agencies, and schools in establishing, im-*
13 *plementing, and sustaining high-quality, flexible, evi-*
14 *dence-based language instruction educational pro-*
15 *grams designed to assist in teaching English learners,*
16 *including immigrant children and youth;*

17 “(4) to assist *State educational agencies and*
18 *local educational agencies to develop and enhance*
19 *their capacity to provide high-quality, evidence-based*
20 *instructional programs designed to prepare English*
21 *learners, including immigrant children and youth, to*
22 *enter all-English instruction settings; and*

23 “(5) to promote *parental and community par-*
24 *ticipation in language instruction educational pro-*

1 *grams for the parents and communities of English*
2 *learners.*

3 **“CHAPTER A—GRANTS AND SUBGRANTS**
4 **FOR ENGLISH LANGUAGE ACQUI-**
5 **SION AND LANGUAGE ENHANCEMENT**

6 **“SEC. 1191. FORMULA GRANTS TO STATES.**

7 *“(a) IN GENERAL.—In the case of each State edu-*
8 *cational agency having a plan approved by the Secretary*
9 *for a fiscal year under section 1192, the Secretary shall re-*
10 *serve 4.4 percent of funds appropriated under section*
11 *3(a)(1) to make a grant for the year to the agency for the*
12 *purposes specified in subsection (b). The grant shall consist*
13 *of the allotment determined for the State educational agency*
14 *under subsection (c).*

15 *“(b) USE OF FUNDS.—*

16 *“(1) SUBGRANTS TO ELIGIBLE ENTITIES.—The*
17 *Secretary may make a grant under subsection (a)*
18 *only if the State educational agency involved agrees*
19 *to expend at least 95 percent of the State educational*
20 *agency’s allotment under subsection (c) for a fiscal*
21 *year—*

22 *“(A) to award subgrants, from allocations*
23 *under section 1193, to eligible entities to carry*
24 *out the activities described in section 1194 (other*
25 *than subsection (e)); and*

1 “(B) to award subgrants under section
2 1193(d)(1) to eligible entities that are described
3 in that section to carry out the activities de-
4 scribed in section 1194(e).

5 “(2) STATE ACTIVITIES.—Subject to paragraph
6 (3), each State educational agency receiving a grant
7 under subsection (a) may reserve not more than 5
8 percent of the agency’s allotment under subsection (c)
9 to carry out the following activities:

10 “(A) Professional development activities,
11 and other activities, which may include assisting
12 personnel in—

13 “(i) meeting State and local certifi-
14 cation and licensing requirements for teach-
15 ing English learners; and

16 “(ii) improving teacher skills in meet-
17 ing the diverse needs of English learners,
18 including in how to implement evidence-
19 based programs and curricula on teaching
20 English learners.

21 “(B) Planning, evaluation, administration,
22 and interagency coordination related to the sub-
23 grants referred to in paragraph (1).

24 “(C) Providing technical assistance and
25 other forms of assistance to eligible entities that

1 *are receiving subgrants from a State educational*
2 *agency under this chapter, including assistance*
3 *in—*

4 “(i) *identifying and implementing evi-*
5 *dence-based language instruction edu-*
6 *cational programs and curricula for teach-*
7 *ing English learners;*

8 “(ii) *helping English learners meet the*
9 *same State academic standards that all*
10 *children are expected to meet;*

11 “(iii) *identifying or developing, and*
12 *implementing, measures of English pro-*
13 *iciency; and*

14 “(iv) *strengthening and increasing*
15 *parent, family, and community engage-*
16 *ment.*

17 “(D) *Providing recognition, which may in-*
18 *clude providing financial awards, to subgrantees*
19 *that have significantly improved the achievement*
20 *and progress of English learners in—*

21 “(i) *reaching English language pro-*
22 *iciency, based on the State’s English lan-*
23 *guage proficiency assessment under section*
24 *1111(b)(2)(D); and*

1 “(ii) *meeting the State academic*
2 *standards under section 1111(b)(1).*

3 “(3) *ADMINISTRATIVE EXPENSES.—From the*
4 *amount reserved under paragraph (2), a State edu-*
5 *cational agency may use not more than 40 percent of*
6 *such amount or \$175,000, whichever is greater, for the*
7 *planning and administrative costs of carrying out*
8 *paragraphs (1) and (2).*

9 “(c) *RESERVATIONS AND ALLOTMENTS.—*

10 “(1) *RESERVATIONS.—From the amount reserved*
11 *under section 1191(a) for each fiscal year, the Sec-*
12 *retary shall reserve—*

13 “(A) *0.5 percent of such amount for pay-*
14 *ments to outlying areas, to be allotted in accord-*
15 *ance with their respective needs for assistance*
16 *under this chapter, as determined by the Sec-*
17 *retary, for activities, approved by the Secretary,*
18 *consistent with this chapter; and*

19 “(B) *6.5 percent of such amount for na-*
20 *tional activities under sections 1211 and 1222,*
21 *except that not more than \$2,000,000 of such*
22 *amount may be reserved for the National Clear-*
23 *inghouse for English Language Acquisition and*
24 *Language Instruction Educational Programs de-*
25 *scribed in section 1222.*

1 “(2) *STATE ALLOTMENTS.*—

2 “(A) *IN GENERAL.*—*Except as provided in*
3 *subparagraph (B), from the amount reserved*
4 *under section 1191(a) for each fiscal year that*
5 *remains after making the reservations under*
6 *paragraph (1), the Secretary shall allot to each*
7 *State educational agency having a plan ap-*
8 *proved under section 1192(c)—*

9 “(i) *an amount that bears the same re-*
10 *lationship to 80 percent of the remainder as*
11 *the number of English learners in the State*
12 *bears to the number of such children in all*
13 *States, as determined by data available*
14 *from the American Community Survey con-*
15 *ducted by the Department of Commerce or*
16 *State-reported data; and*

17 “(ii) *an amount that bears the same*
18 *relationship to 20 percent of the remainder*
19 *as the number of immigrant children and*
20 *youth in the State bears to the number of*
21 *such children and youth in all States, as*
22 *determined based only on data available*
23 *from the American Community Survey con-*
24 *ducted by the Department of Commerce.*

1 “(B) *MINIMUM ALLOTMENTS.*—No State
2 *educational agency shall receive an allotment*
3 *under this paragraph that is less than \$500,000.*

4 “(C) *REALLOTMENT.*—If any State edu-
5 *cational agency described in subparagraph (A)*
6 *does not submit a plan to the Secretary for a fis-*
7 *cal year, or submits a plan (or any amendment*
8 *to a plan) that the Secretary, after reasonable*
9 *notice and opportunity for a hearing, determines*
10 *does not satisfy the requirements of this chapter,*
11 *the Secretary shall reallocate any portion of such*
12 *allotment to the remaining State educational*
13 *agencies in accordance with subparagraph (A).*

14 “(D) *SPECIAL RULE FOR PUERTO RICO.*—
15 *The total amount allotted to Puerto Rico for any*
16 *fiscal year under subparagraph (A) shall not ex-*
17 *ceed 0.5 percent of the total amount allotted to*
18 *all States for that fiscal year.*

19 “(3) *USE OF DATA FOR DETERMINATIONS.*—In
20 *making State allotments under paragraph (2) for*
21 *each fiscal year, the Secretary shall determine the*
22 *number of English learners in a State and in all*
23 *States, using the most accurate, up-to-date data,*
24 *which shall be—*

1 “(A) data from the American Community
2 Survey conducted by the Department of Com-
3 merce, which may be multiyear estimates;

4 “(B) the number of students being assessed
5 for English language proficiency, based on the
6 State’s English language proficiency assessment
7 under section 1111(b)(2)(D), which may be
8 multiyear estimates; or

9 “(C) a combination of data available under
10 subparagraphs (A) and (B).

11 **“SEC. 1192. STATE EDUCATIONAL AGENCY PLANS.**

12 “(a) *PLAN REQUIRED.*—Each State educational agen-
13 cy desiring a grant under this chapter shall submit a plan
14 to the Secretary at such time and in such manner as the
15 Secretary may require.

16 “(b) *CONTENTS.*—Each plan submitted under sub-
17 section (a) shall—

18 “(1) describe the process that the agency will use
19 in awarding subgrants to eligible entities under sec-
20 tion 1193(d)(1);

21 “(2) provide an assurance that—

22 “(A) the agency will ensure that eligible en-
23 tities receiving a subgrant under this chapter
24 comply with the requirement in section
25 1111(b)(2)(B)(x) to annually assess in English

1 learners who have been in the United States for
2 3 or more consecutive years;

3 “(B) the agency will ensure that eligible en-
4 tities receiving a subgrant under this chapter an-
5 nually assess the English proficiency of all
6 English learners participating in a program
7 funded under this chapter, consistent with sec-
8 tion 1111(b)(2)(D);

9 “(C) in awarding subgrants under section
10 1193, the agency will address the needs of school
11 systems of all sizes and in all geographic areas,
12 including school systems with rural and urban
13 schools;

14 “(D) subgrants to eligible entities under sec-
15 tion 1193(d)(1) will be of sufficient size and
16 scope to allow such entities to carry out high-
17 quality, evidence-based language instruction edu-
18 cational programs for English learners;

19 “(E) the agency will require an eligible en-
20 tity receiving a subgrant under this chapter to
21 use the subgrant in ways that will build such re-
22 cipient’s capacity to continue to offer high-qual-
23 ity evidence-based language instruction edu-
24 cational programs that assist English learners in
25 meeting State academic standards;

1 “(F) the agency will monitor the eligible en-
2 tity receiving a subgrant under this chapter for
3 compliance with applicable Federal fiscal re-
4 quirements; and

5 “(G) the plan has been developed in con-
6 sultation with local educational agencies, teach-
7 ers, administrators of programs implemented
8 under this chapter, parents, and other relevant
9 stakeholders;

10 “(3) describe how the agency will coordinate its
11 programs and activities under this chapter with other
12 programs and activities under this Act and other
13 Acts, as appropriate;

14 “(4) describe how eligible entities in the State
15 will be given the flexibility to teach English learn-
16 ers—

17 “(A) using a high-quality, evidence-based
18 language instruction curriculum for teaching
19 English learners; and

20 “(B) in the manner the eligible entities de-
21 termine to be the most effective; and

22 “(5) describe how the agency will assist eligible
23 entities in increasing the number of English learners
24 who acquire English proficiency.

1 “(c) *APPROVAL.*—*The Secretary, after using a peer re-*
2 *view process, shall approve a plan submitted under sub-*
3 *section (a) if the plan meets the requirements of this section.*

4 “(d) *DURATION OF PLAN.*—

5 “(1) *IN GENERAL.*—*Each plan submitted by a*
6 *State educational agency and approved under sub-*
7 *section (c) shall—*

8 “(A) *remain in effect for the duration of the*
9 *agency’s participation under this chapter; and*

10 “(B) *be periodically reviewed and revised*
11 *by the agency, as necessary, to reflect changes to*
12 *the agency’s strategies and programs carried out*
13 *under this subpart.*

14 “(2) *ADDITIONAL INFORMATION.*—

15 “(A) *AMENDMENTS.*—*If the State edu-*
16 *catinal agency amends the plan, the agency*
17 *shall submit such amendment to the Secretary.*

18 “(B) *APPROVAL.*—*The Secretary shall ap-*
19 *prove such amendment to an approved plan, un-*
20 *less the Secretary determines that the amend-*
21 *ment will result in the agency not meeting the*
22 *requirements, or fulfilling the purposes, of this*
23 *subpart.*

1 “(e) *CONSOLIDATED PLAN.*—A plan submitted under
2 subsection (a) may be submitted as part of a consolidated
3 plan under section 5302.

4 “(f) *SECRETARY ASSISTANCE.*—The Secretary shall
5 provide technical assistance, if requested, in the develop-
6 ment of English proficiency standards and assessments.

7 **“SEC. 1193. WITHIN-STATE ALLOCATIONS.**

8 “(a) *IN GENERAL.*—After making the reservation re-
9 quired under subsection (d)(1), each State educational
10 agency receiving a grant under section 1191(c)(2) shall
11 award subgrants for a fiscal year by allocating in a timely
12 manner to each eligible entity in the State having a plan
13 approved under section 1195 an amount that bears the same
14 relationship to the amount received under the grant and
15 remaining after making such reservation as the population
16 of English learners in schools served by the eligible entity
17 bears to the population of English learners in schools served
18 by all eligible entities in the State.

19 “(b) *LIMITATION.*—A State educational agency shall
20 not award a subgrant from an allocation made under sub-
21 section (a) if the amount of such subgrant would be less
22 than \$10,000.

23 “(c) *REALLOCATION.*—Whenever a State educational
24 agency determines that an amount from an allocation made
25 to an eligible entity under subsection (a) for a fiscal year

1 *will not be used by the entity for the purpose for which*
2 *the allocation was made, the agency shall, in accordance*
3 *with such rules as it determines to be appropriate, reallo-*
4 *cate such amount, consistent with such subsection, to other*
5 *eligible entities in the State that the agency determines will*
6 *use the amount to carry out that purpose.*

7 “(d) *REQUIRED RESERVATION.*—A State educational
8 *agency receiving a grant under this chapter for a fiscal*
9 *year—*

10 “(1) *shall reserve not more than 15 percent of the*
11 *agency’s allotment under section 1191(c)(2) to award*
12 *subgrants to eligible entities in the State that have ex-*
13 *perienced a significant increase, as compared to the*
14 *average of the 2 preceding fiscal years, in the percent-*
15 *age or number of immigrant children and youth, who*
16 *have enrolled, during the fiscal year preceding the fis-*
17 *cal year for which the subgrant is made, in public*
18 *and nonpublic elementary schools and secondary*
19 *schools in the geographic areas under the jurisdiction*
20 *of, or served by, such entities; and*

21 “(2) *in awarding subgrants under paragraph*
22 *(1)—*

23 “(A) *shall equally consider eligible entities*
24 *that satisfy the requirement of such paragraph*

1 *but have limited or no experience in serving im-*
2 *migrant children and youth; and*

3 *“(B) shall consider the quality of each local*
4 *plan under section 1195 and ensure that each*
5 *subgrant is of sufficient size and scope to meet*
6 *the purposes of this subpart.*

7 **“SEC. 1194. SUBGRANTS TO ELIGIBLE ENTITIES.**

8 *“(a) PURPOSES OF SUBGRANTS.—A State educational*
9 *agency may make a subgrant to an eligible entity from*
10 *funds received by the agency under this chapter only if the*
11 *entity agrees to expend the funds to improve the education*
12 *of English learners, by assisting the children to learn*
13 *English and meet State academic standards. In carrying*
14 *out activities with such funds, the eligible entity shall use*
15 *evidence-based approaches and methodologies for teaching*
16 *English learners and immigrant children and youth for the*
17 *following purposes:*

18 *“(1) Developing and implementing new language*
19 *instruction educational programs and academic con-*
20 *tent instruction programs for English learners and*
21 *immigrant children and youth, including programs of*
22 *early childhood education, elementary school pro-*
23 *grams, and secondary school programs.*

24 *“(2) Carrying out highly focused, innovative, lo-*
25 *cally designed, evidence-based activities to expand or*

1 *enhance existing language instruction educational*
2 *programs and academic content instruction programs*
3 *for English learners and immigrant children and*
4 *youth.*

5 “(3) *Implementing, within an individual school,*
6 *schoolwide programs for restructuring, reforming, and*
7 *upgrading all relevant programs, activities, and oper-*
8 *ations relating to language instruction educational*
9 *programs and academic content instruction for*
10 *English learners and immigrant children and youth.*

11 “(4) *Implementing, within the entire jurisdiction*
12 *of a local educational agency, agencywide programs*
13 *for restructuring, reforming, and upgrading all rel-*
14 *evant programs, activities, and operations relating to*
15 *language instruction educational programs and aca-*
16 *ademic content instruction for English learners and*
17 *immigrant children and youth.*

18 “(b) *ADMINISTRATIVE EXPENSES.—Each eligible enti-*
19 *ty receiving funds under section 1193(a) for a fiscal year*
20 *shall use not more than 2 percent of such funds for the cost*
21 *of administering this chapter.*

22 “(c) *REQUIRED SUBGRANTEE ACTIVITIES.—An eligi-*
23 *ble entity receiving funds under section 1193(a) shall use*
24 *the funds—*

1 “(1) to increase the *English language proficiency*
2 of *English learners* by providing *high-quality, evi-*
3 *dence-based language instruction educational pro-*
4 *grams that meet the needs of English learners and*
5 *have demonstrated success in increasing—*

6 “(A) *English language proficiency; and*

7 “(B) *student academic achievement in the*
8 *core academic subjects;*

9 “(2) to provide *high-quality, evidence-based pro-*
10 *fessional development to classroom teachers (including*
11 *teachers in classroom settings that are not the settings*
12 *of language instruction educational programs), school*
13 *leaders, administrators, and other school or commu-*
14 *nity-based organization personnel, that is—*

15 “(A) *designed to improve the instruction*
16 *and assessment of English learners;*

17 “(B) *designed to enhance the ability of*
18 *teachers and school leaders to understand and*
19 *implement curricula, assessment practices and*
20 *measures, and instruction strategies for English*
21 *learners;*

22 “(C) *evidence-based in increasing children’s*
23 *English language proficiency or substantially in-*
24 *creasing the subject matter knowledge, teaching*
25 *knowledge, and teaching skills of teachers; and*

1 “(D) of sufficient intensity and duration
2 (which shall not include activities such as one-
3 day or short-term workshops and conferences) to
4 have a positive and lasting impact on the teach-
5 ers’ performance in the classroom, except that
6 this subparagraph shall not apply to an activity
7 that is one component of a long-term, com-
8 prehensive professional development plan estab-
9 lished by a teacher and the teacher’s supervisor
10 based on an assessment of the needs of the teach-
11 er, the supervisor, the students of the teacher,
12 and any local educational agency employing the
13 teacher, as appropriate; and

14 “(3) to provide and implement other evidence-
15 based activities and strategies that enhance or supple-
16 ment language instruction educational programs for
17 English learners, including parental and community
18 engagement activities and strategies that serve to co-
19 ordinate and align related programs.

20 “(d) *AUTHORIZED SUBGRANTEE ACTIVITIES.*—Subject
21 to subsection (c), an eligible entity receiving funds under
22 section 1193(a) may use the funds to achieve one of the pur-
23 poses described in subsection (a) by undertaking one or
24 more of the following activities:

1 “(1) *Upgrading program objectives and effective*
2 *instruction strategies.*

3 “(2) *Improving the instruction program for*
4 *English learners by identifying, acquiring, and up-*
5 *grading curricula, instruction materials, educational*
6 *software, and assessment procedures.*

7 “(3) *Providing to English learners—*

8 “(A) *tutorials and academic or career edu-*
9 *cation for English learners; and*

10 “(B) *intensified instruction.*

11 “(4) *Developing and implementing elementary*
12 *school or secondary school language instruction edu-*
13 *cational programs that are coordinated with other*
14 *relevant programs and services.*

15 “(5) *Improving the English language proficiency*
16 *and academic achievement of English learners.*

17 “(6) *Providing community participation pro-*
18 *grams, family literacy services, and parent outreach*
19 *and training activities to English learners and their*
20 *families—*

21 “(A) *to improve the English language skills*
22 *of English learners; and*

23 “(B) *to assist parents in helping their chil-*
24 *dren to improve their academic achievement and*

1 *becoming active participants in the education of*
2 *their children.*

3 “(7) *Improving the instruction of English learn-*
4 *ers by providing for—*

5 “(A) *the acquisition or development of edu-*
6 *cational technology or instructional materials;*

7 “(B) *access to, and participation in, elec-*
8 *tronic networks for materials, training, and*
9 *communication; and*

10 “(C) *incorporation of the resources described*
11 *in subparagraphs (A) and (B) into curricula*
12 *and programs, such as those funded under this*
13 *chapter.*

14 “(8) *Carrying out other activities that are con-*
15 *sistent with the purposes of this section.*

16 “(e) *ACTIVITIES BY AGENCIES EXPERIENCING SUB-*
17 *STANTIAL INCREASES IN IMMIGRANT CHILDREN AND*
18 *YOUTH.—*

19 “(1) *IN GENERAL.—An eligible entity receiving*
20 *funds under section 1193(d)(1) shall use the funds to*
21 *pay for activities that provide enhanced instructional*
22 *opportunities for immigrant children and youth,*
23 *which may include—*

24 “(A) *family literacy, parent outreach, and*
25 *training activities designed to assist parents to*

1 *become active participants in the education of*
2 *their children;*

3 “(B) *support for personnel, including para-*
4 *professionals who have been specifically trained,*
5 *or are being trained, to provide services to immi-*
6 *grant children and youth;*

7 “(C) *provision of tutorials, mentoring, and*
8 *academic or career counseling for immigrant*
9 *children and youth;*

10 “(D) *identification, development, and ac-*
11 *quisition of curricular materials, educational*
12 *software, and technologies to be used in the pro-*
13 *gram carried out with awarded funds;*

14 “(E) *basic instruction services that are di-*
15 *rectly attributable to the presence in the local*
16 *educational agency involved of immigrant chil-*
17 *dren and youth, including the payment of costs*
18 *of providing additional classroom supplies, costs*
19 *of transportation, or such other costs as are di-*
20 *rectly attributable to such additional basic in-*
21 *struction services;*

22 “(F) *other instruction services that are de-*
23 *signed to assist immigrant children and youth to*
24 *achieve in elementary schools and secondary*
25 *schools in the United States, such as programs of*

1 *introduction to the educational system and civics*
2 *education; and*

3 “(G) *activities, coordinated with commu-*
4 *nity-based organizations, institutions of higher*
5 *education, private sector entities, or other enti-*
6 *ties with expertise in working with immigrants,*
7 *to assist parents of immigrant children and*
8 *youth by offering comprehensive community*
9 *services.*

10 “(2) *DURATION OF SUBGRANTS.—The duration*
11 *of a subgrant made by a State educational agency*
12 *under section 1193(d)(1) shall be determined by the*
13 *agency in its discretion.*

14 “(f) *SELECTION OF METHOD OF INSTRUCTION.—*

15 “(1) *IN GENERAL.—To receive a subgrant from*
16 *a State educational agency under this chapter, an eli-*
17 *gible entity shall select one or more methods or forms*
18 *of instruction to be used in the programs and activi-*
19 *ties undertaken by the entity to assist English learn-*
20 *ers to attain English language proficiency and meet*
21 *State academic standards.*

22 “(2) *CONSISTENCY.—Such selection shall be con-*
23 *sistent with sections 1204 through 1206.*

24 “(g) *SUPPLEMENT, NOT SUPPLANT.—Federal funds*
25 *made available under this chapter shall be used so as to*

1 *supplement the level of Federal, State, and local public*
2 *funds that, in the absence of such availability, would have*
3 *been expended for programs for English learners and immi-*
4 *grant children and youth and in no case to supplant such*
5 *Federal, State, and local public funds.*

6 **“SEC. 1195. LOCAL PLANS.**

7 “(a) *PLAN REQUIRED.—Each eligible entity desiring*
8 *a subgrant from the State educational agency under section*
9 *1193 shall submit a plan to the State educational agency*
10 *at such time, in such manner, and containing such infor-*
11 *mation as the State educational agency may require.*

12 “(b) *CONTENTS.—Each plan submitted under sub-*
13 *section (a) shall—*

14 “(1) *describe the evidence-based programs and*
15 *activities proposed to be developed, implemented, and*
16 *administered under the subgrant that will help*
17 *English learners increase their English language pro-*
18 *ficiency and meet the State academic standards;*

19 “(2) *describe how the eligible entity will hold ele-*
20 *mentary schools and secondary schools receiving funds*
21 *under this chapter accountable for annually assessing*
22 *the English language proficiency of all children par-*
23 *ticipating under this subpart, consistent with section*
24 *1111(b);*

1 “(3) describe how the eligible entity will promote
2 parent and community engagement in the education
3 of English learners;

4 “(4) contain an assurance that the eligible entity
5 consulted with teachers, researchers, school adminis-
6 trators, parents and community members, public or
7 private organizations, and institutions of higher edu-
8 cation, in developing and implementing such plan;

9 “(5) describe how language instruction edu-
10 cational programs carried out under the subgrant will
11 ensure that English learners being served by the pro-
12 grams develop English language proficiency; and

13 “(6) contain assurances that—

14 “(A) each local educational agency that is
15 included in the eligible entity is complying with
16 section 1112(g) prior to, and throughout, each
17 school year; and

18 “(B) the eligible entity is not in violation
19 of any State law, including State constitutional
20 law, regarding the education of English learners,
21 consistent with sections 1205 and 1206.

22 “(c) *TEACHER ENGLISH FLUENCY*.—Each eligible en-
23 tity receiving a subgrant under section 1193 shall include
24 in its plan a certification that all teachers in any language
25 instruction educational program for English learners that

1 *is, or will be, funded under this subpart are fluent in*
 2 *English and any other language used for instruction, in-*
 3 *cluding having written and oral communications skills.*

4 **“CHAPTER B—ADMINISTRATION**

5 **“SEC. 1201. REPORTING.**

6 *“(a) IN GENERAL.—Each eligible entity that receives*
 7 *a subgrant from a State educational agency under chapter*
 8 *A shall provide such agency, at the conclusion of every sec-*
 9 *ond fiscal year during which the subgrant is received, with*
 10 *a report, in a form prescribed by the agency, on the activi-*
 11 *ties conducted and students served under this subpart that*
 12 *includes—*

13 *“(1) a description of the programs and activities*
 14 *conducted by the entity with funds received under*
 15 *chapter A during the two immediately preceding fis-*
 16 *cal years, including how such programs and activities*
 17 *supplemented programs funded primarily with State*
 18 *or local funds;*

19 *“(2) a description of the progress made by*
 20 *English learners in learning the English language*
 21 *and in meeting State academic standards;*

22 *“(3) the number and percentage of English*
 23 *learners in the programs and activities attaining*
 24 *English language proficiency based on the State*
 25 *English language proficiency standards established*

1 *under section 1111(b)(1)(E) by the end of each school*
2 *year, as determined by the State’s English language*
3 *proficiency assessment under section 1111(b)(2)(D);*

4 *“(4) the number of English learners who exit the*
5 *language instruction educational programs based on*
6 *their attainment of English language proficiency and*
7 *transitioned to classrooms not tailored for English*
8 *learners;*

9 *“(5) a description of the progress made by*
10 *English learners in meeting the State academic*
11 *standards for each of the 2 years after such children*
12 *are no longer receiving services under this subpart;*

13 *“(6) the number and percentage of English*
14 *learners who have not attained English language pro-*
15 *ficiency within five years of initial classification as*
16 *an English learner and first enrollment in the local*
17 *educational agency; and*

18 *“(7) any such other information as the State*
19 *educational agency may require.*

20 *“(b) USE OF REPORT.—A report provided by an eligi-*
21 *ble entity under subsection (a) shall be used by the entity*
22 *and the State educational agency—*

23 *“(1) to determine the effectiveness of programs*
24 *and activities in assisting children who are English*
25 *learners—*

1 “(A) to attain English language pro-
2 ficiency; and

3 “(B) to make progress in meeting State aca-
4 demic standards under section 1111(b)(1); and

5 “(2) upon determining the effectiveness of pro-
6 grams and activities based on the criteria in para-
7 graph (1), to decide how to improve programs.

8 **“SEC. 1202. ANNUAL REPORT.**

9 “(a) STATES.—Based upon the reports provided to a
10 State educational agency under section 1201, each such
11 agency that receives a grant under this subpart shall pre-
12 pare and submit annually to the Secretary a report on pro-
13 grams and activities carried out by the State educational
14 agency under this subpart and the effectiveness of such pro-
15 grams and activities in improving the education provided
16 to English learners.

17 “(b) SECRETARY.—Annually, the Secretary shall pre-
18 pare and submit to the Committee on Education and the
19 Workforce of the House of Representatives and the Com-
20 mittee on Health, Education, Labor, and Pensions of the
21 Senate a report—

22 “(1) on programs and activities carried out to
23 serve English learners under this subpart, and the ef-
24 fectiveness of such programs and activities in improv-

1 *ing the academic achievement and English language*
2 *proficiency of English learners;*

3 *“(2) on the types of language instruction edu-*
4 *cational programs used by local educational agencies*
5 *or eligible entities receiving funding under this sub-*
6 *part to teach English learners;*

7 *“(3) containing a critical synthesis of data re-*
8 *ported by eligible entities to States under section*
9 *1201(a);*

10 *“(4) containing a description of technical assist-*
11 *ance and other assistance provided by State edu-*
12 *cational agencies under section 1191(b)(2)(C);*

13 *“(5) containing an estimate of the number of ef-*
14 *fective teachers working in language instruction edu-*
15 *cational programs and educating English learners,*
16 *and an estimate of the number of such teachers that*
17 *will be needed for the succeeding 5 fiscal years;*

18 *“(6) containing the number of programs or ac-*
19 *tivities, if any, that were terminated because the enti-*
20 *ties carrying out the programs or activities were not*
21 *able to reach program goals;*

22 *“(7) containing the number of English learners*
23 *served by eligible entities receiving funding under this*
24 *subpart who were transitioned out of language in-*
25 *struction educational programs funded under this*

1 *subpart into classrooms where instruction is not tai-*
2 *lored for English learners; and*

3 *“(8) containing other information gathered from*
4 *other reports submitted to the Secretary under this*
5 *subpart when applicable.*

6 **“SEC. 1203. COORDINATION WITH RELATED PROGRAMS.**

7 *“In order to maximize Federal efforts aimed at serving*
8 *the educational needs of English learners, the Secretary*
9 *shall coordinate and ensure close cooperation with other en-*
10 *tities carrying out programs serving language-minority*
11 *and English learners that are administered by the Depart-*
12 *ment and other agencies.*

13 **“SEC. 1204. RULES OF CONSTRUCTION.**

14 *“Nothing in this subpart shall be construed—*

15 *“(1) to prohibit a local educational agency from*
16 *servicing English learners simultaneously with children*
17 *with similar educational needs, in the same edu-*
18 *cational settings where appropriate;*

19 *“(2) to require a State or a local educational*
20 *agency to establish, continue, or eliminate any par-*
21 *ticular type of instructional program for English*
22 *learners; or*

23 *“(3) to limit the preservation or use of Native*
24 *American languages.*

1 **“SEC. 1205. LEGAL AUTHORITY UNDER STATE LAW.**

2 *“Nothing in this subpart shall be construed to negate*
3 *or supersede State law, or the legal authority under State*
4 *law of any State agency, State entity, or State public offi-*
5 *cial, over programs that are under the jurisdiction of the*
6 *State agency, entity, or official.*

7 **“SEC. 1206. CIVIL RIGHTS.**

8 *“Nothing in this subpart shall be construed in a man-*
9 *ner inconsistent with any Federal law guaranteeing a civil*
10 *right.*

11 **“SEC. 1207. PROHIBITION.**

12 *“In carrying out this subpart, the Secretary shall nei-*
13 *ther mandate nor preclude the use of a particular cur-*
14 *ricular or pedagogical approach to educating English*
15 *learners.*

16 **“SEC. 1208. PROGRAMS FOR NATIVE AMERICANS AND PUER-**
17 **TO RICO.**

18 *“Notwithstanding any other provision of this subpart,*
19 *programs authorized under this subpart that serve Native*
20 *American (including Native American Pacific Islander)*
21 *children and children in the Commonwealth of Puerto Rico*
22 *may include programs of instruction, teacher training, cur-*
23 *riculum development, evaluation, and assessment designed*
24 *for Native American children learning and studying Native*
25 *American languages and children of limited Spanish pro-*
26 *ficiency, except that an outcome of programs serving such*

1 *children shall be increased English proficiency among such*
2 *children.*

3 **“CHAPTER C—NATIONAL ACTIVITIES**

4 **“SEC. 1211. NATIONAL PROFESSIONAL DEVELOPMENT**
5 **PROJECT.**

6 *“The Secretary shall use funds made available under*
7 *section 1191(c)(1)(B) to award grants on a competitive*
8 *basis, for a period of not more than 5 years, to institutions*
9 *of higher education or public or private organizations with*
10 *relevant experience and capacity (in consortia with State*
11 *educational agencies or local educational agencies) to pro-*
12 *vide for professional development activities that will im-*
13 *prove classroom instruction for English learners and assist*
14 *educational personnel working with such children to meet*
15 *high professional standards, including standards for certifi-*
16 *cation and licensure as teachers who work in language in-*
17 *struction educational programs or serve English learners.*
18 *Grants awarded under this subsection may be used—*

19 *“(1) for preservice, evidence-based professional*
20 *development programs that will assist local schools*
21 *and institutions of higher education to upgrade the*
22 *qualifications and skills of educational personnel who*
23 *are not certified or licensed, especially educational*
24 *paraprofessionals;*

1 “(2) for the development of curricula or other in-
2 structional strategies appropriate to the needs of the
3 consortia participants involved;

4 “(3) to support strategies that strengthen and in-
5 crease parent and community member engagement in
6 the education of English learners; and

7 “(4) to share and disseminate evidence-based
8 practices in the instruction of English learners and in
9 increasing their student achievement.

10 **“CHAPTER D—GENERAL PROVISIONS**

11 **“SEC. 1221. DEFINITIONS.**

12 *“Except as otherwise provided, in this subpart:*

13 “(1) *CHILD.*—The term ‘child’ means any indi-
14 vidual aged 3 through 21.

15 “(2) *COMMUNITY-BASED ORGANIZATION.*—The
16 term ‘community-based organization’ means a private
17 nonprofit organization of demonstrated effectiveness,
18 Indian tribe, or tribally sanctioned educational au-
19 thority, that is representative of a community or sig-
20 nificant segments of a community and that provides
21 educational or related services to individuals in the
22 community. Such term includes a Native Hawaiian
23 or Native American Pacific Islander native language
24 educational organization.

1 “(3) *ELIGIBLE ENTITY.*—*The term ‘eligible enti-*
2 *ty’ means—*

3 “(A) *one or more local educational agencies;*

4 *or*

5 “(B) *one or more local educational agencies,*
6 *in consortia (or collaboration) with an institu-*
7 *tion of higher education, community-based orga-*
8 *nization, or State educational agency.*

9 “(4) *IMMIGRANT CHILDREN AND YOUTH.*—*The*
10 *term ‘immigrant children and youth’ means individ-*
11 *uals who—*

12 “(A) *are age 3 through 21;*

13 “(B) *were not born in any State; and*

14 “(C) *have not been attending one or more*
15 *schools in any one or more States for more than*
16 *3 full academic years.*

17 “(5) *INDIAN TRIBE.*—*The term ‘Indian tribe’*
18 *means any Indian tribe, band, nation, or other orga-*
19 *nized group or community, including any Native vil-*
20 *lage or Regional Corporation or Village Corporation*
21 *as defined in or established pursuant to the Alaska*
22 *Native Claims Settlement Act, that is recognized as*
23 *eligible for the special programs and services provided*
24 *by the United States to Indians because of their sta-*
25 *tus as Indians.*

1 “(6) *LANGUAGE INSTRUCTION EDUCATIONAL*
2 *PROGRAM.*—*The term ‘language instruction edu-*
3 *cational program’ means an instruction course—*

4 “(A) *in which an English learner is placed*
5 *for the purpose of developing and attaining*
6 *English language proficiency, while meeting*
7 *State academic standards, as required by section*
8 *1111(b)(1); and*

9 “(B) *that may make instructional use of*
10 *both English and a child’s native language to en-*
11 *able the child to develop and attain English lan-*
12 *guage proficiency, and may include the partici-*
13 *pation of English language proficient children if*
14 *such course is designed to enable all partici-*
15 *pating children to become proficient in English*
16 *and a second language.*

17 “(7) *NATIVE LANGUAGE.*—*The term ‘native lan-*
18 *guage’, when used with reference to English learner,*
19 *means—*

20 “(A) *the language normally used by such*
21 *individual; or*

22 “(B) *in the case of a child or youth, the lan-*
23 *guage normally used by the parents of the child*
24 *or youth.*

1 “(8) *PARAPROFESSIONAL.*—*The term ‘para-*
2 *professional’ means an individual who is employed in*
3 *a preschool, elementary school, or secondary school*
4 *under the supervision of a certified or licensed teach-*
5 *er, including individuals employed in language in-*
6 *struction educational programs, special education,*
7 *and migratory education.*

8 “(9) *STATE.*—*The term ‘State’ means each of the*
9 *50 States, the District of Columbia, and the Common-*
10 *wealth of Puerto Rico.*

11 **“SEC. 1222. NATIONAL CLEARINGHOUSE.**

12 *“The Secretary shall establish and support the oper-*
13 *ation of a National Clearinghouse for English Language*
14 *Acquisition and Language Instruction Educational Pro-*
15 *grams, which shall collect, analyze, synthesize, and dissemi-*
16 *nate information about language instruction educational*
17 *programs for English learners, and related programs. The*
18 *National Clearinghouse shall—*

19 “(1) *be administered as an adjunct clearinghouse*
20 *of the Educational Resources Information Center*
21 *Clearinghouses system supported by the Institute of*
22 *Education Sciences;*

23 “(2) *coordinate activities with Federal data and*
24 *information clearinghouses and entities operating*
25 *Federal dissemination networks and systems;*

1 “(3) develop a system for improving the oper-
2 ation and effectiveness of federally funded language
3 instruction educational programs; and

4 “(4) collect and disseminate information on—

5 “(A) educational research and processes re-
6 lated to the education of English learners; and

7 “(B) accountability systems that monitor
8 the academic progress of English learners in lan-
9 guage instruction educational programs, includ-
10 ing information on academic content and
11 English language proficiency assessments for
12 language instruction educational programs; and

13 “(5) publish, on an annual basis, a list of grant
14 recipients under this subpart.

15 **“SEC. 1223. REGULATIONS.**

16 *“In developing regulations under this subpart, the Sec-
17 retary shall consult with State educational agencies and
18 local educational agencies, organizations representing
19 English learners, and organizations representing teachers
20 and other personnel involved in the education of English
21 learners.*

22 **“Subpart 5—Rural Education Achievement Program**

23 **“SEC. 1230. PURPOSE.**

24 *“It is the purpose of this subpart to address the unique
25 needs of rural school districts that frequently—*

1 “(1) *lack the personnel and resources needed to*
2 *compete effectively for Federal competitive grants;*
3 *and*

4 “(2) *receive formula grant allocations in*
5 *amounts too small to be effective in meeting their in-*
6 *tended purposes.*

7 **“CHAPTER A—SMALL, RURAL SCHOOL**
8 **ACHIEVEMENT PROGRAM**

9 **“SEC. 1231. GRANT PROGRAM AUTHORIZED.**

10 “(a) *IN GENERAL.—From amounts appropriated*
11 *under section 3(a)(1) for a fiscal year, the Secretary shall*
12 *reserve 0.54 of one percent to award grants to eligible local*
13 *educational agencies to enable the local educational agencies*
14 *to carry out activities authorized under any of the following*
15 *provisions:*

16 “(1) *Part A of title I.*

17 “(2) *Title II.*

18 “(3) *Title III.*

19 “(b) *ALLOCATION.—*

20 “(1) *IN GENERAL.—Except as provided in para-*
21 *graph (3), the Secretary shall award a grant under*
22 *subsection (a) to a local educational agency eligible*
23 *under subsection (d) for a fiscal year in an amount*
24 *equal to the initial amount determined under para-*
25 *graph (2) for the fiscal year minus the total amount*

1 *received by the agency in subpart 2 of part A of title*
2 *II for the preceding fiscal year.*

3 “(2) *DETERMINATION OF INITIAL AMOUNT.—The*
4 *initial amount referred to in paragraph (1) is equal*
5 *to \$100 multiplied by the total number of students in*
6 *excess of 50 students, in average daily attendance at*
7 *the schools served by the local educational agency,*
8 *plus \$20,000, except that the initial amount may not*
9 *exceed \$60,000.*

10 “(3) *RATABLE ADJUSTMENT.—*

11 “(A) *IN GENERAL.—If the amount made*
12 *available to carry out this section for any fiscal*
13 *year is not sufficient to pay in full the amounts*
14 *that local educational agencies are eligible to re-*
15 *ceive under paragraph (1) for such year, the Sec-*
16 *retary shall ratably reduce such amounts for*
17 *such year.*

18 “(B) *ADDITIONAL AMOUNTS.—If additional*
19 *funds become available for making payments*
20 *under paragraph (1) for such fiscal year, pay-*
21 *ments that were reduced under subparagraph (A)*
22 *shall be increased on the same basis as such pay-*
23 *ments were reduced.*

24 “(c) *DISBURSEMENT.—The Secretary shall disburse*
25 *the funds awarded to a local educational agency under this*

1 *section for a fiscal year not later than July 1 of that fiscal*
2 *year.*

3 “(d) *ELIGIBILITY.*—

4 “(1) *IN GENERAL.*—*A local educational agency*
5 *shall be eligible to use the applicable funding in ac-*
6 *cordance with subsection (a) if—*

7 “(A)(i)(I) *the total number of students in*
8 *average daily attendance at all of the schools*
9 *served by the local educational agency is fewer*
10 *than 600; or*

11 “(II) *each county in which a school served*
12 *by the local educational agency is located has a*
13 *total population density of fewer than 10 persons*
14 *per square mile; and*

15 “(ii) *all of the schools served by the local*
16 *educational agency are designated with a school*
17 *locale code of 41, 42, or 43, as determined by the*
18 *Secretary; or*

19 “(B) *the agency meets the criteria estab-*
20 *lished in subparagraph (A)(i) and the Secretary,*
21 *in accordance with paragraph (2), grants the*
22 *local educational agency’s request to waive the*
23 *criteria described in subparagraph (A)(ii).*

24 “(2) *CERTIFICATION.*—*The Secretary shall deter-*
25 *mine whether to waive the criteria described in para-*

1 *graph (1)(A)(ii) based on a demonstration by the*
2 *local educational agency, and concurrence by the*
3 *State educational agency, that the local educational*
4 *agency is located in an area defined as rural by a*
5 *governmental agency of the State.*

6 *“(3) HOLD HARMLESS.—For a local educational*
7 *agency that is not eligible under this chapter but met*
8 *the eligibility requirements under this subsection as it*
9 *was in effect prior to the date of the enactment of the*
10 *Student Success Act, the agency shall receive—*

11 *“(A) for fiscal year 2014, 75 percent of the*
12 *amount such agency received for fiscal year*
13 *2013;*

14 *“(B) for fiscal year 2015, 50 percent of the*
15 *amount such agency received for fiscal year*
16 *2013; and*

17 *“(C) for fiscal year 2016, 25 percent of the*
18 *amount such agency received for fiscal year*
19 *2013.*

20 *“(e) SPECIAL ELIGIBILITY RULE.—A local educational*
21 *agency that receives a grant under this chapter for a fiscal*
22 *year is not eligible to receive funds for such fiscal year*
23 *under chapter B.*

1 **“CHAPTER B—RURAL AND LOW-INCOME**
2 **SCHOOL PROGRAM**

3 **“SEC. 1235. PROGRAM AUTHORIZED.**

4 “(a) *GRANTS TO STATES.*—

5 “(1) *IN GENERAL.*—*From amounts appropriated*
6 *under section 3(a)(1) for a fiscal year, the Secretary*
7 *shall reserve 0.54 of one percent for this chapter for*
8 *a fiscal year that are not reserved under subsection*
9 *(c) to award grants (from allotments made under*
10 *paragraph (2)) for the fiscal year to State educational*
11 *agencies that have applications submitted under sec-*
12 *tion 1237 approved to enable the State educational*
13 *agencies to award grants to eligible local educational*
14 *agencies for local authorized activities described in*
15 *section 1236(a).*

16 “(2) *ALLOTMENT.*—*From amounts described in*
17 *paragraph (1) for a fiscal year, the Secretary shall*
18 *allot to each State educational agency for that fiscal*
19 *year an amount that bears the same ratio to those*
20 *amounts as the number of students in average daily*
21 *attendance served by eligible local educational agen-*
22 *cies in the State for that fiscal year bears to the num-*
23 *ber of all such students served by eligible local edu-*
24 *cational agencies in all States for that fiscal year.*

25 “(3) *SPECIALLY QUALIFIED AGENCIES.*—

1 “(A) *ELIGIBILITY AND APPLICATION.*—If a
2 State educational agency elects not to participate
3 in the program under this subpart or does not
4 have an application submitted under section
5 1237 approved, a specially qualified agency in
6 such State desiring a grant under this subpart
7 may submit an application under such section
8 directly to the Secretary to receive an award
9 under this subpart.

10 “(B) *DIRECT AWARDS.*—The Secretary may
11 award, on a competitive basis or by formula, the
12 amount the State educational agency is eligible
13 to receive under paragraph (2) directly to a spe-
14 cially qualified agency in the State that has sub-
15 mitted an application in accordance with sub-
16 paragraph (A) and obtained approval of the ap-
17 plication.

18 “(C) *SPECIALLY QUALIFIED AGENCY DE-*
19 *FINED.*—In this subpart, the term ‘specially
20 qualified agency’ means an eligible local edu-
21 cational agency served by a State educational
22 agency that does not participate in a program
23 under this subpart in a fiscal year, that may
24 apply directly to the Secretary for a grant in
25 such year under this subsection.

1 “(b) *LOCAL AWARDS.*—

2 “(1) *ELIGIBILITY.*—A local educational agency
3 shall be eligible to receive a grant under this subpart
4 if—

5 “(A) 20 percent or more of the children ages
6 5 through 17 years served by the local edu-
7 cational agency are from families with incomes
8 below the poverty line; and

9 “(B) all of the schools served by the agency
10 are designated with a school locale code of 32,
11 33, 41, 42, 43, as determined by the Secretary.

12 “(2) *AWARD BASIS.*—A State educational agency
13 shall award grants to eligible local educational agen-
14 cies—

15 “(A) on a competitive basis;

16 “(B) according to a formula based on the
17 number of students in average daily attendance
18 served by the eligible local educational agencies
19 or schools in the State; or

20 “(C) according to an alternative formula, if,
21 prior to awarding the grants, the State edu-
22 cational agency demonstrates, to the satisfaction
23 of the Secretary, that the alternative formula en-
24 ables the State educational agency to allot the
25 grant funds in a manner that serves equal or

1 *greater concentrations of children from families*
2 *with incomes below the poverty line, relative to*
3 *the concentrations that would be served if the*
4 *State educational agency used the formula de-*
5 *scribed in subparagraph (B).*

6 “(c) *RESERVATIONS.—From amounts reserved under*
7 *section 1235(a)(1) for this chapter for a fiscal year, the Sec-*
8 *retary shall reserve—*

9 “(1) *one-half of 1 percent to make awards to ele-*
10 *mentary schools or secondary schools operated or sup-*
11 *ported by the Bureau of Indian Education, to carry*
12 *out the activities authorized under this chapter; and*

13 “(2) *one-half of 1 percent to make awards to the*
14 *outlying areas in accordance with their respective*
15 *needs, to carry out the activities authorized under this*
16 *chapter.*

17 **“SEC. 1236. USES OF FUNDS.**

18 “(a) *LOCAL AWARDS.—Grant funds awarded to local*
19 *educational agencies under this chapter shall be used for*
20 *activities authorized under any of the following:*

21 “(1) *Part A of title I.*

22 “(2) *Title II.*

23 “(3) *Title III.*

24 “(b) *ADMINISTRATIVE COSTS.—A State educational*
25 *agency receiving a grant under this chapter may not use*

1 *more than 5 percent of the amount of the grant for State*
2 *administrative costs and to provide technical assistance to*
3 *eligible local educational agencies.*

4 **“SEC. 1237. APPLICATIONS.**

5 “(a) *IN GENERAL.*—*Each State educational agency or*
6 *specially qualified agency desiring to receive a grant under*
7 *this chapter shall submit an application to the Secretary*
8 *at such time and in such manner as the Secretary may*
9 *require.*

10 “(b) *CONTENTS.*—*Each application submitted under*
11 *subsection (a) shall include—*

12 “(1) *a description of how the State educational*
13 *agency or specially qualified agency will ensure eligi-*
14 *ble local educational agencies receiving a grant under*
15 *this chapter will use such funds to help students meet*
16 *the State academic standards under section*
17 *1111(b)(1);*

18 “(2) *if the State educational agency or specially*
19 *qualified agency will competitively award grants to*
20 *eligible local educational agencies, as described in sec-*
21 *tion 1235(b)(2)(A), the application under the section*
22 *shall include—*

23 “(A) *the methods and criteria the State edu-*
24 *cational agency or specially qualified agency*
25 *will use for reviewing applications and award-*

1 *ing funds to local educational agencies on a com-*
2 *petitive basis; and*

3 “(B) *how the State educational agency or*
4 *specialty qualified agency will notify eligible*
5 *local educational agencies of the grant competi-*
6 *tion; and*

7 “(3) *a description of how the State educational*
8 *agency or specialty qualified agency will provide tech-*
9 *nical assistance to eligible local educational agencies*
10 *to help such agencies implement the activities de-*
11 *scribed in section 1236(a).*

12 **“SEC. 1238. ACCOUNTABILITY.**

13 “*Each State educational agency or specialty qualified*
14 *agency that receives a grant under this chapter shall pre-*
15 *pare and submit an annual report to the Secretary. The*
16 *report shall describe—*

17 “(1) *the methods and criteria the State edu-*
18 *cational agency or specialty qualified agency used to*
19 *award grants to eligible local educational agencies,*
20 *and to provide assistance to schools, under this chap-*
21 *ter;*

22 “(2) *how local educational agencies and schools*
23 *used funds provided under this chapter; and*

1 *average daily attendance in kindergarten through*
2 *grade 12 at the schools served by the agency; and*

3 “(2) *not later than March 1 of each year, submit*
4 *the number described in paragraph (1) to the Sec-*
5 *retary (and to the State educational agency, in the*
6 *case of a local educational agency seeking a grant*
7 *under subpart 2).*

8 “(b) *PENALTY.—If the Secretary determines that a*
9 *local educational agency or specially qualified agency has*
10 *knowingly submitted false information under subsection (a)*
11 *for the purpose of gaining additional funds under section*
12 *1231 or chapter B, then the agency shall be fined an amount*
13 *equal to twice the difference between the amount the agency*
14 *received under this section and the correct amount the agen-*
15 *cy would have received under section 1231 or chapter B*
16 *if the agency had submitted accurate information under*
17 *subsection (a).*

18 **“SEC. 1242. SUPPLEMENT, NOT SUPPLANT.**

19 “*Funds made available under chapter A or chapter B*
20 *shall be used to supplement, and not supplant, any other*
21 *Federal, State, or local education funds.*

22 **“SEC. 1243. RULE OF CONSTRUCTION.**

23 “*Nothing in this subpart shall be construed to prohibit*
24 *a local educational agency that enters into cooperative ar-*
25 *rangements with other local educational agencies for the*

1 *provision of special, compensatory, or other education serv-*
2 *ices, pursuant to State law or a written agreement, from*
3 *entering into similar arrangements for the use, or the co-*
4 *ordination of the use, of the funds made available under*
5 *this subpart.*

6 **“Subpart 6—Indian Education**

7 **“SEC. 1251. STATEMENT OF POLICY.**

8 *“It is the policy of the United States to fulfill the Fed-*
9 *eral Government’s unique and continuing trust relationship*
10 *with and responsibility to the Indian people for the edu-*
11 *cation of Indian children. The Federal Government will*
12 *continue to work with local educational agencies, Indian*
13 *tribes and organizations, postsecondary institutions, and*
14 *other entities toward the goal of ensuring that programs*
15 *that serve Indian children are of the highest quality and*
16 *provide for not only the basic elementary and secondary*
17 *educational needs, but also the unique educational and cul-*
18 *turally related academic needs of these children.*

19 **“SEC. 1252. PURPOSE.**

20 *“It is the purpose of this subpart to support the efforts*
21 *of local educational agencies, Indian tribes and organiza-*
22 *tions, postsecondary institutions, and other entities—*

23 *“(1) to meet the unique educational and cul-*
24 *turally related academic needs of American Indian*
25 *and Alaska Native students, so that such students can*

1 *meet the State academic standards that all students*
2 *are expected to meet; and*

3 *“(2) to ensure that school leaders, teachers, and*
4 *other staff who serve Indian and Alaska Native stu-*
5 *dents have the ability and training to provide appro-*
6 *priate instruction to meet the unique academic needs*
7 *of such students.*

8 **“CHAPTER A—FORMULA GRANTS TO**
9 **LOCAL EDUCATIONAL AGENCIES**

10 **“SEC. 1261. PURPOSE.**

11 *“It is the purpose of this chapter to support local edu-*
12 *cational agencies in their efforts to reform elementary school*
13 *and secondary school programs that serve Indian students*
14 *in order to ensure that such programs are designed to—*

15 *“(1) meet the unique educational needs of such*
16 *students; and*

17 *“(2) ensure that such students have the oppor-*
18 *tunity to meet the State academic standards.*

19 **“SEC. 1262. GRANTS TO LOCAL EDUCATIONAL AGENCIES**
20 **AND TRIBES.**

21 *“(a) IN GENERAL.—From amounts appropriated*
22 *under section 3(a)(1), the Secretary shall reserve 0.59 of one*
23 *percent to local educational agencies and Indian tribes in*
24 *accordance with this section and section 1263.*

25 *“(b) LOCAL EDUCATIONAL AGENCIES.—*

1 “(1) *ENROLLMENT REQUIREMENTS.*—A local
2 *educational agency shall be eligible for a grant under*
3 *this chapter for any fiscal year if the number of In-*
4 *Indian children eligible under section 1267 who were*
5 *enrolled in the schools of the agency, and to whom the*
6 *agency provided free public education, during the pre-*
7 *ceding fiscal year—*

8 “(A) *was at least 10; or*

9 “(B) *constituted not less than 25 percent of*
10 *the total number of individuals enrolled in the*
11 *schools of such agency.*

12 “(2) *EXCLUSION.*—*The requirement of para-*
13 *graph (1) shall not apply in Alaska, California, or*
14 *Oklahoma, or with respect to any local educational*
15 *agency located on, or in proximity to, an Indian res-*
16 *ervation.*

17 “(c) *INDIAN TRIBES.*—

18 “(1) *IN GENERAL.*—*If a local educational agency*
19 *that is otherwise eligible for a grant under this chap-*
20 *ter does not establish a committee under section*
21 *1264(c)(4) for such grant, an Indian tribe or a con-*
22 *sortium of such entities that represents not less than*
23 $\frac{1}{3}$ *of the eligible Indian children who are served by*
24 *such local educational agency may apply for such*
25 *grant.*

1 “(2) *SPECIAL RULE.*—*The Secretary shall treat*
2 *each Indian tribe or consortium of such entities ap-*
3 *plying for a grant pursuant to paragraph (1) as if*
4 *such Indian tribe were a local educational agency for*
5 *purposes of this chapter, except that any such tribe is*
6 *not subject to section 1264(c)(4) or section 1269.*

7 “(3) *ELIGIBILITY.*—*If more than 1 Indian tribe*
8 *qualifies to apply for a grant under paragraph (1),*
9 *the entity that represents the most eligible Indian*
10 *children who are served by the local educational agen-*
11 *cy shall be eligible to receive the grant or the tribes*
12 *may choose to apply in consortium.*

13 **“SEC. 1263. AMOUNT OF GRANTS.**

14 “(a) *AMOUNT OF GRANT AWARDS.*—

15 “(1) *IN GENERAL.*—*Except as provided in sub-*
16 *section (b) and paragraph (2), the Secretary shall al-*
17 *locate to each local educational agency that has an*
18 *approved application under this chapter an amount*
19 *equal to the product of—*

20 “(A) *the number of Indian children who are*
21 *eligible under section 1267 and served by such*
22 *agency; and*

23 “(B) *the greater of—*

1 “(i) *the average per pupil expenditure*
2 *of the State in which such agency is located;*
3 *or*

4 “(ii) *80 percent of the average per*
5 *pupil expenditure of all the States.*

6 “(2) *REDUCTION.—The Secretary shall reduce*
7 *the amount of each allocation otherwise determined*
8 *under this section in accordance with subsection (e).*

9 “(b) *MINIMUM GRANT.—*

10 “(1) *IN GENERAL.—Notwithstanding subsection*
11 *(e), an entity that is eligible for a grant under section*
12 *1262, and a school that is operated or supported by*
13 *the Bureau of Indian Education that is eligible for a*
14 *grant under subsection (d), that submits an applica-*
15 *tion that is approved by the Secretary, shall, subject*
16 *to appropriations, receive a grant under this chapter*
17 *in an amount that is not less than \$3,000.*

18 “(2) *CONSORTIA.—Local educational agencies*
19 *may form a consortium with other local educational*
20 *agencies or Indian tribes for the purpose of obtaining*
21 *grants under this chapter.*

22 “(3) *INCREASE.—The Secretary may increase*
23 *the minimum grant under paragraph (1) to not more*
24 *than \$4,000 for all grantees if the Secretary deter-*

1 *mines such an increase is necessary to ensure the*
 2 *quality of the programs provided.*

3 “(c) *DEFINITION.—For the purpose of this section, the*
 4 *term ‘average per pupil expenditure’, used with respect to*
 5 *a State, means an amount equal to—*

6 “(1) *the sum of the aggregate current expendi-*
 7 *tures of all the local educational agencies in the State,*
 8 *plus any direct current expenditures by the State for*
 9 *the operation of such agencies, without regard to the*
 10 *sources of funds from which such local or State ex-*
 11 *penditures were made, during the second fiscal year*
 12 *preceding the fiscal year for which the computation is*
 13 *made; divided by*

14 “(2) *the aggregate number of children who were*
 15 *included in average daily attendance for whom such*
 16 *agencies provided free public education during such*
 17 *preceding fiscal year.*

18 “(d) *SCHOOLS OPERATED OR SUPPORTED BY THE BU-*
 19 *REAU OF INDIAN EDUCATION.—*

20 “(1) *IN GENERAL.—Subject to subsection (e), in*
 21 *addition to the grants awarded under subsection (a),*
 22 *the Secretary shall allocate to the Secretary of the In-*
 23 *terior an amount equal to the product of—*

24 “(A) *the total number of Indian children*
 25 *enrolled in schools that are operated by—*

1 “(i) *the Bureau of Indian Education;*

2 *or*

3 “(ii) *an Indian tribe, or an organiza-*
4 *tion controlled or sanctioned by an Indian*
5 *tribal government, for the children of that*
6 *tribe under a contract with, or grant from,*
7 *the Department of the Interior under the*
8 *Indian Self-Determination Act or the Trib-*
9 *ally Controlled Schools Act of 1988; and*

10 “(B) *the greater of—*

11 “(i) *the average per pupil expenditure*
12 *of the State in which the school is located;*

13 *or*

14 “(ii) *80 percent of the average per*
15 *pupil expenditure of all the States.*

16 “(2) *SPECIAL RULE.—Any school described in*
17 *paragraph (1)(A) that wishes to receive an allocation*
18 *under this chapter shall submit an application in ac-*
19 *cordance with section 1264, and shall otherwise be*
20 *treated as a local educational agency for the purpose*
21 *of this chapter, except that such school shall not be*
22 *subject to section 1264(c)(4) or section 1269.*

23 “(e) *RATABLE REDUCTIONS.—If the sums reserved for*
24 *any fiscal year under section 1262(a) are insufficient to*
25 *pay in full the amounts determined for local educational*

1 agencies under subsection (a)(1) and for the Secretary of
2 the Interior under subsection (d), each of those amounts
3 shall be ratably reduced.

4 **“SEC. 1264. APPLICATIONS.**

5 “(a) *APPLICATION REQUIRED.*—Each local edu-
6 cational agency that desires to receive a grant under this
7 chapter shall submit an application to the Secretary at such
8 time and in such manner as the Secretary may reasonably
9 require.

10 “(b) *COMPREHENSIVE PROGRAM REQUIRED.*—Each
11 application submitted under subsection (a) shall include a
12 description of a comprehensive program for meeting the
13 needs of Indian children served by the local educational
14 agency, including the language and cultural needs of the
15 children, that—

16 “(1) describes how the comprehensive program
17 will offer programs and activities to meet the cul-
18 turally related academic needs of American Indian
19 and Alaska Native students;

20 “(2)(A) is aligned with and supports the State
21 and local plans submitted under other provisions of
22 this Act; and

23 “(B) includes academic standards for such chil-
24 dren that are based on the State academic standards
25 adopted under subpart 1 for all children;

1 “(3) explains how the local educational agency
2 will use the funds made available under this chapter
3 to supplement other Federal, State, and local pro-
4 grams, especially programs carried out under subpart
5 1, to meet the needs of such students;

6 “(4) demonstrates how funds made available
7 under this chapter will be used for activities described
8 in section 1265;

9 “(5) describes the professional development op-
10 portunities that will be provided, as needed, to ensure
11 that—

12 “(A) teachers, school leaders, and other
13 school professionals who are new to the Indian
14 community are prepared to work with Indian
15 children; and

16 “(B) all teachers who will be involved in
17 programs assisted under this chapter have been
18 properly trained to carry out such programs;
19 and

20 “(6) describes how the local educational agen-
21 cy—

22 “(A) will periodically assess the progress of
23 all Indian children enrolled in the schools of the
24 local educational agency, including Indian chil-
25 dren who do not participate in programs as-

1 *sisted under this chapter, in meeting the stand-*
2 *ards described in paragraph (2);*

3 *“(B) will provide the results of each assess-*
4 *ment referred to in subparagraph (A) to—*

5 *“(i) the committee described in sub-*
6 *section (c)(4); and*

7 *“(ii) the community, including Indian*
8 *tribes, whose children are served by the local*
9 *educational agency; and*

10 *“(C) is responding to findings of any pre-*
11 *vious assessments that are similar to the assess-*
12 *ments described in subparagraph (A); and*

13 *“(7) describes the processes the local educational*
14 *agency used to collaborate with Indian tribes in the*
15 *community in the development of the comprehensive*
16 *programs.*

17 *“(c) ASSURANCES.—Each application submitted*
18 *under subsection (a) shall include assurances that—*

19 *“(1) the local educational agency will use funds*
20 *received under this chapter only to supplement the*
21 *funds that, in the absence of the Federal funds made*
22 *available under this chapter, such agency would make*
23 *available for the education of Indian children, and*
24 *not to supplant such funds;*

1 “(2) the local educational agency will prepare
2 and submit to the Secretary such reports in such form
3 as the Secretary may require to—

4 “(A) carry out the functions of the Sec-
5 retary under this chapter; and

6 “(B) determine the extent to which activi-
7 ties carried out with funds provided to the local
8 educational agency under this chapter are effec-
9 tive in improving the educational achievement of
10 Indian students served by such agency;

11 “(3) the program for which assistance is
12 sought—

13 “(A) is based on a comprehensive local as-
14 sessment and prioritization of the unique edu-
15 cational and culturally related academic needs of
16 the American Indian and Alaska Native students
17 for whom the local educational agency is pro-
18 viding an education;

19 “(B) will use the best available talents and
20 resources, including individuals from the Indian
21 community; and

22 “(C) was developed by such agency in open
23 consultation with parents of Indian children and
24 teachers, and, if appropriate, Indian students
25 from secondary schools, including through public

1 *hearings held by such agency to provide to the*
2 *individuals described in this subparagraph a full*
3 *opportunity to understand the program and to*
4 *offer recommendations regarding the program;*
5 *and*

6 “(4) *the local educational agency developed the*
7 *program with the participation and written approval*
8 *of a committee—*

9 “(A) *that is composed of, and selected by—*

10 “(i) *parents of Indian children in the*
11 *local educational agency’s schools;*

12 “(ii) *teachers in the schools; and*

13 “(iii) *if appropriate, Indian students*
14 *attending secondary schools of the agency;*

15 “(B) *a majority of whose members are par-*
16 *ents of Indian children;*

17 “(C) *that has set forth such policies and*
18 *procedures, including policies and procedures re-*
19 *lating to the hiring of personnel, as will ensure*
20 *that the program for which assistance is sought*
21 *will be operated and evaluated in consultation*
22 *with, and with the involvement of, parents of the*
23 *children, and representatives of the area, to be*
24 *served;*

1 “(D) with respect to an application describ-
2 ing a schoolwide program in accordance with
3 section 1265(c), that has—

4 “(i) reviewed in a timely fashion the
5 program; and

6 “(ii) determined that the program will
7 not diminish the availability of culturally
8 related activities for American Indian and
9 Alaska Native students; and

10 “(E) that has adopted reasonable bylaws for
11 the conduct of the activities of the committee and
12 abides by such bylaws.

13 **“SEC. 1265. AUTHORIZED SERVICES AND ACTIVITIES.**

14 “(a) *GENERAL REQUIREMENTS.*—Each local edu-
15 cational agency that receives a grant under this chapter
16 shall use the grant funds, in a manner consistent with the
17 purpose specified in section 1261, for services and activities
18 that—

19 “(1) are designed to carry out the comprehensive
20 program of the local educational agency for Indian
21 students, and described in the application of the local
22 educational agency submitted to the Secretary under
23 section 1264(a);

24 “(2) are designed with special regard for the lan-
25 guage and cultural needs of the Indian students; and

1 “(3) supplement and enrich the regular school
2 program of such agency.

3 “(b) PARTICULAR ACTIVITIES.—The services and ac-
4 tivities referred to in subsection (a) may include—

5 “(1) culturally related activities that support the
6 program described in the application submitted by
7 the local educational agency;

8 “(2) early childhood and family programs that
9 emphasize school readiness;

10 “(3) enrichment programs that focus on problem
11 solving and cognitive skills development and directly
12 support the attainment of State academic standards;

13 “(4) integrated educational services in combina-
14 tion with other programs that meet the needs of In-
15 dian children and their families;

16 “(5) programs that help engage parents and
17 tribes to meet the unique educational needs of Indian
18 children;

19 “(6) career preparation activities to enable In-
20 dian students to participate in programs such as the
21 programs supported by the Carl D. Perkins Career
22 and Technical Education Act of 2006;

23 “(7) activities to educate individuals concerning
24 the prevention of substance abuse, violence, and sui-
25 cide;

1 “(8) the acquisition of equipment, but only if the
2 acquisition of the equipment is essential to achieve the
3 purpose described in section 1261;

4 “(9) activities that promote the incorporation of
5 culturally responsive teaching and learning strategies
6 into the educational program of the local educational
7 agency;

8 “(10) activities that incorporate American In-
9 dian and Alaska Native specific curriculum content,
10 consistent with State academic standards into the
11 curriculum used by the local educational agency;

12 “(11) family literacy services; and

13 “(12) activities that recognize and support the
14 unique cultural and educational needs of Indian chil-
15 dren, and incorporate appropriately qualified tribal
16 elders and seniors.

17 “(c) *SCHOOLWIDE PROGRAMS.*—Notwithstanding any
18 other provision of law, a local educational agency may use
19 funds made available to such agency under this chapter to
20 support a schoolwide program under section 1114 if—

21 “(1) the committee established pursuant to sec-
22 tion 1264(c)(4) approves the use of the funds for the
23 schoolwide program; and

24 “(2) the schoolwide program is consistent with
25 the purpose described in section 1261.

1 “(d) *LIMITATION ON ADMINISTRATIVE COSTS.*—Not
2 *more than 5 percent of the funds provided to a grantee*
3 *under this chapter for any fiscal year may be used for ad-*
4 *ministrative purposes.*

5 “(e) *LIMITATION ON USE OF FUNDS.*—*Funds provided*
6 *to a grantee under this chapter may not be used for long-*
7 *distance travel expenses for training activities available lo-*
8 *cally or regionally.*

9 “**SEC. 1266. INTEGRATION OF SERVICES AUTHORIZED.**

10 “(a) *PLAN.*—*An entity receiving funds under this*
11 *chapter may submit a plan to the Secretary for the integra-*
12 *tion of education and related services provided to Indian*
13 *students.*

14 “(b) *CONSOLIDATION OF PROGRAMS.*—*Upon the re-*
15 *ceipt of an acceptable plan under subsection (a), the Sec-*
16 *retary, in cooperation with each Federal agency providing*
17 *grants for the provision of education and related services*
18 *to the entity, shall authorize the entity to consolidate, in*
19 *accordance with such plan, the federally funded education*
20 *and related services programs of the entity and the Federal*
21 *programs, or portions of the programs, serving Indian stu-*
22 *dents in a manner that integrates the program services in-*
23 *volved into a single, coordinated, comprehensive program*
24 *and reduces administrative costs by consolidating adminis-*
25 *trative functions.*

1 “(c) *PROGRAMS AFFECTED.*—*The funds that may be*
2 *consolidated in a demonstration project under any such*
3 *plan referred to in subsection (a) shall include funds for*
4 *any Federal program exclusively serving Indian children,*
5 *or the funds reserved under any Federal program to exclu-*
6 *sively serve Indian children, under which the entity is eligi-*
7 *ble for receipt of funds under a statutory or administrative*
8 *formula for the purposes of providing education and related*
9 *services that would be used to serve Indian students.*

10 “(d) *PLAN REQUIREMENTS.*—*For a plan to be accept-*
11 *able pursuant to subsection (b), the plan shall—*

12 “(1) *identify the programs or funding sources to*
13 *be consolidated;*

14 “(2) *be consistent with the objectives of this sec-*
15 *tion concerning authorizing the services to be inte-*
16 *grated in a demonstration project;*

17 “(3) *describe a comprehensive strategy that iden-*
18 *tifies the full range of potential educational opportu-*
19 *nities and related services to be provided to assist In-*
20 *dian students to achieve the objectives set forth in this*
21 *chapter;*

22 “(4) *describe the way in which services are to be*
23 *integrated and delivered and the results expected from*
24 *the plan;*

1 “(5) identify the projected expenditures under
2 the plan in a single budget;

3 “(6) identify the State, tribal, or local agency or
4 agencies to be involved in the delivery of the services
5 integrated under the plan;

6 “(7) identify any statutory provisions, regula-
7 tions, policies, or procedures that the entity believes
8 need to be waived in order to implement the plan;

9 “(8) set forth measures for student academic
10 achievement consistent with State academic standards
11 under section 1111(b)(1); and

12 “(9) be approved by a committee formed in ac-
13 cordance with section 1264(c)(4), if such a committee
14 exists.

15 “(e) *PLAN REVIEW.*—Upon receipt of the plan from
16 an eligible entity, the Secretary shall consult with the Sec-
17 retary of each Federal department providing funds to be
18 used to implement the plan, and with the entity submitting
19 the plan. The parties so consulting shall identify any waiv-
20 ers of statutory requirements or of Federal departmental
21 regulations, policies, or procedures necessary to enable the
22 entity to implement the plan. Notwithstanding any other
23 provision of law, the Secretary of the affected department
24 shall have the authority to waive any regulation, policy,
25 or procedure promulgated by that department that has been

1 *so identified by the entity or department, unless the Sec-*
2 *retary of the affected department determines that such a*
3 *waiver is inconsistent with the objectives of this chapter or*
4 *those provisions of the statute from which the program in-*
5 *volved derives authority that are specifically applicable to*
6 *Indian students.*

7 “(f) *PLAN APPROVAL.*—*Within 90 days after the re-*
8 *ceipt of an entity’s plan by the Secretary, the Secretary*
9 *shall inform the entity, in writing, of the Secretary’s ap-*
10 *proval or disapproval of the plan. If the plan is dis-*
11 *approved, the entity shall be informed, in writing, of the*
12 *reasons for the disapproval and shall be given an oppor-*
13 *tunity to amend the plan or to petition the Secretary to*
14 *reconsider such disapproval.*

15 “(g) *RESPONSIBILITIES OF DEPARTMENT OF EDU-*
16 *CATION.*—*The Secretary of Education, the Secretary of the*
17 *Interior, and the head of any other Federal department or*
18 *agency identified by the Secretary of Education, shall enter*
19 *into an interdepartmental memorandum of agreement pro-*
20 *viding for the implementation and coordination of the dem-*
21 *onstration projects authorized under this section. The lead*
22 *agency head for a demonstration project under this section*
23 *shall be—*

24 “(1) *the Secretary of the Interior, in the case of*
25 *an entity meeting the definition of a contract or*

1 *grant school under title XI of the Education Amend-*
2 *ments of 1978; or*

3 “(2) *the Secretary of Education, in the case of*
4 *any other entity.*

5 “(h) *RESPONSIBILITIES OF LEAD AGENCY.—The re-*
6 *sponsibilities of the lead agency shall include—*

7 “(1) *the use of a single report format related to*
8 *the plan for the individual project, which shall be*
9 *used by an eligible entity to report on the activities*
10 *undertaken under the project;*

11 “(2) *the use of a single report format related to*
12 *the projected expenditures for the individual project*
13 *which shall be used by an eligible entity to report on*
14 *all project expenditures;*

15 “(3) *the development of a single system of Fed-*
16 *eral oversight for the project, which shall be imple-*
17 *mented by the lead agency; and*

18 “(4) *the provision of technical assistance to an*
19 *eligible entity appropriate to the project, except that*
20 *an eligible entity shall have the authority to accept or*
21 *reject the plan for providing such technical assistance*
22 *and the technical assistance provider.*

23 “(i) *REPORT REQUIREMENTS.—A single report format*
24 *shall be developed by the Secretary, consistent with the re-*
25 *quirements of this section. Such report format shall require*

1 *that reports described in subsection (h), together with*
2 *records maintained on the consolidated program at the local*
3 *level, shall contain such information as will allow a deter-*
4 *mination that the eligible entity has complied with the re-*
5 *quirements incorporated in its approved plan, including*
6 *making a demonstration of student academic achievement,*
7 *and will provide assurances to each Secretary that the eligi-*
8 *ble entity has complied with all directly applicable statu-*
9 *tory requirements and with those directly applicable regu-*
10 *latory requirements that have not been waived.*

11 “(j) *NO REDUCTION IN AMOUNTS.*—*In no case shall*
12 *the amount of Federal funds available to an eligible entity*
13 *involved in any demonstration project be reduced as a re-*
14 *sult of the enactment of this section.*

15 “(k) *INTERAGENCY FUND TRANSFERS AUTHORIZED.*—
16 *The Secretary is authorized to take such action as may be*
17 *necessary to provide for an interagency transfer of funds*
18 *otherwise available to an eligible entity in order to further*
19 *the objectives of this section.*

20 “(l) *ADMINISTRATION OF FUNDS.*—

21 “(1) *IN GENERAL.*—*Program funds for the con-*
22 *solidated programs shall be administered in such a*
23 *manner as to allow for a determination that funds*
24 *from a specific program are spent on allowable activi-*
25 *ties authorized under such program, except that the*

1 *eligible entity shall determine the proportion of the*
2 *funds granted that shall be allocated to such program.*

3 “(2) *SEPARATE RECORDS NOT REQUIRED.—*
4 *Nothing in this section shall be construed as requiring*
5 *the eligible entity to maintain separate records trac-*
6 *ing any services or activities conducted under the ap-*
7 *proved plan to the individual programs under which*
8 *funds were authorized for the services or activities,*
9 *nor shall the eligible entity be required to allocate ex-*
10 *penditures among such individual programs.*

11 “(m) *OVERAGE.—The eligible entity may commingle*
12 *all administrative funds from the consolidated programs*
13 *and shall be entitled to the full amount of such funds (under*
14 *each program’s or agency’s regulations). The overage (de-*
15 *fin ed as the difference between the amount of the commin-*
16 *gled funds and the actual administrative cost of the pro-*
17 *grams) shall be considered to be properly spent for Federal*
18 *audit purposes, if the overage is used for the purposes pro-*
19 *vided for under this section.*

20 “(n) *FISCAL ACCOUNTABILITY.—Nothing in this sub-*
21 *part shall be construed so as to interfere with the ability*
22 *of the Secretary or the lead agency to fulfill the responsibil-*
23 *ities for the safeguarding of Federal funds pursuant to*
24 *chapter 75 of title 31, United States Code.*

1 “(o) *REPORT ON STATUTORY OBSTACLES TO PROGRAM*
2 *INTEGRATION.*—

3 “(1) *IN GENERAL.*—*The Secretary of Education*
4 *shall annually submit a report to the Committee on*
5 *Health, Education, Labor, and Pensions and the*
6 *Committee on Indian Affairs of the Senate, and the*
7 *Committee on Education and the Workforce and the*
8 *Committee on Natural Resources of the House of Rep-*
9 *resentatives on the status of the implementation of the*
10 *demonstration projects authorized under this section.*

11 “(2) *CONTENTS.*—*Such report shall identify—*

12 “(A) *statutory barriers to the ability of par-*
13 *ticipants to more effectively integrate their edu-*
14 *cation and related services to Indian students in*
15 *a manner consistent with the objectives of this*
16 *section; and*

17 “(B) *the effective practices for program in-*
18 *tegration that result in increased student*
19 *achievement and other relevant outcomes for In-*
20 *dian students.*

21 “(p) *DEFINITIONS.*—*For the purposes of this section,*
22 *the term ‘Secretary’ means—*

23 “(1) *the Secretary of the Interior, in the case of*
24 *an entity meeting the definition of a contract or*

1 *grant school under title XI of the Education Amend-*
2 *ments of 1978; or*

3 *“(2) the Secretary of Education, in the case of*
4 *any other entity.*

5 **“SEC. 1267. STUDENT ELIGIBILITY FORMS.**

6 *“(a) IN GENERAL.—The Secretary shall require that,*
7 *as part of an application for a grant under this chapter,*
8 *each applicant shall maintain a file, with respect to each*
9 *Indian child for whom the local educational agency pro-*
10 *vides a free public education, that contains a form that sets*
11 *forth information establishing the status of the child as an*
12 *Indian child eligible for assistance under this chapter, and*
13 *that otherwise meets the requirements of subsection (b).*

14 *“(b) FORMS.—The form described in subsection (a)*
15 *shall include—*

16 *“(1) either—*

17 *“(A)(i) the name of the tribe or band of In-*
18 *dians (as defined in section 1291) with respect*
19 *to which the child claims membership;*

20 *“(ii) the enrollment number establishing the*
21 *membership of the child (if readily available);*
22 *and*

23 *“(iii) the name and address of the organiza-*
24 *tion that maintains updated and accurate mem-*

1 *bership data for such tribe or band of Indians;*

2 *or*

3 “(B) *the name, the enrollment number (if*
4 *readily available), and the name and address of*
5 *the organization responsible for maintaining up-*
6 *dated and accurate membership data, of any*
7 *parent or grandparent of the child from whom*
8 *the child claims eligibility under this chapter, if*
9 *the child is not a member of the tribe or band*
10 *of Indians (as so defined);*

11 “(2) *a statement of whether the tribe or band of*
12 *Indians (as so defined), with respect to which the*
13 *child, or parent or grandparent of the child, claims*
14 *membership, is federally recognized;*

15 “(3) *the name and address of the parent or legal*
16 *guardian of the child; and*

17 “(4) *a signature of the parent or legal guardian*
18 *of the child that verifies the accuracy of the informa-*
19 *tion supplied.*

20 “(c) *STATUTORY CONSTRUCTION.—Nothing in this sec-*
21 *tion shall be construed to affect a definition contained in*
22 *section 1291.*

23 “(d) *FORMS AND STANDARDS OF PROOF.—The forms*
24 *and the standards of proof (including the standard of good*
25 *faith compliance) that were in use during the 1985–1986*

1 *academic year to establish the eligibility of a child for enti-*
2 *tlement under the Indian Elementary and Secondary*
3 *School Assistance Act shall be the forms and standards of*
4 *proof used—*

5 “(1) *to establish eligibility under this chapter;*
6 *and*

7 “(2) *to meet the requirements of subsection (a).*

8 “(e) *DOCUMENTATION.—For purposes of determining*
9 *whether a child is eligible to be counted for the purpose of*
10 *computing the amount of a grant award under section*
11 *1263, the membership of the child, or any parent or grand-*
12 *parent of the child, in a tribe or band of Indians (as so*
13 *defined) may be established by proof other than an enroll-*
14 *ment number, notwithstanding the availability of an enroll-*
15 *ment number for a member of such tribe or band. Nothing*
16 *in subsection (b) shall be construed to require the furnishing*
17 *of an enrollment number.*

18 “(f) *MONITORING AND EVALUATION REVIEW.—*

19 “(1) *IN GENERAL.—*

20 “(A) *REVIEW.—For each fiscal year, in*
21 *order to provide such information as is necessary*
22 *to carry out the responsibility of the Secretary to*
23 *provide technical assistance under this chapter,*
24 *the Secretary shall conduct a monitoring and*
25 *evaluation review of a sampling of the recipients*

1 *of grants under this chapter. The sampling con-*
2 *ducted under this subparagraph shall take into*
3 *account the size of and the geographic location of*
4 *each local educational agency.*

5 “(B) *EXCEPTION.*—*A local educational*
6 *agency may not be held liable to the United*
7 *States or be subject to any penalty, by reason of*
8 *the findings of an audit that relates to the date*
9 *of completion, or the date of submission, of any*
10 *forms used to establish, before April 28, 1988, the*
11 *eligibility of a child for an entitlement under the*
12 *Indian Elementary and Secondary School As-*
13 *sistance Act.*

14 “(2) *FALSE INFORMATION.*—*Any local edu-*
15 *cational agency that provides false information in an*
16 *application for a grant under this chapter shall—*

17 “(A) *be ineligible to apply for any other*
18 *grant under this chapter; and*

19 “(B) *be liable to the United States for any*
20 *funds from the grant that have not been ex-*
21 *pended.*

22 “(3) *EXCLUDED CHILDREN.*—*A student who pro-*
23 *vides false information for the form required under*
24 *subsection (a) shall not be counted for the purpose of*
25 *computing the amount of a grant under section 1263.*

1 “(g) *TRIBAL GRANT AND CONTRACT SCHOOLS.*—Not-
2 *withstanding any other provision of this section, in calcu-*
3 *lating the amount of a grant under this chapter to a tribal*
4 *school that receives a grant or contract from the Bureau*
5 *of Indian Education, the Secretary shall use only one of*
6 *the following, as selected by the school:*

7 “(1) *A count of the number of students in the*
8 *schools certified by the Bureau.*

9 “(2) *A count of the number of students for whom*
10 *the school has eligibility forms that comply with this*
11 *section.*

12 “(h) *TIMING OF CHILD COUNTS.*—*For purposes of de-*
13 *termining the number of children to be counted in calcu-*
14 *lating the amount of a local educational agency’s grant*
15 *under this chapter (other than in the case described in sub-*
16 *section (g)(1)), the local educational agency shall—*

17 “(1) *establish a date on, or a period not longer*
18 *than 31 consecutive days during, which the agency*
19 *counts those children, if that date or period occurs be-*
20 *fore the deadline established by the Secretary for sub-*
21 *mitting an application under section 1264; and*

22 “(2) *determine that each such child was enrolled,*
23 *and receiving a free public education, in a school of*
24 *the agency on that date or during that period, as the*
25 *case may be.*

1 **“SEC. 1268. PAYMENTS.**

2 “(a) *IN GENERAL.*—Subject to subsections (b) and (c),
3 the Secretary shall pay to each local educational agency
4 that submits an application that is approved by the Sec-
5 retary under this chapter the amount determined under sec-
6 tion 1263. The Secretary shall notify the local educational
7 agency of the amount of the payment not later than June
8 1 of the year for which the Secretary makes the payment.

9 “(b) *PAYMENTS TAKEN INTO ACCOUNT BY THE*
10 *STATE.*—The Secretary may not make a grant under this
11 chapter to a local educational agency for a fiscal year if,
12 for such fiscal year, the State in which the local educational
13 agency is located takes into consideration payments made
14 under this chapter in determining the eligibility of the local
15 educational agency for State aid, or the amount of the State
16 aid, with respect to the free public education of children
17 during such fiscal year or the preceding fiscal year.

18 “(c) *REALLOCATIONS.*—The Secretary may reallocate,
19 in a manner that the Secretary determines will best carry
20 out the purpose of this chapter, any amounts that—

21 “(1) based on estimates made by local edu-
22 cational agencies or other information, the Secretary
23 determines will not be needed by such agencies to
24 carry out approved programs under this chapter; or

25 “(2) otherwise become available for reallocation
26 under this chapter.

1 **“SEC. 1269. STATE EDUCATIONAL AGENCY REVIEW.**

2 *“Before submitting an application to the Secretary*
3 *under section 1264, a local educational agency shall submit*
4 *the application to the State educational agency, which may*
5 *comment on such application. If the State educational*
6 *agency comments on the application, the agency shall com-*
7 *ment on all applications submitted by local educational*
8 *agencies in the State and shall provide those comments to*
9 *the respective local educational agencies, with an oppor-*
10 *tunity to respond.*

11 **“CHAPTER B—SPECIAL PROGRAMS AND**
12 **PROJECTS TO IMPROVE EDUCATIONAL**
13 **OPPORTUNITIES FOR INDIAN CHIL-**
14 **DREN**

15 **“SEC. 1271. IMPROVEMENT OF EDUCATIONAL OPPORTUNI-**
16 **TIES FOR INDIAN CHILDREN.**

17 *“(a) PURPOSE.—*

18 *“(1) IN GENERAL.—It is the purpose of this sec-*
19 *tion to support projects to develop, test, and dem-*
20 *onstrate the effectiveness of services and programs to*
21 *improve educational opportunities and achievement of*
22 *Indian children.*

23 *“(2) COORDINATION.—The Secretary shall take*
24 *the necessary actions to achieve the coordination of*
25 *activities assisted under this chapter with—*

1 “(A) other programs funded under this Act;
2 and

3 “(B) other Federal programs operated for
4 the benefit of American Indian and Alaska Na-
5 tive children.

6 “(b) *ELIGIBLE ENTITIES*.—In this section, the term
7 ‘eligible entity’ means a State educational agency, local
8 educational agency, Indian tribe, Indian organization, fed-
9 erally supported elementary school or secondary school for
10 Indian students, Indian institution (including an Indian
11 institution of higher education), or a consortium of such
12 entities.

13 “(c) *GRANTS AUTHORIZED*.—

14 “(1) *IN GENERAL*.—From amounts appropriated
15 under section 3(a)(1), the Secretary shall reserve 0.2
16 of one percent to award grants to eligible entities to
17 enable such entities to carry out activities under this
18 section and section 1272.

19 “(2) *USES OF FUNDS*.—An eligible entity that
20 receives a grant under this section shall use the funds
21 for one or more activities, including—

22 “(A) innovative programs related to the
23 educational needs of educationally disadvantaged
24 children;

1 “(B) educational services that are not avail-
2 able to such children in sufficient quantity or
3 quality, including remedial instruction, to raise
4 the achievement of Indian children in one or
5 more of the core academic subjects;

6 “(C) bilingual and bicultural programs and
7 projects;

8 “(D) special health and nutrition services,
9 and other related activities, that address the spe-
10 cial health, social, and psychological problems of
11 Indian children;

12 “(E) special compensatory and other pro-
13 grams and projects designed to assist and en-
14 courage Indian children to enter, remain in, or
15 reenter school, and to increase the rate of high
16 school graduation for Indian children;

17 “(F) comprehensive guidance, counseling,
18 and testing services;

19 “(G) early childhood and kindergarten pro-
20 grams, including family-based preschool pro-
21 grams that emphasize school readiness and pa-
22 rental skills, and the provision of services to In-
23 dian children with disabilities;

24 “(H) partnership projects between local edu-
25 cational agencies and institutions of higher edu-

1 *cation that allow secondary school students to*
2 *enroll in courses at the postsecondary level to aid*
3 *such students in the transition from secondary to*
4 *postsecondary education;*

5 “(I) *partnership projects between schools*
6 *and local businesses for career preparation pro-*
7 *grams designed to provide Indian youth with the*
8 *knowledge and skills such youth need to make an*
9 *effective transition from school to a high-skill,*
10 *high-wage career;*

11 “(J) *programs designed to encourage and*
12 *assist Indian students to work toward, and gain*
13 *entrance into, an institution of higher education;*

14 “(K) *family literacy services;*

15 “(L) *activities that recognize and support*
16 *the unique cultural and educational needs of In-*
17 *dian children, and incorporate appropriately*
18 *qualified tribal elders and seniors; or*

19 “(M) *other services that meet the purpose*
20 *described in this section.*

21 “(3) *PROFESSIONAL DEVELOPMENT.—Evidence*
22 *based professional development of teaching profes-*
23 *sionals and paraprofessionals may be a part of any*
24 *program assisted under this section.*

25 “(d) *GRANT REQUIREMENTS AND APPLICATIONS.—*

1 “(1) *GRANT REQUIREMENTS.*—

2 “(A) *IN GENERAL.*—*The Secretary may*
3 *make multiyear grants under subsection (c) for*
4 *the planning, development, pilot operation, or*
5 *demonstration of any activity described in sub-*
6 *section (c) for a period not to exceed 5 years.*

7 “(B) *PRIORITY.*—*In making multiyear*
8 *grants described in this paragraph, the Secretary*
9 *shall give priority to entities submitting applica-*
10 *tions that present a plan for combining two or*
11 *more of the activities described in subsection (c)*
12 *over a period of more than 1 year.*

13 “(C) *PROGRESS.*—*The Secretary shall make*
14 *a grant payment for a grant described in this*
15 *paragraph to an eligible entity after the initial*
16 *year of the multiyear grant only if the Secretary*
17 *determines that the eligible entity has made sub-*
18 *stantial progress in carrying out the activities*
19 *assisted under the grant in accordance with the*
20 *application submitted under paragraph (3) and*
21 *any subsequent modifications to such applica-*
22 *tion.*

23 “(2) *DISSEMINATION GRANTS.*—

24 “(A) *IN GENERAL.*—*In addition to award-*
25 *ing the multiyear grants described in paragraph*

1 (1), the Secretary may award grants under sub-
2 section (c) to eligible entities for the dissemina-
3 tion of exemplary materials or programs assisted
4 under this section.

5 “(B) DETERMINATION.—The Secretary may
6 award a dissemination grant described in this
7 paragraph if, prior to awarding the grant, the
8 Secretary determines that the material or pro-
9 gram to be disseminated—

10 “(i) has been adequately reviewed;

11 “(ii) has demonstrated educational
12 merit; and

13 “(iii) can be replicated.

14 “(3) APPLICATION.—

15 “(A) IN GENERAL.—Any eligible entity that
16 desires to receive a grant under this section shall
17 submit an application to the Secretary at such
18 time and in such manner as the Secretary may
19 reasonably require.

20 “(B) CONTENTS.—Each application sub-
21 mitted to the Secretary under subparagraph (A),
22 other than an application for a dissemination
23 grant under paragraph (2), shall contain—

24 “(i) a description of how parents of In-
25 dian children and representatives of Indian

1 tribes have been, and will be, involved in
2 developing and implementing the activities
3 for which assistance is sought;

4 “(i) assurances that the applicant will
5 participate, at the request of the Secretary,
6 in any national evaluation of activities as-
7 sisted under this section;

8 “(iii) information demonstrating that
9 the proposed program for the activities is
10 an evidence-based program, which may in-
11 clude a program that has been modified to
12 be culturally appropriate for students who
13 will be served; and

14 “(iv) a description of how the appli-
15 cant will incorporate the proposed activities
16 into the ongoing school program involved
17 once the grant period is over.

18 “(e) *ADMINISTRATIVE COSTS.*—Not more than 5 per-
19 cent of the funds provided to a grantee under this chapter
20 for any fiscal year may be used for administrative pur-
21 poses.

22 “**SEC. 1272. PROFESSIONAL DEVELOPMENT FOR TEACHERS**
23 **AND EDUCATION PROFESSIONALS.**

24 “(a) *PURPOSES.*—The purposes of this section are—

1 “(1) to increase the number of qualified Indian
2 teachers, school leaders, or other education profes-
3 sionals serving Indian students, including through re-
4 cruitment strategies;

5 “(2) to provide training to qualified Indian in-
6 dividuals to enable such individuals to become effec-
7 tive teachers, school leaders, administrators, teacher
8 aides, social workers, and ancillary educational per-
9 sonnel; and

10 “(3) to improve the skills of qualified Indian in-
11 dividuals who serve in the capacities described in
12 paragraph (2).

13 “(b) *ELIGIBLE ENTITIES*.—For the purpose of this sec-
14 tion, the term ‘eligible entity’ means—

15 “(1) an institution of higher education, includ-
16 ing an Indian institution of higher education;

17 “(2) a State educational agency or local edu-
18 cational agency, in consortium with an institution of
19 higher education;

20 “(3) an Indian tribe or organization, in consor-
21 tium with an institution of higher education; and

22 “(4) a Bureau-funded school (as defined in sec-
23 tion 1146 of the Education Amendments of 1978).

24 “(c) *PROGRAM AUTHORIZED*.—The Secretary is au-
25 thorized to award grants from funds reserved under section

1 1271(c)(1) to eligible entities having applications approved
2 under this section to enable those entities to carry out the
3 activities described in subsection (d).

4 “(d) *AUTHORIZED ACTIVITIES.*—

5 “(1) *IN GENERAL.*—Grant funds under this sec-
6 tion shall be used for activities to provide support
7 and training for Indian individuals in a manner
8 consistent with the purposes of this section.

9 “(2) *SPECIAL RULES.*—

10 “(A) *TYPE OF TRAINING.*—For education
11 personnel, the training received pursuant to a
12 grant under this section may be inservice or
13 preservice training.

14 “(B) *PROGRAM.*—For individuals who are
15 being trained to enter any education-related field
16 other than teaching, the training received pursu-
17 ant to a grant under this section shall be in a
18 program that results in a graduate degree.

19 “(e) *APPLICATION.*—Each eligible entity desiring a
20 grant under this section shall submit an application to the
21 Secretary at such time and in such manner as the Secretary
22 may reasonably require. An application shall include how
23 the eligible entity will—

1 “(1) recruit qualified Indian individuals, such
2 as students who may not be of traditional college age,
3 to become teachers or school leaders;

4 “(2) use funds made available under the grant to
5 support the recruitment, preparation, and profes-
6 sional development of Indian teachers or school lead-
7 ers in local educational agencies that serve a high
8 proportion of Indian students; and

9 “(3) assist participants in meeting the require-
10 ments under subsection (h).

11 “(f) *SPECIAL RULE.*—In awarding grants under this
12 section, the Secretary—

13 “(1) shall consider the prior performance of the
14 eligible entity; and

15 “(2) may not limit eligibility to receive a grant
16 under this section on the basis of—

17 “(A) the number of previous grants the Sec-
18 retary has awarded such entity; or

19 “(B) the length of any period during which
20 such entity received such grants.

21 “(g) *GRANT PERIOD.*—Each grant under this section
22 shall be awarded for an initial period of not more than
23 three years, and may be renewed for not more than an addi-
24 tional two years if the Secretary finds that the grantee is
25 meeting the grant objectives.

1 “(h) *SERVICE OBLIGATION.*—

2 “(1) *IN GENERAL.*—*The Secretary shall require,*
3 *by regulation, that an individual who receives train-*
4 *ing pursuant to a grant made under this section—*

5 “(A) *perform work—*

6 “(i) *related to the training received*
7 *under this section; and*

8 “(ii) *that benefits Indian people; or*

9 “(B) *repay all or a prorated part of the as-*
10 *sistance received.*

11 “(2) *REPORTING.*—*The Secretary shall establish,*
12 *by regulation, a reporting procedure under which a*
13 *grant recipient under this section shall, not later than*
14 *12 months after the date of completion of the train-*
15 *ing, and periodically thereafter, provide information*
16 *concerning compliance with the work requirement*
17 *under paragraph (1).*

18 **“CHAPTER C—FEDERAL ADMINISTRATION**

19 **“SEC. 1281. NATIONAL ADVISORY COUNCIL ON INDIAN EDU-**
20 **CATION.**

21 “(a) *MEMBERSHIP.*—*There is established a National*
22 *Advisory Council on Indian Education (hereafter in this*
23 *section referred to as the ‘Council’), which shall—*

24 “(1) *consist of 15 Indian members, who shall be*
25 *appointed by the President from lists of nominees fur-*

1 nished, from time to time, by Indian tribes and orga-
2 nizations; and

3 “(2) represent different geographic areas of the
4 United States.

5 “(b) DUTIES.—The Council shall—

6 “(1) advise the Secretary concerning the funding
7 and administration (including the development of
8 regulations and administrative policies and practices)
9 of any program, including any program established
10 under this subpart—

11 “(A) with respect to which the Secretary has
12 jurisdiction; and

13 “(B)(i) that includes Indian children or
14 adults as participants; or

15 “(ii) that may benefit Indian children or
16 adults;

17 “(2) make recommendations to the Secretary for
18 filling the position of Director of Indian Education
19 whenever a vacancy occurs; and

20 “(3) submit to Congress, not later than June 30
21 of each year, a report on the activities of the Council,
22 including—

23 “(A) any recommendations that the Council
24 considers appropriate for the improvement of
25 Federal education programs that include Indian

1 *children or adults as participants, or that may*
2 *benefit Indian children or adults; and*

3 *“(B) recommendations concerning the fund-*
4 *ing of any program described in subparagraph*
5 *(A).*

6 **“SEC. 1282. PEER REVIEW.**

7 *“The Secretary may use a peer review process to re-*
8 *view applications submitted to the Secretary under chapter*
9 *B.*

10 **“SEC. 1283. PREFERENCE FOR INDIAN APPLICANTS.**

11 *“In making grants and entering into contracts or co-*
12 *operative agreements under chapter B, the Secretary shall*
13 *give a preference to Indian tribes, organizations, and insti-*
14 *tutions of higher education under any program with respect*
15 *to which Indian tribes, organizations, and institutions are*
16 *eligible to apply for grants, contracts, or cooperative agree-*
17 *ments.*

18 **“SEC. 1284. MINIMUM GRANT CRITERIA.**

19 *“The Secretary may not approve an application for*
20 *a grant, contract, or cooperative agreement under chapter*
21 *B unless the application is for a grant, contract, or coopera-*
22 *tive agreement that is—*

23 *“(1) of sufficient size, scope, and quality to*
24 *achieve the purpose or objectives of such grant, con-*
25 *tract, or cooperative agreement; and*

1 “(2) based on relevant research findings.

2 **“CHAPTER D—DEFINITIONS**

3 **“SEC. 1291. DEFINITIONS.**

4 *“For the purposes of this subpart:*

5 “(1) *ADULT.*—*The term ‘adult’ means an indi-*
6 *vidual who—*

7 *“(A) has attained the age of 16 years; or*

8 *“(B) has attained an age that is greater*
9 *than the age of compulsory school attendance*
10 *under an applicable State law.*

11 “(2) *ALASKA NATIVE.*—*The term ‘Alaska Native’*
12 *has the same meaning as the term ‘Native’ has in sec-*
13 *tion 3(b) of the Alaska Native Claims Settlement Act.*

14 “(3) *FREE PUBLIC EDUCATION.*—*The term ‘free*
15 *public education’ means education that is—*

16 *“(A) provided at public expense, under pub-*
17 *lic supervision and direction, and without tui-*
18 *tion charge; and*

19 *“(B) provided as elementary or secondary*
20 *education in the applicable State or to preschool*
21 *children.*

22 “(4) *INDIAN.*—*The term ‘Indian’ means an indi-*
23 *vidual who is—*

1 “(A) a member of an Indian tribe or band,
2 as membership is defined by the tribe or band,
3 including—

4 “(i) any tribe or band terminated since
5 1940; and

6 “(ii) any tribe or band recognized by
7 the State in which the tribe or band resides;

8 “(B) a descendant, in the first or second de-
9 gree, of an individual described in subparagraph
10 (A);

11 “(C) considered by the Secretary of the Inte-
12 rior to be an Indian for any purpose;

13 “(D) an Eskimo, Aleut, or other Alaska Na-
14 tive; or

15 “(E) a member of an organized Indian
16 group that received a grant under the Indian
17 Education Act of 1988 as in effect the day pre-
18 ceding the date of enactment of the Improving
19 America’s Schools Act of 1994.”.

20 (b) *STRIKE*.—The Act is amended by striking title VII
21 (20 U.S.C. 7401 et seq.).

22 ***Subtitle D—National Assessment***

23 ***SEC. 141. NATIONAL ASSESSMENT OF TITLE I.***

24 (a) *IN GENERAL*.—Part E of title I (20 U.S.C. 6491
25 et seq.) is redesignated as part B of title I.

1 (b) *REPEALS*.—Sections 1502 and 1504 (20 U.S.C.
2 6492; 6494) are repealed.

3 (c) *REDESIGNATIONS*.—Sections 1501 and 1503 (20
4 U.S.C. 6491; 6493) are redesignated as sections 1301 and
5 1302, respectively.

6 (d) *AMENDMENTS TO SECTION 1301*.—Section 1301
7 (20 U.S.C. 6491), as so redesignated, is amended—

8 (1) in subsection (a)—

9 (A) in paragraph (1), by inserting “, acting
10 through the Director of the Institute of Edu-
11 cation Sciences (in this section and section 1302
12 referred to as the ‘Director’),” after “The Sec-
13 retary”;

14 (B) in paragraph (2)—

15 (i) by striking “Secretary” and insert-
16 ing “Director”;

17 (ii) in subparagraph (A), by striking
18 “reaching the proficient level” and all that
19 follows and inserting “graduating high
20 school prepared for postsecondary education
21 or the workforce.”;

22 (iii) in subparagraph (B), by striking
23 “reach the proficient” and all that follows
24 and inserting “meet State academic stand-
25 ards.”;

1 (iv) by striking subparagraphs (D)
2 and (G) and redesignating subparagraphs
3 (E), (F), and (H) through (O) as subpara-
4 graphs (D) through (M), respectively;

5 (v) in subparagraph (D)(v) (as so re-
6 designated), by striking “help schools in
7 which” and all that follows and inserting
8 “address disparities in the percentages of ef-
9 fective teachers teaching in low-income
10 schools.”

11 (vi) in subparagraph (G) (as so reded-
12 ignated)—

13 (I) by striking “section 1116” and
14 inserting “section 1111(b)(3)(B)(iii”;
15 and

16 (II) by striking “, including the
17 following” and all that follows and in-
18 serting a period;

19 (vii) in subparagraph (I) (as so reded-
20 ignated), by striking “qualifications” and
21 inserting “effectiveness”;

22 (viii) in subparagraph (J) (as so reded-
23 ignated), by striking “, including funds
24 under section 1002,”;

1 *(ix) in subparagraph (L) (as so reded-*
2 *ignated), by striking “section*
3 *1111(b)(2)(C)(v)(II)” and inserting “section*
4 *1111(b)(3)(B)(ii)(II)”;* and

5 *(x) in subparagraph (M) (as so reded-*
6 *ignated), by striking “Secretary” and in-*
7 *serting “Director”;*

8 *(C) in paragraph (3), by striking “Sec-*
9 *retary” and inserting “Director”;*

10 *(D) in paragraph (4), by striking “Sec-*
11 *retary” and inserting “Director”;*

12 *(E) in paragraph (5), by striking “Sec-*
13 *retary” and inserting “Director”;* and

14 *(F) in paragraph (6)—*

15 *(i) by striking “No Child Left Behind*
16 *Act of 2001” each place it appears and in-*
17 *serting “Student Success Act”;* and

18 *(ii) by striking “Secretary” each place*
19 *it appears and inserting “Director”;*

20 *(2) in subsection (b), by striking “Secretary”*
21 *each place it appears and inserting “Director”;*

22 *(3) in subsection (c)—*

23 *(A) in paragraph (1)—*

24 *(i) by striking “Secretary” and insert-*
25 *ing “Director”;* and

1 (ii) by striking “part A” and inserting
2 “subpart 1 of part A”;

3 (B) in paragraph (2)—

4 (i) by striking “Secretary” and insert-
5 ing “Director”;

6 (ii) in subparagraph (B), by striking
7 “challenging academic achievement stand-
8 ards” and inserting “State academic stand-
9 ards”;

10 (iii) in subparagraph (E), by striking
11 “effects of the availability” and all that fol-
12 lows and inserting “extent to which actions
13 authorized under section 1111(b)(3)(B)(iii)
14 improve the academic achievement of dis-
15 advantaged students and low-performing
16 schools.”; and

17 (iv) in subparagraph (F), by striking
18 “Secretary” and inserting “Director”; and

19 (C) in paragraph (3)—

20 (i) by striking “Secretary” and insert-
21 ing “Director”; and

22 (ii) by striking subparagraph (C) and
23 inserting the following:

1 “(C) analyzes varying models or strategies
2 for delivering school services, including
3 schoolwide and targeted services.”; and

4 (4) in subsection (d), by striking “Secretary”
5 each place it appears and inserting “Director”.

6 (e) AMENDMENTS TO SECTION 1302.—Section 1302
7 (20 U.S.C. 6493), as so redesignated, is amended—

8 (1) in subsection (a)—

9 (A) by striking “Secretary” and inserting
10 “Director”; and

11 (B) by striking “and for making decisions
12 about the promotion and graduation of stu-
13 dents”;

14 (2) in subsection (b)—

15 (A) by striking “Secretary” the first place
16 it appears and inserting “Director”;

17 (B) by striking “process,” and inserting
18 “process consistent with section 1206,”; and

19 (C) by striking “Assistant Secretary of
20 Educational Research and Improvement” and
21 inserting “Director”;

22 (3) in subsection (d)—

23 (A) in paragraph (1)—

24 (i) in subparagraph (A), by striking
25 “to the State-defined level of proficiency”

1 and inserting “toward meeting the State
2 academic standards”; and

3 (ii) in subparagraph (C), by striking
4 “pupil-services” and inserting “specialized
5 instructional support services”;

6 (B) in paragraph (3), by striking “limited
7 and nonlimited English proficient students” and
8 inserting “English learners”; and

9 (C) in paragraph (6), by striking “Sec-
10 retary” and inserting “Director”; and

11 (4) in subsection (f)—

12 (A) by striking “Secretary” and inserting
13 “Director”; and

14 (B) by striking “authorized to be appro-
15 priated for this part” and inserting “appro-
16 priated under section 3(a)(2)”.

17 **Subtitle E—Title I General**
18 **Provisions**

19 **SEC. 151. GENERAL PROVISIONS FOR TITLE I.**

20 *Part I of title I (20 U.S.C. 6571 et seq.)—*

21 (1) is transferred to appear after part B (as re-
22 designated); and

23 (2) is amended to read as follows:

1 **“PART C—GENERAL PROVISIONS**

2 **“SEC. 1401. FEDERAL REGULATIONS.**

3 “(a) *IN GENERAL.*—*The Secretary may, in accordance*
4 *with subsections (b) through (d), issue such regulations as*
5 *are necessary to reasonably ensure there is compliance with*
6 *this title.*

7 “(b) *NEGOTIATED RULEMAKING PROCESS.*—

8 “(1) *IN GENERAL.*—*Before publishing in the*
9 *Federal Register proposed regulations to carry out*
10 *this title, the Secretary shall obtain the advice and*
11 *recommendations of representatives of Federal, State,*
12 *and local administrators, parents, teachers, and mem-*
13 *bers of local school boards and other organizations in-*
14 *volved with the implementation and operation of pro-*
15 *grams under this title.*

16 “(2) *MEETINGS AND ELECTRONIC EXCHANGE.*—
17 *Such advice and recommendations may be obtained*
18 *through such mechanisms as regional meetings and*
19 *electronic exchanges of information.*

20 “(3) *PROPOSED REGULATIONS.*—*After obtaining*
21 *such advice and recommendations, and before pub-*
22 *lishing proposed regulations, the Secretary shall—*

23 “(A) *establish a negotiated rulemaking*
24 *process;*

25 “(B) *select individuals to participate in*
26 *such process from among individuals or groups*

1 *that provided advice and recommendations, in-*
2 *cluding representation from all geographic re-*
3 *gions of the United States, in such numbers as*
4 *will provide an equitable balance between rep-*
5 *resentatives of parents and students and rep-*
6 *resentatives of educators and education officials;*
7 *and*

8 *“(C) prepare a draft of proposed policy op-*
9 *tions that shall be provided to the individuals se-*
10 *lected by the Secretary under subparagraph (B)*
11 *not less than 15 days before the first meeting*
12 *under such process.*

13 *“(c) PROPOSED RULEMAKING.—If the Secretary deter-*
14 *mines that a negotiated rulemaking process is unnecessary*
15 *or the individuals selected to participate in the process*
16 *under paragraph (3)(B) fail to reach unanimous agree-*
17 *ment, the Secretary may propose regulations under the fol-*
18 *lowing procedure:*

19 *“(1) Not less than 30 days prior to beginning a*
20 *rulemaking process, the Secretary shall provide to*
21 *Congress, including the Committee on Education and*
22 *the Workforce of the House of Representatives and the*
23 *Committee on Health, Education, Labor, and Pen-*
24 *sions of the Senate, notice that shall include—*

25 *“(A) a copy of the proposed regulations;*

1 “(B) the need to issue regulations;

2 “(C) the anticipated burden, including the
3 time, cost, and paperwork burden, the regula-
4 tions will have on State educational agencies,
5 local educational agencies, schools, and other en-
6 tities that may be impacted by the regulations;
7 and

8 “(D) any regulations that will be repealed
9 when the new regulations are issued.

10 “(2) 30 days after giving notice of the proposed
11 rule to Congress, the Secretary may proceed with the
12 rulemaking process after all comments received from
13 the Congress have been addressed and publishing how
14 such comments are addressed with the proposed rule.

15 “(3) The comment and review period for any
16 proposed regulation shall be 90 days unless an emer-
17 gency requires a shorter period, in which case such
18 period shall be not less than 45 days and the Sec-
19 retary shall—

20 “(A) designate the proposed regulation as
21 an emergency with an explanation of the emer-
22 gency in the notice and report to Congress under
23 paragraph (1); and

1 “(B) publish the length of the comment and
2 review period in such notice and in the Federal
3 Register.

4 “(4) No regulation shall be made final after the
5 comment and review period until the Secretary has
6 published in the Federal Register an independent as-
7 sessment of—

8 “(A) the burden, including the time, cost,
9 and paperwork burden, the regulation will im-
10 pose on State educational agencies, local edu-
11 cational agencies, schools and other entities that
12 may be impacted by the regulation; and

13 “(B) an explanation of how the entities de-
14 scribed in subparagraph (A) may cover the cost
15 of the burden assessed under subparagraph (A).

16 “(d) *LIMITATION.*—Regulations to carry out this title
17 may not require local programs to follow a particular in-
18 structional model, such as the provision of services outside
19 the regular classroom or school program.

20 “**SEC. 1402. AGREEMENTS AND RECORDS.**

21 “(a) *AGREEMENTS.*—In the case in which a negotiated
22 rule making process is established under subsection (b) of
23 section 1401, all published proposed regulations shall con-
24 form to agreements that result from the rulemaking de-

1 *scribed in section 1401 unless the Secretary reopens the ne-*
2 *gotiated rulemaking process.*

3 “(b) *RECORDS.*—*The Secretary shall ensure that an*
4 *accurate and reliable record of agreements reached during*
5 *the negotiations process is maintained.*

6 **“SEC. 1403. STATE ADMINISTRATION.**

7 “(a) *RULEMAKING.*—

8 “(1) *IN GENERAL.*—*Each State that receives*
9 *funds under this title shall—*

10 “(A) *ensure that any State rules, regula-*
11 *tions, and policies relating to this title conform*
12 *to the purposes of this title and provide any such*
13 *proposed rules, regulations, and policies to the*
14 *committee of practitioners created under sub-*
15 *section (b) for review and comment;*

16 “(B) *minimize such rules, regulations, and*
17 *policies to which the State’s local educational*
18 *agencies and schools are subject;*

19 “(C) *eliminate or modify State and local*
20 *fiscal accounting requirements in order to facili-*
21 *tate the ability of schools to consolidate funds*
22 *under schoolwide programs;*

23 “(D) *identify any such rule, regulation, or*
24 *policy as a State-imposed requirement; and*

1 “(E)(i) identify any duplicative or con-
2 trasting requirements between the State and Fed-
3 eral rules or regulations;

4 “(ii) eliminate the rules and regulations
5 that are duplicative of Federal requirements; and

6 “(iii) report any conflicting requirements to
7 the Secretary and determine which Federal or
8 State rule or regulation shall be followed.

9 “(2) SUPPORT AND FACILITATION.—State rules,
10 regulations, and policies under this title shall support
11 and facilitate local educational agency and school-
12 level systemic reform designed to enable all children
13 to meet the State academic standards.

14 “(b) COMMITTEE OF PRACTITIONERS.—

15 “(1) IN GENERAL.—Each State educational
16 agency that receives funds under this title shall create
17 a State committee of practitioners to advise the State
18 in carrying out its responsibilities under this title.

19 “(2) MEMBERSHIP.—Each such committee shall
20 include—

21 “(A) as a majority of its members, rep-
22 resentatives from local educational agencies;

23 “(B) administrators, including the admin-
24 istrators of programs described in other parts of
25 this title;

1 **TITLE II—TEACHER PREPARA-**
 2 **TION AND EFFECTIVENESS**

3 **SEC. 201. TEACHER PREPARATION AND EFFECTIVENESS.**

4 (a) *HEADING.*—The title heading for title II (20
 5 U.S.C. 6601 et seq.) is amended to read as follows:

6 **“TITLE II—TEACHER PREPARA-**
 7 **TION AND EFFECTIVENESS”.**

8 (b) *PART A.*—Part A of title II (20 U.S.C. 6601 et
 9 seq.) is amended to read as follows:

10 **“PART A—SUPPORTING EFFECTIVE INSTRUCTION**

11 **“SEC. 2101. PURPOSE.**

12 “The purpose of this part is to provide grants to State
 13 educational agencies and subgrants to local educational
 14 agencies to—

15 “(1) increase student achievement consistent with
 16 State academic standards under section 1111(b)(1);

17 “(2) improve teacher and school leader effective-
 18 ness in classrooms and schools, respectively;

19 “(3) provide evidence-based, job-embedded, con-
 20 tinuous professional development; and

21 “(4) develop and implement teacher evaluation
 22 systems that use, in part, student achievement data to
 23 determine teacher effectiveness.

1 **“Subpart 1—Grants to States**

2 **“SEC. 2111. ALLOTMENTS TO STATES.**

3 “(a) *IN GENERAL.*—*Of the amounts appropriated*
4 *under section 3(b), the Secretary shall reserve 75 percent*
5 *to make grants to States with applications approved under*
6 *section 2112 to pay for the Federal share of the cost of car-*
7 *rying out the activities specified in section 2113. Each*
8 *grant shall consist of the allotment determined for a State*
9 *under subsection (b).*

10 “(b) *DETERMINATION OF ALLOTMENTS.*—

11 “(1) *RESERVATION OF FUNDS.*—*Of the amount*
12 *reserved under subsection (a) for a fiscal year, the*
13 *Secretary shall reserve—*

14 “(A) *not more than 1 percent to carry out*
15 *national activities under section 2132;*

16 “(B) *one-half of 1 percent for allotments to*
17 *outlying areas on the basis of their relative need,*
18 *as determined by the Secretary, in accordance*
19 *with the purpose of this part; and*

20 “(C) *one-half of 1 percent for the Secretary*
21 *of the Interior for programs under this part in*
22 *schools operated or funded by the Bureau of In-*
23 *Indian Education.*

24 “(2) *STATE ALLOTMENTS.*—

25 “(A) *IN GENERAL.*—*Subject to subpara-*
26 *graph (B), from the funds reserved under sub-*

1 *section (a) for any fiscal year and not reserved*
2 *under paragraph (1), the Secretary shall allot to*
3 *each State the sum of—*

4 *“(i) an amount that bears the same re-*
5 *lationship to 50 percent of the funds as the*
6 *number of individuals age 5 through 17 in*
7 *the State, as determined by the Secretary on*
8 *the basis of the most recent satisfactory*
9 *data, bears to the number of those individ-*
10 *uals in all such States, as so determined;*
11 *and*

12 *“(ii) an amount that bears the same*
13 *relationship to 50 percent of the funds as*
14 *the number of individuals age 5 through 17*
15 *from families with incomes below the pov-*
16 *erty line in the State, as determined by the*
17 *Secretary on the basis of the most recent*
18 *satisfactory data, bears to the number of*
19 *those individuals in all such States, as so*
20 *determined.*

21 *“(B) SMALL STATE MINIMUM.—No State re-*
22 *ceiving an allotment under subparagraph (A)*
23 *may receive less than one-half of 1 percent of the*
24 *total amount of funds allotted under such sub-*
25 *paragraph for a fiscal year.*

1 “(c) *ALTERNATE DISTRIBUTION OF FUNDS.*—

2 “(1) *IN GENERAL.*—Subject to paragraphs (2)
3 *through (5), if a State does not apply to the Secretary*
4 *for an allotment under this section, a local edu-*
5 *cational agency located in such State may apply to*
6 *the Secretary for a portion of the funds that would*
7 *have been allotted to the State had such State applied*
8 *for an allotment under this section to carry out the*
9 *activities under this part.*

10 “(2) *APPLICATION.*—In order to receive an allot-
11 *ment under paragraph (1), a local educational agency*
12 *shall submit to the Secretary an application at such*
13 *time, in such manner, and containing the informa-*
14 *tion described in section 2122.*

15 “(3) *USE OF FUNDS.*—A local educational agen-
16 *cy receiving an allotment under paragraph (1)—*

17 “(A) *shall use such funds to carry out the*
18 *activities described in section 2123(1); and*

19 “(B) *may use such funds to carry out the*
20 *activities described in section 2123(2).*

21 “(4) *REPORTING REQUIREMENTS.*—A local edu-
22 *cational agency receiving an allotment under para-*
23 *graph (1) shall carry out the reporting requirements*
24 *described in section 2131(a), except that annual re-*

1 ports shall be submitted to the Secretary and not a
2 State educational agency.

3 “(5) *AMOUNT OF ALLOTMENT.*—An allotment
4 made to a local educational agency under paragraph
5 (1) for a fiscal year shall be equal to the amount of
6 subgrant funds that the local educational agency
7 would have received under subpart 2 had such agency
8 applied for a subgrant under such subpart for such
9 fiscal year.

10 “(d) *REALLOTMENT.*—If a State does not apply for an
11 allotment under this section for any fiscal year or only a
12 portion of the State’s allotment is allotted under subsection
13 (c), the Secretary shall reallocate the State’s entire allotment
14 or the remaining portion of its allotment, as the case may
15 be, to the remaining States in accordance with subsection
16 (b).

17 **“SEC. 2112. STATE APPLICATION.**

18 “(a) *IN GENERAL.*—For a State to be eligible to receive
19 a grant under this subpart, the State educational agency
20 shall submit an application to the Secretary at such time
21 and in such a manner as the Secretary may reasonably
22 require, which shall include the following:

23 “(1) A description of how the State educational
24 agency will meet the requirements of this subpart.

1 “(2) A description of how the State educational
2 agency will use a grant received under section 2111,
3 including the grant funds the State will reserve for
4 State-level activities under section 2113(a)(2).

5 “(3) A description of how the State educational
6 agency will facilitate the sharing of evidence-based
7 and other effective strategies among local educational
8 agencies.

9 “(4) A description of how, and under what
10 timeline, the State educational agency will allocate
11 subgrants under subpart 2 to local educational agen-
12 cies.

13 “(5) In the case of a State educational agency
14 that is not developing or implementing a statewide
15 teacher evaluation system, a description of how the
16 State educational agency will ensure that each local
17 educational agency in the State receiving a subgrant
18 under subpart 2 will implement a teacher evaluation
19 system that meets the requirements of clauses (i)
20 through (v) of section 2123(1)(A).

21 “(6) In the case of a State educational agency
22 that is developing or implementing a statewide teach-
23 er evaluation system—

24 “(A) a description of how the State edu-
25 cational agency will work with local educational

1 *agencies in the State to implement the statewide*
2 *teacher evaluation system within 3 years of the*
3 *date of enactment of the Student Success Act;*
4 *and*

5 *“(B) an assurance that the statewide teach-*
6 *er evaluation system complies with clauses (i)*
7 *through (v) of section 2123(1)(A).*

8 *“(7) An assurance that the State educational*
9 *agency will comply with section 5501 (regarding par-*
10 *ticipation by private school children and teachers).*

11 *“(b) DEEMED APPROVAL.—An application submitted*
12 *by a State educational agency under subsection (a) shall*
13 *be deemed to be approved by the Secretary unless the Sec-*
14 *retary makes a written determination, prior to the expira-*
15 *tion of the 120-day period beginning on the date on which*
16 *the Secretary received the application, that the application*
17 *is not in compliance with this subpart.*

18 *“(c) DISAPPROVAL.—The Secretary shall not finally*
19 *disapprove an application, except after giving the State*
20 *educational agency notice and an opportunity for a hear-*
21 *ing.*

22 *“(d) NOTIFICATION.—If the Secretary finds that an*
23 *application is not in compliance, in whole or in part, with*
24 *this subpart, the Secretary shall—*

1 “(1) give the State educational agency notice
2 and an opportunity for a hearing; and

3 “(2) notify the State educational agency of the
4 finding of noncompliance and, in such notification,
5 shall—

6 “(A) cite the specific provisions in the ap-
7 plication that are not in compliance; and

8 “(B) request additional information, only
9 as to the noncompliant provisions, needed to
10 make the application compliant.

11 “(e) *RESPONSE*.—If a State educational agency re-
12 sponds to a notification from the Secretary under subsection
13 (d)(2) during the 45-day period beginning on the date on
14 which the agency received the notification, and resubmits
15 the application with the requested information described in
16 subsection (d)(2)(B), the Secretary shall approve or dis-
17 approve such application prior to the later of—

18 “(1) the expiration of the 45-day period begin-
19 ning on the date on which the application is resub-
20 mitted; or

21 “(2) the expiration of the 120-day period de-
22 scribed in subsection (b).

23 “(f) *FAILURE TO RESPOND*.—If a State educational
24 agency does not respond to a notification from the Secretary
25 under subsection (d)(2) during the 45-day period beginning

1 *on the date on which the agency received the notification,*
2 *such application shall be deemed to be disapproved.*

3 **“SEC. 2113. STATE USE OF FUNDS.**

4 *“(a) IN GENERAL.—A State educational agency that*
5 *receives a grant under section 2111 shall—*

6 *“(1) reserve 95 percent of the grant funds to*
7 *make subgrants to local educational agencies under*
8 *subpart 2; and*

9 *“(2) use the remainder of the funds, after reserv-*
10 *ing funds under paragraph (1), for the State activi-*
11 *ties described in subsection (b), except that the State*
12 *may reserve not more than 1 percent of the grant*
13 *funds for planning and administration related to car-*
14 *rying out activities described in subsection (b).*

15 *“(b) STATE-LEVEL ACTIVITIES.—A State educational*
16 *agency that receives a grant under section 2111—*

17 *“(1) shall use the amount described in subsection*
18 *(a)(2) to—*

19 *“(A) provide training and technical assist-*
20 *ance to local educational agencies on—*

21 *“(i) in the case of a State educational*
22 *agency not implementing a statewide teach-*
23 *er evaluation system—*

24 *“(I) the development and imple-*
25 *mentation of a teacher evaluation sys-*

1 *tem that meets the requirements of*
2 *clauses (i) through (v) of section*
3 *2123(1)(A); and*

4 *“(II) training school leaders in*
5 *using such evaluation system; or*

6 *“(ii) in the case of a State educational*
7 *agency implementing a statewide teacher*
8 *evaluation system, implementing such eval-*
9 *uation system; and*

10 *“(B) fulfill the State educational agency’s*
11 *responsibilities with respect to the proper and ef-*
12 *ficient administration of the subgrant program*
13 *carried out under this part; and*

14 *“(2) may use the amount described in subsection*
15 *(a)(2) to—*

16 *“(A) disseminate and share evidence-based*
17 *and other effective practices, including practices*
18 *consistent with the principles of effectiveness de-*
19 *scribed in section 2222(b), related to teacher and*
20 *school leader effectiveness and professional devel-*
21 *opment;*

22 *“(B) provide professional development for*
23 *teachers and school leaders in the State con-*
24 *sistent with section 2123(2)(D); and*

1 “(C) provide training and technical assist-
2 ance to local educational agencies on—

3 “(i) in the case of a State educational
4 agency not implementing a statewide school
5 leader evaluation system, the development
6 and implementation of a school leader eval-
7 uation system; and

8 “(ii) in the case of a State educational
9 agency implementing a statewide school
10 leader evaluation system, implementing
11 such evaluation system.

12 **“Subpart 2—Subgrants to Local Educational**
13 **Agencies**

14 **“SEC. 2121. ALLOCATIONS TO LOCAL EDUCATIONAL AGEN-**
15 **CIES.**

16 “(a) *IN GENERAL.*—Each State receiving a grant
17 under section 2111 shall use the funds reserved under sec-
18 tion 2113(a)(1) to award subgrants to local educational
19 agencies under this section.

20 “(b) *ALLOCATION OF FUNDS.*—From the funds re-
21 served by a State under section 2113(a)(1), the State edu-
22 cational agency shall allocate to each local educational
23 agency in the State the sum of—

24 “(1) an amount that bears the same relationship
25 to 50 percent of the funds as the number of individ-

1 uals age 5 through 17 in the geographic area served
2 by the local educational agency, as determined by the
3 State on the basis of the most recent satisfactory data,
4 bears to the number of those individuals in the geo-
5 graphic areas served by all the local educational agen-
6 cies in the State, as so determined; and

7 “(2) an amount that bears the same relationship
8 to 50 percent of the funds as the number of individ-
9 uals age 5 through 17 from families with incomes
10 below the poverty line in the geographic area served
11 by the local educational agency, as determined by the
12 State on the basis of the most recent satisfactory data,
13 bears to the number of those individuals in the geo-
14 graphic areas served by all the local educational agen-
15 cies in the State, as so determined.

16 **“SEC. 2122. LOCAL APPLICATIONS.**

17 “To be eligible to receive a subgrant under this sub-
18 part, a local educational agency shall submit an applica-
19 tion to the State educational agency involved at such time,
20 in such a manner, and containing such information as the
21 State educational agency may reasonably require that, at
22 a minimum, shall include the following:

23 “(1) A description of—

24 “(A) how the local educational agency will
25 meet the requirements of this subpart;

1 “(B) how the activities to be carried out by
2 the local educational agency under this subpart
3 will be evidence-based, improve student academic
4 achievement, and improve teacher and school
5 leader effectiveness;

6 “(C) in the case of a local educational agen-
7 cy not in a State with a statewide teacher eval-
8 uation system, the teacher evaluation system that
9 will be developed and implemented under section
10 2123(1) and how such system will meet the re-
11 quirements described in clauses (i) through (v) of
12 section 2123(1)(A);

13 “(D) how, in developing and implementing
14 such a teacher evaluation system, the local edu-
15 cational agency will work with parents, teachers,
16 school leaders, and other staff of the schools
17 served by the local educational agency; and

18 “(E) how the local educational agency will
19 develop and implement such a teacher evaluation
20 system within 3 years of the date of enactment
21 of the Student Success Act.

22 “(2) In the case of a local educational agency in
23 a State with a statewide teacher evaluation system, a
24 description of how the local educational agency will
25 work with the State educational agency to implement

1 *the statewide teacher evaluation system within 3*
2 *years of the date of enactment of the Student Success*
3 *Act.*

4 “(3) *An assurance that the local educational*
5 *agency will comply with section 5501 (regarding par-*
6 *ticipation by private school children and teachers).*

7 **“SEC. 2123. LOCAL USE OF FUNDS.**

8 *“A local educational agency receiving a subgrant*
9 *under this subpart—*

10 “(1) *shall use such funds—*

11 “(A) *to develop and implement a teacher*
12 *evaluation system that—*

13 “(i) *uses student achievement data de-*
14 *rived from a variety of sources as a signifi-*
15 *cant factor in determining a teacher’s eval-*
16 *uation, with the weight given to such data*
17 *defined by the local educational agency;*

18 “(ii) *uses multiple measures of evalua-*
19 *tion for evaluating teachers;*

20 “(iii) *has more than 2 categories for*
21 *rating the performance of teachers;*

22 “(iv) *shall be used to make personnel*
23 *decisions, as determined by the local edu-*
24 *cational agency; and*

1 “(v) is based on input from parents,
2 school leaders, teachers, and other staff of
3 schools served by the local educational agen-
4 cy; or

5 “(B) in the case of a local educational agen-
6 cy located in a State implementing a statewide
7 teacher evaluation system, to implement such
8 evaluation system; and

9 “(2) may use such funds for—

10 “(A) the training of school leaders or other
11 individuals for the purpose of evaluating teach-
12 ers under a teacher evaluation system described
13 in subparagraph (A) or (B) of paragraph (1), as
14 appropriate;

15 “(B) in the case of a local educational agen-
16 cy located in a State implementing a statewide
17 school leader evaluation system, to implement
18 such evaluation system;

19 “(C) in the case of a local educational agen-
20 cy located in a State not implementing a state-
21 wide school leader evaluation system, the devel-
22 opment and implementation of a school leader
23 evaluation system;

1 “(D) professional development for teachers
2 and school leaders that is evidence-based, job-em-
3 bedded, and continuous, such as—

4 “(i) subject-based professional develop-
5 ment for teachers;

6 “(ii) professional development aligned
7 with the State’s academic standards;

8 “(iii) professional development to as-
9 sist teachers in meeting the needs of stu-
10 dents with different learning styles, particu-
11 larly students with disabilities, English
12 learners, and gifted and talented students;

13 “(iv) professional development for
14 teachers identified as in need of additional
15 support through data provided by a teacher
16 evaluation system described in subpara-
17 graph (A) or (B) of paragraph (1), as ap-
18 propriate;

19 “(v) professional development based on
20 the current science of learning, which in-
21 cludes research on positive brain change
22 and cognitive skill development;

23 “(vi) professional development for
24 school leaders, including evidence-based
25 mentorship programs for such leaders;

1 “(vii) professional development on in-
2 tegrated, interdisciplinary, and project-
3 based teaching strategies, including for ca-
4 reer and technical education teachers; or

5 “(viii) professional development on
6 teaching dual credit and dual enrollment
7 postsecondary-level courses to secondary
8 school students;

9 “(E) partnering with a public or private
10 organization or a consortium of such organiza-
11 tions to develop and implement a teacher evalua-
12 tion system described in subparagraph (A) or
13 (B) of paragraph (1), or to administer profes-
14 sional development, as appropriate;

15 “(F) any activities authorized under section
16 2222(a); or

17 “(G) class size reduction, except that the
18 local educational agency may use not more than
19 10 percent of such funds for this purpose.

20 **“Subpart 3—General Provisions**

21 **“SEC. 2131. REPORTING REQUIREMENTS.**

22 “(a) LOCAL EDUCATIONAL AGENCIES.—Each local
23 educational agency receiving a subgrant under subpart 2
24 shall submit to the State educational agency involved, on

1 *an annual basis until the last year in which the local edu-*
2 *cational agency receives such subgrant funds, a report on—*

3 “(1) *how the local educational agency is meeting*
4 *the purposes of this part described in section 2101;*

5 “(2) *how the local educational agency is using*
6 *such subgrant funds;*

7 “(3) *the number and percentage of teachers in*
8 *each category established under clause (iii) of section*
9 *2123(1)(A), except that such report shall not reveal*
10 *personally identifiable information about an indi-*
11 *vidual teacher; and*

12 “(4) *any such other information as the State*
13 *educational agency may require.*

14 “(b) *STATE EDUCATIONAL AGENCIES.—Each State*
15 *educational agency receiving a grant under subpart 1 shall*
16 *submit to the Secretary a report, on an annual basis until*
17 *the last year in which the State educational agency receives*
18 *such grant funds, on—*

19 “(1) *how the State educational agency is meeting*
20 *the purposes of this part described in section 2101;*
21 *and*

22 “(2) *how the State educational agency is using*
23 *such grant funds.*

1 **“SEC. 2132. NATIONAL ACTIVITIES.**

2 *“From the funds reserved by the Secretary under sec-*
3 *tion 2111(b)(1)(A), the Secretary shall, directly or through*
4 *grants and contracts—*

5 *“(1) provide technical assistance to States and*
6 *local educational agencies in carrying out activities*
7 *under this part; and*

8 *“(2) acting through the Institute of Education*
9 *Sciences, conduct national evaluations of activities*
10 *carried out by State educational agencies and local*
11 *educational agencies under this part.*

12 **“SEC. 2133. STATE DEFINED.**

13 *“In this part, the term ‘State’ means each of the 50*
14 *States, the District of Columbia, and the Commonwealth*
15 *of Puerto Rico.”.*

16 *(c) PART B.—Part B of title II (20 U.S.C. 6661 et*
17 *seq.) is amended to read as follows:*

18 **“PART B—TEACHER AND SCHOOL LEADER**
19 **FLEXIBLE GRANT**

20 **“SEC. 2201. PURPOSE.**

21 *“The purpose of this part is to improve student aca-*
22 *demic achievement by—*

23 *“(1) supporting all State educational agencies,*
24 *local educational agencies, schools, teachers, and*
25 *school leaders to pursue innovative and evidence-based*

1 *practices to help all students meet the State’s aca-*
2 *demie standards; and*

3 *“(2) increasing the number of teachers and*
4 *school leaders who are effective in increasing student*
5 *academic achievement.*

6 **“Subpart 1—Formula Grants to States**

7 **“SEC. 2211. STATE ALLOTMENTS.**

8 *“(a) RESERVATIONS.—From the amount appropriated*
9 *under section 3(b) for any fiscal year, the Secretary—*

10 *“(1) shall reserve 25 percent to award grants to*
11 *States under this subpart; and*

12 *“(2) of the amount reserved under paragraph*
13 *(1), shall reserve—*

14 *“(A) not more than 1 percent for national*
15 *activities described in section 2233;*

16 *“(B) one-half of 1 percent for allotments to*
17 *outlying areas on the basis of their relative need,*
18 *as determined by the Secretary, in accordance*
19 *with the purpose of this part; and*

20 *“(C) one-half of 1 percent for the Secretary*
21 *of the Interior for programs under this part in*
22 *schools operated or funded by the Bureau of In-*
23 *dian Education.*

24 *“(b) STATE ALLOTMENTS.—*

1 “(1) *IN GENERAL.*—From the total amount re-
2 served under subsection (a)(1) for each fiscal year and
3 not reserved under subparagraphs (A) through (C) of
4 subsection (a)(2), the Secretary shall allot, and make
5 available in accordance with this section, to each
6 State an amount that bears the same ratio to such
7 sums as the school-age population of the State bears
8 to the school-age population of all States.

9 “(2) *SMALL STATE MINIMUM.*—No State receiv-
10 ing an allotment under paragraph (1) may receive
11 less than one-half of 1 percent of the total amount al-
12 lotted under such paragraph.

13 “(3) *REALLOTMENT.*—If a State does not receive
14 an allotment under this subpart for a fiscal year, the
15 Secretary shall reallocate the amount of the State’s allot-
16 ment to the remaining States in accordance with this
17 section.

18 “(c) *STATE APPLICATION.*—In order to receive an al-
19 lotment under this section for any fiscal year, a State shall
20 submit an application to the Secretary, at such time and
21 in such manner as the Secretary may reasonably require.
22 Such application shall—

23 “(1) designate the State educational agency as
24 the agency responsible for the administration and su-
25 pervision of programs assisted under this part;

1 “(2) describe how the State educational agency
2 will use funds received under this section for State
3 level activities described in subsection (d)(3);

4 “(3) describe the procedures and criteria the
5 State educational agency will use for reviewing appli-
6 cations and awarding subgrants in a timely manner
7 to eligible entities under section 2221 on a competi-
8 tive basis;

9 “(4) describe how the State educational agency
10 will ensure that subgrants made under section 2221
11 are of sufficient size and scope to support effective
12 programs that will help increase academic achieve-
13 ment in the classroom and are consistent with the
14 purposes of this part;

15 “(5) describe the steps the State educational
16 agency will take to ensure that eligible entities use
17 subgrants received under section 2221 to carry out
18 programs that implement effective strategies, includ-
19 ing by providing ongoing technical assistance and
20 training, and disseminating evidence-based and other
21 effective strategies to such eligible entities;

22 “(6) describe how programs under this part will
23 be coordinated with other programs under this Act;
24 and

1 “(7) include an assurance that, other than pro-
2 viding technical and advisory assistance and moni-
3 toring compliance with this part, the State edu-
4 cational agency has not exercised, and will not exer-
5 cise, any influence in the decision-making processes of
6 eligible entities as to the expenditure of funds made
7 pursuant to an application submitted under section
8 2221(b).

9 “(d) STATE USE OF FUNDS.—

10 “(1) IN GENERAL.—Each State that receives an
11 allotment under this section shall reserve not less than
12 92 percent of the amount allotted to such State under
13 subsection (b), for each fiscal year, for subgrants to el-
14 igible entities under subpart 2.

15 “(2) STATE ADMINISTRATION.—A State edu-
16 cational agency may reserve not more than 1 percent
17 of the amount made available to the State under sub-
18 section (b) for the administrative costs of carrying out
19 such State educational agency’s responsibilities under
20 this subpart.

21 “(3) STATE-LEVEL ACTIVITIES.—

22 “(A) INNOVATIVE TEACHER AND SCHOOL
23 LEADER ACTIVITIES.—A State educational agen-
24 cy shall reserve not more than 4 percent of the
25 amount made available to the State under sub-

1 *section (b) to carry out, solely, or in partnership*
2 *with State agencies of higher education, 1 or*
3 *more of the following activities:*

4 *“(i) Reforming teacher and school lead-*
5 *er certification, recertification, licensing,*
6 *and tenure systems to ensure that such sys-*
7 *tems are rigorous and that—*

8 *“(I) each teacher has the subject*
9 *matter knowledge and teaching skills*
10 *necessary to help students meet the*
11 *State’s academic standards; and*

12 *“(II) school leaders have the in-*
13 *structional leadership skills to help*
14 *teachers instruct and students learn.*

15 *“(ii) Improving the quality of teacher*
16 *preparation programs within the State, in-*
17 *cluding through the use of appropriate stu-*
18 *dent achievement data and other factors to*
19 *evaluate the quality of teacher preparation*
20 *programs within the State.*

21 *“(iii) Carrying out programs that es-*
22 *tablish, expand, or improve alternative*
23 *routes for State certification or licensure of*
24 *teachers and school leaders, including such*
25 *programs for—*

1 “(I) mid-career professionals from
2 other occupations, including science,
3 technology, engineering, and math
4 fields;

5 “(II) former military personnel;
6 and

7 “(III) recent graduates of an in-
8 stitution of higher education, with a
9 record of academic distinction, who
10 demonstrate the potential to become ef-
11 fective teachers or school leaders.

12 “(iv) Developing, or assisting eligible
13 entities in developing—

14 “(I) performance-based pay sys-
15 tems for teachers and school leaders;

16 “(II) strategies that provide dif-
17 ferential, incentive, or bonus pay for
18 teachers and school leaders; or

19 “(III) teacher and school leader
20 advancement initiatives that promote
21 professional growth and emphasize
22 multiple career paths and pay differen-
23 tiation.

24 “(v) Developing, or assisting eligible
25 entities in developing, new, evidence-based

1 *teacher and school leader induction and*
2 *mentoring programs that are designed to—*

3 “(I) *improve instruction and stu-*
4 *dent academic achievement; and*

5 “(II) *increase the retention of ef-*
6 *fective teachers and school leaders.*

7 “(vi) *Providing professional develop-*
8 *ment for teachers and school leaders that is*
9 *focused on improving teaching and student*
10 *academic achievement, including for stu-*
11 *dents with different learning styles, particu-*
12 *larly students with disabilities, English*
13 *learners, gifted and talented students, and*
14 *other special populations.*

15 “(vii) *Providing training and tech-*
16 *nical assistance to eligible entities that re-*
17 *ceive a subgrant under section 2221.*

18 “(viii) *Other activities identified by*
19 *the State educational agency that meet the*
20 *purposes of this part, including those activi-*
21 *ties authorized under subparagraph (B).*

22 “(B) *TEACHER OR SCHOOL LEADER PREPA-*
23 *RATION ACADEMIES.—*

24 “(i) *IN GENERAL.—In the case of a*
25 *State in which teacher or school leader*

1 *preparation academies are allowable under*
2 *State law, a State educational agency may*
3 *reserve not more than 3 percent of the*
4 *amount made available to the State under*
5 *subsection (b) to support the establishment*
6 *or expansion of one or more teacher or*
7 *school leader preparation academies and,*
8 *subject to the limitation under clause (iii),*
9 *to support State authorizers for such acad-*
10 *emies.*

11 “(ii) *MATCHING REQUIREMENT.—A*
12 *State educational agency shall not provide*
13 *funds under this subparagraph to support*
14 *the establishment or expansion of a teacher*
15 *or school leader preparation academy unless*
16 *the academy agrees to provide, either di-*
17 *rectly or through private contributions, non-*
18 *Federal matching funds equal to not less*
19 *than 10 percent of the amount of the funds*
20 *the academy will receive under this sub-*
21 *paragraph.*

22 “(iii) *FUNDING FOR STATE AUTHOR-*
23 *IZERS.—Not more than 5 percent of funds*
24 *provided to a teacher or school leader prepa-*
25 *ration academy under this subparagraph*

1 *may be used to support activities of State*
2 *authorizers for such academy.*

3 **“SEC. 2212. APPROVAL AND DISAPPROVAL OF STATE APPLI-**
4 **CATIONS.**

5 *“(a) DEEMED APPROVAL.—An application submitted*
6 *by a State pursuant to section 2211(c) shall be deemed to*
7 *be approved by the Secretary unless the Secretary makes*
8 *a written determination, prior to the expiration of the 120-*
9 *day period beginning on the date on which the Secretary*
10 *received the application, that the application is not in com-*
11 *pliance with section 2211(c).*

12 *“(b) DISAPPROVAL PROCESS.—*

13 *“(1) IN GENERAL.—The Secretary shall not fi-*
14 *nally disapprove an application submitted under sec-*
15 *tion 2211(c), except after giving the State educational*
16 *agency notice and an opportunity for a hearing.*

17 *“(2) NOTIFICATION.—If the Secretary finds that*
18 *an application is not in compliance, in whole or in*
19 *part, with section 2211(c) the Secretary shall—*

20 *“(A) give the State educational agency no-*
21 *tice and an opportunity for a hearing; and*

22 *“(B) notify the State educational agency of*
23 *the finding of noncompliance and, in such notifi-*
24 *cation, shall—*

1 “(i) cite the specific provisions in the
2 application that are not in compliance; and

3 “(ii) request additional information,
4 only as to the noncompliant provisions,
5 needed to make the application compliant.

6 “(3) *RESPONSE*.—If a State educational agency
7 responds to a notification from the Secretary under
8 paragraph (2)(B) during the 45-day period beginning
9 on the date on which the State educational agency re-
10 ceived the notification, and resubmits the application
11 with the requested information described in para-
12 graph (2)(B)(ii), the Secretary shall approve or dis-
13 approve such application prior to the later of—

14 “(A) the expiration of the 45-day period be-
15 ginning on the date on which the application is
16 resubmitted; or

17 “(B) the expiration of the 120-day period
18 described in subsection (a).

19 “(4) *FAILURE TO RESPOND*.—If the State edu-
20 cational agency does not respond to a notification
21 from the Secretary under paragraph (2)(B) during
22 the 45-day period beginning on the date on which the
23 State educational agency received the notification,
24 such application shall be deemed to be disapproved.

1 **“Subpart 2—Local Competitive Grant Program**

2 **“SEC. 2221. LOCAL COMPETITIVE GRANT PROGRAM.**

3 “(a) *IN GENERAL.*—A State that receives an allotment
4 under section 2211(b) for a fiscal year shall use the amount
5 reserved under section 2211(d)(1) to award subgrants, on
6 a competitive basis, to eligible entities in accordance with
7 this section to enable such entities to carry out the programs
8 and activities described in section 2222.

9 “(b) *APPLICATION.*—

10 “(1) *IN GENERAL.*—To be eligible to receive a
11 subgrant under this section, an eligible entity shall
12 submit an application to the State educational agen-
13 cy at such time, in such manner, and including such
14 information as the State educational agency may rea-
15 sonably require.

16 “(2) *CONTENTS.*—Each application submitted
17 under paragraph (1) shall include—

18 “(A) a description of the programs and ac-
19 tivities to be funded and how they are consistent
20 with the purposes of this part; and

21 “(B) an assurance that the eligible entity
22 will comply with section 5501 (regarding par-
23 ticipation by private school children and teach-
24 ers).

25 “(c) *PEER REVIEW.*—In reviewing applications under
26 this section, a State educational agency shall use a peer

1 review process or other methods of assuring the quality of
2 such applications but the review shall only judge the likeli-
3 hood of the activity to increase student academic achieve-
4 ment. The reviewers shall not make a determination based
5 on the policy of the proposed activity.

6 “(d) *GEOGRAPHIC DIVERSITY.*—A State educational
7 agency shall distribute funds under this section equitably
8 among geographic areas within the State, including rural,
9 suburban, and urban communities.

10 “(e) *DURATION OF AWARDS.*—A State educational
11 agency may award subgrants under this section for a period
12 of not more than 5 years.

13 “(f) *MATCHING.*—An eligible entity receiving a
14 subgrant under this section shall provide, either directly or
15 through private contributions, non-Federal matching funds
16 equal to not less than 10 percent of the amount of the
17 subgrant.

18 **“SEC. 2222. LOCAL AUTHORIZED ACTIVITIES.**

19 “(a) *IN GENERAL.*—Each eligible entity receiving a
20 subgrant under section 2221 shall use such subgrant funds
21 to develop, implement, and evaluate comprehensive pro-
22 grams and activities, that are in accordance with the pur-
23 pose of this part and—

24 “(1) are consistent with the principles of effec-
25 tiveness described in subsection (b); and

1 “(2) may include, among other programs and
2 activities—

3 “(A) developing and implementing initia-
4 tives to assist in recruiting, hiring, and retain-
5 ing highly effective teachers and school leaders,
6 including initiatives that provide—

7 “(i) differential, incentive, or bonus
8 pay for teachers and school leaders;

9 “(ii) performance-based pay systems
10 for teachers and school leaders;

11 “(iii) teacher and school leader ad-
12 vancement initiatives that promote profes-
13 sional growth and emphasize multiple ca-
14 reer paths and pay differentiation;

15 “(iv) new teacher and school leader in-
16 duction and mentoring programs that are
17 designed to improve instruction, student
18 academic achievement, and to increase
19 teacher and school leader retention; and

20 “(v) teacher residency programs, and
21 school leader residency programs, designed
22 to develop and support new teachers or new
23 school leaders, respectively;

1 “(B) supporting the establishment or expansion of teacher or school leader preparation academies under section 2211(d)(3)(B);

2
3
4 “(C) recruiting qualified individuals from other fields, including individuals from science, technology, engineering, and math fields, mid-career professionals from other occupations, and former military personnel;

5
6
7
8
9 “(D) establishing, improving, or expanding model instructional programs to ensure that all children meet the State’s academic standards;

10
11
12 “(E) providing evidence-based, job embedded, continuous professional development for teachers and school leaders focused on improving teaching and student academic achievement;

13
14
15
16 “(F) implementing programs based on the current science of learning, which includes research on positive brain change and cognitive skill development;

17
18
19
20 “(G) recruiting and training teachers to teach dual credit and dual enrollment postsecondary-level courses to secondary school students; and

21
22
23

1 “(H) other activities and programs identi-
2 fied as necessary by the local educational agency
3 that meet the purpose of this part.

4 “(b) *PRINCIPLES OF EFFECTIVENESS.*—For a pro-
5 gram or activity developed pursuant to this section to meet
6 the principles of effectiveness, such program or activity
7 shall—

8 “(1) be based upon an assessment of objective
9 data regarding the need for programs and activities
10 in the elementary schools and secondary schools served
11 to increase the number of teachers and school leaders
12 who are effective in improving student academic
13 achievement;

14 “(2) reflect evidence-based research, or in the ab-
15 sence of a strong research base, reflect effective strate-
16 gies in the field, that provide evidence that the pro-
17 gram or activity will improve student academic
18 achievement; and

19 “(3) include meaningful and ongoing consulta-
20 tion with, and input from, teachers, school leaders,
21 and parents, in the development of the application
22 and administration of the program or activity.

1 **“Subpart 3—General Provisions**

2 **“SEC. 2231. PERIODIC EVALUATION.**

3 “(a) *IN GENERAL.*—*Each eligible entity and each*
4 *teacher or school leader preparation academy that receives*
5 *funds under this part shall undergo a periodic evaluation*
6 *by the State educational agency involved to assess such enti-*
7 *ty’s or such academy’s progress toward achieving the pur-*
8 *poses of this part.*

9 “(b) *USE OF RESULTS.*—*The results of an evaluation*
10 *described in subsection (a) of an eligible entity or academy*
11 *shall be—*

12 “(1) *used to refine, improve, and strengthen such*
13 *eligible entity or such academy, respectively; and*

14 “(2) *made available to the public upon request,*
15 *with public notice of such availability provided.*

16 **“SEC. 2232. REPORTING REQUIREMENTS.**

17 “(a) *ELIGIBLE ENTITIES AND ACADEMIES.*—*Each eli-*
18 *gible entity and each teacher or school leader preparation*
19 *academy that receives funds from a State educational agen-*
20 *cy under this part shall prepare and submit annually to*
21 *such State educational agency a report that includes—*

22 “(1) *a description of the progress of the eligible*
23 *entity or teacher or school leader preparation acad-*
24 *emy, respectively, in meeting the purposes of this*
25 *part;*

1 “(2) a description of the programs and activities
2 conducted by the eligible entity or teacher or school
3 leader preparation academy, respectively, with funds
4 received under this part;

5 “(3) how the eligible entity or teacher or school
6 leader preparation academy, respectively, is using
7 such funds; and

8 “(4) any such other information as the State
9 educational agency may require.

10 “(b) *STATE EDUCATIONAL AGENCIES.*—Each State
11 educational agency that receives a grant under this part
12 shall prepare and submit, annually, to the Secretary a re-
13 port that includes—

14 “(1) a description of the programs and activities
15 conducted by the State educational agency with grant
16 funds received under this part;

17 “(2) a description of the progress of the State
18 educational agency in meeting the purposes of this
19 part described in section 2201;

20 “(3) how the State educational agency is using
21 grant funds received under this part;

22 “(4) the methods and criteria the State edu-
23 cational agency used to award subgrants in a timely
24 manner to eligible entities under section 2221 and, if
25 applicable, funds in a timely manner to teacher or

1 *school leader academies under section 2211(d)(3)(B);*
2 *and*

3 *“(5) the results of the periodic evaluations con-*
4 *ducted under section 2231.*

5 **“SEC. 2233. NATIONAL ACTIVITIES.**

6 *“From the funds reserved by the Secretary under sec-*
7 *tion 2211(a)(2)(A), the Secretary shall, directly or through*
8 *grants and contracts—*

9 *“(1) provide technical assistance to States and*
10 *eligible entities in carrying out activities under this*
11 *part; and*

12 *“(2) acting through the Institute of Education*
13 *Sciences, conduct national evaluations of activities*
14 *carried out by States and eligible entities under this*
15 *part.*

16 **“SEC. 2234. DEFINITIONS.**

17 *“In this part:*

18 *“(1) ELIGIBLE ENTITY.—The term ‘eligible enti-*
19 *ty’ means—*

20 *“(A) a local educational agency or consor-*
21 *tium of local educational agencies;*

22 *“(B) an institution of higher education or*
23 *consortium of such institutions in partnership*
24 *with a local educational agency or consortium of*
25 *local educational agencies;*

1 “(C) a for-profit organization, a nonprofit
2 organization, or a consortium of for-profit or
3 nonprofit organizations in partnership with a
4 local educational agency or consortium of local
5 educational agencies; or

6 “(D) a consortium of the entities described
7 in subparagraphs (B) and (C).

8 “(2) STATE.—The term ‘State’ means each of the
9 50 States, the District of Columbia, and the Common-
10 wealth of Puerto Rico.

11 “(3) STATE AUTHORIZER.—The term ‘State au-
12 thorizer’ means an entity designated by the Governor
13 of a State to authorize teacher or school leader prepa-
14 ration academies within the State that—

15 “(A) enters into an agreement with a teach-
16 er or school leader preparation academy that—

17 “(i) specifies the goals expected of the
18 academy, which, at a minimum, include the
19 goals described in paragraph (4); and

20 “(ii) does not reauthorize the academy
21 if such goals are not met; and

22 “(B) may be a nonprofit organization, a
23 State educational agency, or other public entity,
24 or consortium of such entities (including a con-
25 sortium of State educational agencies).

1 “(4) *TEACHER OR SCHOOL LEADER PREPARA-*
2 *TION ACADEMY.*—*The term ‘teacher or school leader*
3 *preparation academy’ means a public or private enti-*
4 *ty, or a nonprofit or for-profit organization, which*
5 *may be an institution of higher education or an orga-*
6 *nization affiliated with an institution of higher edu-*
7 *cation, that will prepare teachers or school leaders to*
8 *serve in schools, and that—*

9 “(A) *enters into an agreement with a State*
10 *authorizer that specifies the goals expected of the*
11 *academy, including—*

12 “(i) *a requirement that prospective*
13 *teachers or school leaders who are enrolled*
14 *in a teacher or school leader preparation*
15 *academy receive a significant part of their*
16 *training through clinical preparation that*
17 *partners the prospective candidate with an*
18 *effective teacher or school leader, respec-*
19 *tively, with a demonstrated record of in-*
20 *creasing student achievement, while also re-*
21 *ceiving concurrent instruction from the*
22 *academy in the content area (or areas) in*
23 *which the prospective teacher or school lead-*
24 *er will become certified or licensed;*

1 “(ii) *the number of effective teachers or*
2 *school leaders, respectively, who will dem-*
3 *onstrate success in increasing student*
4 *achievement that the academy will produce;*
5 *and*

6 “(iii) *a requirement that a teacher or*
7 *school leader preparation academy will only*
8 *award a certificate of completion after the*
9 *graduate demonstrates that the graduate is*
10 *an effective teacher or school leader, respec-*
11 *tively, with a demonstrated record of in-*
12 *creasing student achievement, except that*
13 *an academy may award a provisional cer-*
14 *tificate for the period necessary to allow the*
15 *graduate to demonstrate such effectiveness;*

16 “(B) *does not have restrictions on the meth-*
17 *ods the academy will use to train prospective*
18 *teacher or school leader candidates, including—*

19 “(i) *obligating (or prohibiting) the*
20 *academy’s faculty to hold advanced degrees*
21 *or conduct academic research;*

22 “(ii) *restrictions related to the acad-*
23 *emy’s physical infrastructure;*

1 “(iii) restrictions related to the number
2 of course credits required as part of the pro-
3 gram of study;

4 “(iv) restrictions related to the under-
5 graduate coursework completed by teachers
6 teaching or working on alternative certifi-
7 cates, licenses, or credentials, as long as
8 such teachers have successfully passed all
9 relevant State-approved content area exami-
10 nations; or

11 “(v) restrictions related to obtaining
12 accreditation from an accrediting body for
13 purposes of becoming an academy;

14 “(C) limits admission to its program to
15 prospective teacher or school leader candidates
16 who demonstrate strong potential to improve stu-
17 dent achievement, based on a rigorous selection
18 process that reviews a candidate’s prior aca-
19 demic achievement or record of professional ac-
20 complishment; and

21 “(D) results in a certificate of completion
22 that the State may recognize as at least the
23 equivalent of a master’s degree in education for
24 the purposes of hiring, retention, compensation,
25 and promotion in the State.

1 “(5) *TEACHER RESIDENCY PROGRAM.*—*The term*
2 *‘teacher residency program’ means a school-based*
3 *teacher preparation program in which a prospective*
4 *teacher—*

5 “(A) *for one academic year, teaches along-*
6 *side an effective teacher, as determined by a*
7 *teacher evaluation system implemented under*
8 *part A, who is the teacher of record;*

9 “(B) *receives concurrent instruction during*
10 *the year described in subparagraph (A) from the*
11 *partner institution (as defined in section 200 of*
12 *the Higher Education Act of 1965 (20 U.S.C.*
13 *1021)), which courses may be taught by local*
14 *educational agency personnel or residency pro-*
15 *gram faculty, in the teaching of the content area*
16 *in which the teacher will become certified or li-*
17 *censed; and*

18 “(C) *acquires effective teaching skills.*”.

19 (d) *PART C.*—*Part C of title II (20 U.S.C. 6671 et*
20 *seq.) is amended—*

21 (1) *by striking subparts 1 through 4;*

22 (2) *by striking the heading relating to subpart 5;*

23 (3) *by striking sections 2361 and 2368;*

24 (4) *in section 2362, by striking “principals” and*
25 *inserting “school leaders”;*

1 (5) in section 2363(6)(A), by striking “prin-
2 cipal” and inserting “school leader”;

3 (6) in section 2366(b), by striking “ate law” and
4 inserting “(3) A State law”;

5 (7) by redesignating section 2362 as section
6 2361;

7 (8) by redesignating sections 2364 through 2367
8 as sections 2362 through 2365, respectively; and

9 (9) by redesignating section 2363 as section 2366
10 and transferring such section to appear after section
11 2365 (as so redesignated).

12 (e) *PART D.*—Part D of title II (20 U.S.C. 6751 et
13 *seq.*) is amended to read as follows:

14 **“PART D—GENERAL PROVISIONS**

15 **“SEC. 2401. INCLUSION OF CHARTER SCHOOLS.**

16 *“In this title, the term ‘local educational agency’ in-*
17 *cludes a charter school (as defined in section 5101) that,*
18 *in the absence of this section, would not have received funds*
19 *under this title.*

20 **“SEC. 2402. PARENTS’ RIGHT TO KNOW.**

21 *“At the beginning of each school year, a local edu-*
22 *cational agency that receives funds under this title shall no-*
23 *tify the parents of each student attending any school receiv-*
24 *ing funds under this title that the parents may request, and*
25 *the agency will provide the parents on request (and in a*

1 *timely manner), information regarding the professional*
2 *qualifications of the student’s classroom teachers.*

3 **“SEC. 2403. SUPPLEMENT, NOT SUPPLANT.**

4 *“Funds received under this title shall be used to sup-*
5 *plement, and not supplant, non-Federal funds that would*
6 *otherwise be used for activities authorized under this title.”.*

7 **SEC. 202. CONFORMING REPEALS.**

8 *(a) CONFORMING REPEALS.—Title II of the Higher*
9 *Education Act of 1965 (20 U.S.C. 1021 et seq.) is amended*
10 *by repealing sections 201 through 204.*

11 *(b) EFFECTIVE DATE.—The repeals made by sub-*
12 *section (a) shall take effect October 1, 2013.*

13 **TITLE III—PARENTAL ENGAGE-**
14 **MENT AND LOCAL FLEXI-**
15 **BILITY**

16 **SEC. 301. PARENTAL ENGAGEMENT AND LOCAL FLEXI-**
17 **BILITY.**

18 *Title III (20 U.S.C. 6801 et seq.) is amended to read*
19 *as follows:*

1 **“TITLE III—PARENTAL ENGAGE-**
2 **MENT AND LOCAL FLEXI-**
3 **BILITY**

4 **“PART A—PARENTAL ENGAGEMENT**

5 **“Subpart 1—Charter School Program**

6 **“SEC. 3101. PURPOSE.**

7 *“It is the purpose of this subpart to—*

8 *“(1) improve the United States education system*
9 *and educational opportunities for all Americans by*
10 *supporting innovation in public education in public*
11 *school settings that prepare students to compete and*
12 *contribute to the global economy;*

13 *“(2) provide financial assistance for the plan-*
14 *ning, program design, and initial implementation of*
15 *charter schools;*

16 *“(3) expand the number of high-quality charter*
17 *schools available to students across the Nation;*

18 *“(4) evaluate the impact of such schools on stu-*
19 *dent achievement, families, and communities, and*
20 *share best practices between charter schools and other*
21 *public schools;*

22 *“(5) encourage States to provide support to char-*
23 *ter schools for facilities financing in an amount more*
24 *nearly commensurate to the amount the States have*
25 *typically provided for traditional public schools;*

1 “(6) *improve student services to increase oppor-*
2 *tunities for students with disabilities, English learn-*
3 *ers, and other traditionally underserved students to*
4 *attend charter schools and meet challenging State*
5 *academic achievement standards; and*

6 “(7) *support efforts to strengthen the charter*
7 *school authorizing process to improve performance*
8 *management, including transparency, monitoring,*
9 *and evaluation of such schools.*

10 **“SEC. 3102. PROGRAM AUTHORIZED.**

11 “(a) *IN GENERAL.—From the amounts appropriated*
12 *under section 3(c)(1)(A), the Secretary shall carry out a*
13 *charter school program under this subpart that supports*
14 *charter schools that serve elementary school and secondary*
15 *school students by—*

16 “(1) *supporting the startup, replication, and ex-*
17 *pansion of charter schools;*

18 “(2) *assisting charter schools in accessing credit*
19 *to acquire and renovate facilities for school use; and*

20 “(3) *carrying out national activities to sup-*
21 *port—*

22 “(A) *charter school development;*

23 “(B) *the dissemination of best practices of*
24 *charter schools for all schools; and*

1 “(C) *the evaluation of the impact of the pro-*
2 *gram on schools participating in the program.*

3 “(b) *FUNDING ALLOTMENT.—From the amount made*
4 *available under section 3(c)(1)(A) for a fiscal year, the Sec-*
5 *retary shall—*

6 “(1) *reserve 15 percent to support charter school*
7 *facilities assistance under section 3104;*

8 “(2) *reserve not more than 5 percent to carry out*
9 *national activities under section 3105; and*

10 “(3) *use the remaining amount after the Sec-*
11 *retary reserves funds under paragraphs (1) and (2) to*
12 *carry out section 3103.*

13 “(c) *PRIOR GRANTS AND SUBGRANTS.—The recipient*
14 *of a grant or subgrant under this subpart or subpart 2,*
15 *as such subpart was in effect on the day before the date*
16 *of enactment of the Student Success Act, shall continue to*
17 *receive funds in accordance with the terms and conditions*
18 *of such grant or subgrant.*

19 **“SEC. 3103. GRANTS TO SUPPORT HIGH-QUALITY CHARTER**
20 **SCHOOLS.**

21 “(a) *IN GENERAL.—From the amount reserved under*
22 *section 3102(b)(3), the Secretary shall award grants to*
23 *State entities having applications approved pursuant to*
24 *subsection (f) to enable such entities to—*

25 “(1) *award subgrants to eligible applicants for—*

1 “(A) opening new charter schools;

2 “(B) opening replicable, high-quality char-
3 ter school models; or

4 “(C) expanding high-quality charter schools;
5 and

6 “(2) provide technical assistance to eligible ap-
7 plicants and authorized public chartering agencies in
8 carrying out the activities described in paragraph (1)
9 and work with authorized public chartering agencies
10 in the State to improve authorizing quality.

11 “(b) STATE USES OF FUNDS.—

12 “(1) IN GENERAL.—A State entity receiving a
13 grant under this section shall—

14 “(A) use 90 percent of the grant funds to
15 award subgrants to eligible applicants, in ac-
16 cordance with the quality charter school program
17 described in the entity’s application approved
18 pursuant to subsection (f), for the purposes de-
19 scribed in subparagraphs (A) through (C) of sub-
20 section (a)(1); and

21 “(B) reserve 10 percent of such funds to
22 carry out the activities described in subsection
23 (a)(2), of which not more than 30 percent may
24 be used for administrative costs which may in-
25 clude technical assistance.

1 “(2) *CONTRACTS AND GRANTS.*—A State entity
2 may use a grant received under this section to carry
3 out the activities described in subparagraphs (A) and
4 (B) of paragraph (1) directly or through grants, con-
5 tracts, or cooperative agreements.

6 “(c) *PROGRAM PERIODS; PEER REVIEW; GRANT NUM-*
7 *BER AND AMOUNT; DIVERSITY OF PROJECTS; WAIVERS.*—

8 “(1) *PROGRAM PERIODS.*—

9 “(A) *GRANTS.*—A grant awarded by the
10 Secretary to a State entity under this section
11 shall be for a period of not more than 5 years.

12 “(B) *SUBGRANTS.*—A subgrant awarded by
13 a State entity under this section shall be for a
14 period of not more than 3 years, of which an eli-
15 gible applicant may use not more than 18
16 months for planning and program design.

17 “(2) *PEER REVIEW.*—The Secretary, and each
18 State entity receiving a grant under this section, shall
19 use a peer review process to review applications for
20 assistance under this section.

21 “(3) *GRANT NUMBER AND AMOUNT.*—The Sec-
22 retary shall ensure that the number of grants awarded
23 under this section and the award amounts will allow
24 for a sufficient number of new grants to be awarded
25 under this section for each succeeding fiscal year.

1 “(4) *DIVERSITY OF PROJECTS.*—*Each State enti-*
2 *ty receiving a grant under this section shall award*
3 *subgrants under this section in a manner that, to the*
4 *extent possible, ensures that such subgrants—*

5 “(A) *are distributed throughout different*
6 *areas, including urban, suburban, and rural*
7 *areas; and*

8 “(B) *will assist charter schools representing*
9 *a variety of educational approaches.*

10 “(5) *WAIVERS.*—*The Secretary may waive any*
11 *statutory or regulatory requirement without requiring*
12 *the adoption of any unrelated requirements over*
13 *which the Secretary exercises administrative author-*
14 *ity except any such requirement relating to the ele-*
15 *ments of a charter school described in section 5101(3),*
16 *if—*

17 “(A) *the waiver is requested in an approved*
18 *application under this section; and*

19 “(B) *the Secretary determines that granting*
20 *such a waiver will promote the purpose of this*
21 *subpart.*

22 “(d) *LIMITATIONS.*—

23 “(1) *GRANTS.*—*A State entity may not receive*
24 *more than 1 grant under this section for a 5-year pe-*
25 *riod.*

1 “(2) *SUBGRANTS.*—An eligible applicant may
2 not receive more than 1 subgrant under this section
3 for an individual charter school for a 3-year period.

4 “(e) *APPLICATIONS.*—A State entity desiring to receive
5 a grant under this section shall submit an application to
6 the Secretary at such time and in such manner as the Sec-
7 retary may require. The application shall include the fol-
8 lowing:

9 “(1) *DESCRIPTION OF PROGRAM.*—A description
10 of the State entity’s objectives in running a quality
11 charter school program under this section and how
12 the objectives of the program will be carried out, in-
13 cluding a description—

14 “(A) of how the entity—

15 “(i) will support both new charter
16 school startup and the expansion and rep-
17 lication of high-quality charter school mod-
18 els;

19 “(ii) will inform eligible charter
20 schools, developers, and authorized public
21 chartering agencies of the availability of
22 funds under the program;

23 “(iii) will work with eligible appli-
24 cants to ensure that the applicants access
25 all Federal funds that they are eligible to

1 *receive, and help the charter schools sup-*
2 *ported by the applicants and the students*
3 *attending the charter schools—*

4 “(I) *participate in the Federal*
5 *programs in which the schools and stu-*
6 *dents are eligible to participate; and*

7 “(II) *receive the commensurate*
8 *share of Federal funds the schools and*
9 *students are eligible to receive under*
10 *such programs;*

11 “(iv) *in the case in which the entity is*
12 *not a State educational agency—*

13 “(I) *will work with the State edu-*
14 *cational agency and the charter schools*
15 *in the State to maximize charter school*
16 *participation in Federal and State*
17 *programs for charter schools; and*

18 “(II) *will work with the State*
19 *educational agency to adequately oper-*
20 *ate the entity’s program under this sec-*
21 *tion, where applicable;*

22 “(v) *will ensure eligible applicants that*
23 *receive a subgrant under the entity’s pro-*
24 *gram are prepared to continue to operate*

1 *the charter schools receiving the subgrant*
2 *funds once the funds have expired;*

3 “(vi) *will support charter schools in*
4 *local educational agencies with large num-*
5 *bers of schools implementing requirements*
6 *under the State’s school improvement sys-*
7 *tem under section 1111(b)(3)(B)(iii);*

8 “(vii) *will work with charter schools to*
9 *promote inclusion of all students and sup-*
10 *port all students once they are enrolled to*
11 *promote retention;*

12 “(viii) *will work with charter schools*
13 *on recruitment practices, including efforts*
14 *to engage groups that may otherwise have*
15 *limited opportunities to participate in*
16 *charter schools;*

17 “(ix) *will share best and promising*
18 *practices between charter schools and other*
19 *public schools, including, where appro-*
20 *priate, instruction and professional develop-*
21 *ment in science, math, technology, and engi-*
22 *neering education;*

23 “(x) *will ensure the charter schools re-*
24 *ceiving funds under the entity’s program*
25 *can meet the educational needs of their stu-*

1 *dents, including students with disabilities*
2 *and English learners; and*

3 *“(xi) will support efforts to increase*
4 *quality initiatives, including meeting the*
5 *quality authorizing elements described in*
6 *paragraph (2)(E);*

7 *“(B) of the extent to which the entity—*

8 *“(i) is able to meet and carry out the*
9 *priorities listed in subsection (f)(2); and*

10 *“(ii) is working to develop or strength-*
11 *en a cohesive statewide system to support*
12 *the opening of new charter schools and*
13 *replicable, high-quality charter school mod-*
14 *els, and the expansion of high-quality char-*
15 *ter schools;*

16 *“(C) of how the entity will carry out the*
17 *subgrant competition, including—*

18 *“(i) a description of the application*
19 *each eligible applicant desiring to receive a*
20 *subgrant will submit, including—*

21 *“(I) a description of the roles and*
22 *responsibilities of eligible applicants,*
23 *partner organizations, and manage-*
24 *ment organizations, including the ad-*

1 *ministrative and contractual roles and*
2 *responsibilities;*

3 *“(II) a description of the quality*
4 *controls agreed to between the eligible*
5 *applicant and the authorized public*
6 *chartering agency involved, such as a*
7 *contract or performance agreement,*
8 *and how a school’s performance in the*
9 *State’s academic accountability system*
10 *will be a primary factor for renewal or*
11 *revocation of the school’s charter; and*

12 *“(III) a description of how the eli-*
13 *gible applicant will solicit and con-*
14 *sider input from parents and other*
15 *members of the community on the im-*
16 *plementation and operation of each*
17 *charter school receiving funds under*
18 *the entity’s program; and*

19 *“(ii) a description of how the entity*
20 *will review applications;*

21 *“(D) in the case of an entity that partners*
22 *with an outside organization to carry out the en-*
23 *tity’s quality charter school program, in whole or*
24 *in part, of the roles and responsibilities of this*
25 *partner;*

1 “(E) of how the entity will help the charter
2 schools receiving funds under the entity’s pro-
3 gram consider the transportation needs of the
4 schools’ students; and

5 “(F) of how the entity will support diverse
6 charter school models, including models that
7 serve rural communities.

8 “(2) ASSURANCES.—Assurances, including a de-
9 scription of how the assurances will be met, that—

10 “(A) each charter school receiving funds
11 under the entity’s program will have a high de-
12 gree of autonomy over budget and operations, in-
13 cluding personnel;

14 “(B) the entity will support charter schools
15 in meeting the educational needs of their stu-
16 dents as described in paragraph (1)(A)(x);

17 “(C) the entity will ensure that the author-
18 ized public chartering agency of any charter
19 school that receives funds under the entity’s pro-
20 gram—

21 “(i) ensures that each charter school is
22 meeting the obligations under this Act, part
23 B of the Individuals with Disabilities Edu-
24 cation Act, title VI of the Civil Rights Act
25 of 1964, section 504 of the Rehabilitation

1 *Act of 1973, the Age Discrimination Act of*
2 *1975, and title IX of the Education Amend-*
3 *ments of 1972;*

4 “(ii) *adequately monitors and helps*
5 *each charter school in recruiting, enrolling,*
6 *and meeting the needs of all students, in-*
7 *cluding students with disabilities and*
8 *English learners; and*

9 “(iii) *ensures that each charter school*
10 *solicits and considers input from parents*
11 *and other members of the community on the*
12 *implementation and operation of the school;*

13 “(D) *the entity will provide adequate tech-*
14 *nical assistance to eligible applicants to—*

15 “(i) *meet the objectives described in*
16 *clauses (vii), (viii), and (x) of paragraph*
17 *(1)(A); and*

18 “(ii) *enroll traditionally underserved*
19 *students, including students with disabil-*
20 *ities and English learners, to promote an*
21 *inclusive education environment;*

22 “(E) *the entity will promote quality author-*
23 *izing, such as through providing technical assist-*
24 *ance, to support all authorized public chartering*

1 agencies in the State to improve the monitoring
2 of their charter schools, including by—

3 “(i) assessing annual performance data
4 of the schools, including, as appropriate,
5 graduation rates and student growth; and

6 “(ii) reviewing the schools’ inde-
7 pendent, annual audits of financial state-
8 ments conducted in accordance with gen-
9 erally accepted accounting principles, and
10 ensuring any such audits are publically re-
11 ported;

12 “(F) the entity will work to ensure that
13 charter schools are included with the traditional
14 public schools in decision-making about the pub-
15 lic school system in the State; and

16 “(G) the entity will ensure that each charter
17 school in the State make publicly available, con-
18 sistent with the dissemination requirements of
19 the annual State report card, the information
20 parents need to make informed decisions about
21 the education options available to their children,
22 including information on the educational pro-
23 gram, student support services, and annual per-
24 formance and enrollment data for the groups of

1 *students described in section*
2 *1111(b)(3)(B)(i)(II).*

3 “(3) *REQUESTS FOR WAIVERS.*—*A request and*
4 *justification for waivers of any Federal statutory or*
5 *regulatory provisions that the entity believes are nec-*
6 *essary for the successful operation of the charter*
7 *schools that will receive funds under the entity’s pro-*
8 *gram under this section, and a description of any*
9 *State or local rules, generally applicable to public*
10 *schools, that will be waived, or otherwise not apply to*
11 *such schools.*

12 “(f) *SELECTION CRITERIA; PRIORITY.*—

13 “(1) *SELECTION CRITERIA.*—*The Secretary shall*
14 *award grants to State entities under this section on*
15 *the basis of the quality of the applications submitted*
16 *under subsection (e), after taking into consider-*
17 *ation—*

18 “(A) *the degree of flexibility afforded by the*
19 *State’s public charter school law and how the en-*
20 *tity will work to maximize the flexibility pro-*
21 *vided to charter schools under the law;*

22 “(B) *the ambitiousness of the entity’s objec-*
23 *tives for the quality charter school program car-*
24 *ried out under this section;*

1 “(C) the quality of the strategy for assessing
2 achievement of those objectives;

3 “(D) the likelihood that the eligible appli-
4 cants receiving subgrants under the program will
5 meet those objectives and improve educational re-
6 sults for students;

7 “(E) the proposed number of new charter
8 schools to be opened, and the proposed number of
9 high-quality charter schools to be replicated or
10 expanded under the program;

11 “(F) the entity’s plan to—

12 “(i) adequately monitor the eligible ap-
13 plicants receiving subgrants under the enti-
14 ty’s program; and

15 “(ii) work with the authorized public
16 chartering agencies involved to avoid dupli-
17 cation of work for the charter schools and
18 authorized public chartering agencies;

19 “(G) the entity’s plan to provide adequate
20 technical assistance, as described in the entity’s
21 application under subsection (e), for the eligible
22 applicants receiving subgrants under the entity’s
23 program under this section;

1 “(H) the entity’s plan to support quality
2 authorizing efforts in the State, consistent with
3 the objectives described in subparagraph (B); and

4 “(I) the entity’s plan to solicit and consider
5 input from parents and other members of the
6 community on the implementation and oper-
7 ation of the charter schools in the State.

8 “(2) PRIORITY.—In awarding grants under this
9 section, the Secretary shall give priority to State enti-
10 ties to the extent that they meet the following criteria:

11 “(A) In the case of a State entity located in
12 a State that allows an entity other than a local
13 educational agency to be an authorized public
14 chartering agency, the State has a quality au-
15 thorized public chartering agency that is an enti-
16 ty other than a local educational agency.

17 “(B) The State entity is located in a State
18 that does not impose any limitation on the num-
19 ber or percentage of charter schools that may
20 exist or the number or percentage of students
21 that may attend charter schools in the State.

22 “(C) The State entity is located in a State
23 that ensures equitable financing, as compared to
24 traditional public schools, for charter schools and
25 students in a prompt manner.

1 “(D) *The State entity is located in a State*
2 *that uses best practices from charter schools to*
3 *help improve struggling schools and local edu-*
4 *cational agencies.*

5 “(E) *The State entity partners with an or-*
6 *ganization that has a demonstrated record of*
7 *success in developing management organizations*
8 *to support the development of charter schools in*
9 *the State.*

10 “(F) *The State entity demonstrates quality*
11 *policies and practices to support and monitor*
12 *charter schools through factors including—*

13 “(i) *the proportion of high-quality*
14 *charter schools in the State; and*

15 “(ii) *the proportion of charter schools*
16 *enrolling, at a rate similar to traditional*
17 *public schools, traditionally underserved*
18 *students, including students with disabil-*
19 *ities and English learners.*

20 “(G) *The State entity supports charter*
21 *schools that support at-risk students through ac-*
22 *tivities such as dropout prevention or dropout*
23 *recovery.*

1 “(H) *The State entity authorizes all charter*
2 *schools in the State to serve as school food au-*
3 *thorities.*

4 “(g) *LOCAL USES OF FUNDS.—An eligible applicant*
5 *receiving a subgrant under this section shall use such funds*
6 *to open new charter schools, open replicable, high-quality*
7 *charter school models, or expand existing high-quality char-*
8 *ter schools.*

9 “(h) *REPORTING REQUIREMENTS.—Each State entity*
10 *receiving a grant under this section shall submit to the Sec-*
11 *retary, at the end of the third year of the 5-year grant pe-*
12 *riod and at the end of such grant period, a report on—*

13 “(1) *the number of students served under each*
14 *subgrant awarded under this section and, if applica-*
15 *ble, how many new students were served during each*
16 *year of the subgrant period;*

17 “(2) *the number of subgrants awarded under this*
18 *section to carry out each of the following—*

19 “(A) *the opening of new charter schools;*

20 “(B) *the opening of replicable, high-quality*
21 *charter school models; and*

22 “(C) *the expansion of high-quality charter*
23 *schools;*

1 “(3) the progress the entity made toward meeting
2 the priorities described in subsection (f)(2), as appli-
3 cable;

4 “(4) how the entity met the objectives of the qual-
5 ity charter school program described in the entity’s
6 application under subsection (e);

7 “(5) how the entity complied with, and ensured
8 that eligible applicants complied with, the assurances
9 described in the entity’s application; and

10 “(6) how the entity worked with authorized pub-
11 lic chartering agencies and how such agencies worked
12 with the management company or leadership of the
13 schools that received subgrants under this section.

14 “(i) *STATE ENTITY DEFINED.*—For purposes of this
15 section, the term ‘State entity’ means—

16 “(1) a State educational agency;

17 “(2) a State charter school board;

18 “(3) a Governor of a State; or

19 “(4) a charter support organization.

20 **“SEC. 3104. FACILITIES FINANCING ASSISTANCE.**

21 “(a) *GRANTS TO ELIGIBLE ENTITIES.*—

22 “(1) *IN GENERAL.*—From the amount reserved
23 under section 3102(b)(1), the Secretary shall award
24 grants to eligible entities that have the highest-quality
25 applications approved under subsection (d), after con-

1 *sidering the diversity of such applications, to dem-*
2 *onstrate innovative methods of assisting charter*
3 *schools to address the cost of acquiring, constructing,*
4 *and renovating facilities by enhancing the avail-*
5 *ability of loans or bond financing.*

6 *“(2) ELIGIBLE ENTITY DEFINED.—For purposes*
7 *of this section, the term ‘eligible entity’ means—*

8 *“(A) a public entity, such as a State or*
9 *local governmental entity;*

10 *“(B) a private nonprofit entity; or*

11 *“(C) a consortium of entities described in*
12 *subparagraphs (A) and (B).*

13 *“(b) GRANTEE SELECTION.—The Secretary shall*
14 *evaluate each application submitted under subsection (d),*
15 *and shall determine whether the application is sufficient*
16 *to merit approval.*

17 *“(c) GRANT CHARACTERISTICS.—Grants under sub-*
18 *section (a) shall be of a sufficient size, scope, and quality*
19 *so as to ensure an effective demonstration of an innovative*
20 *means of enhancing credit for the financing of charter*
21 *school acquisition, construction, or renovation.*

22 *“(d) APPLICATIONS.—*

23 *“(1) IN GENERAL.—To receive a grant under*
24 *subsection (a), an eligible entity shall submit to the*

1 *Secretary an application in such form as the Sec-*
2 *retary may reasonably require.*

3 “(2) CONTENTS.—*An application submitted*
4 *under paragraph (1) shall contain—*

5 “(A) *a statement identifying the activities*
6 *proposed to be undertaken with funds received*
7 *under subsection (a), including how the eligible*
8 *entity will determine which charter schools will*
9 *receive assistance, and how much and what types*
10 *of assistance charter schools will receive;*

11 “(B) *a description of the involvement of*
12 *charter schools in the application’s development*
13 *and the design of the proposed activities;*

14 “(C) *a description of the eligible entity’s ex-*
15 *pertise in capital market financing;*

16 “(D) *a description of how the proposed ac-*
17 *tivities will leverage the maximum amount of*
18 *private-sector financing capital relative to the*
19 *amount of Federal, State, or local government*
20 *funding used and otherwise enhance credit avail-*
21 *able to charter schools, including how the entity*
22 *will offer a combination of rates and terms more*
23 *favorable than the rates and terms that a charter*
24 *school could receive without assistance from the*
25 *entity under this section;*

1 “(E) a description of how the eligible entity
2 possesses sufficient expertise in education to
3 evaluate the likelihood of success of a charter
4 school program for which facilities financing is
5 sought; and

6 “(F) in the case of an application submitted
7 by a State governmental entity, a description of
8 the actions that the entity has taken, or will
9 take, to ensure that charter schools within the
10 State receive the funding the charter schools need
11 to have adequate facilities.

12 “(e) CHARTER SCHOOL OBJECTIVES.—An eligible en-
13 tity receiving a grant under this section shall use the funds
14 deposited in the reserve account established under subsection
15 (f) to assist one or more charter schools to access private
16 sector capital to accomplish one or both of the following ob-
17 jectives:

18 “(1) The acquisition (by purchase, lease, dona-
19 tion, or otherwise) of an interest (including an inter-
20 est held by a third party for the benefit of a charter
21 school) in improved or unimproved real property that
22 is necessary to commence or continue the operation of
23 a charter school.

24 “(2) The construction of new facilities, including
25 predevelopment costs, or the renovation, repair, or al-

1 *teration of existing facilities, necessary to commence*
2 *or continue the operation of a charter school.*

3 “(f) *RESERVE ACCOUNT.*—

4 “(1) *USE OF FUNDS.*—*To assist charter schools*
5 *to accomplish the objectives described in subsection*
6 *(e), an eligible entity receiving a grant under sub-*
7 *section (a) shall, in accordance with State and local*
8 *law, directly or indirectly, alone or in collaboration*
9 *with others, deposit the funds received under sub-*
10 *section (a) (other than funds used for administrative*
11 *costs in accordance with subsection (g)) in a reserve*
12 *account established and maintained by the eligible en-*
13 *tity for this purpose. Amounts deposited in such ac-*
14 *count shall be used by the eligible entity for one or*
15 *more of the following purposes:*

16 “(A) *Guaranteeing, insuring, and rein-*
17 *sureing bonds, notes, evidences of debt, loans, and*
18 *interests therein, the proceeds of which are used*
19 *for an objective described in subsection (e).*

20 “(B) *Guaranteeing and insuring leases of*
21 *personal and real property for an objective de-*
22 *scribed in subsection (e).*

23 “(C) *Facilitating financing by identifying*
24 *potential lending sources, encouraging private*
25 *lending, and other similar activities that directly*

1 *promote lending to, or for the benefit of, charter*
2 *schools.*

3 “(D) *Facilitating the issuance of bonds by*
4 *charter schools, or by other public entities for the*
5 *benefit of charter schools, by providing technical,*
6 *administrative, and other appropriate assistance*
7 *(including the recruitment of bond counsel, un-*
8 *derwriters, and potential investors and the con-*
9 *solidation of multiple charter school projects*
10 *within a single bond issue).*

11 “(2) *INVESTMENT.—Funds received under this*
12 *section and deposited in the reserve account estab-*
13 *lished under paragraph (1) shall be invested in obli-*
14 *gations issued or guaranteed by the United States or*
15 *a State, or in other similarly low-risk securities.*

16 “(3) *REINVESTMENT OF EARNINGS.—Any earn-*
17 *ings on funds received under subsection (a) shall be*
18 *deposited in the reserve account established under*
19 *paragraph (1) and used in accordance with such*
20 *paragraph.*

21 “(g) *LIMITATION ON ADMINISTRATIVE COSTS.—An eli-*
22 *gible entity may use not more than 2.5 percent of the funds*
23 *received under subsection (a) for the administrative costs*
24 *of carrying out its responsibilities under this section (ex-*
25 *cluding subsection (k)).*

1 “(h) *AUDITS AND REPORTS.*—

2 “(1) *FINANCIAL RECORD MAINTENANCE AND*
3 *AUDIT.*—*The financial records of each eligible entity*
4 *receiving a grant under subsection (a) shall be main-*
5 *tained in accordance with generally accepted account-*
6 *ing principles and shall be subject to an annual audit*
7 *by an independent public accountant.*

8 “(2) *REPORTS.*—

9 “(A) *GRANTEE ANNUAL REPORTS.*—*Each el-*
10 *igible entity receiving a grant under subsection*
11 *(a) annually shall submit to the Secretary a re-*
12 *port of its operations and activities under this*
13 *section.*

14 “(B) *CONTENTS.*—*Each annual report sub-*
15 *mitted under subparagraph (A) shall include—*

16 “(i) *a copy of the most recent financial*
17 *statements, and any accompanying opinion*
18 *on such statements, prepared by the inde-*
19 *pendent public accountant reviewing the fi-*
20 *nanacial records of the eligible entity;*

21 “(ii) *a copy of any report made on an*
22 *audit of the financial records of the eligible*
23 *entity that was conducted under paragraph*
24 *(1) during the reporting period;*

1 “(iii) an evaluation by the eligible en-
2 tity of the effectiveness of its use of the Fed-
3 eral funds provided under subsection (a) in
4 leveraging private funds;

5 “(iv) a listing and description of the
6 charter schools served during the reporting
7 period, including the amount of funds used
8 by each school, the type of project facilitated
9 by the grant, and the type of assistance pro-
10 vided to the charter schools;

11 “(v) a description of the activities car-
12 ried out by the eligible entity to assist char-
13 ter schools in meeting the objectives set forth
14 in subsection (e); and

15 “(vi) a description of the characteris-
16 tics of lenders and other financial institu-
17 tions participating in the activities under-
18 taken by the eligible entity under this sec-
19 tion (excluding subsection (k)) during the
20 reporting period.

21 “(C) *SECRETARIAL REPORT.*—The Sec-
22 retary shall review the reports submitted under
23 subparagraph (A) and shall provide a com-
24 prehensive annual report to Congress on the ac-

1 *tivities conducted under this section (excluding*
2 *subsection (k)).*

3 “(i) *NO FULL FAITH AND CREDIT FOR GRANTEE OB-*
4 *LIGATION.—No financial obligation of an eligible entity en-*
5 *tered into pursuant to this section (such as an obligation*
6 *under a guarantee, bond, note, evidence of debt, or loan)*
7 *shall be an obligation of, or guaranteed in any respect by,*
8 *the United States. The full faith and credit of the United*
9 *States is not pledged to the payment of funds which may*
10 *be required to be paid under any obligation made by an*
11 *eligible entity pursuant to any provision of this section.*

12 “(j) *RECOVERY OF FUNDS.—*

13 “(1) *IN GENERAL.—The Secretary, in accordance*
14 *with chapter 37 of title 31, United States Code, shall*
15 *collect—*

16 “(A) *all of the funds in a reserve account es-*
17 *tablished by an eligible entity under subsection*
18 *(f)(1) if the Secretary determines, not earlier*
19 *than 2 years after the date on which the eligible*
20 *entity first received funds under this section (ex-*
21 *cluding subsection (k)), that the eligible entity*
22 *has failed to make substantial progress in car-*
23 *rying out the purposes described in subsection*
24 *(f)(1); or*

1 “(B) *all or a portion of the funds in a re-*
2 *serve account established by an eligible entity*
3 *under subsection (f)(1) if the Secretary deter-*
4 *mines that the eligible entity has permanently*
5 *ceased to use all or a portion of the funds in*
6 *such account to accomplish any purpose de-*
7 *scribed in subsection (f)(1).*

8 “(2) *EXERCISE OF AUTHORITY.—The Secretary*
9 *shall not exercise the authority provided in paragraph*
10 *(1) to collect from any eligible entity any funds that*
11 *are being properly used to achieve one or more of the*
12 *purposes described in subsection (f)(1).*

13 “(3) *PROCEDURES.—The provisions of sections*
14 *451, 452, and 458 of the General Education Provi-*
15 *sions Act (20 U.S.C. 1234, 1234a, 1234g) shall apply*
16 *to the recovery of funds under paragraph (1).*

17 “(4) *CONSTRUCTION.—This subsection shall not*
18 *be construed to impair or affect the authority of the*
19 *Secretary to recover funds under part D of the Gen-*
20 *eral Education Provisions Act (20 U.S.C. 1234 et*
21 *seq.).*

22 “(k) *PER-PUPIL FACILITIES AID PROGRAM.—*

23 “(1) *DEFINITION OF PER-PUPIL FACILITIES AID*
24 *PROGRAM.—In this subsection, the term ‘per-pupil fa-*
25 *cilities aid program’ means a program in which a*

1 *State makes payments, on a per-pupil basis, to char-*
2 *ter schools to provide the schools with financing—*

3 “(A) *that is dedicated solely for funding*
4 *charter school facilities; or*

5 “(B) *a portion of which is dedicated for*
6 *funding charter school facilities.*

7 “(2) *GRANTS.—*

8 “(A) *IN GENERAL.—From the amount re-*
9 *served under section 3102(b)(1) and remaining*
10 *after the Secretary makes grants under sub-*
11 *section (a), the Secretary shall make grants, on*
12 *a competitive basis, to States to pay for the Fed-*
13 *eral share of the cost of establishing or enhanc-*
14 *ing, and administering per-pupil facilities aid*
15 *programs.*

16 “(B) *PERIOD.—The Secretary shall award*
17 *grants under this subsection for periods of not*
18 *more than 5 years.*

19 “(C) *FEDERAL SHARE.—The Federal share*
20 *of the cost described in subparagraph (A) for a*
21 *per-pupil facilities aid program shall be not*
22 *more than—*

23 “(i) *90 percent of the cost, for the first*
24 *fiscal year for which the program receives*
25 *assistance under this subsection;*

1 “(ii) 80 percent in the second such
2 year;

3 “(iii) 60 percent in the third such
4 year;

5 “(iv) 40 percent in the fourth such
6 year; and

7 “(v) 20 percent in the fifth such year.

8 “(D) *STATE SHARE*.—A State receiving a
9 grant under this subsection may partner with 1
10 or more organizations to provide up to 50 per-
11 cent of the State share of the cost of establishing
12 or enhancing, and administering the per-pupil
13 facilities aid program.

14 “(E) *MULTIPLE GRANTS*.—A State may re-
15 ceive more than 1 grant under this subsection, so
16 long as the amount of such funds provided to
17 charter schools increases with each successive
18 grant.

19 “(3) *USE OF FUNDS*.—

20 “(A) *IN GENERAL*.—A State that receives a
21 grant under this subsection shall use the funds
22 made available through the grant to establish or
23 enhance, and administer, a per-pupil facilities
24 aid program for charter schools in the State of
25 the applicant.

1 “(B) *EVALUATIONS; TECHNICAL ASSIST-*
2 *ANCE; DISSEMINATION.*—*From the amount made*
3 *available to a State through a grant under this*
4 *subsection for a fiscal year, the State may re-*
5 *serve not more than 5 percent to carry out eval-*
6 *uations, to provide technical assistance, and to*
7 *disseminate information.*

8 “(C) *SUPPLEMENT, NOT SUPPLANT.*—*Funds*
9 *made available under this subsection shall be*
10 *used to supplement, and not supplant, State,*
11 *and local public funds expended to provide per*
12 *pupil facilities aid programs, operations financ-*
13 *ing programs, or other programs, for charter*
14 *schools.*

15 “(4) *REQUIREMENTS.*—

16 “(A) *VOLUNTARY PARTICIPATION.*—*No State*
17 *may be required to participate in a program*
18 *carried out under this subsection.*

19 “(B) *STATE LAW.*—

20 “(i) *IN GENERAL.*—*Except as provided*
21 *in clause (ii), to be eligible to receive a*
22 *grant under this subsection, a State shall*
23 *establish or enhance, and administer, a per-*
24 *pupil facilities aid program for charter*
25 *schools in the State, that—*

1 “(I) is specified in State law; and

2 “(II) provides annual financing,
3 on a per-pupil basis, for charter school
4 facilities.

5 “(ii) *SPECIAL RULE.*—Notwith-
6 standing clause (i), a State that is required
7 under State law to provide its charter
8 schools with access to adequate facility
9 space, but which does not have a per-pupil
10 facilities aid program for charter schools
11 specified in State law, may be eligible to re-
12 ceive a grant under this subsection if the
13 State agrees to use the funds to develop a
14 per-pupil facilities aid program consistent
15 with the requirements of this subsection.

16 “(5) *APPLICATIONS.*—To be eligible to receive a
17 grant under this subsection, a State shall submit an
18 application to the Secretary at such time, in such
19 manner, and containing such information as the Sec-
20 retary may require.

21 **“SEC. 3105. NATIONAL ACTIVITIES.**

22 “(a) *IN GENERAL.*—From the amount reserved under
23 section 3102(b)(2), the Secretary shall—

1 “(1) use not less than 50 percent of such funds
2 to award grants in accordance with subsection (b);
3 and

4 “(2) use the remainder of such funds to—

5 “(A) disseminate technical assistance to
6 State entities in awarding subgrants under sec-
7 tion 3103, and eligible entities and States receiv-
8 ing grants under section 3104;

9 “(B) disseminate best practices; and

10 “(C) evaluate the impact of the charter
11 school program, including the impact on student
12 achievement, carried out under this subpart.

13 “(b) GRANTS.—

14 “(1) IN GENERAL.—The Secretary shall make
15 grants, on a competitive basis, to eligible applicants
16 for the purpose of carrying out the activities described
17 in section 3102(a)(1), subparagraphs (A) through (C)
18 of section 3103(a)(1), and section 3103(g).

19 “(2) TERMS AND CONDITIONS.—Except as other-
20 wise provided in this subsection, grants awarded
21 under this subsection shall have the same terms and
22 conditions as grants awarded to State entities under
23 section 3103.

24 “(3) ELIGIBLE APPLICANT DEFINED.—For pur-
25 poses of this subsection, the term ‘eligible applicant’

1 means an eligible applicant that desires to open a
2 charter school in—

3 “(A) a State that did not apply for a grant
4 under section 3103;

5 “(B) a State that did not receive a grant
6 under section 3103; or

7 “(C) a State that received a grant under
8 section 3103 and is in the 4th or 5th year of the
9 grant period for such grant.

10 “(c) **CONTRACTS AND GRANTS.**—The Secretary may
11 carry out any of the activities described in this section di-
12 rectly or through grants, contracts, or cooperative agree-
13 ments.

14 **“SEC. 3106. FEDERAL FORMULA ALLOCATION DURING**
15 **FIRST YEAR AND FOR SUCCESSIVE ENROLL-**
16 **MENT EXPANSIONS.**

17 “(a) **IN GENERAL.**—For purposes of the allocation to
18 schools by the States or their agencies of funds under part
19 A of title I, and any other Federal funds which the Sec-
20 retary allocates to States on a formula basis, the Secretary
21 and each State educational agency shall take such measures
22 as are necessary to ensure that every charter school receives
23 the Federal funding for which the charter school is eligible
24 not later than 5 months after the charter school first opens,
25 notwithstanding the fact that the identity and characteris-

1 *tics of the students enrolling in that charter school are not*
2 *fully and completely determined until that charter school*
3 *actually opens. The measures similarly shall ensure that*
4 *every charter school expanding its enrollment in any subse-*
5 *quent year of operation receives the Federal funding for*
6 *which the charter school is eligible not later than 5 months*
7 *after such expansion.*

8 “(b) *ADJUSTMENT AND LATE OPENINGS.*—

9 “(1) *IN GENERAL.*—*The measures described in*
10 *subsection (a) shall include provision for appropriate*
11 *adjustments, through recovery of funds or reduction of*
12 *payments for the succeeding year, in cases where pay-*
13 *ments made to a charter school on the basis of esti-*
14 *mated or projected enrollment data exceed the*
15 *amounts that the school is eligible to receive on the*
16 *basis of actual or final enrollment data.*

17 “(2) *RULE.*—*For charter schools that first open*
18 *after November 1 of any academic year, the State, in*
19 *accordance with guidance provided by the Secretary*
20 *and applicable Federal statutes and regulations, shall*
21 *ensure that such charter schools that are eligible for*
22 *the funds described in subsection (a) for such aca-*
23 *demie year have a full and fair opportunity to receive*
24 *those funds during the charter schools’ first year of*
25 *operation.*

1 **“SEC. 3107. SOLICITATION OF INPUT FROM CHARTER**
2 **SCHOOL OPERATORS.**

3 *“To the extent practicable, the Secretary shall ensure*
4 *that administrators, teachers, and other individuals di-*
5 *rectly involved in the operation of charter schools are con-*
6 *sulted in the development of any rules, regulations, or non-*
7 *regulatory guidance required to implement this subpart, as*
8 *well as in the development of any rules, regulations, or non-*
9 *regulatory guidance relevant to charter schools that are re-*
10 *quired to implement part A of title I, the Individuals with*
11 *Disabilities Education Act, or any other program adminis-*
12 *tered by the Secretary that provides education funds to*
13 *charter schools or regulates the activities of charter schools.*

14 **“SEC. 3108. RECORDS TRANSFER.**

15 *“State educational agencies and local educational*
16 *agencies, as quickly as possible and to the extent prac-*
17 *ticable, shall ensure that a student’s records and, if applica-*
18 *ble, a student’s individualized education program as de-*
19 *finied in section 602(14) of the Individuals with Disabilities*
20 *Education Act, are transferred to a charter school upon the*
21 *transfer of the student to the charter school, and to another*
22 *public school upon the transfer of the student from a charter*
23 *school to another public school, in accordance with applica-*
24 *ble State law.*

1 **“SEC. 3109. PAPERWORK REDUCTION.**

2 *“To the extent practicable, the Secretary and each au-*
3 *thorized public chartering agency shall ensure that imple-*
4 *mentation of this subpart results in a minimum of paper-*
5 *work for any eligible applicant or charter school.*

6 **“SEC. 3110. DEFINITIONS.**

7 *“In this subpart:*

8 *“(1) AUTHORIZED PUBLIC CHARTERING AGEN-*
9 *CY.—The term ‘authorized public chartering agency’*
10 *means a State educational agency, local educational*
11 *agency, or other public entity that has the authority*
12 *pursuant to State law and approved by the Secretary*
13 *to authorize or approve a charter school.*

14 *“(2) CHARTER SUPPORT ORGANIZATION.—The*
15 *term ‘charter support organization’ means a non-*
16 *profit, nongovernmental entity that provides, on a*
17 *statewide or regional basis—*

18 *“(A) assistance to developers during the*
19 *planning, program design, and initial imple-*
20 *mentation of a charter school; and*

21 *“(B) technical assistance to operate charter*
22 *schools.*

23 *“(3) DEVELOPER.—The term ‘developer’ means*
24 *an individual or group of individuals (including a*
25 *public or private nonprofit organization), which may*
26 *include teachers, administrators and other school*

1 *staff, parents, or other members of the local commu-*
2 *nity in which a charter school project will be carried*
3 *out.*

4 “(4) *ELIGIBLE APPLICANT.*—*The term ‘eligible*
5 *applicant’ means a developer that has—*

6 “(A) *applied to an authorized public char-*
7 *tering authority to operate a charter school; and*

8 “(B) *provided adequate and timely notice to*
9 *that authority.*

10 “(5) *EXPANSION OF A HIGH-QUALITY CHARTER*
11 *SCHOOL.*—*The term ‘expansion of a high-quality*
12 *charter school’ means to significantly increase the en-*
13 *rollment of, or add one or more grades to, a high-*
14 *quality charter school.*

15 “(6) *HIGH-QUALITY CHARTER SCHOOL.*—*The*
16 *term ‘high-quality charter school’ means a charter*
17 *school that—*

18 “(A) *shows evidence of strong academic re-*
19 *sults, which may include strong academic growth*
20 *as determined by a State;*

21 “(B) *has no significant issues in the areas*
22 *of student safety, financial management, or stat-*
23 *utory or regulatory compliance;*

24 “(C) *has demonstrated success in signifi-*
25 *cantly increasing student academic achievement*

1 *and attainment for all students served by the*
 2 *charter school; and*

3 “(D) *has demonstrated success in increasing*
 4 *student academic achievement for the groups of*
 5 *students described in section*
 6 *1111(b)(3)(B)(i)(II), except that such dem-*
 7 *onstration is not required in a case in which the*
 8 *number of students in a group is insufficient to*
 9 *yield statistically reliable information or the re-*
 10 *sults would reveal personally identifiable infor-*
 11 *mation about an individual student.*

12 “(7) *REPLICABLE, HIGH-QUALITY CHARTER*
 13 *SCHOOL MODEL.—The term ‘replicable, high-quality*
 14 *charter school model’ means a high-quality charter*
 15 *school that has the capability of opening another such*
 16 *charter school under an existing charter.*

17 **“Subpart 2—Magnet School Assistance**

18 **“SEC. 3121. PURPOSE.**

19 *“The purpose of this subpart is to assist in the desegre-*
 20 *gation of schools served by local educational agencies by*
 21 *providing financial assistance to eligible local educational*
 22 *agencies for—*

23 “(1) *the elimination, reduction, or prevention of*
 24 *minority group isolation in elementary schools and*
 25 *secondary schools with substantial proportions of mi-*

1 *nority students, which shall include assisting in the*
2 *efforts of the United States to achieve voluntary deseg-*
3 *regation in public schools;*

4 *“(2) the development and implementation of*
5 *magnet school programs that will assist local edu-*
6 *cational agencies in achieving systemic reforms and*
7 *providing all students the opportunity to meet State*
8 *academic standards;*

9 *“(3) the development and design of innovative*
10 *educational methods and practices that promote di-*
11 *versity and increase choices in public elementary*
12 *schools and public secondary schools and public edu-*
13 *cational programs;*

14 *“(4) courses of instruction within magnet schools*
15 *that will substantially strengthen the knowledge of*
16 *academic subjects and the attainment of tangible and*
17 *marketable career, technical, and professional skills of*
18 *students attending such schools;*

19 *“(5) improving the ability of local educational*
20 *agencies, including through professional development,*
21 *to continue operating magnet schools at a high per-*
22 *formance level after Federal funding for the magnet*
23 *schools is terminated; and*

24 *“(6) ensuring that students enrolled in the mag-*
25 *net school programs have equitable access to a quality*

1 *education that will enable the students to succeed aca-*
2 *demically and continue with postsecondary education*
3 *or employment.*

4 **“SEC. 3122. DEFINITION.**

5 *“For the purpose of this subpart, the term ‘magnet*
6 *school’ means a public elementary school, public secondary*
7 *school, public elementary education center, or public sec-*
8 *ondary education center that offers a special curriculum ca-*
9 *pable of attracting substantial numbers of students of dif-*
10 *ferent racial backgrounds.*

11 **“SEC. 3123. PROGRAM AUTHORIZED.**

12 *“From the amount appropriated under section*
13 *3(c)(1)(B), the Secretary, in accordance with this subpart,*
14 *is authorized to award grants to eligible local educational*
15 *agencies, and consortia of such agencies where appropriate,*
16 *to carry out the purpose of this subpart for magnet schools*
17 *that are—*

18 *“(1) part of an approved desegregation plan;*

19 *and*

20 *“(2) designed to bring students from different so-*
21 *cial, economic, ethnic, and racial backgrounds to-*
22 *gether.*

23 **“SEC. 3124. ELIGIBILITY.**

24 *“A local educational agency, or consortium of such*
25 *agencies where appropriate, is eligible to receive a grant*

1 *under this subpart to carry out the purpose of this subpart*
2 *if such agency or consortium—*

3 “(1) *is implementing a plan undertaken pursu-*
4 *ant to a final order issued by a court of the United*
5 *States, or a court of any State, or any other State*
6 *agency or official of competent jurisdiction, that re-*
7 *quires the desegregation of minority-group-segregated*
8 *children or faculty in the elementary schools and sec-*
9 *ondary schools of such agency; or*

10 “(2) *without having been required to do so, has*
11 *adopted and is implementing, or will, if a grant is*
12 *awarded to such local educational agency, or consor-*
13 *tium of such agencies, under this subpart, adopt and*
14 *implement a plan that has been approved by the Sec-*
15 *retary as adequate under title VI of the Civil Rights*
16 *Act of 1964 for the desegregation of minority-group-*
17 *segregated children or faculty in such schools.*

18 **“SEC. 3125. APPLICATIONS AND REQUIREMENTS.**

19 “(a) *APPLICATIONS.—An eligible local educational*
20 *agency, or consortium of such agencies, desiring to receive*
21 *a grant under this subpart shall submit an application to*
22 *the Secretary at such time and in such manner as the Sec-*
23 *retary may reasonably require.*

24 “(b) *INFORMATION AND ASSURANCES.—Each applica-*
25 *tion submitted under subsection (a) shall include—*

1 “(1) a description of—

2 “(A) how a grant awarded under this sub-
3 part will be used to promote desegregation, in-
4 cluding how the proposed magnet school pro-
5 grams will increase interaction among students
6 of different social, economic, ethnic, and racial
7 backgrounds;

8 “(B) the manner and extent to which the
9 magnet school program will increase student
10 academic achievement in the instructional area
11 or areas offered by the school;

12 “(C) how the applicant will continue the
13 magnet school program after assistance under
14 this subpart is no longer available, and, if appli-
15 cable, an explanation of why magnet schools es-
16 tablished or supported by the applicant with
17 grant funds under this subpart cannot be contin-
18 ued without the use of grant funds under this
19 subpart;

20 “(D) how grant funds under this subpart
21 will be used—

22 “(i) to improve student academic
23 achievement for all students attending the
24 magnet school programs; and

1 “(ii) to implement services and activi-
2 ties that are consistent with other programs
3 under this Act, and other Acts, as appro-
4 priate; and

5 “(E) the criteria to be used in selecting stu-
6 dents to attend the proposed magnet school pro-
7 gram; and

8 “(2) assurances that the applicant will—

9 “(A) use grant funds under this subpart for
10 the purposes specified in section 3121;

11 “(B) employ effective teachers in the courses
12 of instruction assisted under this subpart;

13 “(C) not engage in discrimination based on
14 race, religion, color, national origin, sex, or dis-
15 ability in—

16 “(i) the hiring, promotion, or assign-
17 ment of employees of the applicant or other
18 personnel for whom the applicant has any
19 administrative responsibility;

20 “(ii) the assignment of students to
21 schools, or to courses of instruction within
22 the schools, of such applicant, except to
23 carry out the approved plan; and

24 “(iii) designing or operating extra-
25 curricular activities for students;

1 “(D) carry out a quality education program
2 that will encourage greater parental decision-
3 making and involvement; and

4 “(E) give students residing in the local at-
5 tendance area of the proposed magnet school pro-
6 gram equitable consideration for placement in
7 the program, consistent with desegregation guide-
8 lines and the capacity of the applicant to accom-
9 modate the students.

10 “(c) *SPECIAL RULE.*—No grant shall be awarded
11 under this subpart unless the Assistant Secretary of Edu-
12 cation for Civil Rights determines that the assurances de-
13 scribed in subsection (b)(2)(C) will be met.

14 “**SEC. 3126. PRIORITY.**

15 “*In awarding grants under this subpart, the Secretary*
16 *shall give priority to applicants that—*

17 “(1) demonstrate the greatest need for assistance,
18 based on the expense or difficulty of effectively car-
19 rying out approved desegregation plans and the mag-
20 net school program for which the grant is sought;

21 “(2) propose to carry out new magnet school pro-
22 grams, or significantly revise existing magnet school
23 programs;

1 “(3) propose to select students to attend magnet
2 school programs by methods such as lottery, rather
3 than through academic examination; and

4 “(4) propose to serve the entire student popu-
5 lation of a school.

6 **“SEC. 3127. USE OF FUNDS.**

7 “(a) *IN GENERAL.*—Grant funds made available under
8 this subpart may be used by an eligible local educational
9 agency, or consortium of such agencies—

10 “(1) for planning and promotional activities di-
11 rectly related to the development, expansion, continu-
12 ation, or enhancement of academic programs and
13 services offered at magnet schools;

14 “(2) for the acquisition of books, materials, and
15 equipment, including computers and the maintenance
16 and operation of materials, equipment, and com-
17 puters, necessary to conduct programs in magnet
18 schools;

19 “(3) for the compensation, or subsidization of the
20 compensation, of elementary school and secondary
21 school teachers, and instructional staff where applica-
22 ble, who are necessary to conduct programs in magnet
23 schools;

1 “(4) with respect to a magnet school program of-
2 ferred to less than the entire student population of a
3 school, for instructional activities that—

4 “(A) are designed to make available the spe-
5 cial curriculum that is offered by the magnet
6 school program to students who are enrolled in
7 the school but who are not enrolled in the magnet
8 school program; and

9 “(B) further the purpose of this subpart;

10 “(5) for activities, which may include profes-
11 sional development, that will build the recipient’s ca-
12 pacity to operate magnet school programs once the
13 grant period has ended;

14 “(6) to enable the local educational agency, or
15 consortium of such agencies, to have more flexibility
16 in the administration of a magnet school program in
17 order to serve students attending a school who are not
18 enrolled in a magnet school program; and

19 “(7) to enable the local educational agency, or
20 consortium of such agencies, to have flexibility in de-
21 signing magnet schools for students in all grades.

22 “(b) SPECIAL RULE.—Grant funds under this subpart
23 may be used for activities described in paragraphs (2) and
24 (3) of subsection (a) only if the activities are directly related
25 to improving student academic achievement based on the

1 *State’s academic standards or directly related to improving*
2 *student reading skills or knowledge of mathematics, science,*
3 *history, geography, English, foreign languages, art, or*
4 *music, or to improving career, technical, and professional*
5 *skills.*

6 **“SEC. 3128. LIMITATIONS.**

7 “(a) *DURATION OF AWARDS.*—*A grant under this sub-*
8 *part shall be awarded for a period that shall not exceed*
9 *3 fiscal years.*

10 “(b) *LIMITATION ON PLANNING FUNDS.*—*A local edu-*
11 *cational agency, or consortium of such agencies, may ex-*
12 *pend for planning (professional development shall not be*
13 *considered to be planning for purposes of this subsection)*
14 *not more than 50 percent of the grant funds received under*
15 *this subpart for the first year of the program and not more*
16 *than 15 percent of such funds for each of the second and*
17 *third such years.*

18 “(c) *AMOUNT.*—*No local educational agency, or con-*
19 *sortium of such agencies, awarded a grant under this sub-*
20 *part shall receive more than \$4,000,000 under this subpart*
21 *for any 1 fiscal year.*

22 “(d) *TIMING.*—*To the extent practicable, the Secretary*
23 *shall award grants for any fiscal year under this subpart*
24 *not later than July 1 of the applicable fiscal year.*

1 **“SEC. 3129. EVALUATIONS.**

2 “(a) *RESERVATION.*—*The Secretary may reserve not*
3 *more than 2 percent of the funds appropriated under section*
4 *3(c)(1)(B) for any fiscal year to carry out evaluations, pro-*
5 *vide technical assistance, and carry out dissemination*
6 *projects with respect to magnet school programs assisted*
7 *under this subpart.*

8 “(b) *CONTENTS.*—*Each evaluation described in sub-*
9 *section (a), at a minimum, shall address—*

10 “(1) *how and the extent to which magnet school*
11 *programs lead to educational quality and academic*
12 *improvement;*

13 “(2) *the extent to which magnet school programs*
14 *enhance student access to a quality education;*

15 “(3) *the extent to which magnet school programs*
16 *lead to the elimination, reduction, or prevention of*
17 *minority group isolation in elementary schools and*
18 *secondary schools with substantial proportions of mi-*
19 *nority students; and*

20 “(4) *the extent to which magnet school programs*
21 *differ from other school programs in terms of the or-*
22 *ganizational characteristics and resource allocations*
23 *of such magnet school programs.*

24 “(c) *DISSEMINATION.*—*The Secretary shall collect and*
25 *disseminate to the general public information on successful*
26 *magnet school programs.*

1 **“SEC. 3130. RESERVATION.**

2 *“In any fiscal year for which the amount appropriated*
3 *under section 3(c)(1)(B) exceeds \$75,000,000, the Secretary*
4 *shall give priority in using such amounts in excess of*
5 *\$75,000,000 to awarding grants to local educational agen-*
6 *cies or consortia of such agencies that did not receive a*
7 *grant under this subpart in the preceding fiscal year.*

8 **“Subpart 3—Family Engagement in Education**
9 **Programs**

10 **“SEC. 3141. PURPOSES.**

11 *“The purposes of this subpart are the following:*

12 *“(1) To provide financial support to organiza-*
13 *tions to provide technical assistance and training to*
14 *State and local educational agencies in the implemen-*
15 *tation and enhancement of systemic and effective fam-*
16 *ily engagement policies, programs, and activities that*
17 *lead to improvements in student development and*
18 *academic achievement.*

19 *“(2) To assist State educational agencies, local*
20 *educational agencies, community-based organizations,*
21 *schools, and educators in strengthening partnerships*
22 *among parents, teachers, school leaders, administra-*
23 *tors, and other school personnel in meeting the edu-*
24 *cational needs of children and fostering greater paren-*
25 *tal engagement.*

1 “(3) To support State educational agencies, local
2 educational agencies, schools, educators, and parents
3 in developing and strengthening the relationship be-
4 tween parents and their children’s school in order to
5 further the developmental progress of children.

6 “(4) To coordinate activities funded under this
7 subpart with parent involvement initiatives funded
8 under section 1118 and other provisions of this Act.

9 “(5) To assist the Secretary, State educational
10 agencies, and local educational agencies in the coordi-
11 nation and integration of Federal, State, and local
12 services and programs to engage families in edu-
13 cation.

14 **“SEC. 3142. GRANTS AUTHORIZED.**

15 “(a) STATEWIDE FAMILY ENGAGEMENT CENTERS.—
16 From the amount appropriated under section 3(c)(1)(C),
17 the Secretary is authorized to award grants for each fiscal
18 year to statewide organizations (or consortia of such orga-
19 nizations), to establish Statewide Family Engagement Cen-
20 ters that provide comprehensive training and technical as-
21 sistance to State educational agencies, local educational
22 agencies, schools identified by State educational agencies
23 and local educational agencies, organizations that support
24 family-school partnerships, and other organizations that

1 *carry out, or carry out directly, parent education and fam-*
2 *ily engagement in education programs.*

3 “(b) *MINIMUM AWARD.*—*In awarding grants under*
4 *this section, the Secretary shall, to the extent practicable,*
5 *ensure that a grant is awarded for a Statewide Family En-*
6 *gagement Center in an amount not less than \$500,000.*

7 **“SEC. 3143. APPLICATIONS.**

8 “(a) *SUBMISSIONS.*—*Each statewide organization, or*
9 *a consortium of such organizations, that desires a grant*
10 *under this subpart shall submit an application to the Sec-*
11 *retary at such time, in such manner, and including the in-*
12 *formation described in subsection (b).*

13 “(b) *CONTENTS.*—*Each application submitted under*
14 *subsection (a) shall include, at a minimum, the following:*

15 “(1) *A description of the applicant’s approach to*
16 *family engagement in education.*

17 “(2) *A description of the support that the State-*
18 *wide Family Engagement Center that will be oper-*
19 *ated by the applicant will have from the State edu-*
20 *cational agency and any partner organization out-*
21 *lining the commitment to work with the center.*

22 “(3) *A description of the applicant’s plan for*
23 *building a statewide infrastructure for family engage-*
24 *ment in education, that includes—*

25 “(A) *management and governance;*

1 “(B) statewide leadership; or

2 “(C) systemic services for family engage-
3 ment in education.

4 “(4) A description of the applicant’s dem-
5 onstrated experience in providing training, informa-
6 tion, and support to State educational agencies, local
7 educational agencies, schools, educators, parents, and
8 organizations on family engagement in education
9 policies and practices that are effective for parents
10 (including low-income parents) and families, English
11 learners, minorities, parents of students with disabil-
12 ities, parents of homeless students, foster parents and
13 students, and parents of migratory students, includ-
14 ing evaluation results, reporting, or other data exhib-
15 iting such demonstrated experience.

16 “(5) An assurance that the applicant will—

17 “(A) establish a special advisory committee,
18 the membership of which includes—

19 “(i) parents, who shall constitute a
20 majority of the members of the special advi-
21 sory committee;

22 “(ii) representatives of education pro-
23 fessionals with expertise in improving serv-
24 ices for disadvantaged children;

1 “(iii) representatives of local elemen-
2 tary schools and secondary schools, includ-
3 ing students;

4 “(iv) representatives of the business
5 community; and

6 “(v) representatives of State edu-
7 cational agencies and local educational
8 agencies;

9 “(B) use not less than 65 percent of the
10 funds received under this subpart in each fiscal
11 year to serve local educational agencies, schools,
12 and community-based organizations that serve
13 high concentrations of disadvantaged students,
14 including English learners, minorities, parents
15 of students with disabilities, parents of homeless
16 students, foster parents and students, and par-
17 ents of migratory students;

18 “(C) operate a Statewide Family Engage-
19 ment Center of sufficient size, scope, and quality
20 to ensure that the Center is adequate to serve the
21 State educational agency, local educational agen-
22 cies, and community-based organizations;

23 “(D) ensure that the Center will retain staff
24 with the requisite training and experience to
25 serve parents in the State;

1 “(E) serve urban, suburban, and rural local
2 educational agencies and schools;

3 “(F) work with—

4 “(i) other Statewide Family Engage-
5 ment Centers assisted under this subpart;
6 and

7 “(ii) parent training and information
8 centers and community parent resource cen-
9 ters assisted under sections 671 and 672 of
10 the Individuals with Disabilities Education
11 Act;

12 “(G) use not less than 30 percent of the
13 funds received under this subpart for each fiscal
14 year to establish or expand technical assistance
15 for evidence-based parent education programs;

16 “(H) provide assistance to State edu-
17 cational agencies and local educational agencies
18 and community-based organizations that support
19 family members in supporting student academic
20 achievement;

21 “(I) work with State educational agencies,
22 local educational agencies, schools, educators,
23 and parents to determine parental needs and the
24 best means for delivery of services to address
25 such needs; and

1 “(J) conduct sufficient outreach to assist
2 parents, including parents who the applicant
3 may have a difficult time engaging with a school
4 or local educational agency.

5 **“SEC. 3144. USES OF FUNDS.**

6 “(a) *IN GENERAL.*—Grantees shall use grant funds re-
7 ceived under this subpart, based on the needs determined
8 under section 3143(b)(5)(I), to provide training and tech-
9 nical assistance to State educational agencies, local edu-
10 cational agencies, and organizations that support family-
11 school partnerships, and activities, services, and training
12 for local educational agencies, school leaders, educators, and
13 parents—

14 “(1) to assist parents in participating effectively
15 in their children’s education and to help their chil-
16 dren meet State standards, such as assisting par-
17 ents—

18 “(A) to engage in activities that will im-
19 prove student academic achievement, including
20 understanding how they can support learning in
21 the classroom with activities at home and in
22 afterschool and extracurricular programs;

23 “(B) to communicate effectively with their
24 children, teachers, school leaders, counselors, ad-
25 ministrators, and other school personnel;

1 “(C) to become active participants in the
2 development, implementation, and review of
3 school-parent compacts, family engagement in
4 education policies, and school planning and im-
5 provement;

6 “(D) to participate in the design and provi-
7 sion of assistance to students who are not mak-
8 ing academic progress;

9 “(E) to participate in State and local deci-
10 sionmaking;

11 “(F) to train other parents; and

12 “(G) to help the parents learn and use tech-
13 nology applied in their children’s education;

14 “(2) to develop and implement, in partnership
15 with the State educational agency, statewide family
16 engagement in education policy and systemic initia-
17 tives that will provide for a continuum of services to
18 remove barriers for family engagement in education
19 and support school reform efforts; and

20 “(3) to develop and implement parental involve-
21 ment policies under this Act.

22 “(b) *MATCHING FUNDS FOR GRANT RENEWAL.*—For
23 each fiscal year after the first fiscal year for which an orga-
24 nization or consortium receives assistance under this sec-
25 tion, the organization or consortium shall demonstrate in

1 *the application that a portion of the services provided by*
2 *the organization or consortium is supported through non-*
3 *Federal contributions, which may be in cash or in-kind.*

4 “(c) *TECHNICAL ASSISTANCE.*—*The Secretary shall re-*
5 *serve not more than 2 percent of the funds appropriated*
6 *under section 3(c)(1)(C) to carry out this subpart to provide*
7 *technical assistance, by competitive grant or contract, for*
8 *the establishment, development, and coordination of State-*
9 *wide Family Engagement Centers.*

10 “(d) *RULE OF CONSTRUCTION.*—*Nothing in this sec-*
11 *tion shall be construed to prohibit a Statewide Family En-*
12 *gagement Center from—*

13 “(1) *having its employees or agents meet with a*
14 *parent at a site that is not on school grounds; or*

15 “(2) *working with another agency that serves*
16 *children.*

17 “(e) *PARENTAL RIGHTS.*—*Notwithstanding any other*
18 *provision of this section—*

19 “(1) *no person (including a parent who educates*
20 *a child at home, a public school parent, or a private*
21 *school parent) shall be required to participate in any*
22 *program of parent education or developmental screen-*
23 *ing under this section; and*

24 “(2) *no program or center assisted under this*
25 *section shall take any action that infringes in any*

1 *manner on the right of a parent to direct the edu-*
2 *cation of their children.*

3 **“SEC. 3145. FAMILY ENGAGEMENT IN INDIAN SCHOOLS.**

4 *“The Secretary of the Interior, in consultation with*
5 *the Secretary of Education, shall establish, or enter into*
6 *contracts and cooperative agreements with local Indian*
7 *nonprofit parent organizations to establish and operate*
8 *Family Engagement Centers.*

9 **“PART B—LOCAL ACADEMIC FLEXIBLE GRANT**

10 **“SEC. 3201. PURPOSE.**

11 *“The purpose of this part is to—*

12 *“(1) provide local educational agencies with the*
13 *opportunity to access funds to support the initiatives*
14 *important to their schools and students to improve*
15 *academic achievement, including protecting student*
16 *safety; and*

17 *“(2) provide nonprofit and for-profit entities the*
18 *opportunity to work with students to improve aca-*
19 *demic achievement, including student safety.*

20 **“SEC. 3202. ALLOTMENTS TO STATES.**

21 *“(a) RESERVATIONS.—From the funds appropriated*
22 *under section 3(c)(2) for any fiscal year, the Secretary shall*
23 *reserve—*

24 *“(1) not more than one-half of 1 percent for na-*
25 *tional activities to provide technical assistance to eli-*

1 *gible entities in carrying out programs under this*
2 *part; and*

3 *“(2) not more than one-half of 1 percent for pay-*
4 *ments to the outlying areas and the Bureau of Indian*
5 *Education, to be allotted in accordance with their re-*
6 *spective needs for assistance under this part, as deter-*
7 *mined by the Secretary, to enable the outlying areas*
8 *and the Bureau to carry out the purpose of this part.*

9 *“(b) STATE ALLOTMENTS.—*

10 *“(1) DETERMINATION.—From the funds appro-*
11 *priated under section 3(c)(2) for any fiscal year and*
12 *remaining after the Secretary makes reservations*
13 *under subsection (a), the Secretary shall allot to each*
14 *State for the fiscal year an amount that bears the*
15 *same relationship to the remainder as the amount the*
16 *State received under chapter B of subpart 1 of part*
17 *A of title I for the preceding fiscal year bears to the*
18 *amount all States received under that chapter for the*
19 *preceding fiscal year, except that no State shall re-*
20 *ceive less than an amount equal to one-half of 1 per-*
21 *cent of the total amount made available to all States*
22 *under this subsection.*

23 *“(2) REALLOTMENT OF UNUSED FUNDS.—If a*
24 *State does not receive an allotment under this part*
25 *for a fiscal year, the Secretary shall reallocate the*

1 *amount of the State’s allotment to the remaining*
2 *States in accordance with this section.*

3 “(c) *STATE USE OF FUNDS.*—

4 “(1) *IN GENERAL.*—*Each State that receives an*
5 *allotment under this part shall reserve not less than*
6 *75 percent of the amount allotted to the State under*
7 *subsection (b) for each fiscal year for awards to eligi-*
8 *ble entities under section 3204.*

9 “(2) *AWARDS TO NONGOVERNMENTAL ENTITIES*
10 *TO IMPROVE STUDENT ACADEMIC ACHIEVEMENT.*—
11 *Each State that receives an allotment under sub-*
12 *section (b) for each fiscal year shall reserve not less*
13 *than 10 percent of the amount allotted to the State*
14 *for awards to nongovernmental entities under section*
15 *3205.*

16 “(3) *STATE ACTIVITIES AND STATE ADMINISTRA-*
17 *TION.*—*A State educational agency may reserve not*
18 *more than 15 percent of the amount allotted to the*
19 *State under subsection (b) for each fiscal year for the*
20 *following:*

21 “(A) *Enabling the State educational agen-*
22 *cy—*

23 “(i) *to pay the costs of developing the*
24 *State assessments and standards required*
25 *under section 1111(b), which may include*

1 *the costs of working, at the sole discretion of*
2 *the State, in voluntary partnerships with*
3 *other States to develop such assessments and*
4 *standards; or*

5 *“(ii) if the State has developed the as-*
6 *sessments and standards required under sec-*
7 *tion 1111(b), to administer those assess-*
8 *ments or carry out other activities related*
9 *to ensuring that the State’s schools and*
10 *local educational agencies are helping stu-*
11 *dents meet the State’s academic standards*
12 *under such section.*

13 *“(B) The administrative costs of carrying*
14 *out its responsibilities under this part, except*
15 *that not more than 5 percent of the reserved*
16 *amount may be used for this purpose.*

17 *“(C) Monitoring and evaluation of pro-*
18 *grams and activities assisted under this part.*

19 *“(D) Providing training and technical as-*
20 *sistance under this part.*

21 *“(E) Statewide academic focused programs.*

22 *“(F) Sharing evidence-based and other effec-*
23 *tive strategies with eligible entities.*

1 **“SEC. 3203. STATE APPLICATION.**

2 “(a) *IN GENERAL.*—*In order to receive an allotment*
3 *under section 3202 for any fiscal year, a State shall submit*
4 *to the Secretary, at such time as the Secretary may require,*
5 *an application that—*

6 “(1) *designates the State educational agency as*
7 *the agency responsible for the administration and su-*
8 *per vision of programs assisted under this part;*

9 “(2) *describes how the State educational agency*
10 *will use funds reserved for State-level activities, in-*
11 *cluding how, if any, of the funds will be used to sup-*
12 *port student safety;*

13 “(3) *describes the procedures and criteria the*
14 *State educational agency will use for reviewing appli-*
15 *cations and awarding funds to eligible entities on a*
16 *competitive basis, which shall include reviewing how*
17 *the proposed project will help increase student aca-*
18 *demic achievement;*

19 “(4) *describes how the State educational agency*
20 *will ensure that awards made under this part are—*

21 “(A) *of sufficient size and scope to support*
22 *high-quality, effective programs that are con-*
23 *sistent with the purpose of this part; and*

24 “(B) *in amounts that are consistent with*
25 *section 3204(f);*

1 “(5) describes the steps the State educational
2 agency will take to ensure that programs implement
3 effective strategies, including providing ongoing tech-
4 nical assistance and training, and dissemination of
5 evidence-based and other effective strategies;

6 “(6) describes how the State educational agency
7 will consider students across all grades when making
8 these awards;

9 “(7) an assurance that, other than providing
10 technical and advisory assistance and monitoring
11 compliance with this part, the State educational
12 agency has not exercised and will not exercise any in-
13 fluence in the decision-making process of eligible enti-
14 ties as to the expenditure of funds received by the eli-
15 gible entities under this part;

16 “(8) describes how programs under this part will
17 be coordinated with programs under this Act, and
18 other programs as appropriate;

19 “(9) contains an assurance that the State edu-
20 cational agency—

21 “(A) will make awards for programs for a
22 period of not more than 5 years; and

23 “(B) will require each eligible entity seeking
24 such an award to submit a plan describing how
25 the project to be funded through the award will

1 *continue after funding under this part ends, if*
2 *applicable; and*

3 “(10) *contains an assurance that funds appro-*
4 *propriated to carry out this part will be used to supple-*
5 *ment, and not supplant, State and local public funds*
6 *expended to provide programs and activities author-*
7 *ized under this part and other similar programs.*

8 “(b) *DEEMED APPROVAL.—An application submitted*
9 *by a State educational agency pursuant to subsection (a)*
10 *shall be deemed to be approved by the Secretary unless the*
11 *Secretary makes a written determination, prior to the expi-*
12 *ration of the 120-day period beginning on the date on which*
13 *the Secretary received the application, that the application*
14 *is not in compliance with this part.*

15 “(c) *DISAPPROVAL.—The Secretary shall not finally*
16 *disapprove the application, except after giving the State*
17 *educational agency notice and an opportunity for a hear-*
18 *ing.*

19 “(d) *NOTIFICATION.—If the Secretary finds that the*
20 *application is not in compliance, in whole or in part, with*
21 *this part, the Secretary shall—*

22 “(1) *give the State educational agency notice*
23 *and an opportunity for a hearing; and*

1 “(2) notify the State educational agency of the
2 *finding of noncompliance, and, in such notification,*
3 *shall—*

4 “(A) cite the specific provisions in the ap-
5 *plication that are not in compliance; and*

6 “(B) request additional information, only
7 *as to the noncompliant provisions, needed to*
8 *make the application compliant.*

9 “(e) *RESPONSE.—If the State educational agency re-*
10 *sponds to the Secretary’s notification described in sub-*
11 *section (d)(2) during the 45-day period beginning on the*
12 *date on which the agency received the notification, and re-*
13 *submits the application with the requested information de-*
14 *scribed in subsection (d)(2)(B), the Secretary shall approve*
15 *or disapprove such application prior to the later of—*

16 “(1) the expiration of the 45-day period begin-
17 *ning on the date on which the application is resub-*
18 *mitted; or*

19 “(2) the expiration of the 120-day period de-
20 *scribed in subsection (b).*

21 “(f) *FAILURE TO RESPOND.—If the State educational*
22 *agency does not respond to the Secretary’s notification de-*
23 *scribed in subsection (d)(2) during the 45-day period begin-*
24 *ning on the date on which the agency received the notifica-*
25 *tion, such application shall be deemed to be disapproved.*

1 “(g) *RULE OF CONSTRUCTION.*—An application sub-
2 mitted by a State educational agency pursuant to sub-
3 section (a) shall not be approved or disapproved based upon
4 the activities for which the agency may make funds avail-
5 able to eligible entities under section 3204 if the agency’s
6 use of funds is consistent with section 3204(b).

7 **“SEC. 3204. LOCAL COMPETITIVE GRANT PROGRAM.**

8 “(a) *IN GENERAL.*—A State that receives funds under
9 this part for a fiscal year shall provide the amount made
10 available under section 3202(c)(1) to eligible entities in ac-
11 cordance with this section.

12 “(b) *USE OF FUNDS.*—

13 “(1) *IN GENERAL.*—An eligible entity that re-
14 ceives an award under this part shall use the funds
15 for activities that—

16 “(A) are evidence-based;

17 “(B) will improve student academic
18 achievement;

19 “(C) are allowable under State law; and

20 “(D) focus on one or more projects from the
21 following two categories:

22 “(i) Supplemental student support ac-
23 tivities such as before, after, or summer
24 school activities, tutoring, and expanded

1 *learning time, but not including athletics or*
2 *in-school learning activities.*

3 “(ii) *Activities designed to support stu-*
4 *dents, such as academic subject specific pro-*
5 *grams, adjunct teacher programs, extended*
6 *learning time programs, dual enrollment*
7 *programs, and parent engagement, but not*
8 *including activities to—*

9 “(I) *support smaller class sizes or*
10 *construction; or*

11 “(II) *provide compensation or*
12 *benefits to teachers, school leaders,*
13 *other school officials, or local edu-*
14 *cational agency staff.*

15 “(2) *PARTICIPATION OF CHILDREN ENROLLED IN*
16 *PRIVATE SCHOOLS.—An eligible entity that receives*
17 *an award under this part shall ensure compliance*
18 *with section 5501 (relating to participation of chil-*
19 *dren enrolled in private schools).*

20 “(c) *APPLICATION.—*

21 “(1) *IN GENERAL.—To be eligible to receive an*
22 *award under this part, an eligible entity shall submit*
23 *an application to the State educational agency at*
24 *such time, in such manner, and including such infor-*
25 *mation as the State educational agency may reason-*

1 *ably require, including the contents required by para-*
2 *graph (2).*

3 *“(2) CONTENTS.—Each application submitted*
4 *under paragraph (1) shall include—*

5 *“(A) a description of the activities to be*
6 *funded and how they are consistent with sub-*
7 *section (b), including any activities that will in-*
8 *crease student safety;*

9 *“(B) an assurance that funds under this*
10 *part will be used to increase the level of State,*
11 *local, and other non-Federal funds that would,*
12 *in the absence of funds under this part, be made*
13 *available for programs and activities authorized*
14 *under this part, and in no case supplant State,*
15 *local, or non-Federal funds;*

16 *“(C) an assurance that the community will*
17 *be given notice of an intent to submit an appli-*
18 *cation with an opportunity for comment, and*
19 *that the application will be available for public*
20 *review after submission of the application; and*

21 *“(D) an assurance that students who benefit*
22 *from any activity funded under this part shall*
23 *continue to maintain enrollment in a public ele-*
24 *mentary or secondary school.*

1 “(d) *REVIEW.*—*In reviewing local applications under*
2 *this section, a State educational agency shall use a peer*
3 *review process or other methods of assuring the quality of*
4 *such applications but the review shall be limited to the like-*
5 *lihood that the project will increase student academic*
6 *achievement.*

7 “(e) *GEOGRAPHIC DIVERSITY.*—*A State educational*
8 *agency shall distribute funds under this part equitably*
9 *among geographic areas within the State, including rural,*
10 *suburban, and urban communities.*

11 “(f) *AWARD.*—*A grant shall be awarded to all eligible*
12 *entities that submit an application that meets the require-*
13 *ments of this section in an amount that is not less than*
14 *\$10,000, but there shall be only one award granted to any*
15 *one local educational agency, but such award may be for*
16 *multiple projects or programs with the local educational*
17 *agency.*

18 “(g) *DURATION OF AWARDS.*—*Grants under this part*
19 *may be awarded for a period of not more than 5 years.*

20 “(h) *ELIGIBLE ENTITY DEFINED.*—*In this section, the*
21 *term ‘eligible entity’ means—*

22 “(1) *a local educational agency in partnership*
23 *with a community-based organization, business enti-*
24 *ty, or nongovernmental entity;*

1 “(2) a consortium of local educational agencies
2 working in partnership with a community-based or-
3 ganization, business entity, or nongovernmental enti-
4 ty;

5 “(3) a community-based organization in part-
6 nership with a local educational agency and, if appli-
7 cable, a business entity or nongovernmental entity; or

8 “(4) a business entity in partnership with a
9 local educational agency and, if applicable, a commu-
10 nity-based organization or nongovernmental entity.

11 **“SEC. 3205. AWARDS TO NONGOVERNMENTAL ENTITIES TO**
12 **IMPROVE ACADEMIC ACHIEVEMENT.**

13 “(a) *IN GENERAL.*—From the amount reserved under
14 section 3202(c)(2), a State educational agency shall award
15 grants to nongovernmental entities, including public or pri-
16 vate organizations, community-based or faith-based organi-
17 zations, and business entities for a program or project to
18 increase the academic achievement of public school students
19 attending public elementary or secondary schools (or both)
20 in compliance with the requirements in this section. Subject
21 to the availability of funds, the State educational agency
22 shall award a grant to each eligible applicant that meets
23 the requirements in a sufficient size and scope to support
24 the program.

1 “(b) *APPLICATION.—The State educational agency*
2 *shall require an application that includes the following in-*
3 *formation:*

4 “(1) *A description of the program or project the*
5 *applicant will use the funds to support.*

6 “(2) *A description of how the applicant is using*
7 *or will use other State, local, or private funding to*
8 *support the program or project.*

9 “(3) *A description of how the program or project*
10 *will help increase student academic achievement, in-*
11 *cluding the evidence to support this claim.*

12 “(4) *A description of the student population the*
13 *program or project is targeting to impact, and if the*
14 *program will prioritize students in high-need local*
15 *educational agencies.*

16 “(5) *A description of how the applicant will con-*
17 *duct sufficient outreach to ensure students can par-*
18 *ticipate in the program or project.*

19 “(6) *A description of any partnerships the appli-*
20 *cant has entered into with local educational agencies*
21 *or other entities the applicant will work with, if ap-*
22 *plicable.*

23 “(7) *A description of how the applicant will*
24 *work to share evidence-based and other effective strat-*
25 *egies from the program or project with local edu-*

1 *ational agencies and other entities working with stu-*
2 *dents to increase academic achievement.*

3 *“(8) An assurance that students who benefit from*
4 *any program or project funded under this section*
5 *shall continue to maintain enrollment in a public ele-*
6 *mentary or secondary school.*

7 *“(c) MATCHING CONTRIBUTION.—An eligible appli-*
8 *cant receiving a grant under this section shall provide, ei-*
9 *ther directly or through private contributions, non-Federal*
10 *matching funds equal to not less than 50 percent of the*
11 *amount of the grant.*

12 *“(d) REVIEW.—The State educational agency shall re-*
13 *view the application to ensure that—*

14 *“(1) the applicant is an eligible applicant;*

15 *“(2) the application clearly describes the re-*
16 *quired elements in subsection (b);*

17 *“(3) the entity meets the matching requirement*
18 *described in subsection (c); and*

19 *“(4) the program is allowable and complies with*
20 *Federal, State, and local laws.*

21 *“(e) DISTRIBUTION OF FUNDS.—If the application re-*
22 *quests exceed the funds available, the State educational*
23 *agency shall prioritize projects that support students in*
24 *high-need local educational agencies and ensure geographic*

1 *diversity, including serving rural, suburban, and urban*
 2 *areas.*

3 “(f) *ADMINISTRATIVE COSTS.*—*Not more than 1 per-*
 4 *cent of a grant awarded under this section may be used*
 5 *for administrative costs.*

6 **“SEC. 3206. REPORT.**

7 “*Each recipient of a grant under section 3204 or 3205*
 8 *shall report to the State educational agency on—*

9 “(1) *the success of the program in reaching the*
 10 *goals of the program;*

11 “(2) *a description of the students served by the*
 12 *program and how the students’ academic achievement*
 13 *improved; and*

14 “(3) *the results of any evaluation conducted on*
 15 *the success of the program.”.*

16 ***TITLE IV—IMPACT AID***

17 ***SEC. 401. PURPOSE.***

18 *Section 8001 (20 U.S.C. 7701) is amended by striking*
 19 *“challenging State standards” and inserting “State aca-*
 20 *demic standards”.*

21 ***SEC. 402. PAYMENTS RELATING TO FEDERAL ACQUISITION***
 22 ***OF REAL PROPERTY.***

23 *Section 8002 (20 U.S.C. 7702) is amended—*

24 (1) *in subsection (b)(1)(B), by striking “section*
 25 *8014(a)” and inserting “section 3(d)(1)”;* and

1 (2) by amending subsection (f) to read as follows:

2 “(f) *SPECIAL RULE.*—Beginning with fiscal year
3 2014, a local educational agency shall be deemed to meet
4 the requirements of subsection (a)(1)(C) if records to deter-
5 mine eligibility under such subsection were destroyed prior
6 to fiscal year 2000 and the agency received funds under
7 subsection (b) in the previous year.”;

8 (3) by amending subsection (g) to read as fol-
9 lows:

10 “(g) *FORMER DISTRICTS.*—

11 “(1) *CONSOLIDATIONS.*—For fiscal year 2006
12 and each succeeding fiscal year, if a local educational
13 agency described in paragraph (2) is formed at any
14 time after 1938 by the consolidation of two or more
15 former school districts, the local educational agency
16 may elect to have the Secretary determine its eligi-
17 bility and any amount for which the local edu-
18 cational agency is eligible under this section for such
19 fiscal year on the basis of one or more of those former
20 districts, as designated by the local educational agen-
21 cy.

22 “(2) *ELIGIBLE LOCAL EDUCATIONAL AGEN-*
23 *CIES.*—A local educational agency described in this
24 paragraph is—

1 “(A) any local educational agency that, for
2 fiscal year 1994 or any preceding fiscal year,
3 applied for, and was determined to be eligible
4 under section 2(c) of the Act of September 30,
5 1950 (Public Law 874, 81st Congress) as that
6 section was in effect for that fiscal year; or

7 “(B) a local educational agency formed by
8 the consolidation of 2 or more school districts, at
9 least one of which was eligible for assistance
10 under this section for the fiscal year preceding
11 the year of the consolidation, if—

12 “(i) for fiscal years 2006 through 2013,
13 the local educational agency notifies the
14 Secretary not later than 30 days after the
15 date of enactment of the Student Success
16 Act of the designation described in para-
17 graph (1); and

18 “(ii) for fiscal year 2014, and each
19 subsequent fiscal year, the local educational
20 agency includes the designation in its ap-
21 plication under section 8005 or any timely
22 amendment to such application.

23 “(3) AVAILABILITY OF FUNDS.—Notwithstanding
24 any other provision of law limiting the period during
25 which the Secretary may obligate funds appropriated

1 for any fiscal year after fiscal year 2005, the Sec-
2 retary may obligate funds remaining after final pay-
3 ments have been made for any of such fiscal years to
4 carry out this subsection.”;

5 (4) in subsection (h)—

6 (A) in paragraph (2)—

7 (i) in subparagraph (C)(ii), by strik-
8 ing “section 8014(a)” and inserting “sec-
9 tion 3(d)(1)”;

10 (ii) in subparagraph (D), by striking
11 “section 8014(a)” and inserting “section
12 3(d)(1)”;

13 (B) in paragraph (4), by striking “Impact
14 Aid Improvement Act of 2012” and inserting
15 “Student Success Act”;

16 (5) by repealing subsections (k) and (m);

17 (6) by redesignating subsection (l) as subsection
18 (j);

19 (7) by amending subsection (j) (as so redesign-
20 ated) by striking “(h)(4)(B)” and inserting “(h)(2)”;
21 and

22 (8) by redesignating subsection (n) as subsection
23 (k).

1 **SEC. 403. PAYMENTS FOR ELIGIBLE FEDERALLY CON-**
2 **NECTED CHILDREN.**

3 (a) *COMPUTATION OF PAYMENT.*—Section 8003(a) (20
4 U.S.C. 7703(a)) is amended—

5 (1) *in the matter preceding subparagraph (A) of*
6 *paragraph (1), by inserting after “schools of such*
7 *agency” the following: “(including those children en-*
8 *rolled in such agency as a result of the open enroll-*
9 *ment policy of the State in which the agency is lo-*
10 *located, but not including children who are enrolled in*
11 *a distance education program at such agency and*
12 *who are not residing within the geographic bound-*
13 *aries of such agency)”*; and

14 (2) *in paragraph (5)(A), by striking “1984” and*
15 *all that follows through “situated” and inserting*
16 *“1984, or under lease of off-base property under sub-*
17 *chapter IV of chapter 169 of title 10, United States*
18 *Code, to be children described under paragraph (1)(B)*
19 *if the property described is within the fenced security*
20 *perimeter of the military facility or attached to and*
21 *under any type of force protection agreement with the*
22 *military installation upon which such housing is sit-*
23 *uated”*.

24 (b) *BASIC SUPPORT PAYMENTS FOR HEAVILY IM-*
25 *PACTED LOCAL EDUCATIONAL AGENCIES.*—Section 8003(b)
26 (20 U.S.C. 7703(b)) is amended—

1 (1) *by striking “section 8014(b)” each place it*
2 *appears and inserting “section 3(d)(2)”;*

3 (2) *in paragraph (1), by repealing subparagraph*
4 *(E);*

5 (3) *in paragraph (2)—*

6 (A) *in subparagraph (A), by inserting at*
7 *the end the following:*

8 *“(iii) The Secretary shall—*

9 *“(I) deem each local educational agen-*
10 *cy that received a basic support payment*
11 *under this paragraph for fiscal year 2009*
12 *as eligible to receive a basic support pay-*
13 *ment under this paragraph for each of fiscal*
14 *years 2012, 2013, and 2014; and*

15 *“(II) make a payment to each such*
16 *local educational agency under this para-*
17 *graph for each of fiscal years 2012, 2013,*
18 *and 2014.”; and*

19 (B) *in subparagraph (B)—*

20 (i) *by striking “CONTINUING” in the*
21 *heading;*

22 (ii) *by amending clause (i) to read as*
23 *follows:*

24 *“(i) IN GENERAL.—A heavily impacted*
25 *local educational agency is eligible to re-*

1 *ceive a basic support payment under sub-*
2 *paragraph (A) with respect to a number of*
3 *children determined under subsection (a)(1)*
4 *if the agency—*

5 *“(I) is a local educational agen-*
6 *cy—*

7 *“(aa) whose boundaries are*
8 *the same as a Federal military*
9 *installation or an island property*
10 *designated by the Secretary of the*
11 *Interior to be property that is*
12 *held in trust by the Federal Gov-*
13 *ernment; and*

14 *“(bb) that has no taxing au-*
15 *thority;*

16 *“(II) is a local educational agency*
17 *that—*

18 *“(aa) has an enrollment of*
19 *children described in subsection*
20 *(a)(1) that constitutes a percent-*
21 *age of the total student enrollment*
22 *of the agency that is not less than*
23 *45 percent;*

24 *“(bb) has a per-pupil ex-*
25 *penditure that is less than—*

1 “(AA) for an agency
2 that has a total student en-
3 rollment of 500 or more stu-
4 dents, 125 percent of the av-
5 erage per-pupil expenditure
6 of the State in which the
7 agency is located; or

8 “(BB) for any agency
9 that has a total student en-
10 rollment less than 500, 150
11 percent of the average per-
12 pupil expenditure of the
13 State in which the agency is
14 located or the average per-
15 pupil expenditure of 3 or
16 more comparable local edu-
17 cational agencies in the State
18 in which the agency is lo-
19 cated; and

20 “(cc) is an agency that—

21 “(AA) has a tax rate for
22 general fund purposes that is
23 not less than 95 percent of
24 the average tax rate for gen-
25 eral fund purposes of com-

1 *parable local educational*
2 *agencies in the State; or*

3 *“(BB) was eligible to re-*
4 *ceive a payment under this*
5 *subsection for fiscal year*
6 *2013 and is located in a*
7 *State that by State law has*
8 *eliminated ad valorem tax as*
9 *a revenue for local edu-*
10 *cational agencies;*

11 *“(III) is a local educational agen-*
12 *cy that—*

13 *“(aa) has an enrollment of*
14 *children described in subsection*
15 *(a)(1) that constitutes a percent-*
16 *age of the total student enrollment*
17 *of the agency that is not less than*
18 *20 percent;*

19 *“(bb) for the 3 fiscal years*
20 *preceding the fiscal year for which*
21 *the determination is made, the av-*
22 *erage enrollment of children who*
23 *are not described in subsection*
24 *(a)(1) and who are eligible for a*
25 *free or reduced price lunch under*

1 *the Richard B. Russell National*
2 *School Lunch Act constitutes a*
3 *percentage of the total student en-*
4 *rollment of the agency that is not*
5 *less than 65 percent; and*

6 *“(cc) has a tax rate for gen-*
7 *eral fund purposes which is not*
8 *less than 125 percent of the aver-*
9 *age tax rate for general fund pur-*
10 *poses for comparable local edu-*
11 *cational agencies in the State;*

12 *“(IV) is a local educational agen-*
13 *cy that has a total student enrollment*
14 *of not less than 25,000 students, of*
15 *which—*

16 *“(aa) not less than 50 per-*
17 *cent are children described in sub-*
18 *section (a)(1); and*

19 *“(bb) not less than 5,500 of*
20 *such children are children de-*
21 *scribed in subparagraphs (A) and*
22 *(B) of subsection (a)(1); or*

23 *“(V) is a local educational agency*
24 *that—*

1 “(aa) has an enrollment of
2 children described in subsection
3 (a)(1) including, for purposes of
4 determining eligibility, those chil-
5 dren described in subparagraphs
6 (F) and (G) of such subsection,
7 that is not less than 35 percent of
8 the total student enrollment of the
9 agency; and

10 “(bb) was eligible to receive
11 assistance under subparagraph
12 (A) for fiscal year 2001.”; and

13 (iii) in clause (ii)—

14 (I) by striking “A heavily” and
15 inserting the following:

16 “(I) IN GENERAL.—Subject to
17 subclause (II), a heavily”; and

18 (II) by adding at the end the fol-
19 lowing:

20 “(II) LOSS OF ELIGIBILITY DUE
21 TO FALLING BELOW 95 PERCENT OF
22 THE AVERAGE TAX RATE FOR GENERAL
23 FUND PURPOSES.—In a case of a heav-
24 ily impacted local educational agency
25 that is eligible to receive a basic sup-

1 port payment under subparagraph (A),
2 but that has had, for 2 consecutive fis-
3 cal years, a tax rate for general fund
4 purposes that falls below 95 percent of
5 the average tax rate for general fund
6 purposes of comparable local edu-
7 cational agencies in the State, such
8 agency shall be determined to be ineli-
9 gible under clause (i) and ineligible to
10 receive a basic support payment under
11 subparagraph (A) for each fiscal year
12 succeeding such 2 consecutive fiscal
13 years for which the agency has such a
14 tax rate for general fund purposes, and
15 until the fiscal year for which the
16 agency resumes such eligibility in ac-
17 cordance with clause (iii).”;

18 (C) by striking subparagraph (C);

19 (D) by redesignating subparagraphs (D)
20 through (H) as subparagraphs (C) through (G),
21 respectively;

22 (E) in subparagraph (C) (as so redesign-
23 ated)—

24 (i) in the heading, by striking “REG-
25 ULAR”;

1 (ii) by striking “Except as provided in
2 subparagraph (E)” and inserting “Except
3 as provided in subparagraph (D)”;

4 (iii) by amending subclause (I) of
5 clause (ii) to read as follows: “ (I)(aa) For
6 a local educational agency with respect to
7 which 35 percent or more of the total stu-
8 dent enrollment of the schools of the agency
9 are children described in subparagraph (D)
10 or (E) (or a combination thereof) of sub-
11 section (a)(1), and that has an enrollment
12 of children described in subparagraphs (A),
13 (B), or (C) of such subsection equal to at
14 least 10 percent of the agency’s total enroll-
15 ment, the Secretary shall calculate the
16 weighted student units of those children de-
17 scribed in subparagraph (D) or (E) of such
18 subsection by multiplying the number of
19 such children by a factor of 0.55.

20 “(bb) Notwithstanding subitem (aa), a
21 local educational agency that received a
22 payment under this paragraph for fiscal
23 year 2013 shall not be required to have an
24 enrollment of children described in subpara-
25 graphs (A), (B), or (C) of subsection (a)(1)

1 *equal to at least 10 percent of the agency's*
2 *total enrollment.”; and*

3 *(iv) by amending subclause (III) of*
4 *clause (ii) by striking “(B)(i)(II)(aa)” and*
5 *inserting “subparagraph (B)(i)(I)”;*

6 *(F) in subparagraph (D)(i)(II) (as so redes-*
7 *ignated), by striking “6,000” and inserting*
8 *“5,500”;*

9 *(G) in subparagraph (E) (as so redesig-*
10 *nated)—*

11 *(i) by striking “Secretary” and all*
12 *that follows through “shall use” and insert-*
13 *ing “Secretary shall use”;*

14 *(ii) by striking “; and” and inserting*
15 *a period; and*

16 *(iii) by striking clause (ii);*

17 *(H) in subparagraph (F) (as so redesig-*
18 *nated), by striking “subparagraph*
19 *(C)(i)(II)(bb)” and inserting “subparagraph*
20 *(B)(i)(II)(bb)(BB)”;*

21 *(I) in subparagraph (G) (as so redesig-*
22 *nated)—*

23 *(i) in clause (i)—*

1 (I) by striking “subparagraph
2 (B), (C), (D), or (E)” and inserting
3 “subparagraph (B), (C), or (D)”;

4 (II) by striking “by reason of”
5 and inserting “due to”;

6 (III) by inserting after “clause
7 (iii)” the following “, or as the direct
8 result of base realignment and closure
9 or modularization as determined by
10 the Secretary of Defense and force
11 structure change or force relocation”;
12 and

13 (IV) by inserting before the pe-
14 riod, the following: “or during such
15 time as activities associated with base
16 closure and realignment,
17 modularization, force structure change,
18 or force relocation are ongoing”; and

19 (ii) in clause (ii), by striking “(D) or
20 (E)” each place it appears and inserting
21 “(C) or (D)”;

22 (4) in paragraph (3)—

23 (A) in subparagraph (B)—

24 (i) by amending clause (iii) to read as
25 follows:

1 “(iii) In the case of a local educational
2 agency providing a free public education to stu-
3 dents enrolled in kindergarten through grade 12,
4 but which enrolls students described in subpara-
5 graphs (A), (B), and (D) of subsection (a)(1)
6 only in grades 9 through 12, and which received
7 a final payment in fiscal year 2009 calculated
8 under this paragraph (as this paragraph was in
9 effect on the day before the date of enactment of
10 the Student Success Act) for students in grades
11 9 through 12, the Secretary shall, in calculating
12 the agency’s payment, consider only that portion
13 of such agency’s total enrollment of students in
14 grades 9 through 12 when calculating the per-
15 centage under clause (i)(I) and only that portion
16 of the total current expenditures attributed to the
17 operation of grades 9 through 12 in such agency
18 when calculating the percentage under clause
19 (i)(II).”;

20 (ii) by adding at the end the following:

21 “(v) In the case of a local educational agen-
22 cy that is providing a program of distance edu-
23 cation to children not residing within the geo-
24 graphic boundaries of the agency, the Secretary
25 shall—

1 “(I) for purposes of the calculation
2 under clause (i)(I), disregard such children
3 from the total number of children in aver-
4 age daily attendance at the schools served
5 by such agency; and

6 “(II) for purposes of the calculation
7 under clause (i)(II), disregard any funds re-
8 ceived for such children from the total cur-
9 rent expenditures for such agency.”;

10 (B) in subparagraph (C), by striking “sub-
11 paragraph (D) or (E) of paragraph (2), as the
12 case may be” and inserting “paragraph (2)(D)”;
13 and

14 (C) by amending subparagraph (D) to read
15 as follows:

16 “(D) *RATABLE DISTRIBUTION.*—For any
17 fiscal year described in subparagraph (A) for
18 which the sums available exceed the amount re-
19 quired to pay each local educational agency 100
20 percent of its threshold payment, the Secretary
21 shall distribute the excess sums to each eligible
22 local educational agency that has not received its
23 full amount computed under paragraph (1) or
24 (2) (as the case may be) by multiplying—

1 “(i) a percentage, the denominator of
2 which is the difference between the full
3 amount computed under paragraph (1) or
4 (2) (as the case may be) for all local edu-
5 cational agencies and the amount of the
6 threshold payment (as calculated under sub-
7 paragraphs (B) and (C)) of all local edu-
8 cational agencies, and the numerator of
9 which is the aggregate of the excess sums, by

10 “(ii) the difference between the full
11 amount computed under paragraph (1) or
12 (2) (as the case may be) for the agency and
13 the amount of the threshold payment as cal-
14 culated under subparagraphs (B) and (C) of
15 the agency.”; and

16 (D) by inserting at the end the following
17 new subparagraphs:

18 “(E) *INSUFFICIENT PAYMENTS.*—For each
19 fiscal year described in subparagraph (A) for
20 which the sums appropriated under section
21 3(d)(2) are insufficient to pay each local edu-
22 cational agency all of the local educational agen-
23 cy’s threshold payment described in subpara-
24 graph (D), the Secretary shall ratably reduce the

1 *payment to each local educational agency under*
2 *this paragraph.*

3 “(F) *INCREASES.*—*If the sums appropriated*
4 *under section 3(d)(2) are sufficient to increase*
5 *the threshold payment above the 100 percent*
6 *threshold payment described in subparagraph*
7 *(D), then the Secretary shall increase payments*
8 *on the same basis as such payments were re-*
9 *duced, except no local educational agency may*
10 *receive a payment amount greater than 100 per-*
11 *cent of the maximum payment calculated under*
12 *this subsection.”; and*

13 *(5) in paragraph (4)—*

14 *(A) in subparagraph (A), by striking*
15 *“through (D)” and inserting “and (C)”;* and

16 *(B) in subparagraph (B), by striking “sub-*
17 *paragraph (D) or (E)” and inserting “subpara-*
18 *graph (C) or (D)”.*

19 “(c) *PRIOR YEAR DATA.*—*Paragraph (2) of section*
20 *8003(c) (20 U.S.C. 7703(c)) is amended to read as follows:*

21 “(2) *EXCEPTION.*—*Calculation of payments for a*
22 *local educational agency shall be based on data from*
23 *the fiscal year for which the agency is making an ap-*
24 *plication for payment if such agency—*

1 “(A) is newly established by a State, for the
2 first year of operation of such agency only;

3 “(B) was eligible to receive a payment
4 under this section for the previous fiscal year
5 and has had an overall increase in enrollment
6 (as determined by the Secretary in consultation
7 with the Secretary of Defense, the Secretary of
8 Interior, or the heads of other Federal agen-
9 cies)—

10 “(i) of not less than 10 percent, or 100
11 students, of children described in—

12 “(I) subparagraph (A), (B), (C),
13 or (D) of subsection (a)(1); or

14 “(II) subparagraph (F) and (G)
15 of subsection (a)(1), but only to the ex-
16 tent such children are civilian depend-
17 ents of employees of the Department of
18 Defense or the Department of Interior;
19 and

20 “(ii) that is the direct result of closure
21 or realignment of military installations
22 under the base closure process or the reloca-
23 tion of members of the Armed Forces and
24 civilian employees of the Department of De-
25 fense as part of the force structure changes

1 or movements of units or personnel between
2 military installations or because of actions
3 initiated by the Secretary of the Interior or
4 the head of another Federal agency; or

5 “(C) was eligible to receive a payment
6 under this section for the previous fiscal year
7 and has had an increase in enrollment (as deter-
8 mined by the Secretary)—

9 “(i) of not less than 10 percent of chil-
10 dren described in subsection (a)(1) or not
11 less than 100 of such children; and

12 “(ii) that is the direct result of the clo-
13 sure of a local educational agency that re-
14 ceived a payment under subsection (b)(1) or
15 (b)(2) in the previous fiscal year.”.

16 (d) *CHILDREN WITH DISABILITIES*.—Section
17 8003(d)(1) (20 U.S.C. 7703(d)) is amended by striking
18 “section 8014(c)” and inserting “section 3(d)(3)”.

19 (e) *HOLD-HARMLESS*.—Section 8003(e) (20 U.S.C.
20 7703(e)) is amended—

21 (1) by amending paragraph (1) to read as fol-
22 lows:

23 “(1) *IN GENERAL*.—Subject to paragraph (2), the
24 total amount the Secretary shall pay a local edu-
25 cational agency under subsection (b)—

1 “(A) for fiscal year 2014, shall not be less
2 than 90 percent of the total amount that the
3 local educational agency received under sub-
4 section (b)(1), (b)(2), or (b)(2)(B)(ii) for fiscal
5 year 2013;

6 “(B) for fiscal year 2015, shall not be less
7 than 85 percent of the total amount that the
8 local educational agency received under sub-
9 section (b)(1), (b)(2), or (b)(2)(B)(ii) for fiscal
10 year 2013; and

11 “(C) for fiscal year 2016, shall not be less
12 than 80 percent of the total amount that the
13 local educational agency received under sub-
14 section (b)(1), (b)(2), or (b)(2)(B)(ii) for fiscal
15 year 2013.”; and

16 (2) by amending paragraph (2) to read as fol-
17 lows:

18 “(2) *MAXIMUM AMOUNT.*—The total amount pro-
19 vided to a local educational agency under subpara-
20 graph (A), (B), or (C) of paragraph (1) for a fiscal
21 year shall not exceed the maximum basic support
22 payment amount for such agency determined under
23 paragraph (1) or (2) of subsection (b), as the case
24 may be, for such fiscal year.”.

1 (f) *MAINTENANCE OF EFFORT.*—Section 8003 (20
2 U.S.C. 7703) is amended by striking subsection (g).

3 **SEC. 404. POLICIES AND PROCEDURES RELATING TO CHIL-**
4 **DREN RESIDING ON INDIAN LANDS.**

5 Section 8004(e)(9) is amended by striking “Bureau of
6 Indian Affairs” and inserting “Bureau of Indian Edu-
7 cation”.

8 **SEC. 405. APPLICATION FOR PAYMENTS UNDER SECTIONS**
9 **8002 AND 8003.**

10 Section 8005(b) (20 U.S.C. 7705(b)) is amended in the
11 matter preceding paragraph (1) by striking “and shall con-
12 tain such information,”.

13 **SEC. 406. CONSTRUCTION.**

14 Section 8007 (20 U.S.C. 7707) is amended—

15 (1) in subsection (a)—

16 (A) in paragraph (1), by striking “section
17 8014(e)” and inserting “section 3(d)(4)”;

18 (B) in paragraph (2), by adding at the end
19 the following:

20 “(C) The agency is eligible under section
21 4003(b)(2) or is receiving basic support pay-
22 ments under circumstances described in section
23 4003(b)(2)(B)(ii).”; and

1 (C) in paragraph (3), by striking “section
2 8014(e)” each place it appears and inserting
3 “section 3(d)(4)”; and

4 (2) in subsection (b)—

5 (A) in paragraph (1), by striking “section
6 8014(e)” and inserting “section 3(d)(4)”;

7 (B) in paragraph (3)—

8 (i) in subparagraph (C)(i)(I), by add-
9 ing at the end the following:

10 “(cc) At least 10 percent of the
11 property in the agency is exempt from
12 State and local taxation under Federal
13 law.”; and

14 (ii) by adding at the end the following:

15 “(F) LIMITATIONS ON ELIGIBILITY RE-
16 QUIREMENTS.—The Secretary shall not limit eli-
17 gibility—

18 “(i) under subparagraph (C)(i)(I)(aa),
19 to those local educational agencies in which
20 the number of children determined under
21 section 8003(a)(1)(C) for each such agency
22 for the preceding school year constituted
23 more than 40 percent of the total student
24 enrollment in the schools of each such agen-
25 cy during the preceding school year; and

1 “(i) under subparagraph (C)(i)(I)(cc),
 2 to those local educational agencies in which
 3 more than 10 percent of the property in
 4 each such agency is exempt from State and
 5 local taxation under Federal law.”;

6 (C) in paragraph (6)—

7 (i) in the matter preceding subpara-
 8 graph (A), by striking “in such manner,
 9 and accompanied by such information” and
 10 inserting “and in such manner”; and

11 (ii) by striking subparagraph (F); and
 12 (D) by striking paragraph (7).

13 **SEC. 407. FACILITIES.**

14 Section 8008 (20 U.S.C. 7708) is amended in sub-
 15 section (a), by striking “section 8014(f)” and inserting “sec-
 16 tion 3(d)(5)”.

17 **SEC. 408. STATE CONSIDERATION OF PAYMENTS PRO-**
 18 **VIDING STATE AID.**

19 Section 8009(c)(1)(B) (20 U.S.C. 7709(c)(1)(B)) is
 20 amended by striking “and contain the information”.

21 **SEC. 409. FEDERAL ADMINISTRATION.**

22 Section 8010(d)(2) (20 U.S.C. 7710(d)(2)) is amended,
 23 by striking “section 8014” and inserting “section 3(d)”.

1 **SEC. 410. ADMINISTRATIVE HEARINGS AND JUDICIAL RE-**
2 **VIEW.**

3 *Section 8011(a) (20 U.S.C. 7711(a)) is amended by*
4 *striking “or under the Act” and all the follows through*
5 *“1994”.*

6 **SEC. 411. DEFINITIONS.**

7 *Section 8013 (20 U.S.C. 7713) is amended—*

8 *(1) in paragraph (1), by striking “and Marine*
9 *Corps” and inserting “Marine Corps, and Coast*
10 *Guard”;*

11 *(2) in paragraph (4), by striking “and title VI”;*

12 *(3) in paragraph (5)(A)(iii)—*

13 *(A) in subclause (II), by striking “Stewart*
14 *B. McKinney Homeless Assistance Act” and in-*
15 *serting “McKinney-Vento Homeless Assistance*
16 *Act (42 U.S.C. 11411)”;* and

17 *(B) in subclause (III), by inserting before*
18 *the semicolon, “(25 U.S.C. 4101 et seq.)”;*

19 *(4) in paragraph (8)(A), by striking “and*
20 *verified by” and inserting “, and verified by,”; and*

21 *(5) in paragraph (9)(B), by inserting a comma*
22 *before “on a case-by-case basis”.*

23 **SEC. 412. AUTHORIZATION OF APPROPRIATIONS.**

24 *Section 8014 (20 U.S.C. 7801) is repealed.*

1 **SEC. 413. CONFORMING AMENDMENTS.**

2 (a) *IMPACT AID IMPROVEMENT ACT OF 2012.*—Sub-
3 section (c) of the Impact Aid Improvement Act of 2012 (20
4 U.S.C. 6301 note; Public Law 112–239; 126 Stat 1748) is
5 amended—

6 (1) by striking paragraphs (1) and (4); and

7 (2) by redesignating paragraphs (2) and (3), as
8 paragraphs (1) and (2), respectively.

9 (b) *REPEAL.*—Title IV (20 U.S.C. 7101 et seq.), as
10 amended by section 501(b)(2) of this Act, is repealed.

11 (c) *TRANSFER AND REDESIGNATION.*—Title VIII (20
12 U.S.C. 7701 et seq.), as amended by this title, is redesi-
13 gnated as title IV (20 U.S.C. 7101 et seq.), and transferred
14 and inserted after title III (as amended by this Act).

15 (d) *TITLE VIII REFERENCES.*—The Act (20 U.S.C.
16 6301 et seq.) is amended—

17 (1) by redesignating sections 8001 through 8005
18 as sections 4001 through 4005, respectively;

19 (2) by redesignating sections 8007 through 8013
20 as sections 4007 through 4013, respectively;

21 (3) by striking “section 8002” each place it ap-
22 pears and inserting “section 4002”;

23 (4) by striking “section 8002(b)” each place it
24 appears and inserting “section 4002(b)”;

25 (5) by striking “section 8003” each place it ap-
26 pears and inserting “section 4003”, respectively;

1 (6) by striking “section 8003(a)” each place it
2 appears and inserting “section 4003(a)”;

3 (7) by striking “section 8003(a)(1)” each place it
4 appears and inserting “section 4003(a)(1)”;

5 (8) by striking “section 8003(a)(1)(C)” each
6 place it appears and inserting “section
7 4003(a)(1)(C)”;

8 (9) by striking “section 8002(a)(2)” each place it
9 appears and inserting “section 4002(a)(2)”;

10 (10) by striking “section 8003(b)” each place it
11 appears and inserting “section 4003(b)”;

12 (11) by striking “section 8003(b)(1)” each place
13 it appears and inserting “section 4003(b)(1)”;

14 (12) in section 4002(b)(1)(C) (as so redesign-
15 nated), by striking “section 8003(b)(1)(C)” and in-
16 serting “section 4003(b)(1)(C)”;

17 (13) in section 4002(k)(1) (as so redesignated),
18 by striking “section 8013(5)(C)(iii)” and inserting
19 “section 4013(5)(C)(iii)”;

20 (14) in section 4005 (as so redesignated)—

21 (A) in the section heading, by striking
22 “**8002 AND 8003**” and inserting “**4002 AND**
23 **4003**”;

24 (B) by striking “or 8003” each place it ap-
25 pears and inserting “or 4003”;

1 (C) in subsection (b)(2), by striking “section
2 8004” and inserting “section 4004”; and

3 (D) in subsection (d)(2), by striking “sec-
4 tion 8003(e)” and inserting “section 4003(e”;

5 (15) in section 4007(a)(3)(A)(i)(II) (as so redesi-
6 gnated), by striking “section 8008(a)” and inserting
7 “section 4008(a”;

8 (16) in section 4007(a)(4) (as so redesignated),
9 by striking “section 8013(3)” and inserting “section
10 4013(3)”;

11 (17) in section 4009 (as so redesignated)—

12 (A) in subsection (b)(1)—

13 (i) by striking “or 8003(b)” and in-
14 serting “or 4003(b”;

15 (ii) by striking “section
16 8003(a)(2)(B)” and inserting “section
17 4003(a)(2)(B”;

18 (iii) by striking “section 8003(b)(2)”
19 each place it appears and inserting “section
20 4003(b)(2”;

21 (B) by striking “section 8011(a)” each place
22 it appears and inserting “section 4011(a”;

23 (18) in section 4010(c)(2)(D) (as so redesi-
24 gnated) by striking “section 8009(b)” and inserting
25 “section 4009(b”.

1 **TITLE V—GENERAL PROVISIONS**
 2 **FOR THE ACT**

3 **SEC. 501. GENERAL PROVISIONS FOR THE ACT.**

4 (a) *AMENDING TITLE V.—Title V (20 U.S.C. 7201 et*
 5 *seq.) is amended to read as follows:*

6 **“TITLE V—GENERAL**
 7 **PROVISIONS**

8 **“PART A—DEFINITIONS**

9 **“SEC. 5101. DEFINITIONS.**

10 *“Except as otherwise provided, in this Act:*

11 *“(1) AVERAGE DAILY ATTENDANCE.—*

12 *“(A) IN GENERAL.—Except as provided oth-*
 13 *erwise by State law or this paragraph, the term*
 14 *‘average daily attendance’ means—*

15 *“(i) the aggregate number of days of*
 16 *attendance of all students during a school*
 17 *year; divided by*

18 *“(ii) the number of days school is in*
 19 *session during that year.*

20 *“(B) CONVERSION.—The Secretary shall*
 21 *permit the conversion of average daily member-*
 22 *ship (or other similar data) to average daily at-*
 23 *tendance for local educational agencies in States*
 24 *that provide State aid to local educational agen-*

1 *cies on the basis of average daily membership (or*
2 *other similar data).*

3 “(C) *SPECIAL RULE.—If the local edu-*
4 *cational agency in which a child resides makes*
5 *a tuition or other payment for the free public*
6 *education of the child in a school located in an-*
7 *other school district, the Secretary shall, for the*
8 *purpose of this Act—*

9 *“(i) consider the child to be in attend-*
10 *ance at a school of the agency making the*
11 *payment; and*

12 *“(ii) not consider the child to be in at-*
13 *tendance at a school of the agency receiving*
14 *the payment.*

15 “(D) *CHILDREN WITH DISABILITIES.—If a*
16 *local educational agency makes a tuition pay-*
17 *ment to a private school or to a public school of*
18 *another local educational agency for a child with*
19 *a disability, as defined in section 602 of the In-*
20 *dividuals with Disabilities Education Act, the*
21 *Secretary shall, for the purpose of this Act, con-*
22 *sider the child to be in attendance at a school of*
23 *the agency making the payment.*

1 “(2) *AVERAGE PER-PUPIL EXPENDITURE.*—The
2 term ‘average per-pupil expenditure’ means, in the
3 case of a State or of the United States—

4 “(A) without regard to the source of
5 funds—

6 “(i) the aggregate current expenditures,
7 during the third fiscal year preceding the
8 fiscal year for which the determination is
9 made (or, if satisfactory data for that year
10 are not available, during the most recent
11 preceding fiscal year for which satisfactory
12 data are available) of all local educational
13 agencies in the State or, in the case of the
14 United States, for all States (which, for the
15 purpose of this paragraph, means the 50
16 States and the District of Columbia); plus

17 “(ii) any direct current expenditures
18 by the State for the operation of those agen-
19 cies; divided by

20 “(B) the aggregate number of children in
21 average daily attendance to whom those agencies
22 provided free public education during that pre-
23 ceding year.

24 “(3) *CHARTER SCHOOL.*—The term ‘charter
25 school’ means a public school that—

1 “(A) in accordance with a specific State
2 statute authorizing the granting of charters to
3 schools, is exempt from significant State or local
4 rules that inhibit the flexible operation and man-
5 agement of public schools, but not from any rules
6 relating to the other requirements of this para-
7 graph;

8 “(B) is created by a developer as a public
9 school, or is adapted by a developer from an ex-
10 isting public school, and is operated under pub-
11 lic supervision and direction;

12 “(C) operates in pursuit of a specific set of
13 educational objectives determined by the school’s
14 developer and agreed to by the authorized public
15 chartering agency;

16 “(D) provides a program of elementary or
17 secondary education, or both;

18 “(E) is nonsectarian in its programs, ad-
19 missions policies, employment practices, and all
20 other operations, and is not affiliated with a sec-
21 tarian school or religious institution;

22 “(F) does not charge tuition;

23 “(G) complies with the Age Discrimination
24 Act of 1975, title VI of the Civil Rights Act of
25 1964, title IX of the Education Amendments of

1 1972, section 504 of the Rehabilitation Act of
2 1973, and part B of the Individuals with Dis-
3 abilities Education Act;

4 “(H) is a school to which parents choose to
5 send their children, and that admits students on
6 the basis of a lottery, if more students apply for
7 admission than can be accommodated;

8 “(I) agrees to comply with the same Federal
9 and State audit requirements as do other elemen-
10 tary schools and secondary schools in the State,
11 unless such requirements are specifically waived
12 for the purpose of this program;

13 “(J) meets all applicable Federal, State,
14 and local health and safety requirements;

15 “(K) operates in accordance with State law;

16 “(L) has a written performance contract
17 with the authorized public chartering agency in
18 the State that includes a description of how stu-
19 dent performance will be measured in charter
20 schools pursuant to State assessments that are
21 required of other schools and pursuant to any
22 other assessments mutually agreeable to the au-
23 thorized public chartering agency and the char-
24 ter school; and

1 “(M) may serve prekindergarten or post sec-
2 ondary students.

3 “(4) CHILD.—The term ‘child’ means any person
4 within the age limits for which the State provides free
5 public education.

6 “(5) CHILD WITH A DISABILITY.—The term
7 ‘child with a disability’ has the same meaning given
8 that term in section 602 of the Individuals with Dis-
9 abilities Education Act.

10 “(6) COMMUNITY-BASED ORGANIZATION.—The
11 term ‘community-based organization’ means a public
12 or private nonprofit organization of demonstrated ef-
13 fectiveness that—

14 “(A) is representative of a community or
15 significant segments of a community; and

16 “(B) provides educational or related services
17 to individuals in the community.

18 “(7) CONSOLIDATED LOCAL APPLICATION.—The
19 term ‘consolidated local application’ means an appli-
20 cation submitted by a local educational agency pursu-
21 ant to section 5305.

22 “(8) CONSOLIDATED LOCAL PLAN.—The term
23 ‘consolidated local plan’ means a plan submitted by
24 a local educational agency pursuant to section 5305.

1 “(9) *CONSOLIDATED STATE APPLICATION.*—*The*
2 *term ‘consolidated State application’ means an appli-*
3 *cation submitted by a State educational agency pur-*
4 *suant to section 5302.*

5 “(10) *CONSOLIDATED STATE PLAN.*—*The term*
6 *‘consolidated State plan’ means a plan submitted by*
7 *a State educational agency pursuant to section 5302.*

8 “(11) *CORE ACADEMIC SUBJECTS.*—*The term*
9 *‘core academic subjects’ means English, reading or*
10 *language arts, mathematics, science, foreign lan-*
11 *guages, civics and government, economics, arts, his-*
12 *tory, and geography.*

13 “(12) *COUNTY.*—*The term ‘county’ means one of*
14 *the divisions of a State used by the Secretary of Com-*
15 *merce in compiling and reporting data regarding*
16 *counties.*

17 “(13) *COVERED PROGRAM.*—*The term ‘covered*
18 *program’ means each of the programs authorized*
19 *by—*

20 “(A) *part A of title I;*

21 “(B) *title II; and*

22 “(C) *title III.*

23 “(14) *CURRENT EXPENDITURES.*—*The term ‘cur-*
24 *rent expenditures’ means expenditures for free public*
25 *education—*

1 “(A) including expenditures for administra-
2 tion, instruction, attendance and health services,
3 pupil transportation services, operation and
4 maintenance of plant, fixed charges, and net ex-
5 penditures to cover deficits for food services and
6 student body activities; but

7 “(B) not including expenditures for commu-
8 nity services, capital outlay, and debt service, or
9 any expenditures made from funds received
10 under title I.

11 “(15) DEPARTMENT.—The term ‘Department’
12 means the Department of Education.

13 “(16) DIRECT STUDENT SERVICES.—The term
14 ‘direct student services’ means public school choice or
15 high-quality academic tutoring that are designed to
16 help increase academic achievement for students.

17 “(17) DISTANCE EDUCATION.—The term ‘dis-
18 tance education’ means the use of one or more tech-
19 nologies to deliver instruction to students who are
20 separated from the instructor and to support regular
21 and substantive interaction between the students and
22 the instructor synchronously or nonsynchronously.

23 “(18) EDUCATIONAL SERVICE AGENCY.—The
24 term ‘educational service agency’ means a regional
25 public multiservice agency authorized by State statute

1 to develop, manage, and provide services or programs
2 to local educational agencies.

3 “(19) *ELEMENTARY SCHOOL*.—The term ‘elemen-
4 tary school’ means a nonprofit institutional day or
5 residential school, including a public elementary
6 charter school, that provides elementary education, as
7 determined under State law.

8 “(20) *ENGLISH LEARNER*.—The term ‘English
9 learner’, when used with respect to an individual,
10 means an individual—

11 “(A) who is aged 3 through 21;

12 “(B) who is enrolled or preparing to enroll
13 in an elementary school or secondary school;

14 “(C)(i) who was not born in the United
15 States or whose native language is a language
16 other than English;

17 “(ii)(I) who is a Native American or Alaska
18 Native, or a native resident of the outlying
19 areas; and

20 “(II) who comes from an environment
21 where a language other than English has had a
22 significant impact on the individual’s level of
23 English language proficiency; or

24 “(iii) who is migratory, whose native lan-
25 guage is a language other than English, and who

1 *comes from an environment where a language*
2 *other than English is dominant; and*

3 “(D) *whose difficulties in speaking, reading,*
4 *writing, or understanding the English language*
5 *may be sufficient to deny the individual—*

6 “(i) *the ability to meet the State’s aca-*
7 *demical standards described in section 1111;*

8 “(ii) *the ability to successfully achieve*
9 *in classrooms where the language of instruc-*
10 *tion is English; or*

11 “(iii) *the opportunity to participate*
12 *fully in society.*

13 “(21) *EXTENDED-YEAR ADJUSTED COHORT*
14 *GRADUATION RATE.—*

15 “(A) *IN GENERAL.—The term ‘extended-*
16 *year adjusted cohort graduation rate’ means the*
17 *ratio where—*

18 “(i) *the denominator consists of the*
19 *number of students who form the original*
20 *cohort of entering first-time 9th grade stu-*
21 *dents enrolled in the high school no later*
22 *than the effective date for student member-*
23 *ship data submitted annually by State edu-*
24 *cational agencies to the National Center for*
25 *Education Statistics under section 153 of*

1 *the Education Sciences Reform Act, ad-*
2 *justed by—*

3 “(I) *adding the students who*
4 *joined that cohort, after the time of the*
5 *determination of the original cohort;*
6 *and*

7 “(II) *subtracting only those stu-*
8 *dents who left that cohort, after the*
9 *time of the determination of the origi-*
10 *nal cohort, as described in subpara-*
11 *graph (B); and*

12 “(ii) *the numerator consists of the*
13 *number of students in the cohort, as ad-*
14 *justed under clause (i), who earned a reg-*
15 *ular high school diploma before, during, or*
16 *at the conclusion of—*

17 “(I) *one or more additional years*
18 *beyond the fourth year of high school;*
19 *or*

20 “(II) *a summer session imme-*
21 *diately following the additional year of*
22 *high school.*

23 “(B) *COHORT REMOVAL.—To remove a stu-*
24 *dent from a cohort, a school or local educational*
25 *agency shall require documentation to confirm*

1 *that the student has transferred out, emigrated to*
2 *another country, transferred to a prison or juve-*
3 *nile facility, or is deceased.*

4 “(C) *TRANSFERRED OUT.*—

5 “(i) *IN GENERAL.*—*For purposes of*
6 *this paragraph, the term ‘transferred out’*
7 *means a student who the high school or*
8 *local educational agency has confirmed, ac-*
9 *ording to clause (ii), has transferred—*

10 “(I) *to another school from which*
11 *the student is expected to receive a reg-*
12 *ular high school diploma; or*

13 “(II) *to another educational pro-*
14 *gram from which the student is ex-*
15 *pected to receive a regular high school*
16 *diploma.*

17 “(ii) *CONFIRMATION REQUIRE-*
18 *MENTS.*—

19 “(I) *DOCUMENTATION RE-*
20 *QUIRED.*—*The confirmation of a stu-*
21 *dent’s transfer to another school or*
22 *educational program described in*
23 *clause (i) requires documentation from*
24 *the receiving school or program that*

1 *the student enrolled in the receiving*
2 *school or program.*

3 “(II) *LACK OF CONFIRMATION.*—A
4 *student who was enrolled, but for*
5 *whom there is no confirmation of the*
6 *student having transferred out, shall*
7 *remain in the denominator of the ex-*
8 *tended-year adjusted cohort.*

9 “(iii) *PROGRAMS NOT PROVIDING*
10 *CREDIT.*—A *student who is retained in*
11 *grade or who is enrolled in a GED or other*
12 *alternative educational program that does*
13 *not issue or provide credit toward the*
14 *issuance of a regular high school diploma*
15 *shall not be considered transferred out and*
16 *shall remain in the extended-year adjusted*
17 *cohort.*

18 “(D) *SPECIAL RULE.*—*For those high*
19 *schools that start after grade 9, the original co-*
20 *hort shall be calculated for the earliest high*
21 *school grade students attend no later than the ef-*
22 *fective date for student membership data sub-*
23 *mitted annually by State educational agencies to*
24 *the National Center for Education Statistics*

1 *pursuant to section 153 of the Education*
2 *Sciences Reform Act.*

3 “(22) *FAMILY LITERACY SERVICES.*—*The term*
4 *‘family literacy services’ means services provided to*
5 *participants on a voluntary basis that are of suffi-*
6 *cient intensity in terms of hours, and of sufficient du-*
7 *ration, to make sustainable changes in a family, and*
8 *that integrate all of the following activities:*

9 “(A) *Interactive literacy activities between*
10 *parents and their children.*

11 “(B) *Training for parents regarding how to*
12 *be the primary teacher for their children and full*
13 *partners in the education of their children.*

14 “(C) *Parent literacy training that leads to*
15 *economic self-sufficiency.*

16 “(D) *An age-appropriate education to pre-*
17 *pare children for success in school and life expe-*
18 *riences.*

19 “(23) *FOUR-YEAR ADJUSTED COHORT GRADUA-*
20 *TION RATE.*—

21 “(A) *IN GENERAL.*—*The term ‘four-year ad-*
22 *justed cohort graduation rate’ means the ratio*
23 *where—*

24 “(i) *the denominator consists of the*
25 *number of students who form the original*

1 *cohort of entering first-time 9th grade stu-*
2 *dents enrolled in the high school no later*
3 *than the effective date for student member-*
4 *ship data submitted annually by State edu-*
5 *cational agencies to the National Center for*
6 *Education Statistics pursuant to section*
7 *153 of the Education Sciences Reform Act,*
8 *adjusted by—*

9 *“(I) adding the students who*
10 *joined that cohort, after the time of the*
11 *determination of the original cohort;*
12 *and*

13 *“(II) subtracting only those stu-*
14 *dents who left that cohort, after the*
15 *time of the determination of the origi-*
16 *nal cohort, as described in subpara-*
17 *graph (B); and*

18 *“(ii) the numerator consists of the*
19 *number of students in the cohort, as ad-*
20 *justed under clause (i), who earned a reg-*
21 *ular high school diploma before, during, or*
22 *at the conclusion of—*

23 *“(I) the fourth year of high school;*

24 *or*

1 “(II) a summer session imme-
2 diately following the fourth year of
3 high school.

4 “(B) COHORT REMOVAL.—To remove a stu-
5 dent from a cohort, a school or local educational
6 agency shall require documentation to confirm
7 that the student has transferred out, emigrated to
8 another country, transferred to a prison or juve-
9 nile facility, or is deceased.

10 “(C) TRANSFERRED OUT.—

11 “(i) IN GENERAL.—For purposes of
12 this paragraph, the term ‘transferred out’
13 means a student who the high school or
14 local educational agency has confirmed, ac-
15 cording to clause (ii), has transferred—

16 “(I) to another school from which
17 the student is expected to receive a reg-
18 ular high school diploma; or

19 “(II) to another educational pro-
20 gram from which the student is ex-
21 pected to receive a regular high school
22 diploma.

23 “(ii) CONFIRMATION REQUIRE-
24 MENTS.—

1 “(I) DOCUMENTATION RE-
2 QUIRED.—The confirmation of a stu-
3 dent’s transfer to another school or
4 educational program described in
5 clause (i) requires documentation from
6 the receiving school or program that
7 the student enrolled in the receiving
8 school or program.

9 “(II) LACK OF CONFIRMATION.—A
10 student who was enrolled, but for
11 whom there is no confirmation of the
12 student having transferred out, shall
13 remain in the adjusted cohort.

14 “(iii) PROGRAMS NOT PROVIDING
15 CREDIT.—A student who is retained in
16 grade or who is enrolled in a GED or other
17 alternative educational program that does
18 not issue or provide credit toward the
19 issuance of a regular high school diploma
20 shall not be considered transferred out and
21 shall remain in the adjusted cohort.

22 “(D) SPECIAL RULE.—For those high
23 schools that start after grade 9, the original co-
24 hort shall be calculated for the earliest high
25 school grade students attend no later than the ef-

1 *fective date for student membership data sub-*
2 *mitted annually by State educational agencies to*
3 *the National Center for Education Statistics*
4 *pursuant to section 153 of the Education*
5 *Sciences Reform Act.*

6 “(24) *FREE PUBLIC EDUCATION.*—*The term ‘free*
7 *public education’ means education that is provided—*

8 *“(A) at public expense, under public super-*
9 *vision and direction, and without tuition charge;*
10 *and*

11 *“(B) as elementary school or secondary*
12 *school education as determined under applicable*
13 *State law, except that the term does not include*
14 *any education provided beyond grade 12.*

15 “(25) *GIFTED AND TALENTED.*—*The term ‘gifted*
16 *and talented’, when used with respect to students,*
17 *children, or youth, means students, children, or youth*
18 *who give evidence of high achievement capability in*
19 *areas such as intellectual, creative, artistic, or leader-*
20 *ship capacity, or in specific academic fields, and who*
21 *need services or activities not ordinarily provided by*
22 *the school in order to fully develop those capabilities.*

23 “(26) *HIGH-QUALITY ACADEMIC TUTORING.*—*The*
24 *term ‘high-quality academic tutoring’ means supple-*
25 *mental academic services that—*

1 “(A) are in addition to instruction provided
2 during the school day;

3 “(B) are provided by a non-governmental
4 entity or local educational agency that—

5 “(i) is included on a State educational
6 agency approved provider list after dem-
7 onstrating to the State educational agency
8 that its program consistently improves the
9 academic achievement of students; and

10 “(ii) agrees to provide parents of chil-
11 dren receiving high-quality academic tutor-
12 ing, the appropriate local educational agen-
13 cy, and school with information on partici-
14 pating students increases in academic
15 achievement, in a format, and to the extent
16 practicable, a language that such parent
17 can understand, and in a manner that pro-
18 tects the privacy of individuals consistent
19 with section 444 of the General Education
20 Provisions Act (20 U.S.C. 1232g);

21 “(C) are selected by the parents of students
22 who are identified by the local educational agen-
23 cy as being eligible for such services from among
24 providers on the approved provider list described
25 in subparagraph (B)(i);

1 “(D) meet all applicable Federal, State, and
2 local health, safety, and civil rights laws; and

3 “(E) ensure that all instruction and content
4 are secular, neutral, and non-ideological.

5 “(27) HIGH SCHOOL.—The term ‘high school’
6 means a secondary school that—

7 “(A) grants a diploma, as defined by the
8 State; and

9 “(B) includes, at least, grade 12.

10 “(28) INSTITUTION OF HIGHER EDUCATION.—
11 The term ‘institution of higher education’ has the
12 meaning given that term in section 101(a) of the
13 Higher Education Act of 1965.

14 “(29) LOCAL EDUCATIONAL AGENCY.—

15 “(A) IN GENERAL.—The term ‘local edu-
16 cational agency’ means a public board of edu-
17 cation or other public authority legally con-
18 stituted within a State for either administrative
19 control or direction of, or to perform a service
20 function for, public elementary schools or sec-
21 ondary schools in a city, county, township,
22 school district, or other political subdivision of a
23 State, or of or for a combination of school dis-
24 tricts or counties that is recognized in a State as

1 *an administrative agency for its public elemen-*
2 *tary schools or secondary schools.*

3 “(B) *ADMINISTRATIVE CONTROL AND DI-*
4 *RECTION.—The term includes any other public*
5 *institution or agency having administrative con-*
6 *trol and direction of a public elementary school*
7 *or secondary school.*

8 “(C) *BIE SCHOOLS.—The term includes an*
9 *elementary school or secondary school funded by*
10 *the Bureau of Indian Education but only to the*
11 *extent that including the school makes the school*
12 *eligible for programs for which specific eligibility*
13 *is not provided to the school in another provision*
14 *of law and the school does not have a student*
15 *population that is smaller than the student pop-*
16 *ulation of the local educational agency receiving*
17 *assistance under this Act with the smallest stu-*
18 *dent population, except that the school shall not*
19 *be subject to the jurisdiction of any State edu-*
20 *cational agency other than the Bureau of Indian*
21 *Education.*

22 “(D) *EDUCATIONAL SERVICE AGENCIES.—*
23 *The term includes educational service agencies*
24 *and consortia of those agencies.*

1 “(E) *STATE EDUCATIONAL AGENCY.*—*The*
2 *term includes the State educational agency in a*
3 *State in which the State educational agency is*
4 *the sole educational agency for all public schools.*

5 “(30) *NATIVE AMERICAN AND NATIVE AMERICAN*
6 *LANGUAGE.*—*The terms ‘Native American’ and ‘Na-*
7 *tive American language’ have the same meaning given*
8 *those terms in section 103 of the Native American*
9 *Languages Act of 1990.*

10 “(31) *OTHER STAFF.*—*The term ‘other staff’*
11 *means specialized instructional support personnel, li-*
12 *brarians, career guidance and counseling personnel,*
13 *education aides, and other instructional and adminis-*
14 *trative personnel.*

15 “(32) *OUTLYING AREA.*—*The term ‘outlying*
16 *area’—*

17 “(A) *means American Samoa, the Common-*
18 *wealth of the Northern Mariana Islands, Guam,*
19 *and the United States Virgin Islands;*

20 “(B) *means the Republic of Palau, to the*
21 *extent permitted under section 105(f)(1)(B)(ix)*
22 *of the Compact of Free Association Amendments*
23 *Act of 2003 (Public Law 99–658; 117 Stat.*
24 *2751) and until an agreement for the extension*
25 *of United States education assistance under the*

1 *Compact of Free Association becomes effective for*
2 *the Republic of Palau; and*

3 “(C) for the purpose of any discretionary
4 grant program under this Act, includes the Re-
5 public of the Marshall Islands and the Federated
6 States of Micronesia, to the extent permitted
7 under section 105(f)(1)(B)(viii) of the Compact
8 of Free Association Amendments Act of 2003
9 (Public Law 108–188; 117 Stat. 2751).

10 “(33) PARENT.—The term ‘parent’ includes a
11 legal guardian or other person standing in loco
12 parentis (such as a grandparent, stepparent, or foster
13 parent with whom the child lives, or a person who is
14 legally responsible for the child’s welfare).

15 “(34) PARENTAL INVOLVEMENT.—The term ‘pa-
16 rental involvement’ means the participation of par-
17 ents in regular, two-way, and meaningful commu-
18 nication involving student academic learning and
19 other school activities, including ensuring—

20 “(A) that parents play an integral role in
21 assisting in their child’s learning;

22 “(B) that parents are encouraged to be ac-
23 tively involved in their child’s education at
24 school;

1 “(C) that parents are full partners in their
2 child’s education and are included, as appro-
3 priate, in decisionmaking and on advisory com-
4 mittees to assist in the education of their child;
5 and

6 “(D) the carrying out of other activities,
7 such as those described in section 1118.

8 “(35) *POVERTY LINE*.—The term ‘poverty line’
9 means the poverty line (as defined by the Office of
10 Management and Budget and revised annually in ac-
11 cordance with section 673(2) of the Community Serv-
12 ices Block Grant Act) applicable to a family of the
13 size involved.

14 “(36) *PROFESSIONAL DEVELOPMENT*.—The term
15 ‘professional development’—

16 “(A) includes evidence-based, job-embedded,
17 continuous activities that—

18 “(i) improve and increase teachers’
19 knowledge of the academic subjects the
20 teachers teach, and enable teachers to be-
21 come effective educators;

22 “(ii) are an integral part of broad
23 schoolwide and districtwide educational im-
24 provement plans;

1 “(iii) give teachers, school leaders,
2 other staff, and administrators the knowl-
3 edge and skills to provide students with the
4 opportunity to meet State academic stand-
5 ards;

6 “(iv) improve classroom management
7 skills;

8 “(v)(I) have a positive and lasting im-
9 pact on classroom instruction and the
10 teacher’s performance in the classroom; and

11 “(II) are not 1-day or short-term work-
12 shops or conferences;

13 “(vi) support the recruiting, hiring,
14 and training of effective teachers, including
15 teachers who became certified or licensed
16 through State and local alternative routes to
17 certification;

18 “(vii) advance teacher understanding
19 of effective instructional strategies that are
20 strategies for improving student academic
21 achievement or substantially increasing the
22 knowledge and teaching skills of teachers,
23 including through addressing the social and
24 emotional development needs of students;

1 “(viii) are aligned with and directly
2 related to—

3 “(I) State academic standards
4 and assessments; and

5 “(II) the curricula and programs
6 tied to the standards described in sub-
7 clause (I);

8 “(ix) are developed with extensive par-
9 ticipation of teachers, school leaders, par-
10 ents, and administrators of schools to be
11 served under this Act;

12 “(x) are designed to give teachers of
13 English learners and other teachers and in-
14 structional staff, the knowledge and skills to
15 provide instruction and appropriate lan-
16 guage and academic support services to
17 those children, including the appropriate
18 use of curricula and assessments;

19 “(xi) to the extent appropriate, provide
20 training for teachers, other staff, and school
21 leaders in the use of technology so that tech-
22 nology and technology applications are ef-
23 fectively used to improve teaching and
24 learning in the curricula and core academic

1 *subjects in which the students receive in-*
2 *struction;*

3 *“(xii) as a whole, are regularly evalu-*
4 *ated for their impact on increased teacher*
5 *effectiveness and improved student academic*
6 *achievement, with the findings of the eval-*
7 *uations used to improve the quality of the*
8 *professional development;*

9 *“(xiii) provide instruction in methods*
10 *of teaching children with special needs;*

11 *“(xiv) include instruction in the use of*
12 *data and assessments to inform and in-*
13 *struct classroom practice; and*

14 *“(xv) include instruction in ways that*
15 *teachers, school leaders, specialized instruc-*
16 *tional support personnel, other staff, and*
17 *school administrators may work more effec-*
18 *tively with parents; and*

19 *“(B) may include evidence-based, job-em-*
20 *bedded, continuous activities that—*

21 *“(i) involve the forming of partner-*
22 *ships with institutions of higher education*
23 *to establish school-based teacher training*
24 *programs that provide prospective teachers*
25 *and new teachers with an opportunity to*

1 *work under the guidance of experienced*
2 *teachers and college faculty;*

3 “(ii) *create programs to enable para-*
4 *professionals (assisting teachers employed*
5 *by a local educational agency receiving as-*
6 *sistance under subpart 1 of part A of title*
7 *I) to obtain the education necessary for*
8 *those paraprofessionals to become certified*
9 *and licensed teachers; and*

10 “(iii) *provide follow-up training to in-*
11 *dividuals who have participated in activi-*
12 *ties described in subparagraph (A) or an-*
13 *other clause of this subparagraph that are*
14 *designed to ensure that the knowledge and*
15 *skills learned by the teachers are imple-*
16 *mented in the classroom.*

17 “(37) *REGULAR HIGH SCHOOL DIPLOMA.—*

18 “(A) *IN GENERAL.—The term ‘regular high*
19 *school diploma’ means the standard high school*
20 *diploma awarded to the preponderance of stu-*
21 *dents in the State that is fully aligned with*
22 *State standards, or a higher diploma. Such term*
23 *shall not include a GED or other recognized*
24 *equivalent of a diploma, a certificate of attend-*
25 *ance, or any lesser diploma award.*

1 “(B) *EXCEPTION FOR STUDENTS WITH SIG-*
2 *NIFICANT COGNITIVE DISABILITIES.—For a stu-*
3 *dent who is assessed using an alternate assess-*
4 *ment aligned to alternate academic standards*
5 *under section 1111(b)(1)(D), receipt of a regular*
6 *high school diploma as defined under subpara-*
7 *graph (A) or a State-defined alternate diploma*
8 *obtained within the time period for which the*
9 *State ensures the availability of a free appro-*
10 *priate public education and in accordance with*
11 *section 612(a)(1) of the Individuals with Dis-*
12 *abilities Education Act shall be counted as grad-*
13 *uating with a regular high school diploma for*
14 *the purposes of this Act.*

15 “(38) *SCHOOL LEADER.—The term ‘school lead-*
16 *er’ means a principal, assistant principal, or other*
17 *individual who is—*

18 “(A) *an employee or officer of a school, local*
19 *educational agency, or other entity operating the*
20 *school; and*

21 “(B) *responsible for—*

22 “(i) *the daily instructional leadership*
23 *and managerial operations of the school;*
24 *and*

1 “(ii) *creating the optimum conditions*
2 *for student learning.*

3 “(39) *SECONDARY SCHOOL.—The term ‘sec-*
4 *ondary school’ means a nonprofit institutional day or*
5 *residential school, including a public secondary char-*
6 *ter school, that provides secondary education, as de-*
7 *termined under State law, except that the term does*
8 *not include any education beyond grade 12.*

9 “(40) *SECRETARY.—The term ‘Secretary’ means*
10 *the Secretary of Education.*

11 “(41) *SPECIALIZED INSTRUCTIONAL SUPPORT*
12 *PERSONNEL; SPECIALIZED INSTRUCTIONAL SUPPORT*
13 *SERVICES.—*

14 “(A) *SPECIALIZED INSTRUCTIONAL SUP-*
15 *PORT PERSONNEL.—The term ‘specialized in-*
16 *structional support personnel’ means school*
17 *counselors, school social workers, school psycholo-*
18 *gists, and other qualified professional personnel*
19 *involved in providing assessment, diagnosis,*
20 *counseling, educational, therapeutic, and other*
21 *necessary services (including related services as*
22 *that term is defined in section 602 of the Indi-*
23 *viduals with Disabilities Education Act) as part*
24 *of a comprehensive program to meet student*
25 *needs.*

1 “(B) *SPECIALIZED INSTRUCTIONAL SUP-*
2 *PORT SERVICES.*—*The term ‘specialized instruc-*
3 *tional support services’ means the services pro-*
4 *vided by specialized instructional support per-*
5 *sonnel.*

6 “(42) *STATE.*—*The term ‘State’ means each of*
7 *the 50 States, the District of Columbia, the Common-*
8 *wealth of Puerto Rico, and each of the outlying areas.*

9 “(43) *STATE EDUCATIONAL AGENCY.*—*The term*
10 *‘State educational agency’ means the agency pri-*
11 *marily responsible for the State supervision of public*
12 *elementary schools and secondary schools.*

13 “(44) *TECHNOLOGY.*—*The term ‘technology’*
14 *means modern information, computer and commu-*
15 *nication technology products, services, or tools, in-*
16 *cluding, but not limited to, the Internet and other*
17 *communications networks, computer devices and other*
18 *computer and communications hardware, software*
19 *applications, data systems, and other electronic con-*
20 *tent and data storage.*

21 **“SEC. 5102. APPLICABILITY OF TITLE.**

22 *“Parts B, C, D, and E of this title do not apply to*
23 *title IV of this Act.*

1 **“SEC. 5103. APPLICABILITY TO BUREAU OF INDIAN EDU-**
2 **CATION OPERATED SCHOOLS.**

3 *“For the purpose of any competitive program under*
4 *this Act—*

5 *“(1) a consortium of schools operated by the Bu-*
6 *reau of Indian Education;*

7 *“(2) a school operated under a contract or grant*
8 *with the Bureau of Indian Education in consortium*
9 *with another contract or grant school or a tribal or*
10 *community organization; or*

11 *“(3) a Bureau of Indian Education school in*
12 *consortium with an institution of higher education, a*
13 *contract or grant school, or a tribal or community or-*
14 *ganization,*

15 *shall be given the same consideration as a local educational*
16 *agency.*

17 **“PART B—FLEXIBILITY IN THE USE OF**
18 **ADMINISTRATIVE AND OTHER FUNDS**

19 **“SEC. 5201. CONSOLIDATION OF STATE ADMINISTRATIVE**
20 **FUNDS FOR ELEMENTARY AND SECONDARY**
21 **EDUCATION PROGRAMS.**

22 *“(a) CONSOLIDATION OF ADMINISTRATIVE FUNDS.—*

23 *“(1) IN GENERAL.—A State educational agency*
24 *may consolidate the amounts specifically made avail-*
25 *able to it for State administration under one or more*
26 *of the programs under paragraph (2).*

1 “(2) *APPLICABILITY.*—*This section applies to*
2 *any program under this Act under which funds are*
3 *authorized to be used for administration, and such*
4 *other programs as the Secretary may designate.*

5 “(b) *USE OF FUNDS.*—

6 “(1) *IN GENERAL.*—*A State educational agency*
7 *shall use the amount available under this section for*
8 *the administration of the programs included in the*
9 *consolidation under subsection (a).*

10 “(2) *ADDITIONAL USES.*—*A State educational*
11 *agency may also use funds available under this sec-*
12 *tion for administrative activities designed to enhance*
13 *the effective and coordinated use of funds under pro-*
14 *grams included in the consolidation under subsection*
15 *(a), such as—*

16 “(A) *the coordination of those programs*
17 *with other Federal and non-Federal programs;*

18 “(B) *the establishment and operation of*
19 *peer-review mechanisms under this Act;*

20 “(C) *the administration of this title;*

21 “(D) *the dissemination of information re-*
22 *garding model programs and practices;*

23 “(E) *technical assistance under any pro-*
24 *gram under this Act;*

1 “(F) State-level activities designed to carry
2 out this title;

3 “(G) training personnel engaged in audit
4 and other monitoring activities; and

5 “(H) implementation of the Cooperative
6 Audit Resolution and Oversight Initiative of the
7 Department.

8 “(c) RECORDS.—A State educational agency that con-
9 solidates administrative funds under this section shall not
10 be required to keep separate records, by individual program,
11 to account for costs relating to the administration of pro-
12 grams included in the consolidation under subsection (a).

13 “(d) REVIEW.—To determine the effectiveness of State
14 administration under this section, the Secretary may peri-
15 odically review the performance of State educational agen-
16 cies in using consolidated administrative funds under this
17 section and take such steps as the Secretary finds appro-
18 priate to ensure the effectiveness of that administration.

19 “(e) UNUSED ADMINISTRATIVE FUNDS.—If a State
20 educational agency does not use all of the funds available
21 to the agency under this section for administration, the
22 agency may use those funds during the applicable period
23 of availability as funds available under one or more pro-
24 grams included in the consolidation under subsection (a).

1 *agreement, consistent with the requirements of*
2 *the programs specified in paragraph (1), for the*
3 *distribution and use of those program funds*
4 *under terms that the Secretary determines best*
5 *meet the purposes of those programs.*

6 “(B) CONTENTS.—*The agreement shall—*

7 “(i) *set forth the plans of the Secretary*
8 *of the Interior for the use of the amount*
9 *transferred and the achievement measures to*
10 *assess program effectiveness; and*

11 “(ii) *be developed in consultation with*
12 *Indian tribes.*

13 “(b) ADMINISTRATION.—*The Department of the Inte-*
14 *rior may use not more than 1.5 percent of the funds consoli-*
15 *dated under this section for its costs related to the adminis-*
16 *tration of the funds transferred under this section.*

17 **“PART C—COORDINATION OF PROGRAMS; CON-**
18 **SOLIDATED STATE AND LOCAL PLANS AND**
19 **APPLICATIONS**

20 **“SEC. 5301. PURPOSES.**

21 *“The purposes of this part are—*

22 “(1) *to improve teaching and learning by en-*
23 *couraging greater cross-program coordination, plan-*
24 *ning, and service delivery;*

1 “(2) to provide greater flexibility to State and
2 local authorities through consolidated plans, applica-
3 tions, and reporting; and

4 “(3) to enhance the integration of programs
5 under this Act with State and local programs.

6 **“SEC. 5302. OPTIONAL CONSOLIDATED STATE PLANS OR AP-**
7 **PLICATIONS.**

8 “(a) *GENERAL AUTHORITY.*—

9 “(1) *SIMPLIFICATION.*—In order to simplify ap-
10 plication requirements and reduce the burden for
11 State educational agencies under this Act, the Sec-
12 retary, in accordance with subsection (b), shall estab-
13 lish procedures and criteria under which, after con-
14 sultation with the Governor, a State educational
15 agency may submit a consolidated State plan or a
16 consolidated State application meeting the require-
17 ments of this section for—

18 “(A) each of the covered programs in which
19 the State participates; and

20 “(B) such other programs as the Secretary
21 may designate.

22 “(2) *CONSOLIDATED APPLICATIONS AND*
23 *PLANS.*—After consultation with the Governor, a
24 State educational agency that submits a consolidated
25 State plan or a consolidated State application under

1 *this section shall not be required to submit separate*
2 *State plans or applications under any of the pro-*
3 *grams to which the consolidated State plan or consoli-*
4 *dated State application under this section applies.*

5 *“(b) COLLABORATION.—*

6 *“(1) IN GENERAL.—In establishing criteria and*
7 *procedures under this section, the Secretary shall col-*
8 *laborate with State educational agencies and, as ap-*
9 *propriate, with other State agencies, local educational*
10 *agencies, public and private agencies, organizations,*
11 *and institutions, private schools, and parents, stu-*
12 *dents, and teachers.*

13 *“(2) CONTENTS.—Through the collaborative*
14 *process described in paragraph (1), the Secretary*
15 *shall establish, for each program under this Act to*
16 *which this section applies, the descriptions, informa-*
17 *tion, assurances, and other material required to be in-*
18 *cluded in a consolidated State plan or consolidated*
19 *State application.*

20 *“(3) NECESSARY MATERIALS.—The Secretary*
21 *shall require only descriptions, information, assur-*
22 *ances (including assurances of compliance with appli-*
23 *cable provisions regarding participation by private*
24 *school children and teachers), and other materials*
25 *that are absolutely necessary for the consideration of*

1 *the consolidated State plan or consolidated State ap-*
2 *plication.*

3 **“SEC. 5303. CONSOLIDATED REPORTING.**

4 “(a) *IN GENERAL.*—*In order to simplify reporting re-*
5 *quirements and reduce reporting burdens, the Secretary*
6 *shall establish procedures and criteria under which a State*
7 *educational agency, in consultation with the Governor of*
8 *the State, may submit a consolidated State annual report.*

9 “(b) *CONTENTS.*—*The report shall contain informa-*
10 *tion about the programs included in the report, including*
11 *the performance of the State under those programs, and*
12 *other matters as the Secretary determines are necessary,*
13 *such as monitoring activities.*

14 “(c) *REPLACEMENT.*—*The report shall replace sepa-*
15 *rate individual annual reports for the programs included*
16 *in the consolidated State annual report.*

17 **“SEC. 5304. GENERAL APPLICABILITY OF STATE EDU-**
18 **CATIONAL AGENCY ASSURANCES.**

19 “(a) *ASSURANCES.*—*A State educational agency, in*
20 *consultation with the Governor of the State, that submits*
21 *a consolidated State plan or consolidated State application*
22 *under this Act, whether separately or under section 5302,*
23 *shall have on file with the Secretary a single set of assur-*
24 *ances, applicable to each program for which the plan or*
25 *application is submitted, that provides that—*

1 “(1) each such program will be administered in
2 accordance with all applicable statutes, regulations,
3 program plans, and applications;

4 “(2)(A) the control of funds provided under each
5 such program and title to property acquired with
6 program funds will be in a public agency, an eligible
7 private agency, institution, or organization, or an In-
8 dian tribe, if the law authorizing the program pro-
9 vides for assistance to those entities; and

10 “(B) the public agency, eligible private agency,
11 institution, or organization, or Indian tribe will ad-
12 minister those funds and property to the extent re-
13 quired by the authorizing law;

14 “(3) the State will adopt and use proper methods
15 of administering each such program, including—

16 “(A) the enforcement of any obligations im-
17 posed by law on agencies, institutions, organiza-
18 tions, and other recipients responsible for car-
19 rying out each program;

20 “(B) the correction of deficiencies in pro-
21 gram operations that are identified through au-
22 dits, monitoring, or evaluation; and

23 “(C) the adoption of written procedures for
24 the receipt and resolution of complaints alleging

1 *violations of law in the administration of the*
2 *programs;*

3 “(4) *the State will cooperate in carrying out any*
4 *evaluation of each such program conducted by or for*
5 *the Secretary or other Federal officials;*

6 “(5) *the State will use such fiscal control and*
7 *fund accounting procedures that will ensure proper*
8 *disbursement of, and accounting for, Federal funds*
9 *paid to the State under each such program;*

10 “(6) *the State will—*

11 “(A) *make reports to the Secretary as may*
12 *be necessary to enable the Secretary to perform*
13 *the Secretary’s duties under each such program;*
14 *and*

15 “(B) *maintain such records, provide such*
16 *information to the Secretary, and afford such ac-*
17 *cess to the records as the Secretary may find nec-*
18 *essary to carry out the Secretary’s duties; and*

19 “(7) *before the plan or application was sub-*
20 *mitted to the Secretary, the State afforded a reason-*
21 *able opportunity for public comment on the plan or*
22 *application and considered such comment.*

23 “(b) *GEPA PROVISION.—Section 441 of the General*
24 *Education Provisions Act shall not apply to programs*
25 *under this Act.*

1 **“SEC. 5305. CONSOLIDATED LOCAL PLANS OR APPLICA-**
2 **TIONS.**

3 “(a) *GENERAL AUTHORITY.*—

4 “(1) *CONSOLIDATED PLAN.*—A local educational
5 agency receiving funds under more than one covered
6 program may submit plans or applications to the
7 State educational agency under those programs on a
8 consolidated basis.

9 “(2) *AVAILABILITY TO GOVERNOR.*—The State
10 educational agency shall make any consolidated local
11 plans and applications available to the Governor.

12 “(b) *REQUIRED CONSOLIDATED PLANS OR APPLICA-*
13 *TIONS.*—A State educational agency that has an approved
14 consolidated State plan or application under section 5302
15 may require local educational agencies in the State receiv-
16 ing funds under more than one program included in the
17 consolidated State plan or consolidated State application
18 to submit consolidated local plans or applications under
19 those programs, but may not require those agencies to sub-
20 mit separate plans.

21 “(c) *COLLABORATION.*—A State educational agency, in
22 consultation with the Governor, shall collaborate with local
23 educational agencies in the State in establishing procedures
24 for the submission of the consolidated State plans or consoli-
25 dated State applications under this section.

1 “(d) *NECESSARY MATERIALS.*—*The State educational*
2 *agency shall require only descriptions, information, assur-*
3 *ances, and other material that are absolutely necessary for*
4 *the consideration of the local educational agency plan or*
5 *application.*

6 “**SEC. 5306. OTHER GENERAL ASSURANCES.**

7 “(a) *ASSURANCES.*—*Any applicant, other than a State*
8 *educational agency that submits a plan or application*
9 *under this Act, shall have on file with the State educational*
10 *agency a single set of assurances, applicable to each pro-*
11 *gram for which a plan or application is submitted, that*
12 *provides that—*

13 “(1) *each such program will be administered in*
14 *accordance with all applicable statutes, regulations,*
15 *program plans, and applications;*

16 “(2)(A) *the control of funds provided under each*
17 *such program and title to property acquired with*
18 *program funds will be in a public agency or in an*
19 *eligible private agency, institution, organization, or*
20 *Indian tribe, if the law authorizing the program pro-*
21 *vides for assistance to those entities; and*

22 “(B) *the public agency, eligible private agency,*
23 *institution, or organization, or Indian tribe will ad-*
24 *minister the funds and property to the extent required*
25 *by the authorizing statutes;*

1 “(3) the applicant will adopt and use proper
2 methods of administering each such program, includ-
3 ing—

4 “(A) the enforcement of any obligations im-
5 posed by law on agencies, institutions, organiza-
6 tions, and other recipients responsible for car-
7 rying out each program; and

8 “(B) the correction of deficiencies in pro-
9 gram operations that are identified through au-
10 dits, monitoring, or evaluation;

11 “(4) the applicant will cooperate in carrying out
12 any evaluation of each such program conducted by or
13 for the State educational agency, the Secretary, or
14 other Federal officials;

15 “(5) the applicant will use such fiscal control
16 and fund accounting procedures as will ensure proper
17 disbursement of, and accounting for, Federal funds
18 paid to the applicant under each such program;

19 “(6) the applicant will—

20 “(A) submit such reports to the State edu-
21 cational agency (which shall make the reports
22 available to the Governor) and the Secretary as
23 the State educational agency and Secretary may
24 require to enable the State educational agency

1 to waive any statutory or regulatory requirement of
2 this Act.

3 “(2) RECEIPT OF WAIVER.—Except as provided
4 in subsection (c) and subject to the limits in sub-
5 section (b)(5)(A), the Secretary shall waive any statu-
6 tory or regulatory requirement of this Act for a State
7 educational agency, local educational agency, Indian
8 tribe, or school (through a local educational agency),
9 that submits a waiver request pursuant to this sub-
10 section.

11 “(b) PLAN.—

12 “(1) IN GENERAL.—A State educational agency,
13 local educational agency, or Indian tribe that desires
14 a waiver under this section shall submit a waiver re-
15 quest to the Secretary, which shall include a plan
16 that—

17 “(A) identifies the Federal programs af-
18 fected by the requested waiver;

19 “(B) describes which Federal statutory or
20 regulatory requirements are to be waived;

21 “(C) reasonably demonstrates that the waiv-
22 er will improve instruction for students and ad-
23 vance student academic achievement;

24 “(D) describes the methods the State edu-
25 cational agency, local educational agency, or In-

1 *dian tribe will use to monitor the effectiveness of*
2 *the implementation of the plan; and*

3 *“(E) describes how schools will continue to*
4 *provide assistance to the same populations served*
5 *by programs for which the waiver is requested.*

6 *“(2) ADDITIONAL INFORMATION.—A waiver re-*
7 *quest under this section—*

8 *“(A) may provide for waivers of require-*
9 *ments applicable to State educational agencies,*
10 *local educational agencies, Indian tribes, and*
11 *schools; and*

12 *“(B) shall be developed and submitted—*

13 *“(i)(I) by local educational agencies*
14 *(on behalf of those agencies and schools) to*
15 *State educational agencies; and*

16 *“(II) by State educational agencies (on*
17 *their own behalf, or on behalf of, and based*
18 *on the requests of, local educational agencies*
19 *in the State) to the Secretary; or*

20 *“(ii) by Indian tribes (on behalf of*
21 *schools operated by the tribes) to the Sec-*
22 *retary.*

23 *“(3) GENERAL REQUIREMENTS.—*

24 *“(A) STATE EDUCATIONAL AGENCIES.—In*
25 *the case of a waiver request submitted by a State*

1 *educational agency acting on its own behalf, or*
2 *on behalf of local educational agencies in the*
3 *State, the State educational agency shall—*

4 “(i) *provide the public and local edu-*
5 *cational agencies in the State with notice*
6 *and a reasonable opportunity to comment*
7 *and provide input on the request;*

8 “(ii) *submit the comments and input*
9 *to the Secretary, with a description of how*
10 *the State addressed the comments and*
11 *input; and*

12 “(iii) *provide notice and a reasonable*
13 *time to comment to the public and local*
14 *educational agencies in the manner in*
15 *which the applying agency customarily pro-*
16 *vides similar notice and opportunity to*
17 *comment to the public.*

18 “(B) *LOCAL EDUCATIONAL AGENCIES.—In*
19 *the case of a waiver request submitted by a local*
20 *educational agency that receives funds under this*
21 *Act—*

22 “(i) *the request shall be reviewed by the*
23 *State educational agency and be accom-*
24 *panied by the comments, if any, of the State*
25 *educational agency and the public; and*

1 “(ii) notice and a reasonable oppor-
2 tunity to comment regarding the waiver re-
3 quest shall be provided to the State edu-
4 cational agency and the public by the agen-
5 cy requesting the waiver in the manner in
6 which that agency customarily provides
7 similar notice and opportunity to comment
8 to the public.

9 “(4) PEER REVIEW.—

10 “(A) ESTABLISHMENT.—The Secretary shall
11 establish a multi-disciplinary peer review team,
12 which shall meet the requirements of section
13 5543, to review waiver requests under this sec-
14 tion.

15 “(B) APPLICABILITY.—The Secretary may
16 approve a waiver request under this section
17 without conducting a peer review of the request,
18 but shall use the peer review process under this
19 paragraph before disapproving such a request.

20 “(C) STANDARD AND NATURE OF REVIEW.—
21 Peer reviewers shall conduct a good faith review
22 of waiver requests submitted to them under this
23 section. Peer reviewers shall review such waiver
24 requests—

25 “(i) in their totality;

1 “(ii) *in deference to State and local*
2 *judgment; and*

3 “(iii) *with the goal of promoting State-*
4 *and local-led innovation.*

5 “(5) *WAIVER DETERMINATION, DEMONSTRATION,*
6 *AND REVISION.—*

7 “(A) *IN GENERAL.—The Secretary shall ap-*
8 *prove a waiver request not more than 60 days*
9 *after the date on which such request is submitted,*
10 *unless the Secretary determines and dem-*
11 *onstrates that—*

12 “(i) *the waiver request does not meet*
13 *the requirements of this section;*

14 “(ii) *the waiver is not permitted under*
15 *subsection (c);*

16 “(iii) *the plan that is required under*
17 *paragraph (1)(C), and reviewed with def-*
18 *erence to State and local judgment, provides*
19 *no reasonable evidence to determine that a*
20 *waiver will enhance student academic*
21 *achievement; or*

22 “(iv) *the waiver request does not pro-*
23 *vide for adequate evaluation to ensure re-*
24 *view and continuous improvement of the*
25 *plan.*

1 “(B) *WAIVER DETERMINATION AND REVI-*
2 *SION.—If the Secretary determines and dem-*
3 *onstrates that the waiver request does not meet*
4 *the requirements of this section, the Secretary*
5 *shall—*

6 “(i) *immediately—*

7 “(I) *notify the State educational*
8 *agency, local educational agency, or*
9 *Indian tribe of such determination;*
10 *and*

11 “(II) *at the request of the State*
12 *educational agency, local educational*
13 *agency, or Indian tribe, provide de-*
14 *tailed reasons for such determination*
15 *in writing;*

16 “(ii) *offer the State educational agen-*
17 *cy, local educational agency, or Indian tribe*
18 *an opportunity to revise and resubmit the*
19 *waiver request not more than 60 days after*
20 *the date of such determination; and*

21 “(iii) *if the Secretary determines that*
22 *the resubmission does not meet the require-*
23 *ments of this section, at the request of the*
24 *State educational agency, local educational*
25 *agency, or Indian tribe, conduct a public*

1 *hearing not more than 30 days after the*
2 *date of such resubmission.*

3 “(C) *WAIVER DISAPPROVAL.*—*The Secretary*
4 *may disapprove a waiver request if—*

5 “(i) *the State educational agency, local*
6 *educational agency, or Indian tribe has*
7 *been notified and offered an opportunity to*
8 *revise and resubmit the waiver request, as*
9 *described under clauses (i) and (ii) of sub-*
10 *paragraph (B); and*

11 “(ii) *the State educational agency,*
12 *local educational agency, or Indian tribe—*

13 “(I) *does not revise and resubmit*
14 *the waiver request; or*

15 “(II) *revises and resubmits the*
16 *waiver request, and the Secretary de-*
17 *termines that such waiver request does*
18 *not meet the requirements of this sec-*
19 *tion after a hearing conducted under*
20 *subparagraph (B)(iii), if requested.*

21 “(D) *EXTERNAL CONDITIONS.*—*The Sec-*
22 *retary shall not, directly or indirectly, require or*
23 *impose new or additional requirements in ex-*
24 *change for receipt of a waiver if such require-*
25 *ments are not specified in this Act.*

1 “(c) *RESTRICTIONS.*—*The Secretary shall not waive*
2 *under this section any statutory or regulatory requirements*
3 *relating to—*

4 “(1) *the allocation or distribution of funds to*
5 *States, local educational agencies, Indian tribes, or*
6 *other recipients of funds under this Act;*

7 “(2) *comparability of services;*

8 “(3) *use of Federal funds to supplement, not sup-*
9 *plant, non-Federal funds;*

10 “(4) *equitable participation of private school stu-*
11 *dents and teachers;*

12 “(5) *parental participation and involvement;*

13 “(6) *applicable civil rights requirements;*

14 “(7) *the prohibitions—*

15 “(A) *in subpart 2 of part E;*

16 “(B) *regarding use of funds for religious*
17 *worship or instruction in section 5505; and*

18 “(C) *regarding activities in section 5524; or*

19 “(8) *the selection of a school attendance area or*
20 *school under subsections (a) and (b) of section 1113,*
21 *except that the Secretary may grant a waiver to allow*
22 *a school attendance area or school to participate in*
23 *activities under subpart 1 of part A of title I if the*
24 *percentage of children from low-income families in*
25 *the school attendance area or who attend the school is*

1 *not more than 10 percentage points below the lowest*
2 *percentage of those children for any school attendance*
3 *area or school of the local educational agency that*
4 *meets the requirements of subsections (a) and (b) of*
5 *section 1113.*

6 “(d) *DURATION AND EXTENSION OF WAIVER; LIMITA-*
7 *TIONS.—*

8 “(1) *IN GENERAL.—Except as provided in para-*
9 *graph (2), a waiver approved by the Secretary under*
10 *this section may be for a period not to exceed 3 years.*

11 “(2) *EXTENSION.—The Secretary may extend the*
12 *period described in paragraph (1) if the State dem-*
13 *onstrates that—*

14 “(A) *the waiver has been effective in ena-*
15 *bling the State or affected recipient to carry out*
16 *the activities for which the waiver was requested*
17 *and the waiver has contributed to improved stu-*
18 *dent achievement; and*

19 “(B) *the extension is in the public interest.*

20 “(3) *SPECIFIC LIMITATIONS.—The Secretary*
21 *shall not require a State educational agency, local*
22 *educational agency, or Indian tribe, as a condition of*
23 *approval of a waiver request, to—*

24 “(A) *include in, or delete from, such request,*
25 *specific academic standards, such as the Com-*

1 *mon Core State Standards developed under the*
2 *Common Core State Standards Initiative or any*
3 *other standards common to a significant number*
4 *of States;*

5 *“(B) use specific academic assessment in-*
6 *struments or items, including assessments*
7 *aligned to the standards described in subpara-*
8 *graph (A); or*

9 *“(C) include in, or delete from, such waiver*
10 *request any criterion that specifies, defines, de-*
11 *scribes, or prescribes the standards or measures*
12 *that a State or local educational agency or In-*
13 *Indian tribe uses to establish, implement, or im-*
14 *prove—*

15 *“(i) State academic standards;*

16 *“(ii) academic assessments;*

17 *“(iii) State accountability systems; or*

18 *“(iv) teacher and school leader evalua-*
19 *tion systems.*

20 *“(e) REPORTS.—*

21 *“(1) WAIVER REPORTS.—A State educational*
22 *agency, local educational agency, or Indian tribe that*
23 *receives a waiver under this section shall, at the end*
24 *of the second year for which a waiver is received*

1 *under this section and each subsequent year, submit*
2 *a report to the Secretary that—*

3 “(A) *describes the uses of the waiver by the*
4 *agency or by schools;*

5 “(B) *describes how schools continued to pro-*
6 *vide assistance to the same populations served by*
7 *the programs for which waivers were granted;*
8 *and*

9 “(C) *evaluates the progress of the agency*
10 *and schools, or Indian tribe, in improving the*
11 *quality of instruction or the academic achieve-*
12 *ment of students.*

13 “(2) *REPORT TO CONGRESS.—The Secretary*
14 *shall annually submit to the Committee on Education*
15 *and the Workforce of the House of Representatives*
16 *and the Committee on Health, Education, Labor, and*
17 *Pensions of the Senate a report—*

18 “(A) *summarizing the uses of waivers by*
19 *State educational agencies, local educational*
20 *agencies, Indian tribes, and schools; and*

21 “(B) *describing the status of the waivers in*
22 *improving academic achievement.*

23 “(f) *TERMINATION OF WAIVERS.—The Secretary shall*
24 *terminate a waiver under this section if the Secretary deter-*
25 *mines, after notice and an opportunity for a hearing, that*

1 *the performance of the State or other recipient affected by*
 2 *the waiver has been inadequate to justify a continuation*
 3 *of the waiver and the recipient of the waiver has failed to*
 4 *make revisions needed to carry out the purpose of the waiv-*
 5 *er, or if the waiver is no longer necessary to achieve its*
 6 *original purpose.*

7 “(g) *PUBLICATION.*—A notice of the Secretary’s deci-
 8 sion to grant each waiver under subsection (a) shall be pub-
 9 lished in the *Federal Register* and the Secretary shall pro-
 10 vide for the dissemination of the notice to State educational
 11 agencies, interested parties, including educators, parents,
 12 students, advocacy and civil rights organizations, and the
 13 public.

14 **“PART E—UNIFORM PROVISIONS**

15 **“Subpart 1—Private Schools**

16 **“SEC. 5501. PARTICIPATION BY PRIVATE SCHOOL CHIL-**
 17 **DREN AND TEACHERS.**

18 “(a) *PRIVATE SCHOOL PARTICIPATION.*—

19 “(1) *IN GENERAL.*—Except as otherwise provided
 20 in this Act, to the extent consistent with the number
 21 of eligible children in areas served by a State edu-
 22 cational agency, local educational agency, educational
 23 service agency, consortium of those agencies, or an-
 24 other entity receiving financial assistance under a
 25 program specified in subsection (b), who are enrolled

1 *in private elementary schools and secondary schools*
2 *in areas served by such agency, consortium, or entity,*
3 *the agency, consortium, or entity shall, after timely*
4 *and meaningful consultation with appropriate pri-*
5 *vate school officials or their representatives, provide to*
6 *those children and their teachers or other educational*
7 *personnel, on an equitable basis, special educational*
8 *services or other benefits that address their needs*
9 *under the program.*

10 “(2) *SECULAR, NEUTRAL, AND NONIDEOLOGICAL*
11 *SERVICES OR BENEFITS.—Educational services or*
12 *other benefits, including materials and equipment,*
13 *provided under this section, shall be secular, neutral,*
14 *and nonideological.*

15 “(3) *SPECIAL RULE.—Educational services and*
16 *other benefits provided under this section for private*
17 *school children, teachers, and other educational per-*
18 *sonnel shall be equitable in comparison to services*
19 *and other benefits for public school children, teachers,*
20 *and other educational personnel participating in the*
21 *program and shall be provided in a timely manner.*

22 “(4) *EXPENDITURES.—*

23 “(A) *IN GENERAL.—Expenditures for edu-*
24 *cational services and other benefits to eligible*
25 *private school children, teachers, and other serv-*

1 *ice personnel shall be equal to the expenditures*
2 *for participating public school children, taking*
3 *into account the number and educational needs,*
4 *of the children to be served.*

5 *“(B) OBLIGATION OF FUNDS.—Funds allo-*
6 *cated to a local educational agency for edu-*
7 *cational services and other benefits to eligible*
8 *private school children shall—*

9 *“(i) be obligated in the fiscal year for*
10 *which the funds are received by the agency;*
11 *and*

12 *“(ii) with respect to any such funds*
13 *that cannot be so obligated, be used to serve*
14 *such children in the following fiscal year.*

15 *“(C) NOTICE OF ALLOCATION.—Each State*
16 *educational agency shall—*

17 *“(i) determine, in a timely manner,*
18 *the proportion of funds to be allocated to*
19 *each local educational agency in the State*
20 *for educational services and other benefits*
21 *under this subpart to eligible private school*
22 *children; and*

23 *“(ii) provide notice, simultaneously, to*
24 *each such local educational agency and the*
25 *appropriate private school officials or their*

1 *representatives in the State of such alloca-*
2 *tion of funds.*

3 “(5) *PROVISION OF SERVICES.*—*An agency, con-*
4 *sortium, or entity described in subsection (a)(1) of*
5 *this section may provide those services directly or*
6 *through contracts with public and private agencies,*
7 *organizations, and institutions.*

8 “(b) *APPLICABILITY.*—

9 “(1) *IN GENERAL.*—*This section applies to pro-*
10 *grams under—*

11 “(A) *subpart 2 of part A of title I;*

12 “(B) *subpart 4 of part A of title I;*

13 “(C) *part A of title II;*

14 “(D) *part B of title II; and*

15 “(E) *part B of title III.*

16 “(2) *DEFINITION.*—*For the purpose of this sec-*
17 *tion, the term ‘eligible children’ means children eligi-*
18 *ble for services under a program described in para-*
19 *graph (1).*

20 “(c) *CONSULTATION.*—

21 “(1) *IN GENERAL.*—*To ensure timely and mean-*
22 *ingful consultation, a State educational agency, local*
23 *educational agency, educational service agency, con-*
24 *sortium of those agencies, or entity shall consult, in*
25 *order to reach an agreement, with appropriate pri-*

1 *vate school officials or their representatives during the*
2 *design and development of the programs under this*
3 *Act, on issues such as—*

4 *“(A) how the children’s needs will be identi-*
5 *fied;*

6 *“(B) what services will be offered;*

7 *“(C) how, where, and by whom the services*
8 *will be provided;*

9 *“(D) how the services will be assessed and*
10 *how the results of the assessment will be used to*
11 *improve those services;*

12 *“(E) the size and scope of the equitable serv-*
13 *ices to be provided to the eligible private school*
14 *children, teachers, and other educational per-*
15 *sonnel and the amount of funds available for*
16 *those services;*

17 *“(F) how and when the agency, consortium,*
18 *or entity will make decisions about the delivery*
19 *of services, including a thorough consideration*
20 *and analysis of the views of the private school of-*
21 *ficials or their representatives on the provision of*
22 *services through potential third-party providers*
23 *or contractors; and*

24 *“(G) how, if the agency disagrees with the*
25 *views of the private school officials or their rep-*

1 *representatives on the provision of services through*
2 *a contract, the local educational agency will pro-*
3 *vide in writing to such private school officials or*
4 *their representatives an analysis of the reasons*
5 *why the local educational agency has chosen not*
6 *to use a contractor.*

7 *“(2) DISAGREEMENT.—If the agency, consor-*
8 *tium, or entity disagrees with the views of the private*
9 *school officials or their representatives with respect to*
10 *an issue described in paragraph (1), the agency, con-*
11 *sortium, or entity shall provide to the private school*
12 *officials or their representatives a written explanation*
13 *of the reasons why the local educational agency has*
14 *chosen not to adopt the course of action requested by*
15 *such officials or their representatives.*

16 *“(3) TIMING.—The consultation required by*
17 *paragraph (1) shall occur before the agency, consor-*
18 *tium, or entity makes any decision that affects the op-*
19 *portunities of eligible private school children, teachers,*
20 *and other educational personnel to participate in pro-*
21 *grams under this Act, and shall continue throughout*
22 *the implementation and assessment of activities under*
23 *this section.*

24 *“(4) DISCUSSION REQUIRED.—The consultation*
25 *required by paragraph (1) shall include a discussion*

1 *of service delivery mechanisms that the agency, con-*
2 *sortium, or entity could use to provide equitable serv-*
3 *ices to eligible private school children, teachers, ad-*
4 *ministrators, and other staff.*

5 *“(5) DOCUMENTATION.—Each local educational*
6 *agency shall maintain in the agency’s records and*
7 *provide to the State educational agency involved a*
8 *written affirmation signed by officials or their rep-*
9 *resentatives of each participating private school that*
10 *the meaningful consultation required by this section*
11 *has occurred. The written affirmation shall provide*
12 *the option for private school officials or their rep-*
13 *resentatives to indicate that timely and meaningful*
14 *consultation has not occurred or that the program de-*
15 *sign is not equitable with respect to eligible private*
16 *school children. If such officials or their representa-*
17 *tives do not provide such affirmation within a rea-*
18 *sonable period of time, the local educational agency*
19 *shall forward the documentation that such consulta-*
20 *tion has, or attempts at such consultation have, taken*
21 *place to the State educational agency.*

22 *“(6) COMPLIANCE.—*

23 *“(A) IN GENERAL.—If the consultation re-*
24 *quired under this section is with a local edu-*
25 *cational agency or educational service agency, a*

1 *private school official or representative shall*
2 *have the right to file a complaint with the State*
3 *educational agency that the consultation re-*
4 *quired under this section was not meaningful*
5 *and timely, did not give due consideration to the*
6 *views of the private school official or representa-*
7 *tive, or did not treat the private school or its stu-*
8 *dents equitably as required by this section.*

9 “(B) *PROCEDURE.*—*If the private school of-*
10 *ficial or representative wishes to file a com-*
11 *plaint, the private school official or representa-*
12 *tive shall provide the basis of the noncompliance*
13 *with this section and all parties shall provide the*
14 *appropriate documentation to the appropriate*
15 *officials or representatives.*

16 “(C) *SERVICES.*—*A State educational agen-*
17 *cy shall provide services under this section di-*
18 *rectly or through contracts with public and pri-*
19 *rate agencies, organizations, and institutions,*
20 *if—*

21 “(i) *the appropriate private school offi-*
22 *cials or their representatives have—*

23 “(I) *requested that the State edu-*
24 *cational agency provide such services*
25 *directly; and*

1 “(II) demonstrated that the local
2 educational agency or Education Serv-
3 ice Agency involved has not met the re-
4 quirements of this section; or

5 “(ii) in a case in which—

6 “(I) a local educational agency
7 has more than 10,000 children from
8 low-income families who attend private
9 elementary schools or secondary schools
10 in such agency’s school attendance
11 areas, as defined in section
12 1113(a)(2)(A), that are not being
13 served by the agency’s program under
14 this section; or

15 “(II) 90 percent of the eligible
16 private school students in a school at-
17 tendance area, as defined in section
18 1113(a)(2)(A), are not being served by
19 the agency’s program under this sec-
20 tion.

21 “(d) *PUBLIC CONTROL OF FUNDS.*—

22 “(1) *IN GENERAL.*—The control of funds used to
23 provide services under this section, and title to mate-
24 rials, equipment, and property purchased with those
25 funds, shall be in a public agency for the uses and

1 *purposes provided in this Act, and a public agency*
2 *shall administer the funds and property.*

3 “(2) *PROVISION OF SERVICES.—*

4 “(A) *IN GENERAL.—The provision of serv-*
5 *ices under this section shall be provided—*

6 “(i) *by employees of a public agency;*

7 *or*

8 “(ii) *through contract by the public*
9 *agency with an individual, association,*
10 *agency, organization, or other entity.*

11 “(B) *INDEPENDENCE; PUBLIC AGENCY.—In*
12 *the provision of those services, the employee, per-*
13 *son, association, agency, organization, or other*
14 *entity shall be independent of the private school*
15 *and of any religious organization, and the em-*
16 *ployment or contract shall be under the control*
17 *and supervision of the public agency.*

18 “(C) *COMMINGLING OF FUNDS PROHIB-*
19 *ITED.—Funds used to provide services under this*
20 *section shall not be commingled with non-Fed-*
21 *eral funds.*

22 **“SEC. 5502. STANDARDS FOR BY-PASS.**

23 “(a) *IN GENERAL.—If, by reason of any provision of*
24 *law, a State educational agency, local educational agency,*
25 *educational service agency, consortium of those agencies, or*

1 *other entity is prohibited from providing for the participa-*
2 *tion in programs of children enrolled in, or teachers or other*
3 *educational personnel from, private elementary schools and*
4 *secondary schools, on an equitable basis, or if the Secretary*
5 *determines that the agency, consortium, or entity has sub-*
6 *stantially failed or is unwilling to provide for that partici-*
7 *pation, as required by section 5501, the Secretary shall—*

8 “(1) *waive the requirements of that section for*
9 *the agency, consortium, or entity; and*

10 “(2) *arrange for the provision of equitable serv-*
11 *ices to those children, teachers, or other educational*
12 *personnel through arrangements that shall be subject*
13 *to the requirements of this section and of sections*
14 *5501, 5503, and 5504.*

15 “(b) *DETERMINATION.—In making the determination*
16 *under subsection (a), the Secretary shall consider one or*
17 *more factors, including the quality, size, scope, and location*
18 *of the program, and the opportunity of private school chil-*
19 *dren, teachers, and other educational personnel to partici-*
20 *pate in the program.*

21 **“SEC. 5503. COMPLAINT PROCESS FOR PARTICIPATION OF**
22 **PRIVATE SCHOOL CHILDREN.**

23 “(a) *PROCEDURES FOR COMPLAINTS.—The Secretary*
24 *shall develop and implement written procedures for receiv-*
25 *ing, investigating, and resolving complaints from parents,*

1 *teachers, or other individuals and organizations concerning*
2 *violations of section 5501 by a State educational agency,*
3 *local educational agency, educational service agency, con-*
4 *sortium of those agencies, or entity. The individual or orga-*
5 *nization shall submit the complaint to the State educational*
6 *agency for a written resolution by the State educational*
7 *agency within 45 days.*

8 “(b) *APPEALS TO SECRETARY.*—*The resolution may be*
9 *appealed by an interested party to the Secretary not later*
10 *than 30 days after the State educational agency resolves*
11 *the complaint or fails to resolve the complaint within the*
12 *45-day time limit. The appeal shall be accompanied by a*
13 *copy of the State educational agency’s resolution, and, if*
14 *there is one, a complete statement of the reasons supporting*
15 *the appeal. The Secretary shall investigate and resolve the*
16 *appeal not later than 90 days after receipt of the appeal.*

17 **“Subpart 2—Prohibitions**

18 **“SEC. 5521. PROHIBITION AGAINST FEDERAL MANDATES,**
19 **DIRECTION, OR CONTROL.**

20 “(a) *IN GENERAL.*—*No officer or employee of the Fed-*
21 *eral Government shall, directly or indirectly, through*
22 *grants, contracts, or other cooperative agreements, mandate,*
23 *direct, or control a State, local educational agency, or*
24 *school’s specific instructional content, academic standards*
25 *and assessments, curricula, or program of instruction, (in-*

1 *cluding any requirement, direction, or mandate to adopt*
2 *the Common Core State Standards developed under the*
3 *Common Core State Standards Initiative or any other aca-*
4 *demie standards common to a significant number of*
5 *States), nor shall anything in this Act be construed to au-*
6 *thorize such officer or employee to do so.*

7 “(b) *FINANCIAL SUPPORT.—No officer or employee of*
8 *the Federal Government shall, directly or indirectly,*
9 *through grants, contracts, or other cooperative agreements,*
10 *make financial support available in a manner that is con-*
11 *ditioned upon a State, local educational agency, or school’s*
12 *adoption of specific instructional content, academic stand-*
13 *ards and assessments, curriculum, or program of instruc-*
14 *tion, (including any requirement, direction, or mandate to*
15 *adopt the Common Core State Standards developed under*
16 *the Common Core State Standards Initiative, any other*
17 *academic standards common to a significant number of*
18 *States, or any assessment, instructional content, or cur-*
19 *riculum aligned to such standards), even if such require-*
20 *ments are specified in an Act other than this Act, nor shall*
21 *anything in this Act be construed to authorize such officer*
22 *or employee to do so.*

1 **“SEC. 5522. PROHIBITIONS ON FEDERAL GOVERNMENT AND**
2 **USE OF FEDERAL FUNDS.**

3 “(a) *GENERAL PROHIBITION.*—*Nothing in this Act*
4 *shall be construed to authorize an officer or employee of the*
5 *Federal Government directly or indirectly, whether through*
6 *a grant, contract, or cooperative agreement, to mandate, di-*
7 *rect, or control a State, local educational agency, or school’s*
8 *curriculum, program of instruction, or allocation of State*
9 *or local resources, or mandate a State or any subdivision*
10 *thereof to spend any funds or incur any costs not paid for*
11 *under this Act.*

12 “(b) *PROHIBITION ON ENDORSEMENT OF CUR-*
13 *RICULUM.*—*Notwithstanding any other prohibition of Fed-*
14 *eral law, no funds provided to the Department under this*
15 *Act may be used by the Department directly or indirectly*
16 *– whether through a grant, contract, or cooperative agree-*
17 *ment – to endorse, approve, develop, require, or sanction*
18 *any curriculum, including any curriculum aligned to the*
19 *Common Core State Standards developed under the Com-*
20 *mon Core State Standards Initiative or any other academic*
21 *standards common to a significant number of States, de-*
22 *signed to be used in an elementary school or secondary*
23 *school.*

24 “(c) *LOCAL CONTROL.*—*Nothing in this Act shall be*
25 *construed to—*

1 “(1) authorize an officer or employee of the Fed-
2 eral Government directly or indirectly – whether
3 through a grant, contract, or cooperative agreement –
4 to mandate, direct, review, or control a State, local
5 educational agency, or school’s instructional content,
6 curriculum, and related activities;

7 “(2) limit the application of the General Edu-
8 cation Provisions Act;

9 “(3) require the distribution of scientifically or
10 medically false or inaccurate materials or to prohibit
11 the distribution of scientifically or medically true or
12 accurate materials; or

13 “(4) create any legally enforceable right.

14 “(d) *PROHIBITION ON REQUIRING FEDERAL AP-*
15 *PROVAL OR CERTIFICATION OF STANDARDS.—Notwith-*
16 *standing any other provision of Federal law, no State shall*
17 *be required to have academic standards approved or cer-*
18 *tified by the Federal Government, in order to receive assist-*
19 *ance under this Act.*

20 “(e) *RULE OF CONSTRUCTION ON BUILDING STAND-*
21 *ARDS.—Nothing in this Act shall be construed to mandate*
22 *national school building standards for a State, local edu-*
23 *cational agency, or school.*

1 **“SEC. 5523. PROHIBITION ON FEDERALLY SPONSORED**
2 **TESTING.**

3 “(a) *GENERAL PROHIBITION.*—Notwithstanding any
4 other provision of Federal law and except as provided in
5 subsection (b), no funds provided under this Act to the Sec-
6 retary or to the recipient of any award may be used to
7 develop, pilot test, field test, implement, administer, or dis-
8 tribute any federally sponsored national test or testing ma-
9 terials in reading, mathematics, or any other subject, unless
10 specifically and explicitly authorized by law.

11 “(b) *EXCEPTIONS.*—Subsection (a) shall not apply to
12 international comparative assessments developed under the
13 authority of section 153(a)(5) of the Education Sciences Re-
14 form Act of 2002 and administered to only a representative
15 sample of pupils in the United States and in foreign na-
16 tions.

17 **“SEC. 5524. LIMITATIONS ON NATIONAL TESTING OR CER-**
18 **TIFICATION FOR TEACHERS.**

19 “(a) *MANDATORY NATIONAL TESTING OR CERTIFI-*
20 *CATION OF TEACHERS.*—Notwithstanding any other provi-
21 sion of this Act or any other provision of law, no funds
22 available to the Department or otherwise available under
23 this Act may be used for any purpose relating to a manda-
24 tory nationwide test or certification of teachers or education
25 paraprofessionals, including any planning, development,

1 *implementation, or administration of such test or certifi-*
2 *cation.*

3 “(b) *PROHIBITION ON WITHHOLDING FUNDS.—The*
4 *Secretary is prohibited from withholding funds from any*
5 *State educational agency or local educational agency if the*
6 *State educational agency or local educational agency fails*
7 *to adopt a specific method of teacher or paraprofessional*
8 *certification.*

9 “**SEC. 5525. PROHIBITED USES OF FUNDS.**

10 “*No funds under this Act may be used—*

11 “(1) *for construction, renovation, or repair of*
12 *any school facility, except as authorized under title IV*
13 *or otherwise authorized under this Act;*

14 “(2) *for medical services, drug treatment or re-*
15 *habilitation, except for specialized instructional sup-*
16 *port services or referral to treatment for students who*
17 *are victims of, or witnesses to, crime or who illegally*
18 *use drugs;*

19 “(3) *for transportation unless otherwise author-*
20 *ized under this Act;*

21 “(4) *to develop or distribute materials, or oper-*
22 *ate programs or courses of instruction directed at*
23 *youth, that are designed to promote or encourage sex-*
24 *ual activity, whether homosexual or heterosexual;*

1 “(5) to distribute or to aid in the distribution by
2 any organization of legally obscene materials to mi-
3 nors on school grounds;

4 “(6) to provide sex education or HIV-prevention
5 education in schools unless that instruction is age ap-
6 propriate and includes the health benefits of absti-
7 nence; or

8 “(7) to operate a program of contraceptive dis-
9 tribution in schools.

10 **“SEC. 5529. PROHIBITION REGARDING STATE AID.**

11 “A State shall not take into consideration payments
12 under this Act (other than under title IV) in determining
13 the eligibility of any local educational agency in that State
14 for State aid, or the amount of State aid, with respect to
15 free public education of children.

16 **“Subpart 3—Other Provisions**

17 **“SEC. 5541. ARMED FORCES RECRUITER ACCESS TO STU-**
18 **DENTS AND STUDENT RECRUITING INFORMA-**
19 **TION.**

20 “(a) *POLICY.*—

21 “(1) *ACCESS TO STUDENT RECRUITING INFORMA-*
22 *TION.*—Notwithstanding section 444(a)(5)(B) of the
23 *General Education Provisions Act*, each local edu-
24 *cational agency receiving assistance under this Act*
25 *shall provide, upon a request made by a military re-*

1 *cruiter or an institution of higher education, access to*
2 *the name, address, and telephone listing of each sec-*
3 *ondary school student served by the local educational*
4 *agency, unless the parent of such student has sub-*
5 *mitted the prior consent request under paragraph (2).*

6 “(2) CONSENT.—

7 “(A) OPT-OUT PROCESS.—A parent of a
8 secondary school student may submit a written
9 request, to the local educational agency, that the
10 student’s name, address, and telephone listing
11 not be released for purposes of paragraph (1)
12 without prior written consent of the parent.
13 Upon receiving such request, the local edu-
14 cational agency may not release the student’s
15 name, address, and telephone listing for such
16 purposes without the prior written consent of the
17 parent.

18 “(B) NOTIFICATION OF OPT-OUT PROC-
19 ESS.—Each local educational agency shall notify
20 the parents of the students served by the agency
21 of the option to make a request described in sub-
22 paragraph (A).

23 “(3) SAME ACCESS TO STUDENTS.—Each local
24 educational agency receiving assistance under this
25 Act shall provide military recruiters the same access

1 to secondary school students as is provided generally
2 to institutions of higher education or to prospective
3 employers of those students.

4 “(4) *RULE OF CONSTRUCTION PROHIBITING OPT-*
5 *IN PROCESSES.*—Nothing in this subsection shall be
6 construed to allow a local educational agency to with-
7 hold access to a student’s name, address, and tele-
8 phone listing from a military recruiter or institution
9 of higher education by implementing an opt-in proc-
10 ess or any other process other than the written con-
11 sent request process under paragraph (2)(A).

12 “(5) *PARENTAL CONSENT.*—For purposes of this
13 subsection, whenever a student has attained 18 years
14 of age, the permission or consent required of and the
15 rights accorded to the parents of the student shall only
16 be required of and accorded to the student.

17 “(b) *NOTIFICATION.*—The Secretary, in consultation
18 with the Secretary of Defense, shall, not later than 120 days
19 after the date of enactment of the Student Success Act, no-
20 tify school leaders, school administrators, and other edu-
21 cators about the requirements of this section.

22 “(c) *EXCEPTION.*—The requirements of this section do
23 not apply to a private secondary school that maintains a
24 religious objection to service in the Armed Forces if the ob-

1 *jection is verifiable through the corporate or other organiza-*
2 *tional documents or materials of that school.*

3 **“SEC. 5542. RULEMAKING.**

4 *“The Secretary shall issue regulations under this Act*
5 *as prescribed under section 1401 only to the extent that such*
6 *regulations are necessary to ensure that there is compliance*
7 *with the specific requirements and assurances required by*
8 *this Act.*

9 **“SEC. 5543. PEER REVIEW.**

10 *“(a) IN GENERAL.—If the Secretary uses a peer review*
11 *panel to evaluate an application for any program required*
12 *under this Act, the Secretary shall conduct the panel in ac-*
13 *cordance with this section.*

14 *“(b) MAKEUP.—The Secretary shall—*

15 *“(1) solicit nominations for peers to serve on the*
16 *panel from States that are—*

17 *“(A) practitioners in the subject matter; or*

18 *“(B) experts in the subject matter; and*

19 *“(2) select the peers from such nominees, except*
20 *that there shall be at least 75 percent practitioners on*
21 *each panel and in each group formed from the panel.*

22 *“(c) GUIDANCE.—The Secretary shall issue the peer re-*
23 *view guidance concurrently with the notice of the grant.*

24 *“(d) REPORTING.—The Secretary shall—*

1 “(1) make the names of the peer reviewers avail-
2 able to the public before the final deadline for the ap-
3 plication of the grant;

4 “(2) make the peer review notes publically avail-
5 able once the review has concluded; and

6 “(3) make any deviations from the peer review-
7 ers’ recommendations available to the public with an
8 explanation of the deviation.

9 “(e) *APPLICANT REVIEWS.*—An applicant shall have
10 an opportunity within 30 days to review the peer review
11 notes and appeal the score to the Secretary prior to the Sec-
12 retary making any final determination.

13 “(f) *PROHIBITION.*—The Secretary, and the Sec-
14 retary’s staff, may not attempt to participate in, or influ-
15 ence, the peer review process. No Federal employee may par-
16 ticipate in, or attempt to influence the peer review process,
17 except to respond to questions of a technical nature, which
18 shall be publicly reported.

19 “**SEC. 5544. PARENTAL CONSENT.**

20 “Upon receipt of written notification from the parents
21 or legal guardians of a student, the local educational agency
22 shall withdraw such student from any program funded
23 under part B of title III. The local educational agency shall
24 make reasonable efforts to inform parents or legal guardians

1 *of the content of such programs or activities funded under*
2 *this Act, other than classroom instruction.*

3 **“SEC. 5548. SEVERABILITY.**

4 *“If any provision of this Act is held invalid, the re-*
5 *mainder of this Act shall be unaffected thereby.*

6 **“SEC. 5551. DEPARTMENT STAFF.**

7 *“The Secretary shall—*

8 *“(1) not later than 60 days after the date of the*
9 *enactment of the Student Success Act, identify the*
10 *number of Department employees who worked on or*
11 *administered each education program and project au-*
12 *thorized under this Act, as such program or project*
13 *was in effect on the day before such enactment date,*
14 *and publish such information on the Department’s*
15 *website;*

16 *“(2) not later than 60 days after such enactment*
17 *date, identify the number of full-time equivalent em-*
18 *ployees who work on or administer programs or*
19 *projects authorized under this Act, as in effect on the*
20 *day before such enactment date, that have been elimi-*
21 *nated or consolidated since such date;*

22 *“(3) not later than 1 year after such enactment*
23 *date, reduce the workforce of the Department by the*
24 *number of full-time equivalent employees the Depart-*
25 *ment calculated under paragraph (2); and*

1 “(4) not later than 1 year after such enactment
2 date, report to the Congress on—

3 “(A) the number of employees associated
4 with each program or project authorized under
5 this Act administered by the Department;

6 “(B) the number of full-time equivalent em-
7 ployees who were determined to be associated
8 with eliminated or consolidated programs or
9 projects under paragraph (2); and

10 “(C) how the Secretary reduced the number
11 of employees at the Department under paragraph
12 (3).

13 **“PART F—EVALUATIONS**

14 **“SEC. 5601. EVALUATIONS.**

15 “(a) *RESERVATION OF FUNDS.*—*Except as provided in*
16 *subsections (c) and (d), the Secretary may reserve not more*
17 *than 0.5 percent of the amount appropriated to carry out*
18 *each categorical program authorized under this Act. The re-*
19 *served amounts shall be used by the Secretary, acting*
20 *through the Director of the Institute of Education*
21 *Sciences—*

22 “(1) to conduct—

23 “(A) comprehensive evaluations of the pro-
24 gram or project; and

1 “(B) studies of the effectiveness of the pro-
2 gram or project and its administrative impact
3 on schools and local educational agencies;

4 “(2) to evaluate the aggregate short- and long-
5 term effects and cost efficiencies across Federal pro-
6 grams assisted or authorized under this Act and re-
7 lated Federal preschool, elementary, and secondary
8 programs under any other Federal law; and

9 “(3) to increase the usefulness of evaluations of
10 grant recipients in order to ensure the continuous
11 progress of the program or project by improving the
12 quality, timeliness, efficiency, and use of information
13 relating to performance under the program or project.

14 “(b) *REQUIRED PLAN.*—The Secretary, acting through
15 the Director of the Institute of Education Sciences, may use
16 the reserved amount under subsection (a) only after comple-
17 tion of a comprehensive, multi-year plan—

18 “(1) for the periodic evaluation of each of the
19 major categorical programs authorized under this Act,
20 and as resources permit, the smaller categorical pro-
21 grams authorized under this Act;

22 “(2) that shall be developed and implemented
23 with the involvement of other officials at the Depart-
24 ment, as appropriate; and

25 “(3) that shall not be finalized until—

1 “(A) the publication of a notice in the Fed-
2 eral Register seeking public comment on such
3 plan and after review by the Secretary of such
4 comments; and

5 “(B) the plan is submitted for comment to
6 the Committee on Education and the Workforce
7 of the House of Representatives and the Com-
8 mittee on Health, Education, Labor, and Pen-
9 sions of the Senate and after review by the Sec-
10 retary of such comments.

11 “(c) *TITLE I EXCLUDED.*—The Secretary may not re-
12 serve under subsection (a) funds appropriated to carry out
13 any program authorized under title I.

14 “(d) *EVALUATION ACTIVITIES AUTHORIZED ELSE-*
15 *WHERE.*—If, under any other provision of this Act (other
16 than title I), funds are authorized to be reserved or used
17 for evaluation activities with respect to a program or
18 project, the Secretary may not reserve additional funds
19 under this section for the evaluation of that program or
20 project.”.

21 (b) *TECHNICAL AMENDMENTS.*—

22 (1) *TITLE IX.*—

23 (A) *SUBPART 1 OF PART E OF TITLE V.*—

1 (i) *TRANSFER AND REDESIGNATION.*—
2 *Sections 9504 through 9506 (20 U.S.C.*
3 *7884; 7885; 7886) are—*

4 (I) *transferred to title V, as*
5 *amended by subsection (a) of this sec-*
6 *tion;*

7 (II) *inserted after section 5503 of*
8 *such title; and*

9 (III) *redesignated as sections 5504*
10 *through 5506, respectively.*

11 (ii) *AMENDMENTS.*—*Section 5504 (as*
12 *so redesignated) is amended—*

13 (I) *in subsection (a)(1)(A), by*
14 *striking “section 9502” and inserting*
15 *“section 5502”;*

16 (II) *in subsection (b), by striking*
17 *“section 9501” and inserting “section*
18 *5501”;* *and*

19 (III) *in subsection (d), by striking*
20 *“No Child Left Behind Act of 2001”*
21 *and inserting “Student Success Act”.*

22 (B) *SUBPART 2 OF PART E OF TITLE V.*—

23 (i) *TRANSFER AND REDESIGNATION.*—
24 *Sections 9531, 9533, and 9534 (20 U.S.C.*
25 *7911; 7913; 7914) are—*

1 (I) transferred to title V, as
2 amended by subparagraph (A) of this
3 paragraph;

4 (II) inserted after section 5525 of
5 such title; and

6 (III) redesignated as sections 5526
7 through 5528, respectively.

8 (ii) AMENDMENTS.—Section 5528 (as
9 so redesignated) is amended—

10 (I) by striking “(a) IN GEN-
11 ERAL.—Nothing” and inserting “Noth-
12 ing”; and

13 (II) by striking subsection (b).

14 (C) SUBPART 3 OF PART E OF TITLE V.—
15 Sections 9523, 9524, and 9525 (20 U.S.C. 7903;
16 7904; 7905) are—

17 (i) transferred to title V, as amended
18 by subparagraph (B) of this paragraph;

19 (ii) inserted after section 5544 of such
20 title; and

21 (iii) redesignated as sections 5545
22 through 5547, respectively.

23 (2) TITLE IV.—Sections 4141 and 4155 (20
24 U.S.C. 7151; 7161) are—

1 (A) transferred to title V, as amended by
2 paragraph (1) of this subsection;

3 (B) inserted after section 5548 (as so redesi-
4 gnated by paragraph (1)(C)(iii) of this sub-
5 section); and

6 (C) redesignated as sections 5549 and 5550,
7 respectively.

8 **SEC. 502. REPEAL.**

9 Title IX (20 U.S.C. 7801 et seq.), as amended by sec-
10 tion 501(b)(1) of this title, is repealed.

11 **SEC. 503. OTHER LAWS.**

12 Beginning on the date of the enactment of this Act,
13 any reference in law to the term “highly qualified” as de-
14 fined in section 9101 of the Elementary and Secondary
15 Education Act of 1965 shall be treated as a reference to
16 such term under section 9101 of the Elementary and Sec-
17 ondary Education Act of 1965 as in effect on the day before
18 the date of the enactment of this Act.

19 **SEC. 504. AMENDMENT TO IDEA.**

20 Section 602 of the Individuals with Disabilities Edu-
21 cation Act (20 U.S.C. 1401) is amended by striking para-
22 graph (10).

TITLE VI—REPEAL**SEC. 601. REPEAL OF TITLE VI.**

The Act is amended by striking title VI (20 U.S.C. 7301 et seq.)

**TITLE VII—HOMELESS
EDUCATION****SEC. 701. STATEMENT OF POLICY.**

Section 721 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431) is amended—

(1) by amending paragraph (2) to read as follows:

“(2) In any State where compulsory residency requirements or other requirements, laws, regulations, practices, or policies may act as a barrier to the identification, enrollment, attendance, or success in school of homeless children and youths, the State and local educational agencies will review and undertake steps to revise such laws, regulations, practices, or policies to ensure that homeless children and youths are afforded the same free, appropriate public education as is provided to other children and youths.”;

(2) in paragraph (3), by striking “alone”; and

(3) in paragraph (4), by striking “challenging State student academic achievement” and inserting “State academic”.

1 **SEC. 702. GRANTS FOR STATE AND LOCAL ACTIVITIES FOR**
2 **THE EDUCATION OF HOMELESS CHILDREN**
3 **AND YOUTHS.**

4 *Section 722 of such Act (42 U.S.C. 11432) is amend-*
5 *ed—*

6 *(1) in subsection (a), by striking “(g).” and in-*
7 *serting “(h).”;*

8 *(2) by striking subsection (b);*

9 *(3) in subsection (c)—*

10 *(A) in paragraph (1)(A)—*

11 *(i) in clause (i), by adding “or” at the*
12 *end;*

13 *(ii) in clause (ii), by striking “; or” at*
14 *the end and inserting a period; and*

15 *(iii) by striking clause (iii); and*

16 *(B) by striking paragraph (3);*

17 *(4) in subsection (d)—*

18 *(A) in the matter preceding paragraph (1),*
19 *by striking “Grants” and inserting “Grant funds*
20 *from a grant made to a State”;*

21 *(B) by amending paragraph (2) to read as*
22 *follows:*

23 *“(2) To provide services and activities to im-*
24 *prove the identification of homeless children (includ-*
25 *ing preschool-aged homeless children and youths) that*
26 *enable such children and youths to enroll in, attend,*

1 *and succeed in school, or, if appropriate, in preschool*
2 *programs.”;*

3 *(C) in paragraph (3), by inserting before*
4 *the period at the end the following: “that can*
5 *sufficiently carry out the duties described in this*
6 *subtitle”;*

7 *(D) by amending paragraph (5) to read as*
8 *follows:*

9 *“(5) To develop and implement professional de-*
10 *velopment programs for liaisons designated under*
11 *subsection (g)(1)(J)(ii) and other local educational*
12 *agency personnel—*

13 *“(A) to improve their identification of*
14 *homeless children and youths; and*

15 *“(B) to heighten their awareness of, and ca-*
16 *capacity to respond to, specific needs in the edu-*
17 *cation of homeless children and youths.”.*

18 *(5) in subsection (e)—*

19 *(A) in paragraph (1)—*

20 *(i) by striking “sums” and inserting*
21 *“grant funds”; and*

22 *(ii) by inserting “a State under sub-*
23 *section (a) to” after “each year to”;*

24 *(B) in paragraph (2), by striking “funds*
25 *made available for State use under this subtitle”*

1 *and inserting “the grant funds remaining after*
2 *the State educational agency distributes sub-*
3 *grants under paragraph (1)”*; and

4 *(C) in paragraph (3)—*

5 *(i) in subparagraph (C)(iv)(II), by*
6 *striking “sections 1111 and 1116” and in-*
7 *serting “section 1111”*;

8 *(ii) in subparagraph (F)—*

9 *(I) in clause (i)—*

10 *(aa) in the matter preceding*
11 *subclause (I), by striking “a re-*
12 *port” and inserting “an annual*
13 *report”*;

14 *(bb) by striking “and” at the*
15 *end of subclause (II)*;

16 *(cc) by striking the period at*
17 *the end of subclause (III) and in-*
18 *serting “; and”*; and

19 *(dd) by adding at the end the*
20 *following:*

21 *“(IV) the progress the separate*
22 *schools are making in helping all stu-*
23 *dents meet the State academic stand-*
24 *ards.”*; and

1 (II) in clause (iii), by striking
2 “Not later than 2 years after the date
3 of enactment of the McKinney-Vento
4 Homeless Education Assistance Im-
5 provements Act of 2001, the” and in-
6 serting “The”;

7 (6) by amending subsection (f) to read as follows:

8 “(f) *FUNCTIONS OF THE OFFICE OF COORDINATOR.—*
9 *The Coordinator for Education of Homeless Children and*
10 *Youths established in each State shall—*

11 “(1) gather and make publically available reli-
12 able, valid, and comprehensive information on—

13 “(A) the number of homeless children and
14 youths identified in the State, posted annually
15 on the State educational agency’s website;

16 “(B) the nature and extent of the problems
17 homeless children and youths have in gaining ac-
18 cess to public preschool programs and to public
19 elementary schools and secondary schools;

20 “(C) the difficulties in identifying the spe-
21 cial needs and barriers to the participation and
22 achievement of such children and youths;

23 “(D) any progress made by the State edu-
24 cational agency and local educational agencies

1 *in the State in addressing such problems and*
2 *difficulties; and*

3 “(E) *the success of the programs under this*
4 *subtitle in identifying homeless children and*
5 *youths and allowing such children and youths to*
6 *enroll in, attend, and succeed in, school;*

7 “(2) *develop and carry out the State plan de-*
8 *scribed in subsection (g);*

9 “(3) *collect data for and transmit to the Sec-*
10 *retary, at such time and in such manner as the Sec-*
11 *retary may require, a report containing information*
12 *necessary to assess the educational needs of homeless*
13 *children and youths within the State, including data*
14 *necessary for the Secretary to fulfill the responsibil-*
15 *ities under section 724(h);*

16 “(4) *in order to improve the provision of com-*
17 *prehensive education and related support services to*
18 *homeless children and youths and their families, co-*
19 *ordinate and collaborate with—*

20 “(A) *educators, including teachers, special*
21 *education personnel, administrators, and child*
22 *development and preschool program personnel;*

23 “(B) *providers of services to homeless chil-*
24 *dren and youths and their families, including*
25 *services of public and private child welfare and*

1 *social services agencies, law enforcement agen-*
2 *cies, juvenile and family courts, agencies pro-*
3 *viding mental health services, domestic violence*
4 *agencies, child care providers, runaway and*
5 *homeless youth centers, and providers of services*
6 *and programs funded under the Runaway and*
7 *Homeless Youth Act (42 U.S.C. 5701 et seq.);*

8 “(C) *providers of emergency, transitional,*
9 *and permanent housing to homeless children and*
10 *youths, and their families, including public*
11 *housing agencies, shelter operators, operators of*
12 *transitional housing facilities, and providers of*
13 *transitional living programs for homeless youths;*

14 “(D) *local educational agency liaisons des-*
15 *ignated under subsection (g)(1)(J)(ii) for home-*
16 *less children and youths; and*

17 “(E) *community organizations and groups*
18 *representing homeless children and youths and*
19 *their families;*

20 “(5) *provide technical assistance to local edu-*
21 *cational agencies, in coordination with local edu-*
22 *cational agency liaisons designated under subsection*
23 *(g)(1)(J)(ii), to ensure that local educational agencies*
24 *comply with the requirements of subsection (e)(3),*

1 *paragraphs (3) through (7) of subsection (g), and sub-*
2 *section (h);*

3 *“(6) provide professional development opportuni-*
4 *ties for local educational agency personnel and the*
5 *homeless liaison designated under subsection*
6 *(g)(1)(J)(ii) to assist such personnel in meeting the*
7 *needs of homeless children and youths; and*

8 *“(7) respond to inquiries from parents and*
9 *guardians of homeless children and youths and unac-*
10 *companied youths to ensure that each child or youth*
11 *who is the subject of such an inquiry receives the full*
12 *protections and services provided by this subtitle.”;*

13 *(7) by amending subsection (g) to read as fol-*
14 *lows:*

15 *“(g) STATE PLAN.—*

16 *“(1) IN GENERAL.—In order to be eligible to re-*
17 *ceive a grant under this section, each State edu-*
18 *cational agency shall submit to the Secretary a plan*
19 *to provide for the education of homeless children and*
20 *youths within the State that includes the following:*

21 *“(A) A description of how such children and*
22 *youths are (or will be) given the opportunity to*
23 *meet the same State academic standards that all*
24 *students are expected to meet.*

1 “(B) A description of the procedures the
2 State educational agency will use to identify
3 such children and youths in the State and to as-
4 sess their needs.

5 “(C) A description of procedures for the
6 prompt resolution of disputes regarding the edu-
7 cational placement of homeless children and
8 youths.

9 “(D) A description of programs for school
10 personnel (including liaisons, school leaders, at-
11 tendance officers, teachers, enrollment personnel,
12 and specialized instructional support personnel)
13 to heighten the awareness of such personnel of the
14 specific needs of homeless adolescents, including
15 runaway and homeless youths.

16 “(E) A description of procedures that ensure
17 that homeless children and youths who meet the
18 relevant eligibility criteria are able to partici-
19 pate in Federal, State, or local nutrition pro-
20 grams.

21 “(F) A description of procedures that ensure
22 that—

23 “(i) homeless children have equal ac-
24 cess to public preschool programs, adminis-
25 tered by the State educational agency or

1 local educational agency, as provided to
2 other children in the State;

3 “(ii) homeless youths and youths sepa-
4 rated from public schools are identified and
5 accorded equal access to appropriate sec-
6 ondary education and support services; and

7 “(iii) homeless children and youth who
8 meet the relevant eligibility criteria are able
9 to participate in Federal, State, or local
10 education programs.

11 “(G) Strategies to address problems identi-
12 fied in the report provided to the Secretary
13 under subsection (f)(3).

14 “(H) Strategies to address other problems
15 with respect to the education of homeless children
16 and youths, including problems resulting from
17 enrollment delays that are caused by—

18 “(i) immunization and other health
19 records requirements;

20 “(ii) residency requirements;

21 “(iii) lack of birth certificates, school
22 records, or other documentation;

23 “(iv) guardianship issues; or

24 “(v) uniform or dress code require-
25 ments.

1 “(I) A demonstration that the State edu-
2 cational agency and local educational agencies
3 in the State have developed, and shall review
4 and revise, policies to remove barriers to the
5 identification, enrollment, and retention of
6 homeless children and youths in schools in the
7 State.

8 “(J) Assurances that the following will be
9 carried out:

10 “(i) The State educational agency and
11 local educational agencies in the State will
12 adopt policies and practices to ensure that
13 homeless children and youths are not stig-
14 matized or segregated on the basis of their
15 status as homeless.

16 “(ii) Local educational agencies will
17 designate an appropriate staff person, who
18 may also be a coordinator for other Federal
19 programs, as a local educational agency li-
20 aison for homeless children and youths, to
21 carry out the duties described in paragraph
22 (6)(A).

23 “(iii) The State and its local edu-
24 cational agencies will adopt policies and
25 practices to ensure that transportation is

1 *provided, at the request of the parent or*
2 *guardian (or in the case of an unaccom-*
3 *panied youth, the liaison), to and from the*
4 *school of origin, as determined in para-*
5 *graph (3)(A), in accordance with the fol-*
6 *lowing, as applicable:*

7 *“(I) If the child or youth con-*
8 *tinues to live in the area served by the*
9 *local educational agency in which the*
10 *school of origin is located, the child’s or*
11 *youth’s transportation to and from the*
12 *school of origin shall be provided or ar-*
13 *ranged by the local educational agency*
14 *in which the school of origin is located.*

15 *“(II) If the child’s or youth’s liv-*
16 *ing arrangements in the area served by*
17 *the local educational agency of origin*
18 *terminate and the child or youth,*
19 *though continuing his or her education*
20 *in the school of origin, begins living in*
21 *an area served by another local edu-*
22 *cational agency, the local educational*
23 *agency of origin and the local edu-*
24 *cational agency in which the child or*
25 *youth is living shall agree upon a*

1 *method to apportion the responsibility*
2 *and costs for providing the child with*
3 *transportation to and from the school*
4 *of origin. If the local educational agen-*
5 *cies are unable to agree upon such*
6 *method, the responsibility and costs for*
7 *transportation shall be shared equally.*

8 “(2) *COMPLIANCE.—*

9 “(A) *IN GENERAL.—Each plan adopted*
10 *under this subsection shall also describe how the*
11 *State will ensure that local educational agencies*
12 *in the State will comply with the requirements*
13 *of paragraphs (3) through (7).*

14 “(B) *COORDINATION.—Such plan shall in-*
15 *dicating what technical assistance the State will*
16 *furnish to local educational agencies and how*
17 *compliance efforts will be coordinated with the*
18 *local educational agency liaisons designated*
19 *under paragraph (1)(J)(ii).*

20 “(3) *LOCAL EDUCATIONAL AGENCY REQUIRE-*
21 *MENTS.—*

22 “(A) *IN GENERAL.—The local educational*
23 *agency serving each child or youth to be assisted*
24 *under this subtitle shall, according to the child’s*
25 *or youth’s best interest—*

1 “(i) continue the child’s or youth’s edu-
2 cation in the school of origin for the dura-
3 tion of homelessness—

4 “(I) in any case in which a fam-
5 ily becomes homeless between academic
6 years or during an academic year; or

7 “(II) for the remainder of the aca-
8 demic year, if the child or youth be-
9 comes permanently housed during an
10 academic year; or

11 “(ii) enroll the child or youth in any
12 public school that nonhomeless students who
13 live in the attendance area in which the
14 child or youth is actually living are eligible
15 to attend.

16 “(B) SCHOOL STABILITY.—In determining
17 the best interest of the child or youth under sub-
18 paragraph (A), the local educational agency
19 shall—

20 “(i) presume that keeping the child or
21 youth in the school of origin is in the child
22 or youth’s best interest, except when doing
23 so is contrary to the wishes of the child’s or
24 youth’s parent or guardian, or the unac-
25 companied youth;

1 “(ii) consider student-centered factors
2 related to the child’s or youth’s best interest,
3 including factors related to the impact of
4 mobility on achievement, education, health,
5 and safety of homeless children and youth,
6 giving priority to the wishes of the homeless
7 child’s or youth’s parent or guardian or the
8 unaccompanied youth involved;

9 “(iii) if, after conducting the best in-
10 terest determination based on consideration
11 of the presumption in clause (i) and the
12 student-centered factors in clause (ii), the
13 local educational agency determines that it
14 is not in the child’s or youth’s best interest
15 to attend the school of origin or the school
16 requested by the parent, guardian, or unac-
17 companied youth, provide the child’s or
18 youth’s parent or guardian or the unaccom-
19 panied youth with a written explanation of
20 the reasons for its determination, in a man-
21 ner and form understandable to such par-
22 ent, guardian, or unaccompanied youth, in-
23 cluding information regarding the right to
24 appeal under subparagraph (E); and

1 “(iv) *in the case of an unaccompanied*
2 *youth, ensure that the homeless liaison des-*
3 *ignated under paragraph (1)(J)(ii) assists*
4 *in placement or enrollment decisions under*
5 *this subparagraph, gives priority to the*
6 *views of such unaccompanied youth, and*
7 *provides notice to such youth of the right to*
8 *appeal under subparagraph (E).*

9 “(C) *ENROLLMENT.*—

10 “(i) *IN GENERAL.*—*The school selected*
11 *in accordance with this paragraph shall im-*
12 *mediately enroll the homeless child or youth,*
13 *even if the child or youth—*

14 “(I) *is unable to produce records*
15 *normally required for enrollment, such*
16 *as previous academic records, records*
17 *of immunization and other required*
18 *health records, proof of residency, or*
19 *other documentation; or*

20 “(II) *has missed application or*
21 *enrollment deadlines during any pe-*
22 *riod of homelessness.*

23 “(ii) *RELEVANT ACADEMIC*
24 *RECORDS.*—*The enrolling school shall im-*
25 *mediately contact the school last attended*

1 *by the child or youth to obtain relevant aca-*
2 *demie and other records.*

3 “(iii) *RELEVANT HEALTH RECORDS.—*

4 *If the child or youth needs to obtain immu-*
5 *nizations or other required health records,*
6 *the enrolling school shall immediately refer*
7 *the parent or guardian of the child or*
8 *youth, or the unaccompanied child or youth,*
9 *to the local educational agency liaison des-*
10 *ignated under paragraph (1)(J)(ii), who*
11 *shall assist in obtaining necessary immuni-*
12 *zations or screenings, or immunization or*
13 *other required health records, in accordance*
14 *with subparagraph (D).*

15 “(D) *RECORDS.—Any record ordinarily*
16 *kept by the school, including immunization or*
17 *other required health records, academic records,*
18 *birth certificates, guardianship records, and*
19 *evaluations for special services or programs, re-*
20 *garding each homeless child or youth shall be*
21 *maintained—*

22 “(i) *so that the records involved are*
23 *available, in a timely fashion, when a child*
24 *or youth enters a new school or school dis-*
25 *trict; and*

1 “(ii) in a manner consistent with sec-
2 tion 444 of the General Education Provi-
3 sions Act (20 U.S.C. 1232g).

4 “(E) ENROLLMENT DISPUTES.—If a dispute
5 arises over school selection or enrollment in a
6 school—

7 “(i) the child or youth shall be imme-
8 diately enrolled in the school in which en-
9 rollment is sought, pending final resolution
10 of the dispute, including all available ap-
11 peals;

12 “(ii) the parent, guardian, or unac-
13 panied youth shall be provided with a
14 written explanation of any decisions made
15 by the school, the local educational agency,
16 or the State educational agency involved,
17 including the rights of the parent, guardian,
18 or youth to appeal such decisions;

19 “(iii) the parent, guardian, or unac-
20 panied youth shall be referred to the
21 local educational agency liaison designated
22 under paragraph (1)(J)(ii), who shall carry
23 out the dispute resolution process as de-
24 scribed in paragraph (1)(C) as expedi-

1 *tiously as possible after receiving notice of*
2 *the dispute; and*

3 “(iv) *in the case of an unaccompanied*
4 *youth, the liaison shall ensure that the*
5 *youth is immediately enrolled in school in*
6 *which the youth seeks enrollment pending*
7 *resolution of such dispute.*

8 “(F) *PLACEMENT CHOICE.—The choice re-*
9 *garding placement shall be made regardless of*
10 *whether the child or youth lives with the home-*
11 *less parents or has been temporarily placed else-*
12 *where.*

13 “(G) *SCHOOL OF ORIGIN DEFINED.—*

14 “(i) *IN GENERAL.—In this paragraph,*
15 *the term ‘school of origin’ means the school*
16 *that a child or youth attended when perma-*
17 *rently housed or the school in which the*
18 *child or youth was last enrolled.*

19 “(ii) *RECEIVING SCHOOL.—When the*
20 *child or youth completes the final grade*
21 *level served by the school of origin, as de-*
22 *scribed in clause (i), the term “school of ori-*
23 *gin” shall include the designated receiving*
24 *school at the next grade level for all feeder*
25 *schools.*

1 “(H) *CONTACT INFORMATION.*—*Nothing in*
2 *this subtitle shall prohibit a local educational*
3 *agency from requiring a parent or guardian of*
4 *a homeless child to submit contact information.*

5 “(I) *PRIVACY.*—*Information about a home-*
6 *less child’s or youth’s living situation shall be*
7 *treated as a student education record under sec-*
8 *tion 444 of the General Education Provisions*
9 *Act (20 U.S.C. 1232g) and shall not be released*
10 *to housing providers, employers, law enforcement*
11 *personnel, or other persons or agencies not au-*
12 *thorized to have such information under section*
13 *99.31 of title 34, Code of Federal Regulations.*

14 “(J) *ACADEMIC ACHIEVEMENT.*—*The school*
15 *selected in accordance with this paragraph shall*
16 *ensure that homeless children and youth have op-*
17 *portunities to meet the same State academic*
18 *standards to which other students are held.*

19 “(4) *COMPARABLE SERVICES.*—*Each homeless*
20 *child or youth to be assisted under this subtitle shall*
21 *be provided services comparable to services offered to*
22 *other students in the school selected under paragraph*
23 *(3), including the following:*

24 “(A) *Transportation services.*

1 “(B) Educational services for which the
2 child or youth meets the eligibility criteria, such
3 as services provided under title I of the Elemen-
4 tary and Secondary Education Act of 1965 (20
5 U.S.C. 6301 et seq.) or similar State or local
6 programs, educational programs for children
7 with disabilities, and educational programs for
8 English learners.

9 “(C) Programs in career and technical edu-
10 cation.

11 “(D) Programs for gifted and talented stu-
12 dents.

13 “(E) School nutrition programs.

14 “(5) COORDINATION.—

15 “(A) IN GENERAL.—Each local educational
16 agency serving homeless children and youths that
17 receives assistance under this subtitle shall co-
18 ordinate—

19 “(i) the provision of services under this
20 subtitle with local social services agencies
21 and other agencies or entities providing
22 services to homeless children and youths and
23 their families, including services and pro-
24 grams funded under the Runaway and

1 *Homeless Youth Act (42 U.S.C. 5701 et*
2 *seq.); and*

3 “(i) *transportation, transfer of school*
4 *records, and other interdistrict activities,*
5 *with other local educational agencies.*

6 “(B) *HOUSING ASSISTANCE.—If applicable,*
7 *each State educational agency and local edu-*
8 *cational agency that receives assistance under*
9 *this subtitle shall coordinate with State and local*
10 *housing agencies responsible for developing the*
11 *comprehensive housing affordability strategy de-*
12 *scribed in section 105 of the Cranston-Gonzalez*
13 *National Affordable Housing Act (42 U.S.C.*
14 *12705) to minimize educational disruption for*
15 *children and youths who become homeless.*

16 “(C) *COORDINATION PURPOSE.—The coordi-*
17 *nation required under subparagraphs (A) and*
18 *(B) shall be designed to—*

19 “(i) *ensure that all homeless children*
20 *and youths are promptly identified;*

21 “(ii) *ensure that homeless children and*
22 *youths have access to, and are in reasonable*
23 *proximity to, available education and re-*
24 *lated support services; and*

1 “(iii) raise the awareness of school per-
2 sonnel and service providers of the effects of
3 short-term stays in a shelter and other chal-
4 lenges associated with homelessness.

5 “(D) *HOMELESS CHILDREN AND YOUTHS*
6 *WITH DISABILITIES.*—For children and youth
7 who are to be assisted both under this subtitle,
8 and under the *Individuals with Disabilities*
9 *Education Act* (20 U.S.C. 1400 et seq.) or section
10 504 of the *Rehabilitation Act of 1973* (29 U.S.C.
11 794), each local educational agency shall coordi-
12 nate the provision of services under this subtitle
13 with the provision of programs for children with
14 disabilities served by that local educational agen-
15 cy and other involved local educational agencies.

16 “(6) *LOCAL EDUCATIONAL AGENCY LIAISON.*—

17 “(A) *DUTIES.*—Each local educational
18 agency liaison for homeless children and youths,
19 designated under paragraph (1)(J)(ii), shall en-
20 sure that—

21 “(i) homeless children and youths are
22 identified by school personnel through out-
23 reach and coordination activities with other
24 entities and agencies;

1 “(ii) homeless children and youths are
2 enrolled in, and have a full and equal op-
3 portunity to succeed in, schools of that local
4 educational agency;

5 “(iii) homeless families, children, and
6 youths have access to and receive edu-
7 cational services for which such families,
8 children, and youths are eligible, including
9 services through Head Start, Early Head
10 Start, early intervention, and preschool pro-
11 grams administered by the local educational
12 agency;

13 “(iv) homeless families, children, and
14 youths receive referrals to health care serv-
15 ices, dental services, mental health and sub-
16 stances abuse services, housing services, and
17 other appropriate services;

18 “(v) the parents or guardians of home-
19 less children and youths are informed of the
20 educational and related opportunities avail-
21 able to their children and are provided with
22 meaningful opportunities to participate in
23 the education of their children;

24 “(vi) public notice of the educational
25 rights of homeless children and youths is

1 *disseminated in locations frequented by par-*
2 *ents or guardians of such children and*
3 *youths, and unaccompanied youths, includ-*
4 *ing schools, shelters, public libraries, and*
5 *soup kitchens in a manner and form under-*
6 *standable to the parents and guardians of*
7 *homeless children and youths, and unac-*
8 *companied youths;*

9 *“(vii) enrollment disputes are mediated*
10 *in accordance with paragraph (3)(E);*

11 *“(viii) the parent or guardian of a*
12 *homeless child or youth, and any unaccom-*
13 *panied youth, is fully informed of all trans-*
14 *portation services, including transportation*
15 *to the school of origin, as described in para-*
16 *graph (1)(J)(iii), and is assisted in access-*
17 *ing transportation to the school that is se-*
18 *lected under paragraph (3)(A);*

19 *“(ix) school personnel providing serv-*
20 *ices under this subtitle receive professional*
21 *development and other support; and*

22 *“(x) unaccompanied youths—*

23 *“(I) are enrolled in school;*

24 *“(II) have opportunities to meet*
25 *the same State academic standards to*

1 *which other students are held, includ-*
2 *ing through implementation of the*
3 *policies and practices required by*
4 *paragraph (1)(F)(ii); and*

5 *“(III) are informed of their status*
6 *as independent students under section*
7 *480 of the Higher Education Act of*
8 *1965 (20 U.S.C. 1087vv) and receive*
9 *verification of such status for purposes*
10 *of the Free Application for Federal*
11 *Student Aid described in section 483 of*
12 *such Act (20 U.S.C. 1090).*

13 *“(B) NOTICE.—State coordinators estab-*
14 *lished under subsection (d)(3) and local edu-*
15 *cational agencies shall inform school personnel,*
16 *service providers, advocates working with home-*
17 *less families, parents and guardians of homeless*
18 *children and youths, and homeless children and*
19 *youths of the duties of the local educational agen-*
20 *cy liaisons, including publishing an annually*
21 *updated list of the liaisons on the State edu-*
22 *cational agency’s website.*

23 *“(C) LOCAL AND STATE COORDINATION.—*
24 *Local educational agency liaisons for homeless*
25 *children and youths shall, as a part of their du-*

1 *ties, coordinate and collaborate with State coord-*
2 *inators and community and school personnel*
3 *responsible for the provision of education and re-*
4 *lated services to homeless children and youths.*
5 *Such coordination shall include collecting and*
6 *providing to the State Coordinator the reliable,*
7 *valid, and comprehensive data needed to meet*
8 *the requirements of paragraphs (1) and (3) of*
9 *subsection (f).*

10 *“(7) REVIEW AND REVISIONS.—*

11 *“(A) IN GENERAL.—Each State educational*
12 *agency and local educational agency that re-*
13 *ceives assistance under this subtitle shall review*
14 *and revise any policies that may act as barriers*
15 *to the enrollment of homeless children and youths*
16 *in schools that are selected under paragraph (3).*

17 *“(B) CONSIDERATION.—In reviewing and*
18 *revising such policies, consideration shall be*
19 *given to issues concerning transportation, immu-*
20 *nization, residency, birth certificates, school*
21 *records and other documentation, and guardian-*
22 *ship.*

23 *“(C) SPECIAL ATTENTION.—Special atten-*
24 *tion shall be given to ensuring the enrollment*

1 *and attendance of homeless children and youths*
2 *who are not currently attending school.”;*

3 *(8) in subsection (h)(1)(A), by striking “fiscal*
4 *year 2009,” and inserting “fiscal years 2014 through*
5 *2019,”; and*

6 *(9) in subsection (h)(4), by striking “fiscal year*
7 *2009” and inserting “fiscal years 2014 through*
8 *2019”.*

9 **SEC. 703. LOCAL EDUCATIONAL AGENCY SUBGRANTS FOR**
10 **THE EDUCATION OF HOMELESS CHILDREN**
11 **AND YOUTHS.**

12 *Section 723 of such Act (42 U.S.C. 11433) is amend-*
13 *ed—*

14 *(1) in subsection (a)—*

15 *(A) in paragraph (1), by striking “facili-*
16 *tating the enrollment,” and inserting “facili-*
17 *tating the identification, enrollment,”;*

18 *(B) in paragraph (2)(A)—*

19 *(i) by adding “and” at the end of*
20 *clause (i);*

21 *(ii) by striking “; and” and inserting*
22 *a period at the end of clause (ii); and*

23 *(iii) by striking clause (iii); and*

24 *(C) by adding at the end the following:*

1 “(4) *DURATION OF GRANTS.*—*Subgrants award-*
2 *ed under this section shall be for terms of not to ex-*
3 *ceed 3 years.*”;

4 (2) *in subsection (b)*—

5 (A) *by striking paragraph (3) and redesign-*
6 *ating paragraphs (4) and (5) as paragraphs*
7 *(3) and (4), respectively; and*

8 (B) *by adding at the end the following:*

9 “(5) *An assurance that the local educational*
10 *agency will collect and promptly provide data re-*
11 *quested by the State Coordinator pursuant to para-*
12 *graphs (1) and (3) of section 722(f).*”

13 “(6) *An assurance that the local educational*
14 *agency has removed barriers to complying with the*
15 *requirements of section 722(g)(1)(I).*”;

16 (3) *in subsection (c)*—

17 (A) *in paragraph (1), by striking “726”*
18 *and inserting “722(a)”;*

19 (B) *in paragraph (2)*—

20 (i) *in subparagraph (A), by inserting*
21 *“identification,” before “enrollment”;*

22 (ii) *by amending subparagraph (B) to*
23 *read as follows:*

24 “(B) *The extent to which the application re-*
25 *flects coordination with other local and State*

1 *agencies that serve homeless children and*
2 *youths.”; and*

3 *(iii) in subparagraph (C), by inserting*
4 *“(as of the date of submission of the appli-*
5 *cation)” after “current practice”;*
6 *(C) in paragraph (3)—*

7 *(i) by amending subparagraph (C) to*
8 *read as follows:*

9 *“(C) The extent to which the applicant will*
10 *promote meaningful involvement of parents or*
11 *guardians of homeless children or youths in the*
12 *education of their children.”;*

13 *(ii) in subparagraph (D), by striking*
14 *“within” and inserting “into”;*

15 *(iii) in subparagraph (G)—*

16 *(I) by striking “Such” and insert-*
17 *ing “The extent to which the appli-*
18 *cant’s program meets such”;* and

19 *(II) by striking “case manage-*
20 *ment or related”;*

21 *(iv) by redesignating subparagraph*
22 *(G) as subparagraph (I) and inserting after*
23 *subparagraph (F) the following:*

24 *“(G) The extent to which the local edu-*
25 *cational agency will use the subgrant to leverage*

1 resources, including by maximizing nonsubgrant
2 funding for the position of the liaison described
3 in section 722(g)(1)(J)(ii) and the provision of
4 transportation.

5 “(H) How the local educational agency uses
6 funds to serve homeless children and youths
7 under section 1113(c)(3) of the Elementary and
8 Secondary Education Act of 1965 (20 U.S.C.
9 6313(c)(3)).”; and

10 (v) by adding at the end the following:

11 “(J) An assurance that the applicant will
12 meet the requirements of section 722(g)(3).”; and

13 (D) by striking paragraph (4).

14 (4) in subsection (d)—

15 (A) in paragraph (1)—

16 (i) by striking “challenging State aca-
17 demic content standards” and inserting
18 “State academic standards”; and

19 (ii) by striking “and challenging State
20 student academic achievement standards”;

21 (B) in paragraph (2)—

22 (i) by striking “students with limited
23 English proficiency,” and inserting
24 “English learners,” ; and

1 (ii) by striking “vocational” and in-
2 serting “career”;

3 (C) in paragraph (3), by striking “pupil
4 services” and inserting “specialized instructional
5 support”;

6 (D) in paragraph (7), by striking “, and
7 unaccompanied youths,” and inserting “, par-
8 ticularly homeless children and youths who are
9 not enrolled in school,”;

10 (E) in paragraph (9) by striking “medical”
11 and inserting “other required health”;

12 (F) in paragraph (10), by inserting before
13 the period at the end “, and other activities de-
14 signed to increase the meaningful involvement of
15 parents or guardians of homeless children or
16 youths in the education of their children”;

17 (G) in paragraph (12), by striking “pupil”
18 and inserting “specialized instructional sup-
19 port”; and

20 (H) in paragraph (13), by inserting before
21 the period at the end “and parental mental
22 health or substance abuse problems”.

23 **SEC. 704. SECRETARIAL RESPONSIBILITIES.**

24 Section 724 of such Act (42 U.S.C. 11434) is amend-
25 ed—

1 (1) *by amending subsection (c) to read as fol-*
2 *lows:*

3 “(c) *NOTICE.—*

4 “(1) *IN GENERAL.—The Secretary shall, before*
5 *the next school year that begins after the date of the*
6 *enactment of the Student Success Act, update and dis-*
7 *seminate nationwide the public notice described in*
8 *this subsection (as in effect prior to such date) of the*
9 *educational rights of homeless children and youths.*

10 “(2) *DISSEMINATION.—The Secretary shall dis-*
11 *seminate the notice nationally to all Federal agencies,*
12 *program grantees, and grant recipients serving home-*
13 *less families, children, and youths.”;*

14 (2) *in subsection (d), by striking “and dissemi-*
15 *nation” and inserting “, dissemination, and technical*
16 *assistance”;*

17 (3) *in subsection (e)—*

18 (A) *by striking “applications for grants*
19 *under this subtitle” and inserting “plans for the*
20 *use of grant funds under section 722”;*

21 (B) *by striking “60-day” and inserting*
22 *“120-day”;* *and*

23 (C) *by striking “120-day” and inserting*
24 *“180-day”;*

1 (4) in subsection (f), by adding at the end the
2 following: “The Secretary shall provide support and
3 technical assistance to State educational agencies in
4 areas in which barriers to a free appropriate public
5 education persist.”;

6 (5) by amending subsection (g) to read as fol-
7 lows:

8 “(g) *GUIDELINES.*—The Secretary shall develop, issue,
9 and publish in the *Federal Register*, not later than 60 days
10 after the date of the enactment of the *Student Success Act*,
11 strategies by which a State—

12 “(1) may assist local educational agencies to im-
13 plement the provisions amended by the Act; and

14 “(2) can review and revise State policies and
15 procedures that may present barriers to the identi-
16 fication, enrollment, attendance, and success of home-
17 less children and youths in school.”;

18 (6) in subsection (h)(1)(A), by inserting “in all
19 areas served by local educational agencies” before the
20 semicolon at the end; and

21 (7) in subsection (i), by striking “*McKinney-*
22 *Vento Homeless Education Assistance Improvements*
23 *Act of 2001*” and inserting “*Student Success Act*”.

1 **SEC. 705. DEFINITIONS.**

2 *Section 725 of such Act (42 U.S.C. 11434a) is amend-*
3 *ed—*

4 *(1) in paragraph (2)(B)(iv), by striking “1309”*
5 *and inserting “1139” and*

6 *(2) in paragraph (3), by striking “9101” and in-*
7 *serting “5101”*

8 **SEC. 706. AUTHORIZATION OF APPROPRIATIONS.**

9 *Section 726 of such Act (42 U.S.C. 11435) is amended*
10 *to read as follows:*

11 **“SEC. 726. AUTHORIZATION OF APPROPRIATIONS.**

12 *“For the purpose of carrying out this subtitle, there*
13 *are authorized to be appropriated \$61,771,000 for each of*
14 *fiscal years 2014 through 2019.”.*

Union Calendar No. 108

113TH CONGRESS
1ST Session

H. R. 5

[Report No. 113-150, Part I]

A BILL

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

JULY 11, 2013

Reported from the Committee on Education and the
Workforce with an amendment

JULY 11, 2013

The Committee on Financial Services discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed