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2d Session

SENATE

REPORT
112–221

ELEMENTARY AND SECONDARY EDUCATION REAUTHORIZATION ACT OF 2011

R E P O R T

OF THE

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS
UNITED STATES SENATE

TO ACCOMPANY

S. 3578

together with

ADDITIONAL VIEWS

SEPTEMBER 20, 2012.—Ordered to be printed

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112TH CONGRESS 2d Session | SENATE | REPORT 112–221

ELEMENTARY AND SECONDARY EDUCATION REAUTHORIZATION ACT OF 2011

SEPTEMBER 20, 2012.—Ordered to be printed

Mr. HARKIN, from the Committee on Health, Education, Labor, and Pensions, submitted the following

R E P O R T

together with

ADDITIONAL VIEWS

[To accompany S. 3578]

The Committee on Health, Education, Labor, and Pensions, reported an original bill (S. 3578) to amend the Elementary and Secondary Education Act of 1965, having considered the same, reports favorably thereon and recommends that the bill (as amended) do pass.

I. PURPOSE, NEED FOR LEGISLATION, AND GOALS OF REAUTHORIZATION

The purpose of the Elementary and Secondary Education Reauthorization Act (ESERA) is to update, improve and streamline programs under the Elementary and Secondary Education Act of 1965 (ESEA) for the next 5 years. ESERA represents the Federal Government's continued commitment to K–12 education, while continuing to advance the fundamental goals of ESEA.

Equity in education has long been promoted by federally directed desegregation; by ESEA, that focused resources on schools serving disadvantaged students; by the Head Start Act; and the Individuals with Disabilities Education Act, that provides special education and services to meet the learning needs of children with disabilities.

The Reagan administration's "Nation at Risk" report identified a "rising tide of mediocrity" and launched a standards-based reform

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movement. In 1994, Congress passed the Goals 2000: Educate America Act and the Improving America's Schools Act (IASA), which updated ESEA to focus on accountability for school improvement. Then, in 2001, Congress passed the No Child Left Behind Act (NCLB), which added new accountability requirements in pursuit of ESEA's historic mission of supporting equitable access to education. For the first time, ESEA held schools truly accountable for ensuring that all students—including poor students, minority students, students with disabilities, and English learners—would reach the same State academic standards.

Our challenge today is to build on the remarkable record of partnership among Federal, State and local governments by redesigning ESEA for a new era—retaining the commitment to educating all children to high standards, while overhauling elements of the law that have proven ineffective.

Unfortunately, far too many of our Nation's students enter kindergarten ill-prepared to succeed, fall farther and farther behind as the years go on, and eventually drop out of school. The achievement gaps that NCLB's reporting requirements revealed have allowed us to accurately identify the stratum of poorly performing schools that fail to educate our students year after year, and years of research have identified turnaround strategies that can work for these schools.

NCLB was often criticized for focusing only on academic proficiency in reading and math, with many arguing that the curriculum was narrowed in schools to focus on those subjects. An unfortunate side effect of the static measures used by NCLB was the focus many teachers and school leaders placed on the children on the cusp of proficiency, thus reducing instructional support for those students lagging far behind and those charging ahead.

ESERA targets Federal intervention to the poorest performing schools in each State. The bill aims for a Federal role that is more focused, but also more effective. Most importantly, it sets a goal of ensuring that all students are college- and career-ready when they graduate from high school. It does this by focusing on teaching and learning, not unnecessary testing and sanctioning. It eliminates the Federal one-size-fits-all approach and replaces it with State-designed accountability systems. ESERA allows these State-designed accountability systems to measure the academic growth of each child, and to include assessments in other subjects when measuring the performance of students.

ESERA consolidates dozens of small programs into larger, more comprehensive grant programs to help leverage better teaching and learning. These new programs—such as high school reform; literacy; STEM; and successful, safe and healthy students—will be more focused to support better results and leverage more improvements, while also providing greater flexibility to parents, schools, and States to adopt the best approach to improving the education of their children.

Education reform cannot succeed without well-trained and effective teachers and principals. The bill continues, in title II, part A, to support evidence-based approaches, encourage States and local educational agencies (LEAs) to strengthen transitions from early learning and improves the distribution of effective teachers. ESERA also authorizes the Teacher Incentive Fund (TIF) for the

first time, which will help States implement performance-based pay and develop next-generation teacher and principal evaluation systems.

ESERA maintains and improves programs to improve the achievement of special populations, including American Indian students, English learners, neglected and delinquent children, children in foster care, and homeless students. The bill also supports students with disabilities as they participate in the general education experience and work to attain college- and career-readiness alongside their peers.

Responding to research showing the importance of school readiness and the importance of successful transitions throughout a child's educational career, ESERA strengthens connections between schools and early learning programs.

The Federal Government provides only a small fraction of overall funding for elementary and secondary education in the United States. But the Federal Government must insist that, whatever the level of its investment in education, it receive the highest return possible with evidence of improved student achievement, especially among disadvantaged children.

II. Legislative History and Committee Action

HEARINGS

During the 111th Congress, the Health, Education, Labor, and Pensions Committee held 11 hearings on issues related to the reauthorization of the Elementary and Secondary Education Act (ESEA), and one additional hearing on November 8, 2011, after the bill was passed by the committee. The hearings offered many opportunities for the members of the committee to hear from educators, experts and other key stakeholders on a myriad of issues impacted by the No Child Left Behind Act. A brief description of each hearing, including witnesses, follows.

ESEA Reauthorization: The Importance of World-Class K–12 Education for our Economic Success (March 9, 2010)

This hearing launched the HELP Committee's work on reauthorizing the Elementary and Secondary Education Act, by focusing on the critical role that a good K–12 education system plays in economic growth and global competitiveness. Witnesses included:

- Andreas Schleicher, Head of the Indicators and Analysis Division, Education Directorate, Organisation for Economic Co-Operation and Development (Paris, France), who discussed the ways that other nations have significantly improved their school systems and what the United States can learn from their reforms;
- Dennis Van Roekel, President of the National Education Association (Washington, DC), who described the benefits to students of a good education, the importance of high quality teachers to improving education, the historical purpose of ESEA as a tool to remedy disparities, and the NEA's recommendations for the reauthorization of ESEA;
- John Castellani, President of the Business Roundtable (Washington, DC), who discussed why businesses need students to graduate from high school with the knowledge and

skills needed to succeed in today's workforce, as well as education's place as "an economic security issue, a national security issue, and a vital social and moral issue"; and

- Charles Butt, President and CEO of H-E-B, Inc. (San Antonio, TX), Texas's largest private employer, who discussed a McKinsey & Company report that found the United States' lagging education system amounts to a "permanent national recession".

ESEA Reauthorization: The Obama Administration's ESEA Reauthorization Priorities (March 17, 2010)

This hearing showcased testimony from Arne Duncan, U.S. Secretary of Education, who described and discussed the Obama administration's ESEA priorities, including the Blueprint for Reform released by the Administration the previous week.

ESEA Reauthorization: School Turnaround (April 13, 2010)

This hearing examined efforts to turn around the lowest performing schools and put more students on a path to college and career readiness. Witnesses spoke to promising and proven strategies for improving student achievement and attainment in schools that have been chronically underperforming. Witnesses included:

- Robert Balfanz, Associate Research Scientist, Center for Social Organization of Schools and Associate Director of the Talent Development Middle and High School Project (Baltimore, MD), who designed the Talent Development model, which has been used to turn around middle and high schools across the country, and the development of the "dropout factory" concept.
- Beverly Donohue, Vice President of Policy and Research, New Visions for Public Schools (New York, NY), who described her work as a nonprofit that assists in school turnarounds, partnering with more than 70 public schools serving 34,000 students in New York City;
- Joel Klein, Chancellor, New York City Public Schools (New York, NY), who described the work done in New York to improve the performance of low-performing schools, which has included the closure and restructuring of many schools in the city;
- Timothy Mitchell, Superintendent of Schools, Chamberlain School District 7–1 (Chamberlain, SD), who discussed his research on innovative leadership in rural local educational agencies (LEAs) and the conditions that are necessary for reforms to be successful in rural schools; and
- Marco Petruzzi, Chief Executive Officer of Green Dot Public Schools (Los Angeles, CA), who discussed the success of Green Dot in creating small, personalized schools, including Locke High School, that have high expectations for all students, training and support for teachers and leaders, and high levels of parent and family engagement.

ESEA Reauthorization: Teachers and Leaders (April 15, 2010)

This hearing, in a roundtable discussion format, explored how to recruit and develop talented educators and school leaders. Participants in this roundtable described innovative and proven strategies

to engage and support promising candidates, prepare them to be successful in the classroom or school, continuously increase their effectiveness as practitioners, and reflect on skills and strategies that lead to student success. Witnesses included:

- Randi Weingarten, President of the American Federation of Teachers (Washington, DC), who discussed the importance of teacher professional development, creating a safe environment for teachers to work in, and conducting dynamic teacher evaluations that enable teacher growth;
- Diana Fesmire, a teacher at Sierra Elementary School (Alamogordo, NM), who discussed the value of rigorous hybrid testing (testing that incorporates multiple choice and open-ended questions) and emphasized the value of supporting teachers through professional development paired with instructional support;
- Timothy Daly, President of The New Teacher Project (New York, NY), who discussed why acknowledging the variation in teacher effectiveness is important and emphasized the need for multi-dimensional teacher evaluation systems that measure teachers' impact on student achievement;
- Thomas Kane, Professor of Education and Economics at the Harvard Graduate School of Education (Cambridge, MA), who discussed important considerations in developing a multi-measure teacher effectiveness evaluation that can be used to measure teacher growth over time and can help principals to make more informed staffing decisions;
- Stephanie Hirsh, Executive Director of the National Staff Development Council (Dallas, TX), who discussed tightening the definition of professional development in a way that would help both teachers and their students and the need for greater accountability with regards to funds used for professional development;
- Ellen Moir, Executive Director of the New Teacher Center (Santa Cruz, CA), who commented on President Obama's Blueprint for Reform, and discussed the key role high-quality support for new teachers plays in student learning and the fact that all teachers need continuous, instructionally focused, on-the-job support to maintain high levels of performance in the classroom;
- José Valenzuela, a teacher at TechBoston Academy (Boston, MA), a graduate of the Boston Teacher Residency Program, who shared the lessons he learned from his teacher residency and first year as a teacher outside of the residency program;
- Camilla Benbow, Dean of Education and Human Development at Vanderbilt University's Peabody College (Nashville, TN), who discussed the role schools of education play in producing great teachers and school leaders, including the use of evaluations of program graduates;
- Layne Parmenter, Principal at Urie Elementary (Lyman, WY), who discussed the positive impact greater investment in principals has on schools, the importance of providing principals with autonomy to make decisions in their school building related to staffing and instructional models, and the difficult

task principals face, particularly in rural schools, of improving failing schools; and

• Jon Schnur, Chief Executive Officer and Co-Founder of New Leaders for New Schools (Washington, DC), who discussed the importance of investing in school leadership and adopting a child- and performance-oriented approach to leadership.

ESEA Reauthorization: Meeting the Needs of the Whole Student (April 22, 2010)

The purpose of this hearing, in a roundtable discussion format, was to discuss ways Federal policy can support efforts to address the needs of the whole student with the understanding that students who are healthy, safe and engaged in learning are more likely to succeed. Participants in this round table also discussed the importance of leveraging community resources to support student development (both academic and non-academic) and the value of parent, family, and community engagement. Witnesses included:

• Geoffrey Canada, President and CEO of the Harlem Children's Zone (HCZ; New York, NY), who described HCZ's comprehensive model to address the educational, social and medical needs of children and families in Harlem, and in other communities that are replicating HCZ's model;

• Karen Pittman, President and CEO of Forum for Youth Investment (Washington, DC), who described best practices for States and local governments to support positive youth development;

• Eric Schwarz, Co-Founder and CEO of Citizen Schools (Boston, MA), who described his nonprofit's work to expand the learning day for low-income children and engage students to increase achievement;

• George Sugai, Professor and Carole J. Neag Endowed Chair in Special Education in the Neag School of Education at the University of Connecticut and Co-Director of the Center for Positive Behavioral Interventions and Supports (Storrs, CT), who discussed his research on strategies to improve social and behavioral outcomes for students in elementary and secondary schools through positive behavioral interventions and supports;

• Jamie Greene, President of the Rhode Island Educational Media Association (Warren, RI), who described the value of librarians in expanding the curriculum and meeting the academic and non-academic needs of students;

• Clare Struck, elementary school counselor at Malcolm Price Laboratory School (Cedar Falls, IA), who described her school's success in developing students' knowledge, health, and civic-mindedness by supporting their social, emotional and academic development;

• Nikki Rittling, physical education teacher and team leader of the Integration Network at Wonderful Willards Elementary School (Willards, MD), who described the arts integration program at her school and the impact the program has had on student success and students' ability to find unique solutions to problems;

• Lynsey Wood Jefferies, Executive Director of Higher Achievement—DC Metro program (Washington, DC), who dis-

cussed the after-school programs that Higher Achievement runs to improve student achievement and college-going rates among low-income students;

• Anne Henderson, Senior Consultant for Community Organizing and Engagement at the Annenberg Institute for School Reform (Washington, DC), who discussed the impact that effective family engagement strategies can have on students, families, schools, and communities; and

• Dan Cardinali, President of Communities in Schools (CIS; Arlington, VA), who discussed CIS's work with schools and districts to connect community resources (such as health and mental health services, after school programs, and early care and education providers) with schools to help young people successfully learn, stay in school, and prepare for college and careers.

ESEA Reauthorization: Standards and Assessments (April 28, 2010)

This hearing explored the development of rigorous, high-quality standards and assessments that ensure schools are preparing students for the demands of the 21st century workforce. The hearing's witnesses discussed efforts to create Common Core State standards, the need for appropriate and accurate assessments that enable all students to demonstrate knowledge and skills, and the potential of standards and assessments to enhance college- and career-readiness. Witnesses included:

• Steven Paine, State Superintendent of Schools (Charleston, WV) and then-President of the Council of Chief State School Officers (CCSSO), who discussed the work CCSSO has done to develop the Common Core State Standards and his own State's work to incorporate 21st century skills, such as critical thinking and collaboration, into its standards and assessments;

• Cynthia Schmeiser, President of the Education Division at American College Testing (ACT; Iowa City, IA), who discussed the assessment side of the Common Core State Standards efforts and ACT's experience with developing the evidence base for determining which knowledge and skills are necessary for success in college and careers;

• Gary Phillips, Vice President of American Institutes for Research (Washington, DC) who discussed the development of new assessments that can provide better data on student performance;

• Martha Thurlow, Director of the National Center on Educational Outcomes (Minneapolis, MN), who discussed the special challenges of assessing students with disabilities, and how better standards and assessments can be used to improve outcomes for students with disabilities; and

• Charlene Rivera, Executive Director of The George Washington University Center for Equity and Excellence in Education (Alexandria, VA), who discussed her research on developing valid and reliable assessments for English learners.

ESEA Reauthorization: Meeting the Needs of Special Populations (April 29, 2010)

This hearing described how schools can work to provide all students with the resources and support needed to develop their talents. The hearing included witnesses who described the efforts schools are making to ensure that students with special needs, including English learners, homeless students, migrant students, and students with disabilities, are receiving high-quality educational experiences that address their particular needs, enabling them to become college- and career-ready. Witnesses included:

- Michael Hinojosa, the Superintendent of Dallas Independent School District (Dallas, TX), who discussed the work being done to address the challenges faced by English learners, the importance of aligning standards and assessments for language learners, and the importance of giving teachers the training and supports they need to teach English learner students;
- Carmen Medina, Chief of the Division of Student Services and Migrant Education at the Pennsylvania Department of Education (Harrisburg, PA), who discussed the mobility issues and other challenges that impact the educational achievement of migrant students and the supports that teachers and leaders need to help meet their needs;
- Lucinda Hundley, Assistant Superintendent of Student Support Services, Littleton Public Schools (Littleton, CO), who discussed the positive impact that NCLB has had on accountability for students with disabilities, the importance of including students with disabilities in the classroom with their non-disabled peers, and the training and supports both special education teachers and general education teachers need to effectively teach students with disabilities;
- Denise Ross, Supervisor of the Homeless Education Office for Prince George's County Public Schools (Upper Marlboro, MD), who discussed what schools and districts can do to meet the needs of homeless students, and what the Federal Government can do to assist in this effort; and
- Kayla VanDyke, an entering freshman at Hamline University (Eagan, MN), who described her experience of entering foster care at age 4 and the challenges that resulted from attending 10 different schools before graduating from high school.

ESEA Reauthorization: Improving America's Secondary Schools (May 4, 2010)

This hearing explored the challenges facing America's middle- and high-schools, and how ESEA reauthorization can address those challenges. The hearing included witnesses who discussed policies and practices to improve secondary schools, such as data-driven education, adolescent literacy, and career academies. Witnesses included:

- Cassius Johnson, Program Director for Education Policy at Jobs for the Future (Boston, MA), who provided an overview of the current Federal landscape of policies to support secondary schools and at-risk students, and offered some thoughts on how ESEA reauthorization could better address the needs of these students;

- Don Deshler, Williamson Family Distinguished Professor of Special Education and the Director of the Center for Research on Learning at the University of Kansas (Lawrence, KS), who discussed the challenges of improving the achievement of adolescents with low levels of literacy and what effective literacy interventions look like at the secondary school level;
- John Capozzi, Principal of Elmont Memorial High School (Elmont, NY), who discussed methods of instilling high expectations among students that face many other challenges, such as poverty and violence;
- Rich Harrison, the founding Middle School Director of the Denver School for Science and Technology (Denver, CO), who discussed the importance of the middle grades, and how charter schools and science and technology schools are preparing students for success in college and careers;
- Karen Webber-N'Dour, Principal of the National Academy Foundation High School (Baltimore, MD), who discussed how career academies promote student engagement and prepare students for college and a career; and
- Tony Habit, President of the North Carolina New Schools Project (Raleigh, NC), who discussed his experience opening more than 50 highly effective high schools across North Carolina.

ESEA Reauthorization: Supporting Student Health, Physical Education, and Well-Being (May 18, 2010)

This hearing explored how physical activity, health, and nutrition can collectively support a student's ability to succeed in school. Witnesses spoke to the benefits of providing comprehensive and high-quality physical activity, behavioral, nutritional, and mental health services and strategies that enhance students' achievement and development. Witnesses included:

- Russell Pate, Professor in the Department of Exercise Science, Associate Vice President for Health Sciences, and Director of Children's Physical Activity Research Group at the University of South Carolina's Arnold School of Public Health (Columbia, SC), who discussed the work that States, LEAs, and schools nationwide are engaging in to enhance physical activity, promote nutrition, and reduce the risk of obesity among students;
- Timothy Shriver, Chairman and CEO of Special Olympics (Washington, DC), who discussed the importance of physical activity for students with disabilities;
- Antronette (Toni) Yancey, Professor in the Department of Health Services at the University of California—Los Angeles School of Public Health (Los Angeles, CA), who discussed the connections between health and education disparities, and highlighted examples of successful research and health-based strategies that schools in southern California have used to improve student wellness;
- Barbara Levin, the CEO of Chota Community Health Services (Madisonville, TN), who discussed how mental health professionals can effectively support student achievement

through the integration of research-based mental health supports into schools; and

• Beth Kirkpatrick, Co-Director of the Grundy Center PE4life Academy (Grundy Center, IA), who discussed the academic and non-academic benefits of physical education and the ways that schools can integrate comprehensive and high-quality physical education and nutrition into curriculum and daily student routines.

ESEA Reauthorization: Early Childhood Education (May 25, 2010)

This hearing explored how ESEA reauthorization can support improved learning and academic success through high-quality early childhood care and education. It offered an opportunity for the committee to hear from experts about improving collaboration and coordination among parents, teachers, schools, LEAs, and States to ensure that teachers are prepared to educate students who arrive in kindergarten with varying levels of preparedness, and that schools are equipped to support the cognitive, health, social, and emotional development of young children. Witnesses included:

• Barry Griswell, President of the Community Foundation of Greater Des Moines (Des Moines, IA), who discussed the importance of investing in high-quality early learning opportunities for low-income children;

• Larry Schweinhart, President of the High/Scope Educational Research Foundation (Ypsilanti, MI), who discussed the study he directed of the Perry Preschool Program, which identified long-term effects of a high-quality preschool education program for young children living in poverty;

• Robert Pianta, Dean of the Curry School of Education at the University of Virginia (Charlottesville, VA), who discussed how to effectively prepare educators and school administrators to help students of varying levels of school readiness successfully transition into elementary school; and

• Henrietta Zalkind, Executive Director of the Down East Partnership for Children, (Rocky Mount, NC), who discussed how schools can work in partnership with early childhood education and care providers to ensure students begin kindergarten ready to succeed.

ESEA Reauthorization: Rural High School Reform (July 23, 2010)

This full committee field hearing organized by Senator Enzi focused on the challenges facing rural and frontier high schools, the importance of links between high schools and community colleges, and the work of the Wyoming P–16 Education Council in supporting student transitions between high school and college. Witnesses included:

• Rollin Abernethy, Professor at the University of Wyoming and President of the Wyoming P–16 Education Council (Laramie, WY), who discussed six initiatives that the Council believes will advance a more rigorous, effective, and seamless educational system and support high school reform, which include a defined and rigorous high school curriculum and the Common Core State Standards initiative, and related assessment consortia;

• Brandon Jensen, Principal of Cody High School (Cody, WY), who discussed the key components of his school's cultural shift towards an environment that is collaborative, learning-focused, and dynamic, described advantages and challenges facing rural high schools, and provided recommendations for the committee to consider as ESEA is reauthorized;

• Kevin Mitchell, Superintendent of Park County School District No. 1 (Powell, WY), who discussed the goals of his district's strategic plan for continuous school improvement, the components of high school reform, and ways the Federal Government can assist local LEAs in these efforts;

• James Rose, Executive Director of Wyoming Community College Commission (Cheyenne, WY), who discussed three components—relevance, remediation and resources—that played a role in reforming Wyoming's secondary education system and can play a larger role for the U.S. education system; and

• Verlyn Velle, Coordinator of Career and Technical Education at Campbell County School District (Gillette, WY), who discussed the benefits and effectiveness of the Career Academy Concept, a model being implemented by the Campbell County School District.

Beyond NCLB: Views on the Elementary and Secondary Education Reauthorization Act (November 8, 2011)

This hearing, in a roundtable format, was agreed to during committee markup of the Elementary and Secondary Education Reauthorization Act as a public, follow-up discussion of the committee bill and ESEA reauthorization going forward. Participants included:

• Frederick Hess, Resident Scholar and Director of Education Policy Studies at the American Enterprise Institute (Washington, DC);

• Jon Schnur, Chief Executive Officer and Co-Founder of New Leaders (New York, NY);

• Pam Geisselhardt, Gifted and Talented Coordinator for Adair County Schools (Columbia, KY);

• Katherine Beh Neas, Senior Vice President for Governmental Relations at Easter Seals (Washington, DC);

• Charles Seaton, a teacher at Sherwood Middle School (Memphis, TN);

• Terry Grier, Superintendent of Schools for Houston Independent School District (Houston, TX);

• Amanda Danks, Lead Teacher, William S. Baer School (Baltimore, MD);

• Wade Henderson, President and Chief Executive Officer of The Leadership Conference on Civil and Human Rights (Washington, DC);

• Tom Luna, Superintendent of Public Instruction for the State of Idaho (Boise, ID); and

• Elmer Thomas, the principal of Madison Central High School (Richmond, KY)

COMMITTEE CONSIDERATION

On October 11, 2011, the Elementary and Secondary Education Reauthorization Act (ESERA) was noticed for mark up and a draft

was circulated to the committee. On October 19 and 20, 2011, the committee met in executive session to consider the bill. By unanimous consent of the committee, a substitute amendment filed on October 17 was adopted. This substitute amendment served as the original text for purposes of further amendment. The committee subsequently took action on 33 amendments, adopting 23 of them and rejecting the remaining 10. Twenty amendments were offered and subsequently withdrawn, and an additional 90 amendments were filed but not offered. The bill, as amended, was adopted by a roll call vote of 15 ayes to 7 nays on October 20, 2011.

Amendments voted on during executive session

1. Senator Harkin offered a manager's amendment that included technical corrections and minor changes to the bill language originally distributed to members. The amendment was adopted by unanimous consent.

2. Senator Burr offered an amendment to strike the title I reservation for school improvement. The amendment was defeated by a roll call vote of 9 ayes to 13 nays.

AYES	NAYS
Alexander	Harkin
Burr	Mikulski
Isakson	Bingaman
Paul	Murray
Hatch	Sanders
McCain	Casey
Roberts	Hagan
Murkowski	Merkley
Kirk	Franken
	Bennet
	Whitehouse
	Blumenthal
	Enzi

3. Senator Franken offered an amendment to provide a rule of construction on the comparability of services and transfer of school personnel. The amendment was adopted by voice vote.

4. Senator Isakson offered an amendment to title I–A to provide alternatives for assessing students with disabilities, consistent with individualized education programs. The amendment was defeated by a roll call vote of 8 ayes to 14 nays.

AYES	NAYS
Enzi	Harkin
Alexander	Mikulski
Burr	Bingaman
Isakson	Murray
Paul	Sanders
Hatch	Casey
McCain	Hagan
Roberts	Merkley
	Franken
	Bennet
	Whitehouse
	Blumenthal

Murkowski
Kirk

5. Senator Murkowski offered an amendment to exempt teachers of American Indian, Alaska Native, or Native Hawaiian language or culture from the highly qualified teacher provisions of ESEA. The amendment was adopted by voice vote.

6. Senator Murray offered an amendment to title I–A to require cross-tabulation of sub-group data. The amendment was adopted by voice vote.

7. Senator Hagan offered an amendment to title I–A to provide criteria for the replacement of a principal as part of a school turnaround strategy. The amendment was adopted by voice vote.

8. Senator Paul offered an amendment to repeal the No Child Left Behind Act. The amendment was defeated by a roll call vote of 3 ayes to 17 nays.

AYES	NAYS
Burr	Harkin
Paul	Mikulski
Hatch	Bingaman
	Murray
	Sanders
	Casey
	Hagan
	Merkley
	Franken
	Bennet
	Whitehouse
	Blumenthal
	Enzi
	Alexander
	Isakson
	Murkowski
	Kirk

9. Senator Sanders offered an amendment to the Secondary Schools Reform program to require the collection of data on the transition of students from 8th to 9th grade. The amendment was adopted by voice vote.

10. Senator Paul offered an amendment to prohibit the enforcement of any Federal mandates. The amendment was defeated by a roll call vote of 1 aye and 20 nays.

AYES	NAYS
Paul	Harkin
	Mikulski
	Bingaman
	Murray
	Sanders
	Casey
	Hagan
	Merkley
	Franken
	Bennet
	Whitehouse
	Blumenthal
	Enzi

Alexander
Burr
Isakson
Hatch
McCain
Roberts
Murkowski

11. Senator Franken offered an amendment to title I–A to allow States to develop and administer computer adaptive tests. The amendment was adopted by voice vote.

12. Senator Hagan offered an amendment to the Secondary School Reform program to ensure the post-secondary credits earned as part of the Early College Schools model are provided at no cost to students. The amendment was adopted by a roll call vote of 12 ayes to 10 nays.

AYES	NAYS
Harkin	Enzi
Mikulski	Alexander
Bingaman	Burr
Murray	Isakson
Sanders	Paul
Casey	Hatch
Hagan	McCain
Merkley	Roberts
Franken	Murkowski
Bennet	Kirk
Whitehouse	
Blumenthal	

13. Senator Murkowski offered an amendment to create a special rule for rural LEAs that do not have highly qualified teachers in all subjects to allow them to use online instructors under certain conditions. The amendment was adopted by a roll call vote of 20 ayes to 0 nays.

AYES	NAYS
Harkin	
Mikulski	
Bingaman	
Murray	
Casey	
Hagan	
Merkley	
Franken	
Bennet	
Whitehouse	
Blumenthal	
Enzi	
Alexander	
Burr	
Isakson	
Paul	
Hatch	
Roberts	
Murkowski	
Kirk	

14. Senator Franken offered an amendment to provide for the educational stability of children in foster care. The amendment was adopted by a roll call vote of 13 ayes to 9 nays.

AYES	NAYS
Harkin	Enzi
Mikulski	Alexander
Bingaman	Burr
Murray	Isakson
Sanders	Paul
Casey	Hatch
Hagan	McCain
Merkley	Roberts
Franken	Kirk
Bennet	
Whitehouse	
Blumenthal	
Murkowski	

15. Senator Alexander offered an amendment to allow for a State-determined improvement strategy for persistently low achieving schools. The amendment was adopted by a roll call vote of 15 ayes to 7 nays.

AYES	NAYS
Bingaman	Harkin
Sanders	Mikulski
Merkley	Murray
Franken	Casey
Whitehouse	Hagan
Enzi	Bennet
Alexander	Blumenthal
Burr	
Isakson	
Paul	
Hatch	
McCain	
Roberts	
Murkowski	
Kirk	

16. Senator Blumenthal offered an amendment to require grant applicants for the Secondary School Reform program to include information about over-aged and under-credited youth as part of the required needs analysis. The amendment was adopted by voice vote.

17. Senator Bingaman offered an amendment to establish the Achievement Through Technology and Innovation grant program, a new program designed to improve the effective use of technology. The amendment was adopted by voice vote.

18. Senator Franken offered an amendment to create the Principal Recruitment and Training Grant program, a new program designed to recruit, support, and prepare principals to improve student academic achievement at high-need schools. The amendment was adopted by voice vote.

19. Senator Alexander offered an amendment to require local educational agencies to provide students in persistently low achiev-

ing schools with a public school choice option. The amendment was adopted by voice vote.

20. Senator Burr offered an amendment to provide flexible Federal education funding to allow State and local educational agencies to locally determine programs and initiatives. The amendment was defeated by voice vote.

21. Senator Sanders offered an amendment to increase the equitable distribution of highly effective teachers. The amendment was defeated by a roll call vote of 3 ayes to 18 nays.

AYES	NAYS
Murray	Harkin
Sanders	Mikulski
Merkley	Bingaman
	Casey
	Hagan
	Franken
	Bennet
	Whitehouse
	Blumenthal
	Enzi
	Alexander
	Burr
	Isakson
	Paul
	McCain
	Roberts
	Murkowski
	Kirk

22. Senator Sanders offered an amendment to change the definition of "highly qualified teacher" to limit the definition to those individuals who have completed teacher preparation programs. The amendment was defeated by a roll call vote of 1 aye to 20 nays.

AYES	NAYS
Sanders	Harkin
	Mikulski
	Bingaman
	Murray
	Casey
	Hagan
	Merkley
	Franken
	Bennet
	Whitehouse
	Blumenthal
	Enzi
	Alexander
	Burr
	Isakson
	Paul
	McCain
	Roberts
	Murkowski
	Kirk

23. Senator Burr offered an amendment to strike the hold harmless in the title II–A formula that is a holdover from predecessor programs. The amendment was adopted by a roll call vote of 14 ayes to 8 nays.

AYES	NAYS
Hagan	Harkin
Merkley	Mikulski
Franken	Bingaman
Bennet	Murray
Whitehouse	Sanders
Enzi	Casey
Alexander	Blumenthal
Burr	Roberts
Isakson	
Paul	
Hatch	
McCain	
Murkowski	
Kirk	

24. Senator Blumenthal offered an amendment to title II–A to support national activities relating to gifted and talented students. The amendment was adopted by voice vote.

25. Senator Bennet offered an amendment to make the creation of new teacher and principal academies an allowable use of title II funds. The amendment was adopted by voice vote.

26. Senator Paul offered an amendment to exempt special education teachers from the definition of "highly qualified teacher" in title IX. The amendment was defeated by a roll call vote of 10 ayes to 12 nays.

AYES	NAYS
Enzi	Harkin
Alexander	Mikulski
Burr	Bingaman
Isakson	Murray
Paul	Sanders
Hatch	Casey
McCain	Hagan
Roberts	Merkley
Murkowski	Franken
Kirk	Bennet
	Whitehouse
	Blumenthal

27. Senator Burr offered an amendment to add the Secretarial waiver authority provided in the Successful Charter Schools Program to the Charter School Facility Acquisition, Construction, and Renovation program. The amendment was defeated by a roll call vote of 10 ayes to 12 nays.

AYES	NAYS
Enzi	Harkin
Alexander	Mikulski
Burr	Bingaman
Isakson	Murray
Paul	Sanders

Hatch	Casey
McCain	Hagan
Roberts	Merkley
Murkowski	Franken
Kirk	Bennet
	Whitehouse
	Blumenthal

28. Senator Murkowski offered an amendment to rewrite the section of the bill on Alaska Native education, including modifying permissible uses of funds. The amendment was adopted by voice vote.

29. Senator Casey offered an amendment to give grants to States to increase student access to a well-rounded education. The amendment was adopted by voice vote.

30. Senator Hagan offered an amendment to amend the definition of "highly qualified teacher" in title IX to allow States to deem teachers in teacher exchange visitor programs as highly qualified. The amendment was adopted by voice vote.

31. Senator Whitehouse offered an amendment to make minor changes to the 21st Century Community Learning Centers program. The amendment was adopted by voice vote.

32. Senator Burr offered an amendment to strike the Promise Neighborhoods program. The amendment was defeated by voice vote.

33. Senator Bennet offered an amendment to establish the Advanced Research Projects Agency—Education within the Investing in Innovation program. The amendment was adopted by voice vote.

34. Senator Bennet offered an amendment to establish a Commission on Effective Regulation and Assessment Systems for Public Schools. The amendment was adopted by voice vote.

35. The manager's amendment, as amended, was reported favorably by a roll call vote of 15 ayes to 7 nays.

AYES	NAYS
Harkin	Burr
Mikulski	Isakson
Bingaman	Paul
Murray	Hatch
Sanders	McCain
Casey	Roberts
Hagan	Murkowski
	Merkley
	Franken
	Bennet
	Whitehouse
	Blumenthal
	Enzi
	Alexander
	Kirk

Amendments offered and subsequently withdrawn

1. Senator Bennet offered and then withdrew an amendment to include performance targets in the subjects included in State accountability systems.

2. Senator Burr offered and then withdrew an amendment to eliminate the strategies that States must use to turn around low-performing schools.

3. Senator Blumenthal offered and then withdrew an amendment to defer the State assessment requirements of title I if an appropriation "trigger level" is not met.

4. Senator Blumenthal offered and then withdrew an amendment to require Secondary School Reform program grantees to use funds to provide students with work-based opportunities.

5. Senator Alexander offered and then withdrew an amendment to eliminate Federal "highly qualified teacher" requirements in favor of State-determined licensure or certification requirements.

6. Senator Hagan offered and then withdrew an amendment to require the use of expanded learning time as part of a school turnaround strategy.

7. Senator Casey offered and then withdrew an amendment to make voluntary prekindergarten programs available to children for at least 1 year before kindergarten.

8. Senator Casey offered and then withdrew an amendment regarding the review, revision, or creation of State early learning guidelines and standards.

9. Senator Alexander offered and then withdrew an amendment to strike the requirement that States identify and intervene in the 5 percent of schools with the largest achievement gaps.

10. Senator Alexander offered and then withdrew an amendment to eliminate the continuous improvement requirements in State accountability systems.

11. Senator Franken offered and then withdrew an amendment to establish the Education of Children in Foster Care grants, a new grant program to support the educational stability of foster children.

12. Senator Murkowski offered and then withdrew an amendment to create a new program to award early intervention grants to partnerships between LEAs and early childhood education providers that serve a high percentage of students at high risk of dropping out of school.

13. Senator Alexander offered and then withdrew an amendment to provide more deference to States in the title I peer-review process of their title I plans.

14. Senator Roberts offered and then withdrew an amendment to eliminate the Race to the Top program.

15. Senator Hagan offered and then withdrew an amendment to create the Financial Literacy grant program, a new program to support grants to States for financial literacy and entrepreneurship education.

16. Senator Murray offered and then withdrew an amendment to establish new grant programs to support full-day State-run prekindergarten programs.

17. Senator Murray offered and then withdrew an amendment to require LEAs to determine how they will make student data available using open, interoperable data formats and technology to ensure differentiated instruction for students.

18. Senator Whitehouse offered and then withdrew an amendment to reinstate the school libraries program.

19. Senator Franken offered and then withdrew an amendment to establish a Federal prohibition against discrimination in public schools based on actual or perceived sexual orientation or gender identity.

20. Senator Casey offered and then withdrew an amendment to amend the Successful, Safe and Healthy Students program to require more detailed bullying policies.

III. Explanation of Legislation and Committee Views

Title I: Ensuring College- and Career-Readiness for All Students

The committee bill updates the law to reflect what has been learned in the decade since the No Child Left Behind Act (NCLB) was enacted, while maintaining the essential accountability elements under that iteration of the law.

STATE PLAN AND STATE AND LOCAL REQUIREMENTS

Requirements for college- and career-ready standards

The committee bill makes college- and career-readiness for all students a central goal. A child's education should lead to success in post-secondary education and the workforce: By 2014 it is projected that 75 percent of new jobs in America will require a post-secondary degree, and a college graduate today is projected to make 77 percent more per hour than a worker with only a high school diploma.

The committee bill describes, in section 1111(a)(1)(A)(ii), three options for States to use to ensure that academic standards are "college- and career-ready": Alignment with credit-bearing coursework at public institutions of higher education, alignment with career and technical education standards, and appropriate career skills. States must implement content standards in reading or language arts and mathematics by December 31, 2013, and adopt academic achievement standards by the beginning of the 2015–16 school year.

The committee bill protects States' rights in defining academic content and achievement standards, while also ensuring that States are setting high academic expectations for all students. Thus, section 1111(a)(1)(A)(vi) maintains current law, under which States cannot be required to submit academic content or achievement standards to the Secretary for review, but must nonetheless "demonstrate" to the Secretary as part of their title I plans that their academic content and achievement standards are aligned with the expectations of college- and career-readiness. The committee expects that peer review and Secretarial approval of State plans will continue to be a safeguard that ensures States are maintaining high expectations for all students as they fulfill the purposes of the act.

The committee understands that the Secretary of Education will continue to review evidence submitted by the States related to the quality of their academic standards. The Department of Education has released guidance to States in the past that details the evidence that can be submitted and the committee intends for this practice to continue as States adopt college- and career-ready standards.

The committee intends for the term "appropriate career skills" in section 1111(a)(1)(A)(ii)(III) to encompass higher-order thinking skills, including but not limited to the ability to apply knowledge to new situations, think critically, problem solve, communicate orally and in writing, exhibit creativity, and innovate, as well as digital literacy and the ability to use workplace technology effectively. These are essential skills for students to develop in order to succeed after graduation from high school. These are also the skills that will enable graduates to succeed in private-sector training environments that account for most post-secondary training in the United States.

Alternate academic achievement standards for students with the most significant cognitive disabilities

It is the intent of the committee to ensure that all students are held to the highest possible standards in order to be prepared for entry into post-secondary education and careers. The committee recognizes, with section 1111(a)(1)(D), that general education standards are not appropriate for a very small percentage of students with the most significant cognitive disabilities. This group of students comprises less than 1 percent of the overall student population. The committee's intent is to ensure that a parallel, challenging, appropriate, and aligned set of standards are available for this group of students. The committee also intends for students with disabilities who do not have the most severe cognitive disabilities to be held to the general education standards with the supports, accessibility, and accommodations they need to achieve such standards. This includes students with learning disabilities, mild and moderate intellectual disabilities and multiple disabilities that include cognitive disabilities.

English language proficiency standards

The committee bill requires States to adopt high-quality English language proficiency (ELP) standards by December 31, 2014. States must also demonstrate that the standards are aligned with the State's academic content standards in reading or language arts; ensure proficiency in English for each of the domains of speaking, listening, reading, and writing; address the different proficiency levels of English learners; and ensure that the ELP standards are updated, not later than 1 year after the State adopts any new academic content standards in reading or language arts.

Academic assessments

As States transition to college- and career-ready standards, States are required under section 1111(a)(2) to implement assessments aligned to those standards. Current assessments are unlikely to accurately measure the knowledge and skills needed to succeed in the globally competitive economy. To address the need for new assessments aligned to college- and career-ready standards, many States have joined together to develop higher quality assessments. The committee bill requires that statewide assessments continue to be administered annually in reading or language arts and math for grades 3 through 8, and at least once during grades 10 through 12. Statewide assessments must continue to be administered in science at least once during grades 3 through 5, 6 through

9, and 10 through 12 and States must disaggregate and report on student achievement data.

The committee agrees with the States that the next generation of statewide assessments must align with college- and career-ready standards and thus measure the knowledge, skills, and competencies students need to succeed in the 21st century. These assessments should involve multiple measures of student academic achievement, including measures that assess higher-order thinking skills and understanding and should be capable of measuring student academic growth.

The committee bill includes language to allow States to use multiple assessments over the course of the year to measure student knowledge, so long as the scores from these assessments culminate in a score equivalent to that of a single summative assessment.

The committee adopted an amendment that was offered by Senator Franken that allows States to develop computer adaptive assessments that measure, at a minimum, whether each student is meeting or exceeding the on-track level of performance for the State academic content standards for the student's grade level. A State may measure the student's level of performance in the grades above or below the student's grade level, which may include students' growth at such levels, so long as grade-level items are used for determining if a student is on track for college- and career-readiness.

A common and recurring criticism of NCLB is that it has led to too much student testing. The committee bill maintains current law and continues to require only one annual assessment in both reading or English language arts and mathematics and a science assessment in each grade span. To address this criticism, this bill requires States to regularly analyze assessment and accommodations practice and use, and to eliminate duplicative assessments identified by such analyses. With this data, the committee intends for States and LEAs to use this data to accurately determine the source of required assessments and to find the opportunities to reduce the testing load on schools, teachers and students.

The committee sees significant value in providing additional transparency in reporting. Thus the committee adopted an amendment offered by Senator Murray regarding cross-tabulation that requires States to make publicly available performance and graduation rate data for every combination of two of the subgroups described in subsection (a)(2)(B)(ix), such that data for all permutations of two subgroups will be reported. States may, but will not be required to, cross-tabulate performance data for permutations of three or more subgroups.

Alternate assessments for students with the most significant cognitive disabilities

The committee has provided States with the option, in section 1111(a)(2)(E), to create alternate assessments to measure the progress of students with the most significant cognitive disabilities on alternate academic achievement standards. It is the intent of the committee that no more than 1 percent of all students in a LEA and no more than 1 percent of the students in the State would be assessed using alternate assessments.

Assessing english learners

States must include in the academic assessment of reading or language arts (using tests written in English) any student who has attended school in the United States (not including Puerto Rico) for 3 or more consecutive school years. A LEA may, on an individual basis assess such students identified as English learners in a language other than English for no more than 2 years, if such student has not yet reached a level of English language proficiency sufficient to yield valid and reliable information on what such a student knows and can do on reading or language arts tests written in English. Continuation of these policies will provide the information needed to determine if English learners are college- and career-ready.

State parent and family engagement plan

The committee believes there is great value in the involvement of parents in their children's education. The committee bill (section 1111(c)) strengthens current law by expanding such involvement to appropriate family members. This shift is intended to acknowledge the role that non-custodial family members play in the life of a child. States are required to develop a statewide parent and family engagement strategy, which must prioritize increasing engagement in high-need LEAs and schools. States are responsible for ensuring coordination of parent and family engagement activities across the State, including between the State and the State Advisory Council on Early Childhood Education and Care described in the Head Start Act and, as applicable, between the State and the Parent and Family Information and Resource Center described in title IV, as well as among the Federal, State, and local levels. The committee is particularly interested in coordination between States and State Advisory Councils on Early Childhood Education and Care, as alignment of these activities is a key leverage point for increasing school readiness among young children. Finally, States must provide technical assistance and professional development to high-need LEAs regarding parent and family engagement.

FEDERAL PARAMETERS FOR STATE-DESIGNED ACCOUNTABILITY SYSTEMS

The committee recognizes that accountability systems that are more tailored to the needs and strengths of States and LEAs may be more successful at leveraging improvements in student achievement than the one-size-fits-all approach of the No Child Left Behind Act. However it is important that in designing these systems certain principles are maintained. The committee bill includes Federal parameters for State-designed accountability systems that offer flexibility while requiring States to set expectations for progress towards student college- and career-readiness. States must make annual determinations to identify schools, beyond the schools identified by the requirements of section 1116, that need interventions and supports to meet those expectations of progress. The committee expects that the peer review process for State-designed accountability systems as part of title I plans will ensure that States demonstrate how they will meet each of these requirements as part of a robust approach to accountability.

The committee wants to underscore the flexibility explained in current Department of Education guidance for school districts to fund additional school improvement supports and interventions in low-performing title I schools beyond the requirements of the revised School Accountability and Improvement System in section 1116.

Growth

The No Child Left Behind Act made clear that annual student achievement growth is as critical to understanding school success as is a measure of the status of student achievement. The committee understands that it is often easier to maintain a high level of student achievement among students arriving with significant skills and knowledge and receiving significant support outside of school than it is to substantially improve the performance of students with significant academic deficits. The committee recognizes that one of the most important flexibilities in this reauthorization bill is the opportunity for each State to include growth in addition to status when measuring student achievement and creating accountability systems.

The committee recognizes that growth is not an end to itself and that, in measuring growth, it is critical to ensure a trajectory for a student to actually attain college- and career-readiness within a certain number of years. This concept of "growth to standard" and not growth normed against expectations of "similar students" is the only growth approach allowable within the committee bill parameters for accountability systems. States that wish to include growth in their accountability systems must propose, as part of their title I plans, how they intend to measure such growth and how many years they will allow for students to reach the level of on track to college- and career-readiness in order to count such students as having achieved sufficient growth. The bill also requires those States that choose to use growth in their accountability systems to expect growth for those students already on track to college- and career-readiness.

In addition to allowing States to include measures of individual student growth in calculating school success, the committee bill allows States to use measures of school gains in determining which schools are persistently low achieving. For example, a school that falls into the bottom 5 percent of schools in a State because it only has 45 percent of students on track to college- and career-readiness (which may include measures of sufficient individual student growth), may have made enormous gains in recent years. If the school only had 25 percent of students on track to college- and career-readiness 2 years ago it may not be wise to remove a principal or replace the staff responsible for such gains. Because the bill allows States to take those significant school gains into account when determining persistently low-achieving schools, that school would not likely be placed on the list of persistently low-achieving schools. In this way, the committee recognizes the importance of both student growth and school gains and encourages States to use such concepts in designing their accountability systems.

Multi-tier systems of support

The committee encourages States and LEAs to develop and adopt the use of multi-tier systems of supports (MTSS) for students. These are comprehensive systems of differentiated supports that include evidenced-based instruction, universal screening, progress monitoring, formative assessments, and research-based interventions matched to student needs upon which educational decision-making using student data can occur. The committee also encourages the use of the principles of universal design for learning (UDL) and school-wide positive behavioral interventions and supports (PBIS) to create positive conditions for learning.

State reservation for school improvement

To build State and LEA capacity for turning around low-performing schools, this bill allows the flexibility for States to continue to reserve up to 4 percent of their title I, part A, funds to carry out State and LEA responsibilities under section 1116. Ninety-five percent of the reserved amount must be used to carry out school improvement, either through subgrants or, with an LEA's agreement, directly by the State.

Persistently low-achieving schools

ESERA ends adequate yearly progress (AYP) and shifts to focus Federal turnaround requirements on a more manageable set of schools that face the most significant challenges, defined as persistently low-achieving schools. Specifically, persistently low-achieving schools are defined as those schools that States identify in the bottom 5 percent of overall performance and those with the most significant achievement gaps between student subgroups. The bill requires States to identify the lowest-achieving 5 percent of non-high schools and the lowest-achieving 5 percent of high schools (including high schools with a graduation rate of less than 60 percent). Schools must be identified based on student achievement and, at the high school level, graduation rates. States may use the most recent year of data or the most recent 2- or 3-year average in making such determinations. LEAs must notify parents if their child's school is identified as a persistently low-achieving school. States must compile the list of persistently low-achieving schools and make it publicly available. Schools that are identified as persistently low-achieving have a 5-year period for turnaround.

The bill does provide some flexibility for States with high levels of performance across all schools to not identify persistently low-achieving schools. States may apply to the Secretary for a waiver of the requirements for persistently low-achieving schools if they determine that all schools are performing at a satisfactory level based on student achievement and, at the high school level, graduation rates.

This bill envisions LEAs playing a critical role in setting supporting conditions for persistently low-achieving schools to improve. LEAs must conduct a needs analysis for each identified school. LEAs must collaborate with parents, the community, teachers and other school personnel, and may work with an external partner to determine which school strategies to implement in each identified school. LEAs must also implement a series of policies and practices to help these schools succeed, such as providing school staff with

professional development based on the needs analysis, conducting regular teacher and principal evaluations, and providing time for collaboration among instructional staff.

LEAs are also required to provide instructional staff with timely access to student data and to use such data to implement a research-based instructional program that analyzes student progress and performance and includes appropriate interventions for students. Recognizing that some elementary schools may be low-performing because students enter kindergarten below grade level and may have trouble catching up, the bill requires that, in the case of an elementary school with kindergarten entry, the needs analysis specifically measure school readiness. If school readiness is an issue, the LEA and school must coordinate with appropriate early childhood education programs and develop a plan to improve or expand early childhood options.

Persistently low-achieving schools cannot improve in isolation, and LEAs must provide the supports needed for success. These requirements reflect the best practices of those LEAs across the country that are working on their own and with partners to improve the lowest-performing schools.

Public school choice

The committee approved an amendment at mark-up offered by Senator Alexander that requires LEAs to provide students enrolled in persistently low-achieving schools with the option of transferring to another public school operated by the LEA, unless such an option is prohibited by State law. LEAs must provide this option not later than 3 months before the first day of the school year following identification. LEAs must also give priority to the lowest achieving children from low-income families.

Transferring students must be enrolled in classes and other activities in the same manner as all other children at the public school. LEAs must allow a child who transfers to another public school to remain in that school until the child has completed the highest grade in such school.

School improvement strategies

The committee is sensitive to complaints about the prescriptive nature of the accountability provisions in the No Child Left Behind Act. The committee also recognizes that the strict one-size-fits-all approach that was represented by AYP provisions have not led to improvement in many identified schools, particularly as the number of identified schools increase as the 2014 proficiency deadline approaches. To address these concerns, the committee bill focuses the federally prescribed interventions on persistently low-achieving schools in each State. The committee believes these schools are in need of significant change because many of them have been failing to improve student achievement for decades. To improve student achievement in schools identified as persistently low-achieving, the committee bill requires LEAs to implement an evidenced based turnaround strategy in each identified school. To address many of the concerns the committee has heard about requiring specific models, including those models currently in place under guidance for the School Improvement Grant (SIG) program, the bill provides LEAs multiple models from which to select, including flexibility for

rural LEAs. It also adds a set of LEA-level requirements to make the success of the strategies more likely.

Transformation strategy

The transformation strategy requires LEAs to replace the principal (if the principal has served in that role for more than 2 years) with a principal who has a record of success in increasing student achievement, or with a principal who is specially trained in turning around low-performing schools. This element is shared with the strategic-staffing and turnaround models. The committee believes that staff working in schools that have been identified as persistently low-achieving must be committed to implementation of the transformation strategy. Therefore, under this strategy, existing instructional and school leadership staff must reapply for their positions, and all instructional and school leadership staff hiring must be done at the school through mutual consent for at least the duration of the 5-year turnaround period. The term "mutual consent" means a process through which the principal or hiring team and the instructional staff member or school leadership staff member agree to the placement at a school. The principal or hiring team must be permitted to select instructional and school leadership staff for the school from an unrestricted pool of internal and external candidates based on an assessment of the qualifications of the individual candidates.

Strategic staffing strategy

As in the transformation and turnaround models, the strategic staffing strategy requires LEAs to replace the principal if s/he has served more than 2 years and allows the principal to staff the school with a turnaround team of her/his choosing. This approach recognizes the importance of having a core team of dedicated professionals who are bought into the leadership and strategy and will work together to see it through. The model is based in part on an approach that has demonstrated some success in the Charlotte-Mecklenburg school LEA in North Carolina.

Turnaround strategy

This strategy also recognizes the importance of human capital in turning around persistently low-achieving schools. As in the transformation and strategic staffing models, it requires that the school replace the principal (if the principal has served in that role for more than 2 years) with a principal who has demonstrated a record of success in increasing student achievement or is specially trained in turning around low-performing schools. It also requires that all of the teachers in the school be screened and that not more than 65 percent be retained.

Whole school reform strategy

The whole school reform strategy requires the implementation of an evidence-based strategy that ensures whole school reform. It must include a partnership with a strategy developer offering a school reform program that has demonstrated at least a moderate level of evidence, as shown by more than one well-designed or well-implemented experimental or quasi-experimental study, that the program will have a statistically significant effect on student out-

comes. The committee expects the Department of Education to determine which strategies meet these requirements, which could include use of the What Works Clearinghouse. The committee recognizes that a limited number of models have achieved this level of evidence, but hopes that strategy developers will begin to undertake the evaluation necessary for their reforms to qualify.

Restart strategy

Under the restart strategy, schools may convert to a charter, innovative, or magnet school. The committee believes that providing LEAs with the opportunity to convert a persistently low-achieving school to a magnet school or to create a new, innovative school, particularly in States that do not have charter school laws, provides additional flexibility to LEAs. In fact, schools in Lansing, Michigan, Cambridge, Massachusetts, Fort Meyers, Florida, and Clark County, Nevada have improved performance in struggling schools by converting those schools into magnet schools. Schools that are converted to charter schools must work in partnership with a nonprofit charter school operator, a nonprofit charter management organization, or a nonprofit education management organization that has a demonstrated record of improving student achievement for students similar to those served by the school.

The committee recognizes that restarting a school is disruptive for students enrolled in the school that is being converted and believes LEAs must prioritize the learning needs of the students in these schools. Therefore, LEAs that implement the restart strategy must ensure that the new school serves the same grade levels as the original school and enrolls any former student of the original school who wishes to attend. Additional students would be admitted by a random lottery system if more students apply for admission than can be accommodated.

School closure strategy

The school closure strategy requires LEAs to close the persistently low-achieving school and enroll the students in other schools, which may include charter schools that are within reasonable proximity to the closed school. The committee expects LEAs to enroll these students in high-performing schools not schools slightly better than the closed school.

Department of Education-approved strategy

The committee adopted an amendment offered by Senator Alexander to allow States to offer an additional school improvement strategy for identified schools that has been approved by the Department of Education. The committee expects the Department of Education to approve only comprehensive evidence-based models that include a combination of key elements. The committee's intent is that this model cannot be used for the provision of private-school vouchers.

Improvement in persistently low-achieving schools

The committee recognizes that some persistently low-achieving schools will improve at a faster rate than others. States may want the flexibility to shift resources among schools during the identification period. Therefore, this bill provides that at any time during

the 5-year period, schools that have improved sufficiently would not continue to be identified by the State as a persistently low-achieving school. These schools may continue to receive such grant funds as are necessary for the full period of the grant so that these improvements can be sustained.

However, the committee believes that schools that are reclassified as persistently low-achieving after the 5-year period must implement the restart or school-closure strategy to ensure significant change in governance.

School improvement funds

The committee bill continues to support persistently low-achieving schools from two different sources—authorization of the School Improvement Grant (SIG) program and the required 4-percent set aside from title I, part A, funds at the State level for technical assistance and support for LEAs. Entities that may receive grant funds from the SIG include a State, a LEA that receives funds under this part and serves at least one eligible school, a consortium of such LEAs, or an educational service agency that serves at least one LEA.

States that receive school improvement funds must use 95 percent of these funds to carry out school improvement activities for eligible schools by either (1) awarding subgrants, on a competitive basis, to eligible entities for these activities; or (2) if the State chooses and the LEA agrees, directly providing the activities to the eligible school and LEA, or arranging for other entities to provide such activities to the school. Subgrants are awarded for a 5-year period.

LEAs must meet certain key conditions in order to receive funds. They must demonstrate that they have:

- adopted human-resource policies that prioritize the recruitment, retention, and placement of effective staff in eligible schools;
- ensured that eligible schools have access to resources to implement the school improvement strategies described above;
- identified opportunities to reduce duplication, increase efficiency, and assist eligible schools in complying with reporting requirements of State and Federal programs;
- facilitated alignment and coordination between early childhood education and care programs and services serving students who will attend eligible schools that are elementary schools; and
- developed an early warning indicator system that monitors school-level data, and alerts the eligible school when a student indicates slowed progress toward high school graduation, so that the school can provide appropriate student interventions.

Regarding the early warning indicator system, research has shown that before actually dropping out, most students at risk send strong "signals" that they are having trouble in school. One study found that almost half of dropouts sent "warning signals" as early as sixth grade. These signals can be found in standard data that LEAs keep on their students.

States may withhold funds from schools for the final 2-year period if they have not made progress on "leading indicators." This new definition of "leading indicators" highlights the importance of

academic indicators (other than test scores) and school climate issues. Tracking leading indicators is important because improving student outcomes and closing achievement gaps takes time, and these data can therefore serve as intermediate measures of school improvement before the results show up in indicators like student test scores.

Achievement gap schools

The committee believes that it is important for States and LEAs to maintain a focus on subgroup accountability. Therefore, the bill requires that States identify the 5 percent of high schools and 5 percent of non-high schools that have the largest achievement gap among subgroups or the lowest performance by subgroups. Schools must be identified based on student achievement and, at the high school level, graduation rates. States may use the most recent year of data or the 2- or 3-year average. To ensure that LEAs are targeting their efforts appropriately, achievement gap schools cannot include schools identified as persistently low-achieving.

Because the student subgroups with the greatest gaps and that are furthest behind will differ from school to school, this bill does not prescribe specific interventions for the achievement gap schools. Instead, LEAs should select the appropriate intervention based on the needs of the population(s) farthest behind. LEAs are required, however, to implement a measurable, data-driven correction plan in each identified school. To increase transparency, LEAs must notify parents if their child's school is identified as an achievement gap school.

The committee believes it is reasonable to expect a narrowing of any identified achievement gap within a 3-year period. Therefore, this bill puts additional pressure on LEAs that have not seen improvements by making any LEA with an achievement gap school that has been identified for 3 consecutive years ineligible for any priority, preference or special consideration for any grant, subgrant or other ESEA-funded program.

Blue Ribbon Schools

The committee believes that it is important for States to have the opportunity to identify and reward schools that are top performers. This bill allows States to identify Blue Ribbon Schools as the top 5 percent of the State's public elementary schools and secondary schools based on the percentage of students who are on track to college- and career-readiness for English or language arts, and mathematics and, in the case of high schools, the school's graduation rate. States must also look at the performance of student subgroups and, if the State chooses to measure student growth, the percentage of students attaining growth, and school gains. Schools identified as persistently low-achieving schools and achievement gap schools cannot be identified as Blue Ribbon Schools. States may reserve up to ½ percent of their title I, part A, funds to distribute rewards, on a competitive basis, to LEAs that serve one or more Blue Ribbon Schools so that the LEA may provide awards to such schools.

In addition to the possible financial reward, States must provide Blue Ribbon Schools with increased autonomy over the school's budget, staffing, and time, and allow each Blue Ribbon School to

have flexibility in the use of any funds provided to the school under this act for any purpose allowed under this act, consistent with civil rights laws. LEAs must agree to use the award funds to improve student achievement and provide technical assistance to the lowest-achieving schools in the State that have characteristics similar to the Blue Ribbon School.

PARENT AND FAMILY ENGAGEMENT

The committee bill envisions several key changes to the provisions of section 1118, relating to parent and family engagement. The lens of current law is expanded to encompass family members, in addition to parents and those who act in loco parentis. This change is intended to acknowledge the role that non-custodial family members play in the life of a child, and to encourage LEAs to strategically engage these adults. The bill includes requirements for LEAs to collaborate with community-based organizations, employers, and other entities in the development and implementation of parent and family engagement strategies, and for parent and family engagement compacts to describe outreach to community stakeholders. These changes recognize research on the critical role that non-custodial family members, mentors, and other caring adults can play in the positive development of children, and especially children from low-income and minority communities.

HIGHLY QUALIFIED TEACHER DEFINITION

This bill includes a revised definition of a highly qualified teacher which codifies existing flexibility for certain types of teachers so that LEAs can effectively staff their schools. The definition incorporates existing regulations that make clear that a teacher enrolled in an alternate route to certification program is considered highly qualified, as long as the teacher has passed the State subject matter certification or licensure test; is making satisfactory progress towards obtaining full certification within 3 years; and is participating in a high-quality, State-approved teacher preparation program.

The definition also provides flexibility for teachers in rural areas who teach multiple subjects, allowing them to be considered highly qualified if they have met the definition for at least one core academic subject and becomes highly qualified in the additional subjects within 3 years. The definition clarifies that a science teacher who holds a broad field science or an individual field science certification or licensure can be deemed by the State as highly qualified. The definition also aligns the definition of a highly qualified special education teacher with the definition included in the Individuals with Disabilities Education Act (IDEA).

The committee adopted two amendments offered by Senator Murkowski, regarding the highly qualified teacher requirements. The first creates a special rule for small, rural, and remote schools so that teachers in these schools are permitted to meet the highly qualified teacher requirement through distance learning and team teaching. The off-site teacher must be highly qualified in the subject being taught, be responsible for 50 percent of direct instruction, monitoring student progress, and assigning students' grades. The on-site teacher must be highly qualified in at least one other

subject, must be present in the classroom throughout the period of distance learning, and must provide instructional support.

The second amendment by Senator Murkowski exempts the following teachers from meeting the highly qualified teacher definition:

- A teacher of Native American, Alaska Native, or Native Hawaiian language or culture, whether the teacher is teaching on a permanent, part-time, or occasional basis; and
- A teacher who is a Native elder or other authority on American Indian, Alaska Native, or Native Hawaiian history who provides instruction in such subject, whether on a periodic or one-time basis.

The amendment also allows States to decide whether to require a local tribe or tribal organization to certify the competence of the language, culture, or history teacher.

The committee adopted an amendment offered by Senator Hagan concerning the highly qualified teacher definition. The amendment allows States to deem a teacher to be highly qualified if the teacher is a participant in an exchange visitor program.

Finally, the committee signals its strong belief that teacher effectiveness is paramount by allowing States to deem teachers with high ratings under a rigorous teacher evaluation system to be considered highly qualified. The bill also allows States to waive the highly qualified teacher requirements for current teachers if the State can demonstrate that it has fully implemented a teacher and principal evaluation system that is consistent with TIF parameters.

FISCAL REQUIREMENTS AND COMPARABILITY

The original intent of title I was to provide additional resources to States and LEAs for the education of disadvantaged children. In order to meet that intent, the law has required State and local funds be spent comparably between title I and non-title I schools, so that Federal dollars are supplementary.

However, the LEAs largest expenditure, actual teacher salaries, have been excluded from calculations of comparability. The committee recognizes that the current practice of using average teacher salary allows LEAs to meet the current Federal requirement for comparability without actually spending State and local funds comparably between title I and non-title I schools. The effect of this longstanding "comparability loophole" is that title I dollars are often spent contrary to their intended purpose of providing supplemental funds.

The committee recognizes that there is research that indicates significant disparities in spending between title I and non-title I schools. The committee's intent in section 1120 is to ensure title I dollars are provided to schools with concentrated poverty as a supplement to a comparable allocation of State and local funds. This will ensure that taxpayer dollars serve the students for whom they are intended. In addition, the accounting of real per-pupil expenditures will increase transparency about the allocation of resources. The committee expects this data will be accessible to parents, taxpayers, LEAs, States and policymakers at all levels of government. Recognizing that States and LEAs will need time to put the appropriate fiscal mechanisms and data systems in place for school level expenditures and other data to be reported accurately, LEAs will

not be required to comply with these changes until the 2015–16 school year.

The committee adopted an amendment offered by Senator Franken that clarifies that in closing the comparability loophole, the committee's intent is not to require LEAs to transfer school personnel in order to comply. The comparability provisions require that title I schools do not have fewer total State and local resources than the average of non-title I schools in a LEA. LEAs must consider all resources, not just salaries.

COORDINATION REQUIREMENTS

Similar to current law, the committee bill encourages LEAs to coordinate with early childhood education and care programs and providers, including Head Start agencies and providers of services under Part C of IDEA, on a variety of matters. Activities identified include transfer of records, with parental consent, from early childhood education and care programs to local schools; ongoing communication between early childhood education and care program staff and school staff for the purpose of ensuring developmentally appropriate instruction and shared expectations; joint training opportunities for early childhood education and care program staff and school staff; the development of transition procedures to improve school readiness for children; and parent-education efforts that help parents of young children understand the expectations of and services offered by the school in which their child will enroll.

EQUITABLE DISTRIBUTION

Current law requires LEAs and States to have an equitable distribution of teachers as a condition of receiving title I funds. The committee bill continues this requirement but provides more clarity on the data States and LEAs must collect and report to be in compliance with this requirement. Specifically, this bill requires that LEAs collect and report to the State on how teachers are distributed across schools for each quartile of schools in the State based on school poverty level and for high-minority schools and low-minority schools. LEAs must report on the distribution based on the following teacher characteristics: whether teachers are highly qualified; are inexperienced; have completed their teacher preparation program; are not teaching in the subject or field for which they are certified or licensed; and, where applicable, whether they are in the highest or lowest rating category based on a teacher evaluation system that meets the requirements laid out in title II, part C, the TIF program. States must then report this data, aggregated at the State level, to the Secretary. The State must also report on the percentage and distribution of teachers across the State based on at least two of these teacher characteristics or an index of these characteristics. States and LEAs are allowed to compile an index based on the data so that they may focus on one measure for reporting and compliance.

Research shows that teachers are the most important in-school factor driving student achievement. The committee believes that LEAs should do all they can to use data to address any inequities between schools. The committee strongly believes that LEAs should be most concerned with the distribution of effective teachers across schools so that all children have access to high quality instruction.

To that end, this bill takes steps to encourage States to move in the direction of developing rigorous teacher evaluation systems that measure teacher effectiveness. Title II, part C, the Teacher Incentive Fund provides competitive grant funds to States and LEAs that are working to develop such systems. The Race to the Top program also includes a teacher evaluation component if the Secretary elects to focus the competition in any given year on increasing the access of children from low-income families to highly rated teachers and school leaders. Finally, title II, part A, specifies that States and LEAs that want to use these funds for teacher evaluation must have systems in place that meet the requirements of TIF.

EDUCATION TECHNOLOGY

It is the committee's view that the development and implementation of education technology programs and activities continue to be important allowable uses of title I funds. While technology can never replace effective teachers, the committee believes that educational technology can help provide: differentiated instruction and personalized learning to meet each student's unique needs; engaging and updated content; timely information that educators can use to improve instruction and decisionmaking; enhanced parental engagement through the provision of online information; and access to courses often not otherwise available.

Therefore, the committee supports States, LEAs, and schools that choose to use title I program funds for technology and digital learning to best meet title I program goals and requirements.

HIGH SCHOOLS IN TITLE I, PART A

Persistently low-achieving schools

The committee recognizes that students of color are four times more likely than white students to attend a high school with a graduation rate under 60 percent. However, under the No Child Left Behind Act, approximately 40 percent of these high schools made adequately yearly progress. The committee bill addresses this disparity by classifying high schools with graduation rates under 60 percent as persistently low achieving in order to ensure that these schools undergo reform.

Lowest achieving 5 percent of high schools with poverty rates of at least 50 percent

The committee recognizes that, according to the Department of Education, only 10 percent of title I funds are allocated to high schools. For high schools, the bill uses a poverty rate of 50 percent as opposed to whether or not the school receives funding under title I, part A, in determining the school's classification as a persistently low-achieving school because relatively few high schools receive such funding.

Allocation of funds within LEAs

High schools serve nearly one-quarter of low-income students. Local educational agencies are currently permitted to use one of several methods for calculating the percentage of students living in low-income families in allocating title I, part A funds, and 87 percent of LEAs use the percentage of students eligible for free or re-

duced-price lunch. Secondary school students are less likely than elementary school students to participate in the free or reduced-price lunch program. For example, a recent analysis found that for the 2008–9 school year, an average of 49 percent of students in public elementary schools received free or reduced-price school lunches, compared to 44 percent of students attending middle schools, and 36 percent of students attending high schools.

To derive a more accurate percentage of students in low-income families within secondary schools, guidance issued by the Department of Education allows LEAs to calculate this percentage using a "feeder pattern." A feeder pattern takes the average poverty rate of the elementary schools that feed into the middle or high school, and applies that average to the middle school or high school. The committee recognizes the importance of ensuring the most accurate calculation of the percentage of secondary school students living in low-income families. To that end the committee bill requires LEAs to use the higher of the feeder pattern calculation or one of several other calculations in identifying eligible school attendance areas, ranking eligible school attendance areas, and determining allocations of title I, part A, funds.

Recognizing that the percentage of students from low-income families in high schools may be lower than the percentage of low-income students in feeder elementary and middle schools, the committee bill requires LEAs to rank eligible school attendance areas according to the percentage of students in low income families, a requirement carried over from the No Child Left Behind Act. The committee bill continues to require that schools that will first be served are elementary and middle schools with a percentage of students in low income families of at least 75 percent, and adds a provision to rank high schools with a percentage of students in low-income families of at least 50 percent. Such schools will be served in rank order. Provisions were included so that LEAs are held harmless and are not required to reduce the amount of funding provided to elementary schools and middle schools for the fiscal year preceding the data of enactment of the bill in order to provide funding to high schools.

Graduation rate calculations

Under the No Child Left Behind Act, the Government Accountability Office reported the use by States of a myriad of graduation rate calculations that made it difficult to get an accurate calculation of the percentage of students graduating from high school on time. In 2008, the Department of Education addressed this issue by requiring a consistent, accurate calculation of graduation rates (34 CFR 200.19(b)). The committee bill codifies and strengthens these regulations. Specifically, States and LEAs will calculate the percentage of students graduating from high school in 4 years, a calculation known as the "four-year adjusted cohort graduation rate." They will also calculate the "cumulative graduation rate," which gives credit to high schools graduating students, particularly students with disabilities, in more than 4 years. The committee recognizes the importance of calculating the cumulative graduation rate in LEAs drop-out prevention and recovery efforts. The committee believes that graduation rates are an important factor that should

be given significant weight in State accountability plans that are developed and utilized subsequent to the passage of this law.

TITLE I, PART B: PATHWAYS TO COLLEGE

Subpart 1: Secondary school reform

The committee recognizes that in today's increasingly global economy, it is critical that students graduate from high school prepared and ready to succeed in college and the workforce. Unfortunately, many of our Nation's high school students do not graduate on time or do not graduate at all. Additionally, low-income and minority students graduate at significantly lower rates than their peers. The Pathways to College Program would support the implementation of innovative and effective secondary school reforms both LEA-wide and in high schools with graduation rates below 75 percent that do not receive SIG funds. The bill requires grant applicants to implement reform strategies in the feeder middle schools serving these high schools because the committee recognizes that many of the issues facing at-risk youth begin in middle school.

The committee recognizes that some local educational agencies allow all students in a LEA the choice between which public high school they wish to attend upon matriculating from an elementary or middle school. In the case where a majority of the students at an elementary school or middle school do not go on to attend any single high school in the LEA, the committee intends for the definition of "feeder middle school" to be interpreted as an elementary or secondary school where a cumulative majority of students in the school go on to attend any of the eligible secondary schools in the LEA.

At markup, the committee adopted an amendment offered by Senator Hagan that requires recipients of Secondary School Reform Grants that offer dual-enrollment coursework to offer such coursework free of charge to low-income students.

Subpart 2: Accelerated Learning

The committee bill maintains support for Advanced Placement (AP) and International Baccalaureate (IB), while also providing more options for States and LEAs in achieving the goals of access to college-level coursework for low-income students. Changes to the definition of an AP or IB examination would allow States and localities the option to choose another evidence-based program model that increases student access to rigorous courses in core academic subjects, is benchmarked to college readiness, provides aligned end-of-course assessments, and includes educator resources to improve instruction.

The committee bill incorporates language enacted by Congress in the America COMPETES Act of 2007 and maintained in the reauthorization of that act in 2010. With these provisions, Congress has already acknowledged much advancement from evidence-based program models showing large increases in academic success for students who had access to rigorous high school core courses benchmarked to college readiness. The language in the committee bill is intended to provide more students with the opportunity for achieving college-readiness through rigorous courses than is provided in current law.

Title II: Supporting Excellent Teachers and Principals

TEACHER AND PRINCIPAL TRAINING AND RECRUITING FUND

Teachers

The bill makes several important changes to title II, part A, which has historically been used by LEAs for professional development and to provide for more teachers. States and LEAs may continue to use their funds for professional development, but this bill includes a definition of professional development that will drive better investments in this area. By including a tighter definition, this bill will help ensure that Federal funds will be expended on professional development that will improve teaching practice and student learning.

This bill also sets parameters on how LEAs may use these funds for class-size reduction. If LEAs choose to use funds to hire additional teachers to reduce class sizes, these teachers must teach in the early grades (kindergarten to third) and class sizes must be reduced to a size where the research shows that students will benefit.

The largest and most rigorous class size study, the Tennessee Student Teacher Achievement Ratio or STAR experiment, demonstrated that reducing class sizes in kindergarten through third grade to between 13 and 17 students led to statistically significant student achievement gains, and that these gains were more pronounced for minority and economically disadvantaged students. Follow-up studies showed that these gains persisted for students who had attended smaller classes.

The committee also recognizes the significance of high quality mentoring for new teachers and principals. Title II, part A, includes a definition to ensure that funds spent for this purpose will support strong mentoring programs and practices in the field. Mentoring is essential to retaining teachers as their decisions to remain in teaching are often impacted by the quality of the support teachers receive in their first years. And, as teacher evaluation systems continue to develop, LEAs can focus their efforts on retaining top performers.

This bill also moves the national conversation from a focus on teacher qualifications to teacher effectiveness. For this first time, teacher evaluation is included as one of the high-impact activities that States and LEAs may fund using title II dollars. States and LEAs that use these funds to support teacher and principal evaluation must have in place or develop rigorous teacher and principal evaluation systems that are consistent with the requirements laid out in TIF, which include regular observation, providing feedback to teachers and using student achievement in the evaluation. The committee recognizes that this is the first step in redirecting the Federal focus to teacher effectiveness and anticipates that in future authorizations, the committee may be able to go further in this direction as States and LEAs continue to make progress in this area and more is learned about high-quality teacher and principal evaluation.

This bill also recognizes the importance of equity and ensuring that students have access to effective teachers. States and LEAs are encouraged to use their title II, part A, funds to address any

inequities that may exist in the distribution of teachers based on their qualifications and, where available, on their effectiveness.

This bill streamlines the list of allowable activities in title II, part A, intentionally limiting them to those that are likely to have the greatest impact on teaching and learning. These activities include establishing beginning teacher induction programs, creating career ladders, increasing teacher capacity to evaluate student work, and recruiting teachers for high-need schools and subject areas—including through financial incentives.

The committee also intends that States and LEAs have the flexibility to identify their local teaching and learning needs and use Federal funds accordingly. In keeping with this intent, high-need subjects such as "mathematics" and "science" may be defined to include other STEM-related subjects, such as computer science, engineering and other related subjects.

The committee adopted an amendment offered by Senator Bennet that would allow participating States to set aside 1 percent of their title II, part A, funds to support the creation and oversight of teacher and principal training academies. These academies will be rigorously selective in who they admit, emphasize clinical training methods to prepare teachers and principals, and tie graduation to improving student academic achievement. In return for accepting this accountability, academies will be free from burdensome, input-based regulations. States will be required to establish a special entity to oversee teacher and principal training academies that has the authority to shut down low-performing programs.

Principals

Historically, States and LEAs have used very little of their title II, part A, funds to support the professional development or training of principals. This bill requires States to spend between 2 and 5 percent of funds to improve the performance and distribution of high-quality principals. States may use their funds to recruit and prepare principals, as well as train and support them, and provide compensation or other incentives to attract them to high-need schools.

In recognition of the importance of school leadership, the committee also includes support for principals as one of the activities that LEAs may direct their title II–A funds towards. Effective principals are critical to attracting and retaining effective teachers in schools, particularly those serving the most disadvantaged students. LEAs need to do as much as possible to get strong leaders into these schools, and Federal funds can help in this regard.

Funding

The committee adopted an amendment offered by Senator Burr that changed the title II, part A, funding formula by eliminating a "hold harmless" provision so that States that have grown in population and have more poor children will receive more funds.

Education technology

The committee maintains that professional development about and through technology is helpful in meeting the goal of college- and career-readiness. Therefore, the committee encourages States, LEAs, schools, and other entities involved in the preparation and

professional development of educators to ensure teachers and administrators have the knowledge and skills to effectively use technology and digital resources to improve teaching, learning, and administration.

Principal Pathways program

Research shows that school leadership is second only to teacher quality among school-related factors that influence student achievement. And while teacher quality has the greatest impact, principal quality determines whether schools can attract and retain effective teachers.

For these reasons, the committee adopted an amendment that was offered by Senator Franken to create the Principal Pathways program as subpart 5 of part A, to recruit, train and support principals in schools that are high-need, persistently low-achieving, achievement gap, or rural schools. This program replaces the current school leadership program. The Principal Pathways program improves upon current law by focusing on recruitment and training practices that have been demonstrated to strengthen school leadership.

The new program improves the rigor of the application process for school leadership grants. There is a priority for entities that have a record of success of preparing principals who go on to improve student outcomes in eligible schools. In addition, the program increases the accountability of grantees for achieving results. Grantees will compete to renew their grants and scale up their efforts based on their record of improving student outcomes. Grantees will also use data on the performance of their programs for continuous improvement.

The committee also recognizes that it is essential to build the leadership capacity necessary to turn around persistently low-achieving schools. The program will establish a school turnaround leadership academy with a focus on recruitment, training, placement and support of leaders specifically focused on turning around persistently low-achieving schools and dissemination of research and information on effective school turnaround leadership.

TEACHER PATHWAYS TO THE CLASSROOM

Title II, part B of the committee bill replaces the Transitions to Teaching program, which was targeted at programs preparing alternate route teachers, with the Teacher Pathways to the Classroom program, which is focused not on how teachers enter the classroom, but whether they are effective in teaching students. The most recent research indicates that the pathways to the classroom—whether it be a traditional, alternate route or residency model is not predictive of the teachers' success in the classroom; what matters is the quality of the preparation program. Indeed, a 2009 randomized study by Mathematica Policy Research found no statistically significant difference in performance between students of teachers prepared through alternate routes compared to those prepared through traditional routes to teaching.

Given this research, the committee believes that Federal funding should be provided to teacher preparation programs based on the quality of the teaching candidates it produces, as opposed to the characteristics of the teaching program itself. The competitive

grant program in this bill allows high-performing teacher preparation programs to compete for Federal funding to recruit and train new teachers in high-need subjects and fields to teach in high-need schools. High-quality traditional route programs will be able to compete on equal footing with alternate route programs with proven records of success, such as Teach for America and the Teaching Fellows programs operated by The New Teacher Project, as well as teacher residency programs with a strong record of producing candidates that increase student achievement.

Teacher of high-need subjects

The committee intends, in section 2201(b)(2), that State and LEAs have the flexibility to identify their local teaching and learning needs and use Federal funds accordingly. In defining mathematics and science as high-need subjects, the committee intends to include other STEM-related subjects, such as computer science, engineering and other related subjects.

TEACHER INCENTIVE FUND PROGRAM

The committee bill authorizes the Teacher Incentive Fund (TIF), a program that was first authorized in 2006 through title V, part D of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, but makes important changes to the program. The TIF program currently provides grants to States and LEAs to develop or improve performance-based compensation systems for teachers and principals. As an authorized program in ESEA, TIF will require that grantees also develop or improve rigorous, transparent and fair teacher and principal evaluation systems.

The committee strongly believes that the TIF program, as a competitive grant program, can lead the way in driving improvements in teacher and principal evaluation across States and LEAs. The Federal focus has shifted from qualifications to effectiveness, and the TIF program has been expanded to include teacher and principal evaluation accordingly to reflect this new and critical focus. Improving teacher and principal evaluation systems is the key to improving teaching practice and student learning and can be linked back to teacher preparation programs so that LEAs can make better decisions about which programs they partner with to hire teachers.

Grantees must develop teacher and principal evaluation systems based on a set of limited, but critical, parameters. These evaluation systems must provide meaningful feedback to teachers and principals; establish multiple categories of teacher and principal performance; evaluate teachers regularly using multiple measures; inform decisions about professional development; be regularly reviewed to ensure that the evaluations provide meaningful differentiation; and evaluators must be trained. The committee believes that, given the nascent state of evolution of teacher evaluation policy and practice, it is appropriate at this time to focus on using it to inform professional development, not personnel decisions. The committee is concerned first and foremost with encouraging States and LEAs to develop robust teacher evaluation systems that provide accurate information about teacher performance and guide improvement. The committee believes that requiring States and LEAs

to use this information for personnel decisions is premature and may result in some "gaming" of the system if there is too much pressure on it in its early stages of development.

The bill also specifies that, for teachers, evaluation systems must be based in significant part on student achievement; include observations of classroom teaching; and may include other measures of student achievement and teacher performance. For principals, evaluations must be based in significant part on student achievement and student outcomes (e.g., high school graduation rates); evidence of strong instructional leadership and support to teachers and other staff; and may include other measures of principal performance, such as parent and family engagement.

The committee believes strongly that incentivizing States and LEAs to implement rigorous teacher and principal evaluation systems tied to professional development is one of the most important policies in this bill that will improve teaching and school leadership across the country and lead to better student outcomes.

The committee also believes that the requirement in title II–A that States and LEAs that choose to use these funds for evaluation must meet the evaluation parameters laid out in TIF is significant. These parameters are critical to rigorous teacher and principal evaluation systems, and the Federal Government must promote alignment to these parameters not only in competitive grant programs like TIF but also, to the extent possible, in formula programs like title II, part A.

Title III: Language Instruction and Academic Content Instruction for English Learners and Immigrant Students

The changes reflected in title III are designed to better leverage funds to supplement the use of evidenced-based programs and practices, including professional development, to support the acquisition of English and the ability for English learners to graduate college- and career-ready. Key reforms include updating the formula used to allocate resources to more accurately provide resources to the school and LEAs serving English learners; requiring States to maintain existing investments in educational supports for English learners; and calling attention to long-term English learners to ensure that underserved students receive additional instructional supports. In order to allow for better service delivery to students at all levels of English proficiency, States and LEAs are encouraged to continue to monitor the progress of English learners throughout their school careers, including early childhood education and care settings and recognize the developmental nature of second language acquisition.

States are no longer required to assess progress according to established annual measurable achievement objectives, but they are still responsible for ensuring that English learners attain English proficiency and find ways to demonstrate such proficiency in core academic subjects.

This title also authorizes national projects, including partnerships to support the pursuit of advanced degrees for individuals and in fields that will support improved quality and increased access to programs designed to support the learning and development of English learners. It is the intent of these strategies to support capacity building efforts to identify and better disseminate effective

strategies for supporting the learning and development of English learners.

Title IV: Supporting Successful, Well-Rounded Students

IMPROVING LITERACY INSTRUCTION AND STUDENT ACHIEVEMENT

While reading remains one of the core academic subjects tested by States and LEAs, the committee is concerned that effective comprehensive literacy instruction is often not implemented well at both the State and local levels. Literacy is the cornerstone of all learning, and a literacy-rich environment is important for academic success. As such, it is the committee's desire to provide assistance for the meaningful implementation of effective literacy instruction articulated across the grades and across the curriculum. Data show that adequate reading and writing skills are correlated with on-time high school graduation. Yet data also show that only half of all 12th graders are ready for college level reading, with only 21 percent of African-American students prepared to read and write at a post-secondary level. To address these concerns, the committee believes the comprehensive birth to grade 12 approach and specific grade span targeting within the Improving Literacy Instruction and Student Achievement program will improve literacy instruction and thus increase college- and career-readiness and graduation rates for all students.

The new Improving Literacy Instruction and Student Achievement program responds to the clear need for literacy instruction and high quality support for students at all ages, development and grade levels. This legislation provides for high-quality literacy instruction that will help States strengthen the literacy skills of all students from birth through high school. The committee bill includes planning and implementation grants to States to implement comprehensive literacy instruction programs for children from birth to grade 12.

Grants to support local comprehensive literacy programs will be distributed to States by formula if the appropriation for this program exceeds $500 million (below this amount, grants are awarded to States competitively). States will then competitively distribute funds to LEAs and early childhood education providers. Funds will also be used to support State Literacy Leadership Teams to develop comprehensive, statewide strategies for improving literacy. States and LEAs will also be required to provide high-quality, research-based professional development opportunities for educators, including job-embedded support from literacy coaches. Overall States and LEAs will be supporting evidence-based practices to improve literacy and writing, including targeting students reading and writing below grade level.

Today, more than 6 million of America's middle and high school students are struggling readers. Therefore, this program not only focuses on literacy development in early childhood education and care programs and through the elementary grades, resources are also made available to middle- and high-school teachers to ensure they have the skills, knowledge, and support necessary to recognize and respond to the literacy needs of all students.

Additionally, the committee would like to clarify that eligible entities that receive subgrants in support of birth through kinder-

garten entry literacy may utilize funding to provide targeted instruction for children whose early literacy skills are below the appropriate age or developmental level as demonstrated by a screening assessment.

IMPROVING SCIENCE, TECHNOLOGY, ENGINEERING, AND MATH INSTRUCTION AND STUDENT ACHIEVEMENT

To ensure future competitiveness in the global economy, America requires a workforce highly skilled in science, technology, engineering and mathematics (STEM). Yet, our education efforts in these critical areas lag behind those of other advanced nations. The committee bill includes a new Improving Science, Technology, Engineering, and Math Instruction and Student Achievement program as part B of title IV that will improve student academic achievement in STEM by:

- Getting students engaged and excited about STEM subjects through high-quality instruction, opportunities to participate in STEM competitions, and exposure to STEM careers;
- Helping more students access high-quality STEM courses and learning opportunities;
- Improving the quality and effectiveness of classroom instruction by recruiting, training, and supporting excellent STEM teachers and providing robust tools and supports for students and teachers; and
- Closing student achievement gaps and preparing more students to be on track to college- and career-readiness and success in STEM subjects.

Grants will be distributed to States (alone or in partnership with other States, non-profit entities, institutions of higher education or educational service agencies) by formula if the annual appropriation exceeds $500 million; below this amount, grants will be awarded to States competitively.

The committee recognizes STEM education as a national priority in the country's elementary and secondary education system. For the purposes of this title, the committee would like to clarify that "STEM education" encompasses science, technology, engineering and mathematics as well as other academic subjects, such as computer science, that build on these disciplines, are important to scientific discovery, business and industry and that States identify as part of the State analysis required by section 4204(b)(1).

The committee recognizes the importance of increasing access for students who are members of groups underrepresented in STEM and requires that States describe how grant activities will increase access for such students. It is the intent of the committee that students who are members of underrepresented groups would include female students, minority students, students who are English language learners, children with disabilities, and students from low-income families.

IMPROVING ACCESS TO A WELL-ROUNDED EDUCATION

Current Federal approaches to enriching the curriculum have been in the form of separate, uncoordinated discretionary grant programs for individual academic subjects that had significant benefits for a relatively small number of LEAs that were able to successfully compete for funding. But these single-subject competitive

programs did not leverage broader change in State and local policies and practices in ways that considered all academic subjects offered, as a whole. Therefore, the committee adopted an amendment offered by Senator Casey to create the Increasing Access to a Well-Rounded Education program. This program will require applicants to provide access to a well-rounded curriculum by giving grants to States, in partnership with LEAs, educational service agencies, and non-profit organizations, to increase the access of low-income students to a well-rounded education. The grants will be distributed by formula when appropriations for the program reach $500 million, and will be awarded competitively below that. The committee bill eliminates a number of programs that promote instruction in a variety of subjects, including Arts in Education, Civics, Teaching American History, Economics Education, and the Foreign Language Assistance Program. This program will allow States to continue to build teacher capacity and increase the access of low-income students to a well-rounded education, including in the arts, physical education, financial literacy, health education, foreign languages, civics, history, and environmental literacy.

SUCCESSFUL, SAFE, AND HEALTHY STUDENTS

The committee believes that children should attend schools that are safe, drug-free and that foster positive learning environments.

As such, the committee bill authorizes the Successful, Safe, and Healthy Students program as part D of title IV, which will advance student achievement and positive child and youth development by promoting student health and wellness, preventing bullying and harassment, violence, and drug use, and fostering a positive school climate. States receiving grants must establish a statewide physical education requirement, and require all LEAs to put in place anti-bullying and harassment policies.

To support positive conditions for learning, States will receive funding to implement programs to promote student health, fitness, and mental health, and to prevent drug abuse and school violence. To support data-driven prevention and foster student success, the committee bill authorizes a minimum of $30 million for formula grants to help all States develop or enhance systems that will give local leaders the information they need to improve the conditions for learning in their schools and communities.

These data systems will provide to each State the support necessary to measure the conditions for learning in each school. Resources will also be available for grants to LEAs to establish policies and activities to improve the conditions for learning in each of their schools. This legislation gives States and LEAs the resources and opportunities to create safe, healthy schools that will enhance the academic achievement of students.

It is the committee's intent that the Successful, Safe and Healthy Students program will advance student achievement and promote the physical, mental, and emotional health of students throughout the Nation. Grants could support activities that reduce violence in schools, prevent bullying and harassment, help students make responsible choices about drugs, tobacco, and alcohol, and create positive school environments.

It is the committee's intent that grant funds provided by the Successful, Safe and Healthy Students program support the creation of

the essential conditions for learning in schools, including adequate physical activity, positive mental health, and safe environments. Those conditions include physical and emotional safety for both students and school personnel and promote positive character development in our youth. Schools with the essential conditions for learning also provide for opportunities for good nutrition, and are free of violence, harassment, and bullying. These schools are free of weapons and prevent the use and abuse of drugs and alcohol. The committee understands that students experience violence in many forms, including dating violence. It is the intention of the committee that funds allocated for violence prevention activities could include activities to reduce incidences of dating violence between students.

21ST CENTURY COMMUNITY LEARNING CENTERS

The committee recognizes that students, particularly those who are furthest behind, benefit from more time for learning. Programs that significantly increase the total number of hours in a regular school schedule can lead to gains in student academic achievement. Yet American students spend about 30 percent less time in school than students in other leading nations. Students in China, Japan, and South Korea who attend school 40 days more on average than American students significantly outperform American students in math and science.

As such, the committee bill gives eligible applicants the authority to apply for grants to fund (1) activities currently allowed under the program (before-school, after-school, and summer-learning programs); (2) school-based extended learning programs that are optional or for targeted groups of students; or (3) a redesign and expansion of the school day, week or year, for all students across all grades, to creatively integrate academic and enrichment strategies. The bill expands the current uses of the program to include expanded learning time because the committee believes that it is a separate, but related concept, in that the goal is to extend, rather than supplement learning time.

Additionally, the committee believes that evaluation data will yield valuable information on the models and their implementation. While the committee supported Senator Whitehouse's amendment to prohibit the U.S. Department of Education from prioritizing one model over the other, it emphasizes that this should not be construed to prohibit the Department from providing best practice information and technical assistance under the 21st Century Community Learning Centers program.

The committee believes that strong partnerships between schools and the community are an important aspect of this program. To make partnerships between community-based organizations and LEAs most effective, the committee believes partnerships between local education agencies, schools and community-based organizations should be marked by active collaboration, including the appropriate sharing of relevant student data among the schools and organizations, and any partnering entities, while complying with applicable laws relating to privacy and confidentiality. Additionally, while the committee supported Senator Whitehouse's amendment to clarify that either the LEA or the community partner could be the lead applicant and fiscal agent, the committee believes that

public agencies are important partners and suitable lead applicants and fiscal agents and intends to rectify this omission.

Finally, it is the committee's intent that funds provided under this section can be used for high quality mentoring activities. Mentoring programs based on scientifically valid research have shown to be a cost-effective strategy for improving academic performance, reducing dropout rates, preventing substance abuse, and promoting mental health and self-esteem.

PROMISE NEIGHBORHOODS

The committee believes, by authorizing the Promise Neighborhoods program, that communities can leverage Federal funds to design and implement a comprehensive pipeline of existing educational and community supports that fits their community's unique strengths and responds to their unique needs, with the goal of ensuring college- and career-readiness for all children in the neighborhood.

The committee bill requires grantees to combine high-quality education with community- and family-based supports, coordinating a continuum of services from birth through college to career. Research demonstrates that young people are more likely to succeed in school when their comprehensive needs are met. The committee's Promise Neighborhoods program would require grantees to provide high-quality early learning programs, effective family and community engagement, and better services for special populations; to leverage public and private sector support; and to coordinate the services and resources of local nonprofits, schools, health centers, universities, and foundations. It authorizes 5 year, renewable grants to ensure that communities scale up their services and support a new generation of educated workers.

Promise Neighborhoods Partnership Grants

The Partnership Grants program is intended to support grantees as they build continuums of care and is modeled after Harlem Children's Zone (HCZ) in New York City. The HCZ began as a single-block pilot in the 1990s and has since expanded to 96 blocks, covering most of Harlem. Today HCZ operates two charter schools and leverages a wide range of public, nonprofit, and philanthropic funds to provide wrap-around services to over 10,000 youth and about the same number of adults each year. The committee recognizes that, although HCZ has been successful, Federal funds and direction were not the cause. To replicate this work in other eligible neighborhoods will require local community leaders to combine available Federal resources with private, State, and local funding. Thus, the program includes a significant matching-funds requirement.

As they offer pipeline services, as defined in the committee bill, the committee anticipates a wide range of working arrangements in the Promise Neighborhoods Partnerships Grants in subpart 1, with different roles and responsibilities carried out by community-based organizations (CBOs) and LEAs in different applications, though all eligible entities must include an LEA in partnership with at least one nonprofit. The requirement for partnership in application exists because: (1) the performance metrics for the program are intended to span the full continuum of care; (2) the education-reform aspects of the Promise Neighborhoods program can

be carried out most effectively with local schools as a willing partner.

The services grantees would coordinate are all directed toward giving all children in the neighborhood the skills they need to succeed in school, college, and careers. Grantees can use funds to coordinate existing services including:

- pre-natal education and support for expectant parents;
- high-quality childhood education and care and education opportunities, including by strengthening the early care workforce in the neighborhood and improving data systems;
- high-quality schools and before- and after-school programs;
- support for the transition to elementary school, between elementary school and middle school, and from middle school to high school;
- family and community supports;
- college- and career-readiness activities, such as help with the college admissions process; and

However, the committee does not intend for grantees to be required to track or provide assistance to participants throughout their careers.

Subpart 2: Promise School Grants

The Promise School Grants described in subpart 2 are intended to support partnerships as they create continuums of care revolving around schools in poor communities. As with the Partnership Grants, the committee anticipates a wide range of working arrangements in the Promise School Grants. These are school-centered grants, though the number of schools initially included in the applicant's plan will vary consistent with the requirement to provide sufficient size and scope to serve the entire neighborhood. The extent to which pipeline services will be located in or provided at the school may also vary, especially in the case of applications led by charter schools that are their own LEA. However, the committee intends for Promise School grantees to ensure the sustainability of the programs they offer and consider ways to expand the area served over time. The committee anticipates that LEAs leading Promise School applications will have a successful record of partnership with CBOs; other Federal, State, and local agencies; and local employers or philanthropies. The committee encourages LEAs applying for Promise School grants to see them as an opportunity for transformation rooted in a distressed neighborhood that may catalyze partnerships and systemic reform throughout the LEA.

Performance metrics

The committee bill requires the Secretary to establish performance metrics for both grant programs. The committee intends for any such metrics to span the continuum of care, from prenatal care and parent education to college entry and retention; to hold grantees accountable for successful transitions, such as by tracking rates of kindergarten readiness or through the use of early warning indicators in the middle grades; and to encompass measures of community partnership and family engagement, such as the percent of parents and family members who participate in school events or the number of local businesses engaged by partnerships.

The committee, in authorizing Promise Neighborhoods, recognizes that many communities struggle to align resources to create the pipeline services envisioned under this program, but believes that successful examples—such as HCZ or the hundreds of community schools located around the Nation provide guidance on successful implementations and can be instructive to other communities as they consider applying for these grants. As such, great emphasis is placed on applicants seeking and securing non-Federal and non-public funds in applying for this grant, as well as a full accounting of the services that already exist that can be aligned with grantee goals. The Federal investment should not be viewed as the driver of the services envisioned under this program, but a contributor and catalyst for communities to take stock of their existing resources and deploy them in a coherent, comprehensive way.

PARENT AND FAMILY INFORMATION AND RESOURCE CENTERS

Renamed Parent and Family Information and Resource Centers (PFIRCs) to acknowledge the role that both parents and non-custodial family members play in supporting children's educational progress, the committee bill narrows the program's goals and functions to supporting States. PFIRCs are also required to help support the community of practice related to effective parent and family engagement strategies, and to work, to a lesser extent, with LEAs, schools, parents, family members, and community members. The bill requires PFIRCs to engage in a selection of high-impact activities, such as supporting States as they work with high-need LEAs to improve their local parent and family engagement plans, providing parent institutes or other leadership training for low-income families, and coordinating parent and family engagement strategies statewide. Grantees also must now meet performance goals to receive continued funding and be eligible for future competitions.

It is the committee's intent that, while applications for grants from consortia consisting of nonprofit organizations (including statewide organizations) and State or LEAs are welcome, the nonprofit organization is to serve as the fiscal agent.

PROGRAMS OF NATIONAL SIGNIFICANCE

The committee notes that while many programs in this act are targeted at the State level, certain national providers can also play a role by employing an infrastructure that reaches across State lines. The committee bill authorizes grants to State, LEAs, institutions of higher education, or other public and private non-profit agencies, organizations, and institutions to carry out programs to increase students' college- and career-readiness, to improve instruction, and to invest in activities that improve student achievement in a variety of domains and subjects. The committee notes that, in the past, award recipients with similar capabilities as those sought under the Programs of National Significance have been funded through congressionally directed, earmarked spending. The Program of National Significance's funds are not an opportunity for these traditionally specified groups to continue dedicated funding, but an opportunity for other groups of similar missions and capabilities to apply and receive funding through the competitive process.

Title V: Promoting Informed Parental Choice and Innovative Programs

RACE TO THE TOP

The committee believes that the Race to the Top program, part A of title V, has shown promising results in bringing State and local leaders together to address education reforms. To build upon this promise and build toward meaningful reform, this act authorizes a new competitive grant program to incentivize comprehensive reforms and innovative strategies that are designed to lead to improved academic achievement for all students. Each year that funds are available, the Secretary will choose at least one priority from among the following critical educational goals for each competition:

- increasing the access of children from low-income families to highly rated teachers and school leaders, including by developing and implementing a teacher and principal evaluation system;
- strengthening the availability and use of high-quality and timely data to improve instructional practices, policies, and student outcomes;
- implementing college- and career-ready academic standards and strategies that translate such standards into classroom practice;
- turning around the schools served by the lowest performing schools;
- supporting successful conditions for the creation, expansion, and replication of high-performing public and autonomous charter schools that serve students from low-income families;
- providing equitable resources to high-poverty schools; and
- improving school readiness by increasing access of children from low-income families to high-quality early learning programs and creating an integrated system of high-quality early learning programs and services.

As with the funding priorities, the Secretary will also choose what entities will be eligible for each year's competition. Eligible entities may include States, high-need LEAs and consortia of either, on the basis of their record of innovation and reform, the quality of their plan, and evidence of collaboration, among others. The application review and selection process must be equitable and transparent, and priority will be granted to rural high-need LEAs or consortia, as well as any eligible entity that provides a full-day, full-year kindergarten program to all kindergarten students, or to all kindergarten students from low-income families. The duration of the grants will be up to 4 years and continued funding will be conditional upon the grantees' demonstrated progress in implementing their plans for reaching the performance targets and their objectives on time.

The committee believes that Race to the Top applications from States and consortia of States must be signed by each State's Governor, the State's chief school officer, and the president of the State board of education (if applicable). For any grant competition with the goal of improving early childhood education and care, States and consortia of States can award subgrants only to public or private nonprofit agencies and organizations; however, it is the committee's intent that any public or private early childhood education

program, as defined in the Higher Education Opportunity Act (P.L. 110–315), is eligible to receive funds from such subgrants for activities consistent with any purpose included in the eligible entity's plan described in section 5104(a)(3).

INVESTING IN INNOVATION

The Investing in Innovation program, part B of title V, was initially authorized under the American Recovery and Reinvestment Act. In codifying and building upon the program, the committee recognizes the importance of expanding the implementation of, and investment in, innovative practices with a demonstrated impact on improving student achievement, closing achievement gaps, increasing high school graduation rates, improving teacher and school leader effectiveness, or improving school readiness. In including a set-aside for rural LEAs the committee recognizes the unique needs of such LEAs and intends to ensure the development of innovative practices targeted toward their needs.

PUBLIC CHARTER SCHOOLS

The Federal charter schools program, part D of title V, has been an instrumental complement to the State and local development of innovative and successful public school models across the Nation. In this act, the program is updated to reflect lessons learned since the last reauthorization and to address the overwhelming demand, as evidenced by growing waiting lists, for the expansion and replication of high-performing charter schools. The program provides 85 percent of funding for the charter school grants and 15 percent for charter school facilities.

The committee believes that Federal charter school dollars should fund high-performing charter schools, ensuring that scarce resources support schools that raise student academic achievement. With a focus on improving the quality of the sector and investing in proven models of success, the charter school grants program will support the creation, expansion, and replication of high-performing charter schools through competitive grants to States, LEAs, authorizers, and charter management organizations.

The definition of a "high-performing charter school" requires applicants to have goals that are higher (new schools) or results that are significantly higher (existing schools) than demographically similar schools in the State for all students and for subgroups of students in student academic achievement and growth, consistent with section 1111, and in the case of a high school, graduation rates and college enrollment and persistence. The definition also requires such charter schools to have similar or higher student retention rates. A minimum of 65 percent of funds available for the charter school grants must be awarded to States. It is the committee's belief that States are ultimately responsible for authorizing charter schools and, as the recipient of the Charter Schools Program funds, still provide the innovative approaches to chartering that can inform best practices in other States. Grants will be awarded for an initial period of 3 years, and may be renewed for an additional 2 years if the grantee is making satisfactory progress in meeting the grant's objectives.

To ensure that limited Federal resources are targeted to charter schools with a commitment to, or a record of, strong academic re-

sults, the reauthorized program requires high goals of student academic achievement for all student subgroups and meaningful community outreach to parents and families. It also incentivizes sound State policies for supporting charter schools but also for overseeing, monitoring and holding them accountable; promotes strong performance-based authorizing policies that are transparent and effective in closing down unsuccessful schools, and ensures that charter schools ensure equitable access to, and effectively serve the needs of, students with disabilities and English Learners. Priority will be granted to applicants that propose to serve students from low-income families.

The legislation establishes rigorous application requirements and selection criteria, with an emphasis on authorizing. For example, the selection process must examine the applicant's record of closing low-performing charter schools and the State's requirements for, and enforcement of, high-quality standards for charter school authorizers, including standards for rigorous and periodic reviews. Priority is given to States that ensure that all charters get a thorough review at least every 5 years.

The committee encourages the enrollment of students with disabilities and English language learners in charter schools and, recognizing the under-enrollment of such students in charter schools nationally, seeks to ensure that charter schools are accessible to all students on an equitable basis. To this end, the legislation includes critical provisions so students with disabilities and English learners are served effectively by charter schools. In addition to subgroup performance contract goals, the legislation requires all applicants to describe how they will ensure that each charter school provides equitable access and effectively serves the needs of all students, including children with disabilities and English learners, and implements outreach and recruitment practices that include families of such students. In addition, the selection process must examine the quality of the application for supporting charter schools, through such activities as technical assistance, to improve student academic achievement and growth for each subgroup and to promote effective outreach to, and recruitment of, students with disabilities and English learners, and their parents and families. The legislation also requires that grantees provide support and technical assistance in effectively serving the needs of students with disabilities and English learners, implement outreach and recruitment practices that includes their families of students who are children with disabilities and English learners, and directly, or through a partnership with a nonprofit, develop and implement parent, family, and student information, outreach, and recruitment programs to provide information and support to parents, families, and students about the public school choice options available to them. Overall, this legislation reflects the committee's commitment that students with disabilities and English language learners have equal access to high-performing charter schools.

The charter school facilities program will support eligible entities to improve access to facilities and facilities financing for high-performing charter schools and assist them in addressing the cost of acquiring, constructing, and renovating facilities. Eligible entities include States, LEAs, nonprofit organizations, State financing authorities, or a consortium of such entities. Competitive grants will

be made for innovative facilities financing programs, including credit enhancement, open-facilities-access programs, making available renovated or adapted space, leveraging State and local facilities funding, and State per-pupil facilities aid programs. At least 65 percent of the funds must be expended for credit enhancement grants.

Title VI: Promoting Flexibility; Rural Education

The committee recognizes the Federal Government's declining capacity to maintain historically high levels of education funding. It further recognizes the challenges LEAs face in using the current Federal funding for their own unique, LEA-specific needs with specific requirements under each Federal formula grant program. ESERA builds upon the current law transferability provisions allowing LEAs to transfer as much as 100 percent of funding between ESERA formula grant programs. The committee maintains current law restrictions on moving funding out of certain formula funds, but updated to place restrictions on moving funds out of titles I, III, VII, or VIII.

The committee, recognizing the continued unique challenges facing rural LEAs reauthorizes the Rural Education Achievement Program (REAP), with changes. Since the 2000 Decennial Census, improvements have been made to the geocoding technology necessary to more accurately determine which areas are rural and which areas are urban based upon proximity to metropolitan areas, rather than on population figures alone. Technological advancements as well as further work in accurately determining rural areas of the country by the Office of Management and Budget (OMB) provides greater confidence to the committee that rural education program funds will be better targeted and focused on truly rural areas, far from urban and metropolitan fringes.

Of significance, the committee updated the locale codes to 33 (territory 35 miles away from an urban cluster), 41 (Census territory that is less than or equal to 5 miles from an urbanized area, as well as rural territory that is less than or equal to 2.5 miles from an urban cluster), 42 (Census territory that is more than 5 miles but less than or equal to 25 miles from an urbanized area, and rural territory that is more than 2.5 miles but less than or equal to 10 miles from an urban cluster), and 43 (Census rural territory that is more than 25 miles from an urbanized area and is almost more than 10 miles from an urban cluster).

Further, the committee provided flexibility for LEAs that qualify both for the Rural Low-Income Schools (RLIS) and Small Rural School Achievement (SRSA) programs by providing LEAs the option of choosing the program for which they would prefer to receive funding.

Title VII: Indian, Native Hawaiian, and Alaska Native Education

The changes reflected in title VII of the committee bill are designed to better focus the use of *funds on programs and activities that meet the unique cultural, language, and educational needs of American Indian students to ensure that such students graduate college- and career-ready.*

Key reforms included in this reauthorization include additional flexibility to enable tribes and tribal educational agencies more authority over the education and development of Native students; a focus on the provision of high quality early childhood education and care services to ensure that children begin school ready to learn and recognition of the critical role tribal leaders can play in the education and development of Native students.

This title authorizes the use of funds to support the preservation, reclamation and restoration of Native languages, acknowledging the role that these practices can have in supporting the academic achievement and also directs the Secretary of Education and the Director of the Bureau of Indian Education to conduct a study to improve collaboration among these two entities to better support the provision of educational services to tribes and Native students. Recognizing the challenges facing Native students and communities, it is the committee's intent that these improvements strengthen collaboration between the Department of Education and the Bureau of Indian Education in ways that recognize and preserve tribal sovereignty and that support student achievement and development.

Improvements made to Part B are designed to better focus the Native Hawaiian Education Council's efforts on addressing the education and workforce needs of Native Hawaiian students through redesigning the composition of the Native Hawaiian Education Council and refocusing its purpose to ensure proper coordination of educational and related services and programs available to Native Hawaiian students.

The committee adopted an amendment offered by Senator Murkowski to part C that is designed to leverage existing assets in Alaska to improve academic achievement as well as college- and career-readiness.

Title VIII: Impact Aid

ESERA makes significant changes to the Impact Aid program. First, the committee removed the overly complicated "highest and best uses" standard for identifying and then calculating the tax assessment classifications of taxable adjacent property. In exchange, the committee supports a simplified calculation based upon the total taxable value of property within the local education agency by then multiplying that value by the federally impacted acreage.

The committee also added language to support the transition of consolidated LEAs related to their eligibility for the Impact Aid program.

Finally, the committee adds language within section 8010 requiring the Secretary of Education to pay LEAs the full amount that the agency is eligible to receive for a fiscal year by September 30th of the following fiscal year for which the payment is based.

Title IX: General Provisions

DEFINITIONS

ESERA contains several new definitions, the most notable of which are discussed below.

The committee bill modifies the definition of "Advanced Placement or International Baccalaureate" to provide potentially more

options for States and LEAs in achieving the goals of college- and career-readiness by allowing them to choose another evidence-based program model. The committee bill incorporates language enacted by Congress in the America COMPETES Act of 2007 and maintained in the reauthorization of that act in 2010 [Sec. 6122(1)(B)]. With these provisions, Congress has already acknowledged much advancement from evidence-based program models showing large increases in academic success for students who had access to rigorous high school core courses benchmarked to college readiness.

The updated definition of a "Charter School" requires charter schools to have independent governance and significant autonomy in the areas of management, personnel, budget, schedule, and instructional program; allows charter schools to provide early childhood education and care or adult education; requires charter schools to comply with Title II of the Americans with Disabilities Act of 1990; provides an exception to the lottery requirement under the restart strategy and school closure strategy under section 1116(c)(6)(B); requires charter schools to comply instead of just agreeing to comply with the same Federal and State audit requirements as do other elementary schools; and requires a charter school to have a performance contract that uses school-wide and subgroup student academic achievement and growth, consistent with section 1111, as a primary factor in decisions about the renewal or revocation of the charter, and describes the obligations and responsibilities of the charter school and the charter school authorizer, as well as the autonomy granted to the charter school.

The committee has established the new term "Conditions for Learning", which describes school factors that advance student achievement and positive child and youth development. This bill-wide definition allows for a more cross-cutting use of the term.

The committee renamed "Family Literacy Services", "Family Literacy Activities", and also added a new subparagraph that acknowledges the link between parents receiving family literacy instruction and their capacity for supporting their children's learning needs. The committee also added a definition of "Family Member," used in sections 1111 and 1118 and part G of title IV to acknowledge the important role that noncustodial family members and other caring adults (whether mentors, tutors, afterschool providers, or other community members involved in education) play in the lives of children.

The committee bill creates a new bill-wide definition for "High-Need Local Education Agency" as a number of programs in the bill require a focus on students attending schools in these LEAs. This definition uses population and poverty as determining factors. The term is currently only defined in Title II of ESEA in the Teacher and Principal Training program (based on poverty and teachers in certain subjects) and in the Educational Technology program (based on poverty and need for technology.)

The committee renamed "Pupil Services Personnel" "Specialized Instructional Support Personnel" and expanded the definition to include school nurses. In doing so, the committee wishes to recognize the critical link to school success that school nurses play for many students.

UNSAFE SCHOOL CHOICE OPTION

The committee has amended the Unsafe School Choice Policy. The previous reauthorization of this act required each State to identify "persistently dangerous" schools, as defined by the State, and allow students attending such schools to transfer to a school determined as "safe" by the State. The committee holds that, though well-intentioned, the "persistently dangerous" designation did not result in increases in school safety. Rather, in many cases it created disincentives for schools to accurately report data on violent criminal incidents. The committee has eliminated the "persistently dangerous" designation, while maintaining a provision allowing students who become victims of violent criminal offenses to transfer to a "safe" school, and including a new provision allowing students who are threatened with a violent criminal offense to do the same. This change empowers students and families to make educational choices based on their own experiences of school safety, and removes disincentives for schools to accurately report violent incident data.

EVALUATION AUTHORITY

The committee intends for all authorized programs under this act to be evaluated in a rigorous manner through the Institute of Education Science under the guidance of the Director and in consultation with the appropriate programmatic staff in the Department of Education. The committee recognizes evaluation of programs intended to serve a broad range of students as comprehensively as possible is sometimes in conflict with the most rigorous methodologies for determining program effectiveness. The committee's intent in setting aside funds for evaluation, under the evaluation authority in part F of title IX, is to create program evaluations designed to allow for conclusions to be made regarding the programs' effectiveness and whether the investment of limited Federal dollars is still merited for programs that have not met program expectations. While experimental and quasi-experimental designs are preferred, the committee recognizes that those designs are sometimes impractical and alternatives need to be used. The committee's intent is for the Director of the Institute of Education Science to conduct program evaluations with the strongest possible design to provide researchers and policymakers with reliable and valid information upon which future decisions can be made regarding the effectiveness of the programs under this act.

Title X: Commission on Effective Regulation and Assessment Systems for Public Schools

The committee adopted an amendment offered by Senator Bennet to establish a Commission on Effective Regulation and Assessment Systems for Public Schools. The Commission will: (1) examine the regulatory requirements on elementary and secondary education at the Federal, State, and local levels; (2) make recommendations on how to align and improve requirements in such regulations; (3) examine the quality and purpose of current requirements; and (4) make recommendations to improve and align assessment systems to provide meaningful information and improve student achievement, teacher performance, and innovation.

Title XI: Amendments to Other Laws & Miscellaneous Provisions

HOMELESS EDUCATION (MCKINNEY-VENTO HOMELESS ASSISTANCE ACT)

The committee recognizes the unique challenges to academic achievement faced by the growing population of homeless students. In the 2009–10 school year, public schools enrolled 939,903 homeless children and youth—a 38 percent increase since the 2006–07 school year. The McKinney-Vento Homeless Education Reauthorization Act of 2011, Title X of ESERA, helps these vulnerable children and youth become college- and career-ready by removing barriers to their identification, enrollment, attendance, and success in school. The amendments build on current law to enhance school stability and access to educational opportunities. The committee acknowledges the special difficulties of unaccompanied homeless youth, who struggle to obtain an education without a parent or a home. The bill includes provisions to ensure that these youth are enrolled in school, able to earn credits, and informed of their status as independent students for financial aid. Young children who are homeless also face unique barriers to accessing early childhood programs; the committee adopted provisions to ensure that these children are identified and prioritized for enrollment in public preschool programs. Further, to ensure uninterrupted education, the committee clarified that, in the case of a dispute, homeless children and youth must remain enrolled in school until the final resolution of the dispute.

Amendments to title I, part A, make permissible the use of title I funds for transportation to assist homeless children and youth to stay in their school of origin, thus providing greater flexibility to LEAs on how title I reservations for homeless students may be spent.

ARPA–ED

The committee adopted an amendment offered by Senator Bennet to establish the Advanced Research Projects Agency—Education (ARPA–ED). The entity is modeled after the Defense Advanced Research Projects Agency (DARPA), which makes investments in high-risk, high-return research and development (R&D). It is the committee's belief that ARPA–ED will have a similar capability to accelerate transformative innovation in education and learning.

IV. Regulatory Impact Statement

The committee has determined there will be reduced demands upon States, local educational agencies, and other recipients of ESEA funds, due largely to the more targeted accountability features and reduced number of programs contained in the Elementary and Secondary Education Reauthorization Act (ESERA).

ESERA requires States to adopt college- and career-ready academic content standards, and assessments tied to those standards. Many States have already undertaken this work. ESERA maintains the No Child Left Behind (NCLB) Act's requirement that all public school students in grades 3 through 8 be tested annually in mathematics and reading. ESERA also maintains requirements

that States participate in annual State assessments under the National Assessment of Educational Progress (NAEP) in 4th and 8th grade mathematics and reading and issue annual report cards that include assessment and student achievement information.

With regard to the title I accountability system, ESERA limits federally prescribed interventions to the lowest performing 5 percent of schools in a State, and an additional 5 percent of schools with large subgroup achievement gaps. In contrast, NCLB required interventions in all schools that were not making adequate yearly progress.

In general, recipients of ESEA funds will be expected to use those funds on programs which have proven to be effective in improving student achievement and performance and in meeting other program objectives. The committee believes that it is appropriate to demand results and accountability in exchange for Federal investments in programs authorized under the Elementary and Secondary Education Act. However, in this reauthorization the committee has sought to target Federal mandates to those areas that the implementation of NCLB has shown are effective.

Finally, ESERA cuts the number of programs in ESEA and consolidates many into broader program authorities. This program consolidation is expected to reduce the administrative time and expense involved in developing, processing, and awarding separate grants—and to result in funding applicants with more capacity to efficiently and effectively carry out grant activities. ESERA also maintains the authority for small, rural school districts to combine funds from several separate formula grant programs and apply these funds toward local initiatives designed to improve student achievement.

V. Application of Law to the Legislative Branch

The committee bill reauthorizes and amends the Elementary and Secondary Education Act of 1965 to continue programs primarily offering assistance to States and local educational agencies on behalf of elementary and secondary school students and teachers and, as such, has no application to the legislative branch.

VI. Cost Estimate

U.S. Congress,
Congressional Budget Office,
Washington, DC, March 15, 2012.

Hon. Tom Harkin,
Chairman, Committee on Health, Education, Labor, and Pensions, U.S. Senate, Washington, DC.

Dear Mr. Chairman: The Congressional Budget Office has prepared the enclosed revised cost estimate for the Elementary and Secondary Education Reauthorization Act of 2011. This estimate supersedes the cost estimate transmitted on January 4, 2012. In that earlier estimate, CBO failed to identify a private-sector mandate contained in the bill. This revised estimate corrects that error. However, there is no change in the estimated cost of the bill to the Federal Government.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Justin Humphrey.

Sincerely,

DOUGLAS W. ELMENDORF,
Director.

Enclosure.

S. 3578—Elementary and Secondary Education Reauthorization Act of 2011

Summary: The bill would amend and reauthorize most programs in the Elementary and Secondary Education Act of 1965 (the ESEA, commonly referred to, in its most recently reauthorized form, as No Child Left Behind). The underlying authorizations for all of those programs have expired, although most have been reauthorized annually through appropriations legislation. For almost all of the programs, the bill would authorize the appropriation of such sums as may be necessary for fiscal years 2012 through 2016. (These authorizations would automatically be extended 1 ear through 2017, under the General Education Provisions Act.) The bill also would amend and reauthorize the McKinney-Vento Homeless Assistance Act.

CBO estimates that implementing the bill would have discretionary costs of $97.0 billion over the 2012–16 period, assuming the appropriation of the necessary amounts. Those costs reflect spending from newly authorized funding of $25.6 billion in 2012, rising to $26.5 billion in 2016. The Congress recently cleared the Consolidated Appropriations Act, 2012, however, including funding totaling about $25 billion in the current year for activities similar to those that would be authorized by this bill. Thus, implementing the bill would require only small additional funding for the current year.

Enacting the bill also would increase direct spending by $8 million over the 2012–21 period; therefore, pay-as-you-go procedures apply. Enacting the bill would not affect revenues.

The bill contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on State, local, or tribal governments. Those governments would benefit from grants authorized in the bill for elementary and secondary education. Any costs associated with those grants would be incurred voluntarily as a result of complying with conditions of Federal assistance.

The bill would impose a private-sector mandate, as defined in UMRA, on parents and guardians of unaccompanied youth by shielding schools from liability that might result from enrolling unaccompanied youth without parental or guardian consent. CBO expects that the costs of the mandate would not exceed the annual threshold established in UMRA for private-sector mandates ($146 million in 2012, adjusted annually for inflation).

Estimated cost to the Federal Government: The estimated budgetary impact of the bill is shown in the following table. The costs of this legislation fall within budget functions 050 (national defense) and 500 (education, training, employment, and social services).

	By fiscal year, in millions of dollars—					
	2012	2013	2014	2015	2016	2012–16
CHANGES IN DIRECT SPENDING [a]						
Federal Student Loan and TEACH Grant Programs:						
Estimated Budget Authority	1	*	*	1	1	3
Estimated Outlays	1	*	*	1	1	3
CHANGES IN SPENDING SUBJECT TO APPROPRIATION						
Title I: Improving the Academic Achievement of the Disadvantaged:						
Estimated Authorization Level	16,121	16,360	16,380	16,417	16,469	81,746
Estimated Outlays	322	12,579	15,663	16,367	16,409	61,339
Title II: Supporting Excellent Teachers and Principals:						
Estimated Authorization Level	3,206	3,253	3,300	3,350	3,407	16,517
Estimated Outlays	64	1,924	2,915	3,278	3,327	11,508
Title III: Language Instruction for English Learners and Immigrant Students:						
Estimated Authorization Level	743	754	765	777	790	3,831
Estimated Outlays	7	468	698	731	742	2,647
Title IV: Supporting successful, Well-Rounded Students:						
Estimated Authorization Level	2,384	2,419	2,455	2,492	2,535	12,284
Estimated Outlays	48	1,431	2,167	2,438	2,474	8,558
Title V: Promoting Innovation:						
Estimated Authorization Level	1,273	1,292	1,311	1,331	1,353	6,559
Estimated Outlays	13	802	1,196	1,252	1,271	4,533
Title VI: Promoting Flexibility; Rural Education:						
Estimated Authorization Level	177	179	182	185	188	910
Estimated Outlays	4	106	161	181	183	634
Title VII: Indian, Native Hawaiian and Alaska Native Education:						
Estimated Authorization Level	254	257	261	265	270	1,307
Estimated Outlays	5	223	247	256	260	990
Title VIII: Impact Aid:						
Estimated Authorization Level	1,289	1,308	1,328	1,348	1,371	6,644
Estimated Outlays	1,160	1,203	1,324	1,344	1,367	6,399
Title X: Committee on Effective Regulation and Assessments of Systems for Public Schools:						
Estimated Authorization Level	1	1	1	1	1	5
Estimated Outlays	*	1	1	1	1	4
Title XI: Amendments to Other Laws; Miscellaneous Provisions:						
Estimated Authorization Level	120	121	123	125	127	616
Estimated Outlays	2	72	109	122	124	429
Total Increase in Discretionary Spending						
Estimated Authorization Level	25,567	25,945	26,106	26,291	26,511	130,420
Estimated Outlays	1,626	18,810	24,480	25,968	26,158	97,042

Notes: Some programs received advance appropriations for fiscal year 2013. CBO does not assume advance appropriations in its estimates.
* = less than $500,000.
[a] CBO estimates that enacting the bill would increase direct spending by $8 million over the 2012–21 period.

Basis of estimate: Unless otherwise noted, the bill would authorize the appropriation of such sums as may be necessary for each of fiscal years 2012 through 2016 for programs discussed below. Those authorizations would automatically be extended 1 year, through 2017, under the General Education Provisions Act.) Estimated authorization levels are based on the funding levels for 2011 for the same or similar programs or, for some new programs the level of funding proposed in the President's fiscal year 2012 budget request. For this estimate, CBO assumes that the bill will be enacted in the spring of 2012, that Congress will appropriate the estimated amounts, and that spending will follow historical patterns.

Direct spending

The bill would amend the definition of a highly qualified teacher and the measurement used to determine the level of poverty in school districts. The Department of Education uses both of those definitions to determine eligibility for both forgiveness of Federal student loan debt for teachers and the TEACH Grant program. Expanding those definitions would increase eligibility for both programs. CBO estimates that those changes would increase direct spending by a negligible amount in the TEACH Grant program and by $8 million in the Federal Student loan programs over the 2011–21 period.

Spending subject to appropriation

On the basis of appropriations provided in 2011 for existing programs and requested funding proposed by the President for new programs, CBO estimates that fully funding authorizations in this bill would require appropriations $25.6 billion to $26.5 billion a year over the period of authorization (2012–17). In comparison, funding for existing or similar activities in 2011 and 2012 totaled more than $25 billion in each year. As a result, most of the funding that the bill would authorize for fiscal year 2012 has already been appropriated in the Consolidated Appropriations Act, 2012.

Title I—Improving the Academic Achievement of the Disadvantaged. Title I of the bill would reauthorize funding for most programs in title I of the Elementary and secondary Education act as well as create new grant programs designed to support secondary school reform. CBO estimates that implementing this title would require $16.1 billion in funding for fiscal year 2012 and would lead to discretionary costs of $61.3 billion over the 2012–16 period, assuming the appropriation of the estimated amounts. The bill would authorize the appropriation of the following amounts:

• *Part A—Improving Basic Programs Operated by Local Educational Agencies.* Part A would reauthorize funding for grants to local education agencies, school improvement grants, various assessments of education progress, and administrative support. CBO estimates the authorization of appropriations would total $15.6 billion for all of part A and about $14.5 billion for grants to local educational agencies in fiscal year 2012 and similar amounts (with adjustments for anticipated inflation) in subsequent years. Implementing those provisions would cost $59.3 billion over the 2012–16 period. The bulk of the spending, $55.1 billion, would be for grants to local education agencies. Funding for grants for local education agencies totaled about $14.5 billion in fiscal years 2011 and 2012.

• *Part B—Pathways to College.* Part B would create a new set of grant programs to encourage school districts to implement strategies in secondary schools to prepare students for colleges and careers. The bill also would expand the program that currently supports grants to Advanced Placement programs to include International Baccalaureate programs. CBO estimates that this part would authorize the appropriation of almost $90 million for fiscal year 2012 and additional amounts in subsequent years. We estimate that implementing those provisions would cost about $300 million over the 2012–16 period.

• *Part C—Education of Migratory Children.* Part C would make changes to programs that support the education of children of mi-

grant workers. CBO estimates the bill would authorize the appropriation of almost $400 million in fiscal year 2012, leading to estimated discretionary spending of $1.5 billion over the 2012–16 period. Funding for the education of children of migrants totaled almost $400 million in fiscal years 2011 and 2012.

• *Part D—Prevention and Intervention Programs for Children and Youth Who are Neglected, Delinquent, or At-Risk.* Part D would reauthorize programs that support the education of at-risk children. CBO estimates the bill would authorize the appropriation of approximately $50 million in fiscal year 2012. Implementing Part D would cost about $200 million over the 2012–16 period. funding totaled almost $50 million for at-risk children for fiscal years 2011 and 2012.

• *Part E—Educational Stability of Children in Foster Care.* Part E would require that State education agencies that receive funding under this title coordinate with the responsible agencies when children in foster care programs move to different school attendance areas. CBO estimates that Part E would have no impact on Federal spending.

Title II—Supporting Excellent Teachers and Principles. Title II would reauthorize grant programs designed to support teacher training and improvement. CBO estimates that the bill would authorize the appropriation of $3.2 billion for those activities in fiscal dyer 2012 and $16.5 billion over the 2012–16 period. We estimate that fully funding those activities would cost $11.5 billion over the 2012–16 period, assuming the appropriation of the estimated amounts.

• *Part A—Continuous Improvement and Support for Teachers and Principles.* Part A would reauthorize the State grant program for improving teacher quality. CBO estimates the bill would authorize the appropriation of $2.5 billion for those grants for fiscal year 2012, and that outlays would total $9.0 billion over the 2012–16 period. Funding for those grants totaled about $2.5 billion fiscal years 2011 and 2012.

• *Part B—Teacher Pathways to the Classroom.* Under part B, the bill would authorize funding for grants between partnerships of institutions of higher education and State or local education agencies to support the recruitment and retention of teachers in high-need subjects at high-need schools. Those new grants would replace and existing program that provides grants specifically for mathematics and science partnerships, which received $175 million in funding for fiscal year 2011. CBO estimates this provision would have discretionary costs of more than $600 million over the 2012–16 period.

• *Part C—Teacher Incentive Fund Program.* Part C would reauthorize the Teacher Incentive Fund, which supports grants to local educational agencies and other organizations to develop and implement performance-based teacher and principal compensation systems in high-need schools.[1] CBO estimates that this provision would authorize the appropriation of about $400 million for fiscal year 2012 and have discretionary costs of $1.5 billion over the

[1] The Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2006 (P.L. 109–149) originally authorized the Teacher Incentive Fund under the authority granted in the ESEA in Subpart I, of Part D of Title V, Fund for the Improvement of Education—Programs of National Significance.

2012–16 period. The Teacher Incentive Fund received almost $400 million in fiscal year 2011 and $300 million in fiscal year 2012.

• *Part D—Achievement Through Technology and Innovation.* Additionally, part D would revise the current formula grants for the Enhancing Education Through Technology program with competitive and formula grants to improve teaching and learning through technology. CBO estimates that implementing this provision would cost about $400 million over the 2012–16 period. No funding was provided for part D in fiscal year 2011. In fiscal year 2010, education technology programs included under Part D of this legislation received $100 million.

• *Additional Changes.* The bill also would make additional changes to programs currently in Title II of the ESEA. For example, it would move the Ready to Learn program to Title IV of the ESEA and would permanently reauthorize the Troops to Teachers program and move it under the auspices of the Department of Defense.[2] CBO estimates preauthorizing the Troops to Teachers program would have discretionary costs of almost $90 million over the 2012–16 period.

Title III—Language Instruction for English Learners and Immigrant Students. The bill would make few changes to title III, which provides support for teaching of the English language to English learners and recent immigrants. CBO estimates the bill would authorize the appropriation of almost $750 million for grants to States and other activities in 2012 and $3.8 billion over the 2012–16 period. Implementing this title would cost about $2.6 billion over the 2012–16 period , assuming the appropriation of the estimated amounts. Those programs received more than $730 million in fiscal years 2011 and 2012.

Title IV—Supporting Successful, Well-Rounded Students. Title IV would authorize funding for various grant programs designed to improve literacy and math and science instruction. It would also support measures to improve the health and safety of students. CBO estimates this title would authorize the appropriation of approximately $2.4 billion in fiscal year 2012 and $12.3 billion over the 2012–16 period. Implementing title IV would cost $8.6 billion over the 2012–16 period, assuming the appropriation of the estimated amounts.

• *Part A—Improving Literacy Instruction and Student Achievement.* Part A would authorize grants to support activities designed to increase literacy for individuals from birth through the end of high school. CBO estimates that spending or literacy would total $1.4 billion over the 2012–16 period.

• *Part B—Improving Science, Technology, Engineering, and Mathematics Instruction and Student Achievement.* Part B of the bill would authorize grants to States to increase access to science, technology, engineering, and mathematics and to provide professional development for teachers. CBO estimates that implementing part B would have discretionary costs of about $600 million over the 2012–16 period.

• *Part C—Increasing Access to a Well-Rounded Education.* Part C would authorize grants to local education agencies to support ac-

[2] Funding for the Troops to Teachers program for fiscal years 2011 and 2012 was appropriated for the Department of Defense rather than the Department of Education.

cess for low-income students to education topics such as the arts, civics and government, economics, environmental education, financial literacy, and foreign languages. CBO estimates that those grants would cost about $400 million over the 2012–16 period.

• *Part D—Successful, Safe, and Health Students.* Part D would authorize a new grant program to promote student physical and mental health and well-being and to prevent violence and substance abuse, similar to activities funded by State grants for safe and drug-free schools under current law. CBO estimates that those grants would cost about $1 billion over the 2012–16 period.

• *Part E—21st Century Community Learning Centers.* Part E would reauthorize the grants for 21st Century Community Learning Centers, which support before- and after-school and summer school programs. CBO estimates this provision would authorize the appropriation of $1.2 billion for fiscal year 2012 and would lead to discretionary costs of $4.2 billion over the 2012–16 period. This program received approximately $1.2 billion in each of fiscal years 2011 and 2012.

• *Part F—Promise Neighborhoods.* Part F would reauthorize Promise Neighborhood grants which go to organizations to provide family and community services and comprehensive education reforms in high-need areas.[3] CBO estimates that spending for Part F over the 2012–16 period would total $500 million.

• *Additional Programs.* Parts G, H, and I would reauthorize Parent and Family Information and Resource Centers, the Ready to Learn program, and Programs of National Significance. CBO estimates that the total fiscal year 2012 authorization of appropriations for those programs would be $130 million and total spending for fiscal years 2012 through 2016 would be almost $500 million.

Title V—Promoting Innovation. CBO estimates that title V would authorize the appropriation of approximately $1.3 billion in fiscal year 2012 and $6.6 billion over the 2012–16 period. Implementing title V would cost about $4.5 billion over the 2012–16 period, assuming the appropriation of the estimated amounts for:

• *Race to the Top and Investing in Innovation.* Parts A and B would authorize funding for the Race to the Top and Investing in Innovation programs, both created in the American Recovery and Reinvestment Act (Public Law 111–5). Those competitive grants programs are designed to encourage educational innovation and reform at the State and local levels. CBO estimates that the bill would authorize the appropriation of about $700 million for Race to the Top and about $150 million for Investing in Innovation for fiscal year 2012. Implementing those two programs would total approximately $2.5 billion and about $540 million over the 2012–16 period, respectively. Together, those programs received approximately $850 million in fiscal year 2011 and $700 million in 2012.

• *Magnet Schools, Charter Schools and Public School Choice.* Parts C, D, and E would also reauthorize funding for Magnet Schools Assistance, Charter School Grants, and Voluntary Public School Choice. CBO estimates that the bill would authorize the appropriation of approximately $400 million for fiscal year 2012 and would have total discretionary costs of about $1.5 billion over the

[3] The Consolidated Appropriations Act, 2010 (P.L. 111–117) authorized Promise Neighborhood grants under the authority granted in the ESEA in Subpart I, of Part D, of Title V, Fund for the Improvement of Education—Programs of National Significance.

2012–16 period for those programs. Those programs received $380 million in fiscal year 2011 and slightly less in 2012.

Title VI—Promoting Flexibility; Rural Education. Title VI would reauthorize the rural education achievement programs, which provide grants to assist rural school districts in improving teaching and learning outcomes. CBO estimates the bill would authorize the appropriation of $177 million in spending for fiscal year 2012 and approximately $900 million over the 2012–16 period. Implementing this title would have discretionary costs of roughly $600 million over the 2012–16 period, assuming the appropriation of the estimated amounts. Funding for rural education totaled nearly $200 million in each of fiscal years 2011 and 2012. The authorizations of appropriations for national and State evaluations in title VI under current law would be moved to title I. The bill also would amend the rules regarding the transferability of funds among different Federal grant programs for entities that meet certain criteria.

Title VII—Indian, Native Hawaiian, and Alaska Native Education. Title VII would reauthorize grant programs for Native Americans and Hawaiians and for Alaska Natives. The bill would amend current law to authorize the repair and renovation of public schools that serve higher concentrations of Native Hawaiian students. CBO estimates the bill would authorize the appropriation of about $250 million for fiscal year 2012 and $1.3 billion over the 2012–16 period. Implementing this title would cost almost $990 million over the 2012–16 period, assuming the appropriation of the estimated amounts. Funding for those grants totaled $190 million in fiscal years 2011 and 2012.

Title VIII—Impact Aid. Title VIII would reauthorize the impact aid programs, which provide funding to assist local education agencies (LEAs) affected by the activities of the Federal Government, such as those on a military base or Indian reservation. CBO estimates that title VIII would authorize approximately $1.3 billion in fiscal year 2012 and $6.6 billion over the 2012–16 period. We estimate that fully funding this title would result in discretionary costs of $6.4 billion over the 2012–16 period, assuming the appropriation of the estimated amounts. The bulk of this spending, about $6.0 billion over the 2012–16 period, would be for basic support payments to LEAs to assist in the education of federally connected children. The additional $400 million would be used to construct and maintain schools that educate federally connected children. Impact aid programs received approximately $1.3 billion in each of fiscal years 2011 and 2012.

Title X—Committee on Effective Regulation and Assessment of Systems for Public Schools. Title X would require the Secretary of Education to establish a commission to examine Federal, State, and local regulations that affect elementary and secondary education. CBO estimates that this provision would authorize the appropriation of $1 million in each year.

Title XI—Amendments to Other Laws; Miscellaneous Provisions. Subpart I of title XI would reauthorize the McKinney-Vento Homeless Assistance Act, which authorizes grants to States to assist in the education of homeless children. The bill would authorize the appropriation of such sums as may be necessary for fiscal years 2012 through 2018. (This authorization would automatically be ex-

tended 1 year through 2019 under the General Education Provisions Act.) CBO estimates that this subpart would authorize the appropriations of almost $70 million for fiscal year 2012 and have discretionary costs of about $240 million for the 2012–16 period. Support for the education of homeless children totaled $65 million for fiscal year 2011.

Subpart II would amend the Department of Education Organization Act to create an agency within the Department of Education responsible for the research and development of educational technology to improve student achievement. Funding from the Investing in Innovation program, authorized in title IV, would be reserved to support this agency. CBO estimates that this provision would authorize the appropriation of $50 million in fiscal year 2012 and would cost almost $200 million over the 2012–16 period.

Pay-As-You-Go considerations: The Statutory Pay-As-You-Go Act of 2010 establishes budget-reporting and enforcement procedures for legislation affecting direct spending or revenues. The net changes in outlays under the Elementary and Secondary Education Reauthorization Act of 2011 that are subject to those pay-as-you-go procedures are shown in the following table.

CBO ESTIMATE OF PAY-AS-YOU-GO EFFECTS FOR THE ELEMENTARY AND SECONDARY EDUCATION REAUTHORIZATION ACT OF 2011, AS ORDERED REPORTED BY THE SENATE COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS ON OCTOBER 20, 2011

	By fiscal year, in millions of dollars—											
	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2012–16	2012–21
NET INCREASE IN THE DEFICIT												
Impact on the Deficit	1	0	0	1	1	1	1	1	1	1	3	8

Estimated impact on state, local and tribal governments: The bill contains no intergovernmental mandates as defined in UMRA and would impose no costs on State, local, or tribal governments. Those governments would benefit from grants authorized in the bill for elementary and secondary education. Any costs associated with those grants would be incurred voluntarily as a result of complying with conditions of Federal assistance. While most of the new grant conditions come in the form of new reporting requirements, some would require State education agencies (SEAs) and local education agencies (LEAs) to either reallocate spending among schools or increase overall State and local support for particular schools.

As a condition of aid, the bill would require LEAs, beginning in the 2015–16 school year, to ensure that total State and local per-pupil spending in schools that are eligible for basic program grants targeted at disadvantaged students (title I) is at least as much as the average of total State and local per-pupil spending in schools that do not qualify for title I funding. Under current law, and LEA may certify that services among title I funded schools and other schools are comparable through written assurances that policies are implemented to ensure school equivalence. The law does not, however, require those assurances to demonstrate equivalence of per-pupil expenditures.

Information from the Department of Education indicates that about 28 percent of title I school districts would not meet the com-

parable expenditure requirement in the absence of enacting this bill. To comply with the bill's requirement, those school districts, mostly large ones, would have to either increase overall per-pupil spending to ensure equity in expenditures or shift money from higher spending, non-title-I schools to lower-spending, title I schools. The department concluded that costs would vary among districts but that the average cost of compliance would be modest in comparison to overall school-level expenditures.

In addition, the bill would require SEAs receiving part A grants under title I to work with child welfare agencies to develop plans to ensure that foster care children are allowed to remain in their school of origin for the remainder of the school year. LEAs would be required to implement the plans. If a child is transferred to a new school, the school would have to ensure that enrollment is immediate and records and credits are transferred. In addition, SEAs would have to enter into agreements with foster care agencies to ensure that foster care maintenance payments are used to help pay for transporting children in foster care to their schools of origin. The bill also would require LEAs to designate an individual point of contact to oversee the implementation of the LEA requirements. Most LEAs and SEAs are already complying with similar conditions under the Fostering Connections to Success and Increasing Adoptions Act of 2008 (Public Law 110–351) and other similar laws, so only the agencies not meeting those conditions would incur additional costs.

The costs of other new conditions in the bill, mostly reporting requirements, would probably be offset by additional Federal funding.

Estimated impact on the private sector: The bill would shield schools from liability that might result from enrolling unaccompanied youth without parental or guardian consent. The bill would impose a private-sector mandate, as defined in UMRA, on parents and guardians of unaccompanied youth to the extent that they would be denied an existing right to compensation. However, such claims are very rare, and no damages have been awarded for such claims in the past 10 years. Therefore, CBO expects that the costs of the mandate would not exceed the annual threshold established in UMRA for private-sector mandates ($146 million in 2012, adjusted annually for inflation).

Previous CBO estimate: This cost estimate for the Elementary and Secondary Education Act of 2011 supersedes the cost estimated transmitted on January 4, 2012, for the bill as ordered reported by the Senate Committee on Health, Education, Labor, and Pensions on October 20, 2011. CBO has updated the cost estimate to reflect the private-sector mandate that was omitted in the January 4 estimate. The estimated costs of implementing the bill remain unchanged.

Estimated prepared by: Federal Costs: Justin Humphrey, Christi Anthony, Chad Chirico, and Jonathan Morancy; Impact on state, local, and tribal governments: J'nell Blanco; Impact on the private sector: Jimmy Jin and Michael Levine.

Estimate approved by: Peter H. Fontaine, Assistance Director for Budget Analysis.

VII. Section-by-Section Analysis

Title I: Ensuring College and Career Readiness for All Students

Part A—Improving the Academic Achievement of the Disadvantaged

Section 1002 amends sections 1002 through 1004 of ESEA as follows:

Sec. 1002 [State Administration and State Accountability and Support]

Sec. 1002(b) [Accountability and Support] describes the amounts and methods that States may distribute to local educational agencies for school improvement.

Sec. 1002(b)(1) [Accountability and Support] describes that each State may reserve 4 percent of the amount the State receives to carry out paragraph (2) and to carry out the State and local educational agency responsibilities under sections 1116.

Sec. 1002(b)(2)(A–B) [Uses] states that of the amount reserved under paragraph (1) for any fiscal year, the State educational agency shall distribute not less than 90 percent of that amount to local educational agencies for activities required under section 1116; or may, with the approval of the local educational agency, directly provide for such activities.

Sec. 1002(b)(3)(A–C) [Priority] provides that the State educational agency shall, when allocating such funds, give priority to local educational agencies that serve the lowest achieving schools, demonstrate the greatest need for such funds, and demonstrate the strongest commitment to ensuring that such funds are used to enable the lowest achieving schools to improve student achievement and outcomes.

Sec. 1002(b)(4)(A–B) [Unused Funds] requires that if the State educational agency determines that unused funds are available then such funds shall be distributed to local educational agencies in accordance with (A) the relative allocations the State educational agency made to those agencies for that fiscal year under subpart 2 of part A or (B) section 1126(c).

Sec. 1002(b)(5) [Special Rule] requires that the amount of funds reserved by the State educational agency under this subsection in any fiscal year shall not decrease the amount of funds each local educational agency receives under subpart 2 below the amount received by such local educational agency for the preceding fiscal year.

Sec. 1002(b)(6) [Reporting] provides that each State educational agency shall make publicly available a list of schools that have received funds or services pursuant to this subsection and the percentage of students from each such school from families with incomes below the poverty line.

Sections 1111–1119 amend the below ESEA sections as follows:

Sec. 1111 [State and Local Requirements]

Sec. 1111(a) [Academic Standards, Academic Assessments, and Accountability Requirements] describes the requirements States must meet in order to receive a grant under this section.

Sec. 1111(a)(1)(A)(i–vi) [College- and Career-Ready Aligned Standards for Reading or Language Arts and Mathematics] requires that (i) States adopt college- and career-ready academic con-

tent standards in reading or language arts, and math by December 31, 2013 and adopt college- and career-ready student academic achievement standards in reading or language arts and mathematics by the beginning of the 2015–16 school year. States are required to (ii) align standards with academic coursework at public institutions of higher education in the State, relevant State career and technical standards, and appropriate career skills and (iii) apply such standards to all public school students in the State. States shall also (iv) adopt academic achievement standards that are aligned with the State's content standards and establish a minimum of three levels of performance (basic, on-track, and advanced). (v) Each of these requirements may be met by an individual State or through a consortium with other States. Consistent with current law, (vi) States are not required to submit either set of standards to the Secretary for review or approval.

Sec. 1111(a)(1)(B)(i–iii) [Science Standards] requires States to (i) demonstrate that content and student academic achievement standards in science that align with academic coursework at State public institutes of higher learning, relevant State career and technical education standards, and appropriate career skills are adopted by December 31, 2013. (ii) States are not required to submit science standards to the Secretary and (iii) may choose to use these standards as part of the State's accountability system.

Sec. 1111(a)(1)(C) [Standards for Other Subjects] allows a State that adopts academic content and student academic achievement standards in subjects other than those listed above to use those standards as part of the State's accountability system.

Sec. 1111(a)(1)(D)(i–ii) [Alternate standards for students with the most significant cognitive disabilities] allows the State to develop alternate academic achievement standards in any subject, through a documented and validated process, for the students with the most significant cognitive disabilities. Such standards may be included in the State's accountability system as long as (i) the decision about which students should be measured against these standards is made separately for each student in each subject assessed and (ii) the standards are aligned with State academic content standards, provide access to the general curriculum, and reflect professional judgment as to the highest possible standards achievable by a student.

Sec. 1111(a)(1)(E)(i–iv) [English Language Proficiency Standards] requires that a State adopt high-quality English language proficiency standards by December 31, 2014. Such standards shall be (i) aligned with the State's academic content standards in reading or language arts, (ii) ensure proficiency in English speaking, listening, reading, and writing, (iii) address the levels of proficiency of English learners, and (iv) are updated within 1 year after the State adopts any new academic content standards

Sec. 1111(a)(1)(F) [No Federal Control] clarifies that nothing in Section 1111(a) will authorize the Federal Government to mandate, direct, or control a State's academic content or student academic achievement standards.

Sec. 1111(a)(1)(G) [Existing Standards] states that nothing in section 1111(a) will prohibit a State from revising any standard adopted under this section before, on, or after the date of enactment of ESERA.

Sec. 1111(a)(2)(A)(i)(I–V) [Academic Assessments] requires that the State educational agency adopt and implement statewide assessments in reading or language arts and mathematics by the beginning of the 2015–16 school year that include assessments annually for grades 3 through 8 and at least once during grades 10 through 12. Similar to requirements in current law these assessments must be (I) aligned with State's academic content standards, (II) and administered to all public school students in the State, and (III) measure individual academic achievement. (IV) If a State elects to measure individual academic growth as described in subsection (b)(1)(B), the State may measure whether students are making adequate student growth. (V) States may administer such assessments through a single summative assessment each year or through multiple statewide assessments during the course of the year, as long as the State can demonstrate to the Secretary's satisfaction that the results of the multiple assessments provide a summative score that measures the student's college- and career-readiness in reading or language arts and mathematics.

Sec. 1111(a)(2)(A)(ii)(I–III) [State Assessments-Science] requires that the State educational agency adopt and implement statewide assessments in science by the beginning of the 2015–16 school year. Assessments must be administered not less than once during each of the grade spans 3 through 5, 6 through 9, and 10 through 12 and shall measure (I) student achievement relative to the State's science student academic achievement standards, (II) individual academic achievement, and (III) if a State elects to measure individual academic growth as described in subsection (b)(1)(B), whether students are making adequate student growth.

Sec. 1111(a)(2)(A)(iii–iv) [Additional Requirements] requires that the State include English language proficiency assessments and any alternate assessments described in subparagraphs (D) and (E), respectively into the statewide assessment. Additionally, at the discretion of the State, a State may measure the proficiency of students in the other academic subjects for which the State has adopted academic content standards and student academic achievement standards under paragraph (1)(C).

Sec. 1111(a)(2)(B)(i–xiv) [Requirements for Assessments] stipulates a number of requirements for assessments described in this section. Assessments shall (i) be used to measure the achievement of all students; (ii) be used for purposes for which they are valid and reliable and be consistent with relevant, nationally recognized professional and technical standards; (iii) be used only if evidence is provided to the Secretary to show that the assessments are of adequate technical quality and meet the requirements under this act; (iv) include multiple measures of student academic achievement, including measures of higher-order thinking skills and understanding; (vii) include students who have attended schools in a local educational agency for a full academic year but have not attended a single school for a full academic year; (viii) produce individual, understandable, and uniform student interpretive and descriptive reports, which include test scores or other information on the attainment of performance standards, in a language that parents can understand; (ix) enable results to be disaggregated by gender, by major racial and ethnic group, by English language proficiency status, by migrant status, by students with disabilities,

and by economically disadvantaged status, unless disaggregation would result in revealing personally identifiable information about an individual student; (x) be consistent with widely accepted professional testing standards and objectively measure academic achievement, knowledge, and skills; (xi) not evaluate or assess personal or family beliefs and attitudes or disclose personally identifiable information; (xii) enable itemized score analyses to be produced and reported to LEA and schools; (xiii) produce achievement and other data that can be used to inform determinations of teacher and principal effectiveness for purposes of evaluation and development; and (xiv) be administered to not less than 95 percent of all students, and not less than 95 percent of each subgroup (gender, by each major racial and ethnic group, by English proficiency status, by migrant status, by status as a student with a disability, and by economically disadvantaged status) who are enrolled in the school. (v) In addition, States shall provide for the participation of all students, including students with disabilities and English learners. However, the State may exempt any English learner at the lowest levels of English proficiency from the reading or language arts assessment for not more than 2 years following the student's first enrollment in a school in the United States. (vi) Reading or language arts assessments shall be written in English for students who have attended school in the United States for 3 or more consecutive years unless the local educational agency, on a case-by-case basis, determines that assessments in another language would yield more accurate and reliable information. In such situations students may be assessed in a language other than English for up to 2 additional years.

Sec. 1111(a)(2)(C) [Languages of Assessments] requires that the State identify the languages other than English that are present in the participating student population and indicate in their plan under subsection (b), the languages for which yearly student academic assessments included in the State's accountability system under paragraph (3) are not available and are needed. The State shall make every effort to develop assessments in those languages and may request assistance from the Secretary to create these assessments. If requested, the Secretary shall assist with the identification of appropriate assessments, but shall not mandate a specific academic assessment or mode of instruction.

Sec. 1111(a)(2)(D)(i–ii) [Assessments of English Language Proficiency] requires that each State's assessment of English language proficiency (i) will provide for the annual assessment of English proficiency of all English learners in the schools served by the State educational agency by the beginning of the 2015–16 school year; (ii) be aligned with the State's English language proficiency standards, be designed to measure student progress toward English language proficiency, and reflect the academic language that is required for success on the State's academic assessments.

Sec. 1111(a)(2)(E)(i–vii) [Alternate Assessments for Students with the Most Significant Cognitive Disabilities] allows a State to provide alternate assessments that are aligned with alternate academic achievement standards for students with the most significant cognitive disabilities. To utilize alternate assessments a State shall: (i) establish and monitor the implementation of clear and appropriate guidelines for individualized education program teams to

apply in determining, on a subject-by-subject basis, when a child's significant cognitive disability justifies assessment based on alternate standards; (ii) ensures the parents of the students taking alternate assessments are informed that their child will be measured against alternate standards and whether participation in the alternate assessment precludes the student from completing the requirements for a regular high school diploma; (iii) provides evidence that students with the most significant cognitive disabilities are, to the extent practicable, included in the general curriculum and in assessments aligned with such curriculum; (iv) certifies that the State's regular academic assessments are accessible to students with all forms of disabilities through the provision of reasonable adaptations and valid and reliable accommodations that produce valid results; (v) develops and disseminates information to promote the use of reasonable adaptations and accommodations to increase the number of students with the most significant cognitive disabilities participating in grade-level academic instruction and corresponding assessments; (vi) takes steps to ensure that regular and special education teachers and other appropriate staff know how to administer assessments, including how to make appropriate use of reasonable adaptations accommodations for such assessments; and (vii) requires separate determinations about whether a student should be assessed using an alternate assessment for each subject assessed.

Sec. 1111(a)(2)(F)(i–ii) [Adaptive Assessments] allows the State to develop and administer computer adaptive assessments as the assessments required under subparagraph (A). If a State develops and administers a computer adaptive test, the assessment shall measure (i) whether each student is meeting or exceeding the on-track level of performance for the State academic content standards for the student's grade level. An adaptive assessment (I) may measure the student's level of performance in the grades above or below the student's grade level and (II) may be used to measure student growth using assessment items above or below grade level, including to determine if a student is attaining growth in accordance with clauses (i) and (ii) of subsection (b)(1)(B). (ii) This section will not be interpreted to require that all students taking the computer adaptive assessment be administered the same assessment items.

Sec. 1111(a)(2)(G) [Reducing Duplicative Assessment] requires the State to include in the State plan under subsection (b) a description of how the State will regularly analyze assessment and accommodations practice and use, and reduce duplicative assessment.

Sec. 1111(a)(3) [State-Designed Accountability Systems] describes the creation, management, and planning requirements for State-designed accountability systems.

Sec. 1111(a)(3)(A)(i–vii) [Accountability System] requires States to develop and implement a single, statewide accountability system by the beginning of the 2013–14 school year that (i) annually measures and reports on the achievement of students in all public schools in the State on the assessments and the graduation rates of all high schools in the State; (ii) expects continuous improvement of all public schools in the State in outcomes of all students and subgroups (gender, by each major racial and ethnic group, by English proficiency status, by migrant status, by status as a stu-

dent with a disability, and by economically disadvantaged status); (iii) annually identifies schools and local educational agencies that need supports and interventions to prepare college- and career-ready students; (iv) provides for the improvement of all schools that are not identified under section 1116(b) but are low-performing or have low-performing subgroups; (v) develops the capacity of local educational agencies and schools to effectively educate students and continuously improve; (vi) recognizes and replicates the practices of local educational agencies and schools that are successful in effecting significant student achievement or student academic growth; and (vii) meets the requirements of section 1116.

Sec. 1111(a)(3)(B) [Subjects Covered] requires that the State shall include in the accountability system the subjects of reading or language arts and mathematics, and may include any other subject for which the State has adopted academic content standards, student academic achievement standards, and assessments.

Sec. 1111(a)(3)(C) [Accountability for Charter Schools] requires that the accountability provisions under this act shall be overseen for public charter schools in accordance with State charter school law.

Sec. 1111(a)(3)(D) [Students with the Most Significant Cognitive Disabilities] requires that the number of students with the most significant cognitive disabilities taking alternate assessments for the accountability purposes of this section, section 1116 and section 1117, not exceed 1 percent of the number of all students in the State.

Sec. 1111(a)(4) [Transition Provisions] directs the Secretary to take any necessary steps to ensure for an orderly transition between the accountability system required by the No Child Left Behind Act and the new accountability system required under this act.

Sec. 1111(a)(5) [Voluntary Partnerships] allows a State to enter into a partnership with one or more other States to develop and implement the required academic assessments, academic content standards, and student academic achievement standards.

Sec. 1111(b) [State Plans] describes the requirements for State plans.

Sec. 1111(b)(1)(A–J) [In General] requires any State desiring a grant under this part to submit a plan to the Secretary that (A) demonstrates the State's compliance with this section; (B) demonstrates how the State will measure student growth if they choose to use student growth as a measure of academic progress and college and career readiness; (C) coordinates with the State plans required by other programs under this act, the Individuals with Disabilities Education Act, the Carl D. Perkins Career and Technical Education Act of 2006, the Head Start Act, the Child Care and Development Block Grant Act of 1990, and the Adult Education and Family Literacy Act; (D) provides an assurance that the State will continue to administer the academic assessments required by the No Child Left Behind Act until the State has implemented the assessments required under subsection (a)(2); (E) provides an assurance that the State will participate in the biennial State academic assessments of grade 4 and grade 8 reading and mathematics under the National Assessment of Educational Progress if the Secretary pays the costs of administering such assessments; (F) de-

scribes the State accountability system under subsection (a)(3) and section 1117 (if the State chooses to carry out section 1117); (G) describes the process the State will utilize to review local educational agency plans submitted pursuant to section 1112, including the parent and family engagement plan described in section 1118; (H) describes the support the State will provide to local educational agencies for the education of homeless children and youths, and how such support is consistent with the requirements of subtitle B of title VII of the McKinney-Vento Homeless Assistance Act; (I) describes how the State has involved the committee of practitioners established under section 1603(b) in developing the plan and monitoring its implementation; (J) describes how the State educational agency will coordinate with the State Advisory Council on Early Childhood Education and Care, as appropriate; (K) describes how the State and State educational agency will comply with the requirements of section 1501, and the State's plan to ensure such compliance; (L) describes how, beginning not later than 1 year after the date of enactment of the ESERA, (i) the State educational agency will provide for the equitable distribution of teachers in the State within local educational agencies and (ii) the State will report to the Secretary the percentage and distribution of teachers in the State for each quartile of schools based on school poverty level, for high-minority schools, and for low-minority schools; (M) describes how the State will annually submit to the Secretary, for each quartile of schools in the State based on school poverty level and for high-minority schools and low-minority schools in the State, data on the percentage and distribution of the following categories of teachers: (i) teachers who are not classified as highly qualified teachers; (ii) teachers who are inexperienced; (iii) teachers who have not completed a teacher preparation program; (iv) teachers who are not teaching in the subject or field for which the teacher is certified or licensed; (v) where applicable, teachers who are in the highest or lowest rating categories of a teacher evaluation system that is consistent with section 2301(b)(4).

Sec. 1111(b)(2) [Comprehensive Plan] provides that each State plan may be submitted as part of the comprehensive plan under section 9302.

Sec. 1111(b)(3)(A–B) [Duration of the Plan] requires that each State plan shall (A) remain in effect for the duration of the State's participation in title I, part A and be periodically reviewed and revised as necessary by the State to reflect changes in strategies and programs. The State plan shall (B) be resubmitted to the Secretary if a State makes significant changes to its plan, but the Secretary may approve or disapprove changes without peer-review or a hearing process.

Sec. 1111(b)(4)(A)(i–viii) [Peer Review and Secretarial Approval] requires that the Secretary: (i) establish a peer review process that maximizes collaboration with each State to assist in the review of State plans; (ii) appoint to the peer review process expert individuals, who are geographically diverse, representative of all stakeholders, and are familiar with education standards, assessments, and accountability, the needs of persistently low-achieving schools, and the needs of disadvantaged students and other educational needs of students; (iii) ensure the peer review process provides timely and publicly available feedback; (iv) does not decline ap-

proval of a State plan before offering the State an opportunity to revise the plan and providing technical assistance to States and providing a hearing upon request; (v) have the authority to disapprove a State plan for not meeting the requirements of this part, and the ability to deny a State plan that was recommended by the peer review panel by making available written findings of the cause for such disapproval; (vi) approve a State plan within 120 days after its submission, unless the Secretary determines that the plan does not meet the requirements of this section; (vii) immediately notify the State in writing if their plan does not meet the requirements of this subsection and include the reasons for such determination; (viii) does not have the authority to require a State, as a condition of plan approval, to include or delete one or more specific elements of the State's academic content standards or to use specific academic assessment instruments or items.

Sec. 1111(b)(4)(B) [State Revisions] requires that a State plan be revised by the State educational agency if necessary to satisfy the requirements of this section.

Sec. 1111(c) [Parent and Family Engagement] describes what the State must include in its State plans to show how it will strengthen engagement of parents and families in education.

Sec. 1111(c)(1)(A–F) [Statewide Parent and Family Engagement Strategy] requires that the parent and family and engagement plan demonstrate how the State plans to increase and improve the engagement of parents and family members in education throughout the State, through the implementation and replication of evidence-based or promising practices and strategies, in order to increase student academic achievement and college- and career-readiness, provide parents and family members with the skills and opportunities necessary to become full partners in their child's education, improve child development, strengthen relationships and partnerships between school personnel and parents and family members, improve the ability of local educational agencies and schools to increase the participation of parents and family members, and focus activities on high-need local educational agencies and high-need schools.

Sec. 1111(c)(2)(A–B) [Coordination; Collection; Dissemination] requires that the parent and family engagement plan describe how the State will ensure maximum coordination and minimum duplication of efforts among Federal, State and local programs, the State Advisory Councils on Early Childhood Education and Care, the parent and family information and resource centers established under part G of title IV, and appropriate non-Federal entities. The State shall also collect and disseminate best practices and research on parent and family engagement strategies to local educational agencies, institutions of higher education, and other organizations with a demonstrated record of success in increasing family engagement in education.

Sec. 1111(c)(3)(A–C) [Technical Assistance, Training, and Capacity-Building] requires that the State parent and family engagement plan describe the evidence-based technical assistance, professional development, or other capacity-building strategies that the State will provide to high-need local educational agencies and high-need schools including those identified under section 1116.

Sec. 1111(c)(4) [Leveraging Resources] provides that each State plan may include a description of how the State will leverage resources of employers, business leaders, philanthropic and non-profit organizations, and other community members committed to improving student achievement and development to increase and strengthen parent and family engagement.

Sec. 1111(d) [Annual State Report Cards]

Sec. 1111(d)(1) [In General] requires that a State that receives a grant under this part prepare and disseminate an annual report card for each public elementary school and secondary school in the State, each local educational agency in the State, and the State as a whole.

Sec. 1111(d)(2)(A–D) [Requirements for All Report Cards] requires that all school, local education agency, and State report cards be uniform, concise, easily understandable, and accessible. Report cards must be made available on the Internet and a copy of a school's report card must be provided to the parents of each student enrolled in the school each year.

Sec. 1111(d)(3)(A–D) [Required Student Information for School Report Cards] requires that specific information be included on each school report card. (1) Specifically each report card must include (A) a clear and concise description of the State's accountability system; (B) information on student achievement, in the aggregate and disaggregated by the subgroups described in subsection (a)(2)(B)(ix), (i) at each proficiency level on the State academic assessments that are included in the State's accountability system under subsection (a)(3), (ii) the percentage of students who do not take the State academic assessments, (iii) the most recent 3-year trend in student achievement in each subject area, and for each grade level, for such assessments, (iv) a comparison of the school's student academic assessment data to the State average for each tested subject, (v) if used by the State information on student growth measures, (vi) the number and percentages of students with the most significant cognitive disabilities that take the alternate assessment, (vii) the number of students who are English learners, and the performance of such students on the State's English language proficiency assessments, and (viii) for each high school information on student graduation rates, the rate of enrollment at institutions of higher education and the rate of student remediation. Each report card must also include (C) the school's categorization, if applicable, in the State school accountability and improvement system under section 1116 and (D) the most recently available academic achievement results in grades 4 and 8 of the State's students on the National Assessment of Educational Progress in reading and mathematics.

Sec. 1111(d)(4)(A–F) [Optional Information] provides that a State may include in each school report card other information such as (A) the percentage of students passing examinations related to coursework acceptable for postsecondary credit at institutions of higher education, (B) the average class size, by grade, (C) the incidence of school violence, bullying, drug abuse, alcohol abuse, student suspensions, student detentions, and student expulsions, (D) indicators of school climate, (E) student attendance, and (F) school readiness of students in kindergarten.

Sec. 1111(d)(5)(A–C) [Local Educational Agency and State Report Cards] requires that each local educational agency report card and State report card required under paragraph (1) include the data described in clauses (i) through (viii) of paragraph (3)(B) for the local educational agency or State as a whole and disaggregated by the subgroups described in subsection (a)(2)(B)(ix); and (B) may include any optional information described in paragraph (4). Each State report card shall (C) include the graduation rate data disaggregated by status as a child in foster care.

Sec. 1111(d)(6) [Data] requires that a State only include data that do not reveal personally identifiable information about an individual student in a school report card or local educational agency report card.

Sec. 1111(d)(7) [Preexisting Report Cards] allows a State or local educational agency that has been providing public report cards on the performance of students, schools, local educational agencies, or the State prior to the date of enactment of this act to use those report cards for the purpose of this subsection as long as any such report card is modified to contain the information required by this subsection.

Sec. 1111(d)(8) [Cost Reduction] requires each State and local educational agency receiving assistance under this part to take steps to reduce data collection costs and duplication of effort by obtaining the information required under this subsection through existing data collection efforts whenever possible.

Sec. 1111(d)(9) [Cross-Tabulated Data Not Used for Accountability] requires that groups of students obtained by cross-tabulating data under this subsection shall not be considered to be subgroups under section 1116. Such cross-tabulated data shall not be used to determine whether a school is identified under subsection (b) or (c) of section 1116 or is a low-performing school under section 1116(e).

Sec. 1111(e) [Reporting]

Sec. 1111(e)(1)(A–E) [Annual State Report] requires that each State educational agency that receives assistance under this part must report annually to the Secretary, and make widely available within the State (A) information on the State's progress in developing and implementing the required academic assessments, (B) information on the achievement of students, in terms of being on track to college- and career-readiness and, for States described in subsection (b)(1)(B), in terms of making adequate student growth, on such academic assessments, including results disaggregated by subgroups and by status as a child in foster care, (D) information on the acquisition of English language proficiency by students who are English learners, and (E–F) the number of schools, and the name of each school, identified under section 1116(c)(2) or section 1117.

Sec. 1111(e)(2) [Secretary's Report Card and Biennial Evaluation Report]

Sec. 1111(e)(2)(A)(i–vii) [Secretary's Report Card] requires that not later than July 1, 2013, and annually thereafter, the Secretary shall prepare a national report card on the status of elementary and secondary education in the United States. Such report shall: (i) analyze existing data from State reports required under this act, the Individuals with Disabilities Education Act, and the Carl D.

Perkins Career and Technical Education Act of 2006, and summarize major findings from such reports; (ii) analyze data from the National Assessment of Educational Progress and international assessments; (iii) identify trends in student achievement, student performance, and high school graduation rates, including subgroups based on race, ethnicity, and socioeconomic status and the subgroups of children with disabilities and English learners; (iv) compare the performance of students across States and local educational agencies across the United States; (v) identify and report on promising practices, areas of greatest improvement in student achievement and educational attainment, and other examples worthy of national attention; (vi) identify and report on areas of educational concern that warrant national attention; and (vii) (I) analyze existing data, as of the time of the report, on Federal, State, and local expenditures on education, including per pupil spending, teacher salaries and pension obligations, school level spending, and other financial data publicly available; and (II) report on current trends and major findings resulting from the analysis.

Sec. 1111(e)(2)(B) [Special Rule] provides that the information used to prepare the Secretary's Report Card shall be derived from existing State and local reporting requirements and data sources.

Sec. 1111(e)(2)(C) [Biennial Report] requires that the Secretary shall transmit biennially to the authorizing committees a report that provides national and State-level data on the information collected for the Secretary's Report Card.

Sec. 1111(f) [Penalties] provides that if a State that receives a grant under this part fails to meet any requirement of this part, the Secretary may withhold funds for State administration under this part until the Secretary determines that the State has fulfilled those requirements.

Sec. 1111(g)(1)(A–D) [Qualifications] requires that at the beginning of each school year, a local educational agency that receives funds under this part shall notify the parents of each student attending any school receiving funds under this part that the parents may request information regarding the professional qualifications of the student's classroom teachers, including, at a minimum, the following: (A) Whether the teacher has met State qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction; (B) Whether the teacher is teaching under emergency or other provisional status through which State qualification or licensing criteria have been waived; (C) The baccalaureate degree major of the teacher and any other graduate certification or degree held by the teacher, and the field of discipline of the certification or degree; (D) Whether the student is provided services by paraprofessionals and, if so, their qualifications.

Sec. 1111(g)(2)(A–B) [Additional Information] states that a school that receives funds under this part shall provide to each individual parent (A) information on the level of achievement of the student in each of the State academic assessments and (B) timely notice that the student has been assigned, or has been taught for 4 or more consecutive weeks by, a teacher who is not highly qualified.

Sec. 1111(g)(3) [Format] states that the notice and information provided to parents under this subsection shall be in an under-

standable and uniform format and, to the extent practicable, provided in a language that the parents can understand.

Sec. 1111(h) [Privacy] requires that information collected under this section must be collected and disseminated in a manner that protects the privacy of individuals.

Sec. 1111(i) [Technical Assistance] requires that the Secretary provide a State educational agency, at the State educational agency's request, technical assistance in meeting the requirements of this section.

Sec. 1111(j) [Construction] notes that nothing in this part shall be construed to prescribe the use of the academic assessments described in this part for student promotion or graduation purposes.

Sec. 1111(k)(1–3) [Special Rule With Respect to Bureau-Funded Schools] allows schools that are operated or funded by the Bureau of Indian Education of the Department of Interior and that receives funds under this part, to meet the assessment requirements by using the (1) State assessment, (2) a regional assessment, or (3) an assessment approved by the Secretary of the Interior.

Sec. 1112. [Local Educational Agency Plans]

Sec. 1112(a)(1) [Subgrants] provides that a local educational agency may only receive a subgrant under this part if such agency has on file with the State educational agency a plan that is coordinated with other programs under this act, the Individuals with Disabilities Education Act, the Carl D. Perkins Career and Technical Education Act of 2006, the McKinney-Vento Homeless Assistance Act, and other acts.

Sec. 1112(a)(2) [Consolidated Application] provides that the plan may be submitted as part of a consolidated application under section 9305.

Sec. 1112(b)—[Plan Development and Duration]

Sec.1112(b)(1)(A–C) [Consultation] requires that each local educational agency plan be developed in consultation with teachers, principals, administrators, and other appropriate school personnel, with representatives of early childhood education and care programs in the geographic area served by the local educational agency, and with parents and family members of children in schools served under this part.

Sec. 1112(b)(2) [Duration] requires that each local educational agency plan be submitted for the first year for which this part is in effect following the date of enactment of the Elementary and Secondary Education Reauthorization Act of 2011 and remain in effect for the duration of the agency's participation under this part.

Sec. 1112(b)(3) [Review] requires that each local educational agency periodically review and, as necessary, revise its plan to reflect changes in the local educational agency's strategies and programs under this part.

Sec. 1112(c)—[State Approval]

Sec. 1112(c)(1) [In General] Each local educational agency plan will be filed according to a schedule established by the State educational agency.

Sec. 1112(c)(2)(A–B) [Approval] provides that the State educational agency approve a local educational agency's plan only if the State educational agency determines that the local educational agency's plan (A) enables schools served under this part to substantially help children served under this part meet the academic

standards expected of all children and (B) meets the requirements of this part.

Sec. 1112(d)—[Plan Provisions]

Sec. 1112(d)(1–13) [Plan Provisions] requires each local educational agency to develop a plan that describes each of the following in order to help low-achieving children meet college- and career-ready student academic achievement standards, and to close the achievement gap between high- and low-achieving children: (1) how the local educational agency will work with each of the schools served by the agency to (A) develop and implement a comprehensive program of instruction to meet the academic needs of all students, (B) identify quickly and effectively students who may be at risk for academic failure, (C) provide additional educational assistance to individual students assessed as needing help in meeting the State's college- and career-ready student academic achievement standards, (D) identify significant gaps in student achievement among subgroups of students and develop strategies to reduce such gaps in achievement, and (E) identify and implement effective methods to strengthen the core academic programs of the schools, including multi-tiered systems of support, universal design for learning, and positive behavioral interventions and supports; (2) how the local educational agency will monitor and evaluate the effectiveness of school programs in improving student academic achievement; (3) the strategy the local educational agency will use to implement effective parent and family engagement under section 1118; (4) how the local educational agency will integrate services provided under this part with other early childhood education and care programs at the local educational agency or individual school level (including programs under section 619 of the Individuals with Disabilities Education Act) that include plans for the transition of participants in such programs to local elementary school programs and, if appropriate, a description of how the local educational agency will use funds under this part to support preschool programs for children, particularly children participating in a Head Start program or another comparable public early childhood education and care program; (5) how activities under this part will be coordinated and integrated with Federal, State, and local services and programs; (6) how the local educational agency will coordinate and integrate services provided under this section with local workforce development programs that serve disadvantaged or out-of-school youth; (7) the poverty criteria that will be used to select school attendance areas under section 1113; (8) how teachers, in consultation with parents and family members, administrators, and pupil services personnel, in targeted assistance schools under section 1115, will identify the eligible children most in need of services under this part; (9) how the local educational agency will identify and address any disparities in the equitable distribution of teachers, consistent with the requirements of section 1111(b)(1)(L); (10) data on the percentage and distribution of the categories of teachers described in subparagraph (A) through (E) of subsection (e)(10); (11) a general description of the programs to be conducted under sections 1114 and 1115 and, where appropriate, educational services outside such school for children living in local institutions for neglected or delinquent children, and for neglected and delinquent children in community day school programs; (12) a description of

how the local educational agency will provide opportunities for the enrollment, attendance, and success of homeless children and youths, and the services the local educational agency will provide homeless children and youths; and (13) a description of the support the local educational agency will provide for homeless children and youths, consistent with the requirements of the McKinney-Vento Homeless Assistance Act.

Sec. 1112(e)—[Assurances]

Sec. 1112(e)(1–10) [Assurances] requires that each local educational agency plan provides assurances that the local educational agency will—(1) use the results of the student academic assessment to review annually the progress of each school served by the agency and receiving funds under this part to determine whether all of the schools are making the progress necessary to ensure that all students will meet the State's on-track or advanced level of achievement on the State academic assessments; (2) provide to parents and teachers the results from the academic assessments required under section 1111(a)(2); (3) participate, if selected, in State academic assessments of student achievement in reading and mathematics in grades 4 and 8 carried out under the National Assessment of Educational Progress Authorization Act; (4) fulfill such agency's school improvement responsibilities under section 1116; (5) ensure that migratory children receive the same services under this part as non-migratory children; (6) provide services to eligible children attending private elementary schools and secondary schools in accordance with section 1120, and provide for timely and meaningful consultation with private school officials regarding such services; (7) inform eligible schools of the local educational agency's authority to obtain waivers on the school's behalf under applicable Federal flexibility provisions; (8) in the case of a local educational agency that chooses to use funds under this part to provide early childhood education and care services to low-income children below the age of compulsory school attendance, ensure that such services comply with the education performance standards in effect under section 641A(a)(1)(B) of the Head Start Act; and (9) comply with the requirements for the education of children in foster care as described in section 1501; and (10) annually submit to the Secretary data regarding the percentage and distribution of teachers who are not classified as highly qualified teachers, teachers who are inexperienced, teachers who have not completed a teacher preparation program, teachers who are not teaching in the subject or field for which the teacher is certified or licensed, and when applicable, teachers who are in the highest or lowest categories of a teacher evaluation system that is consistent with section 2301(b)(4).

Sec. 1112(f)—[Parental Notification Regarding Language Instruction Programs]

Sec. 1112(f)(1) [In General] requires that each local educational agency inform parents of a child identified as an English learner for participation or participating in, such a program of—(A) the reasons for the identification of their child as an English learner; (B) the child's level of English proficiency, how such level was assessed, and the status of the child's academic achievement; (C) the methods of instruction used in the program in which their child is, or will be, participating, and the methods of instruction used in other available programs; (D) how the program in which their child

is, or will be, participating, will meet the educational strengths and needs of their child; (E) how such program will specifically help their child learn English, and meet age-appropriate academic achievement standards for grade promotion and graduation; (F) the specific exit requirements for the program; (G) in the case of a child with a disability, how such program meets the objectives of the individualized education program of the child; and (H) information pertaining to parental rights that includes written guidance detailing the right that parents have to have their child immediately removed from such program upon their request; the options that parents have to decline to enroll their child in such program or to choose another program or method of instruction, if available; and (ii) assisting parents in selecting among various programs and methods of instruction, if more than one program or method is offered.

Sec. 1112(f)(2) [Notice] requires that the notice and information provided in paragraph (1) to a parent or parents of a child identified for participation in a language instruction program for English learner children be in an understandable and uniform format.

Sec. 1112(f)(3) [Special Rule Applicable During the School Year] requires that for those children identified as English learners after the beginning of the school year, that the local educational agency notify the parents of such children within the first 2 weeks of the child being placed in a language instruction educational program.

Sec. 1112(f)(4) [Parental Participation] states that each local educational agency receiving funds under this part shall implement an effective means of outreach to parents of English learner students to inform the parents and family members regarding how they can be involved in the education of their children, and be active participants in assisting their children to attain English proficiency, achieve at high levels in core academic subjects, and meet college- and career-ready State academic achievement standards and State academic content standards expected of all students, including holding regular meetings for the purpose of formulating and responding to recommendations from parents and family members of students assisted under this part.

Sec. 1112(f)(5) [Basis for Admission or Exclusion] provides that a student not be admitted to, or excluded from, any federally assisted education program on the basis of a surname or language-minority status.

Sec. 1113. [Eligible School Attendance Areas]

Sec. 1113(a)(3)(A) [Ranking Order—In General] Amends current law to include high schools with 50 percent of children from low-income families. Subparagraph (B) ensures that local educational agencies do not have to reduce the amount of funding currently allocated to elementary and middle schools to serve high schools in accordance with this change.

Sec. 1113(a)(5)(A)(i–iii) [Measures—In General] maintains current law.

Sec. 1113(a)(5)(B)(i–ii) [Low-Income Families in Secondary Schools] includes new language to allow for the measuring of students in low-income families in secondary schools either by the calculation used for all other schools that is described in (A) or through the use of a feeder pattern described in subparagraph (C).

Sec. 1113(a)(5)(C) [Feeder Pattern] establishes that in this part, the term "feeder pattern" means an accurate estimate of the number of students in low-income families in a secondary school that is calculated by applying the average percentage of students in low-income families of the elementary school attendance areas as calculated under subparagraph (A) that feed into the secondary school.

Sec. 1113(a)(8) [Reservation for Early Childhood Education and Care] provides a new provision that allows a local educational agency to reserve funds made available to carry out this section for early childhood education and care in eligible school attendance areas before making allocations to high schools in eligible school attendance areas.

Sec. 1113(c)—[Allocations]

Sec. 1113(c)(3)(A)(i–iv) [Funds for Homeless Children and Youths] amends current law with regard to the reservation of funds to serve homeless children, children in local institutions for neglected children, and children in local institutions or day-school programs for delinquent children. A local educational agency may reserve funds under this part to provide services comparable to those provided to children in schools funded under this part to serve—(i) homeless children who do not attend participating schools, (ii) children in local institutions for neglected children, (iii) if appropriate, children in local institutions for delinquent children, and neglected or delinquent children in community day programs, and (iv) children in foster care.

Sec. 1113(c)(3)(B)(i–v) [Reservation of Funds for Homeless Children and Youths] provides that notwithstanding the requirements of subsections (b) and (c) of section 1120A, funds reserved under subparagraph (A) may be used to provide homeless children and youths with services not ordinarily provided to other students under this part. This could include (i) funding the liaison designated in the McKinney-Vento Homeless Assistance Act, (ii) providing transportation pursuant to section 722(g)(1)(J)(iii) of such act, (iii) providing services to preschool-aged homeless children and homeless secondary school students, (iv) providing support services to homeless children and youths in shelters and other locations where they may live, and (v) removing barriers to homeless children and youths' enrollment, attendance, retention, and success in school.

Sec. 1113(c)(3)(C)(i–ii) [Amount Reserved] provides that the amount of funds reserved under subparagraph (A) be determined by an assessment of the needs of homeless children and youths in the local educational agency. Such needs assessment shall include the following: (i) information related to child, youth, and family homelessness in the local educational agency and (ii) the number of homeless children and youths reported by the local educational agency to the State educational agency under section 722(f)(3) of the McKinney-Vento Homeless Assistance Act for the previous school year.

Sec. 1114 [Schoolwide Programs]

Sec. 1114(a)(1) [In General] adds language to current law that allows funds provided under this part to be used to support activities that address needs identified through the comprehensive needs as-

sessment under subsection (b)(1)(A) and consistent with the schoolwide program.

Sec. 1114(a)(2) [Identification of Students Not Required]

Sec. 1114(a)(2)(A)(ii) [In General] is amended to state that no school participating in a schoolwide program shall be required to identify particular services as supplemental.

Sec. 1114(a)(2)(B)(i–iii) [Supplemental Funds] is amended to state that a local educational agency serving a school participating in a schoolwide program shall use funds available to carry out this section only to supplement the aggregate amount of funds that would, in the absence of funds under this part, be made available from State and local sources for the school, including funds needed to provide services that are required by law for children with disabilities and children who are English learners. It also establishes that a local educational agency shall demonstrate that the methodology it uses to allocate State and local funds to each school receiving funds under this part ensures the school receives all of the State and local funds the school would otherwise receive if it were not receiving funds under this part. Finally, it states that 1120A(b) does not apply to schools operating schoolwide programs under this section.

Sec. 1114(a)(3)(B) [Requirements] is amended to strike requirements that cannot be waived by the Secretary. These requirements include services to private school children, maintenance of effort, comparability of services, uses of Federal funds to supplement not supplant non-Federal funds, or the distribution of funds to State educational agencies or local educational agencies that apply to the receipt of funds from such programs.

Sec. 1114(b)(1)(B) [In General] is amended to include multi-tier system of supports and positive behavior supports as strategies to address the needs of all children in the school.

Sec. 1114(b)(1)(D) and (F) are struck from the statute.

Sec. 1114(b)(2) [Plan] includes technical amendments to update the paragraph.

Sec. 1114(c)—[Prekindergarten Program] includes technical amendments to update the paragraph.

Sec. 1115 [Targeted Assistance Schools]

Sec. 1115(b)—Eligible Children

Sec. 1115(b)(1) [Eligible Population] includes technical amendments to update the paragraph in addition to the changes noted below.

Sec. 1115(b)(2)(B) [Head Start or Literacy Programs] is amended by deleting the Even Start and Early Reading First program and adding the literacy program under part A of title IV as programs that serve children to be deemed eligible to receive services under this part.

Sec. 1115(c)—[Components of a Targeted Assistance School Program]

Sec. 1115(c)(1)(A–H) [In General] is updated with technical amendments in addition to the changes noted below.

Section 1115(c)(1)(C) is amended by a multi-tier system of supports and positive behavioral supports as strategies that could be used to strengthen the core academic program.

Sec. 1115(c)(2)(A–B) [Requirements] is updated by technical amendments to update the section.

Sec. 1116. [School Performance]

Sec. 1116(a). [School Performance and Accountability System]

Sec. 1116(a)(1) [In General] requires States to establish a school accountability and improvement system to differentiate public elementary and secondary schools by levels of performance and to provide such schools with intervention.

Sec. 1116(a)(2)(A)(i–ii) [Approval and Peer Review of System] requires States, not later than the 2013–14 school year, to develop a school accountability and improvement system that (i) identifies public schools in the State that are achievement gap schools and persistently low-achieving schools as well as the school improvement strategies or other consequences to be used for such schools, and (ii) implements the State-designed accountability program.

Sec. 1116(a)(2)(B) [Review and Approval] specifies that the State shall include information describing the school accountability and improvement system in the State plan, which shall be subject to a peer review and approval by the Secretary.

Sec. 1116(b) [Achievement Gap Schools]

Sec. 1116(b)(1)(A)(i–ii) [Identification of Achievement Gap Schools] Each State must define the category of achievement gap schools as part of its State plan and to identify annually, beginning in the 2013–14 school year, the schools in the category. A State must include in its definition of achievement gap schools: the 5 percent of public high schools in the State, and the 5 percent of public elementary schools and secondary schools in the State that are not high schools, that have the largest achievement gap among any of the categories of students described in subparagraph (B), or that have the lowest performance by students in such categories in the State, with respect to (i) being on track to career- and college-readiness and, (ii) in the case of high schools, the graduation rate.

Sec. 1116(b)(1)(B) [Subgroups of Students] The categories of students must be disaggregated by each major racial and ethnic group, by English proficiency status, by status as a child with a disability, and by economically disadvantaged status.

Sec. 1116(b)(1)(C) [Data Rule] In identifying achievement gap schools a State shall (i) use data for the most recent year or (ii) average data for the most recent 2- to 3-year period.

Sec. 1116(b)(1)(D) [Parental Notification] Each year, a State shall provide timely notification to all parents of students enrolled in a school that has been identified as one of the State's achievement gap schools for such year.

Sec. 1116(b)(2)(A–B) [State and Local Improvement Strategies] requires the local educational agency to develop and implement, for each achievement gap school, a measureable and data-driven correction plan to improve the performance of low-achieving subgroups in the school. Any local educational agency serving an achievement gap school that has been identified as such for more than 3 consecutive years shall not be eligible for any priority, preference, or special consideration for any grant, subgrant or other program funded under this act.

Sec. 1116(c) [Persistently Low-Achieving Schools]

Sec. 1116(c)(1)(A)(i–ii) [Lowest-achieving Schools in the State] requires, beginning in the 2013–14 school year, that each State annually determine the lowest-achieving schools in the State, which shall include (i) the lowest-achieving 5 percent of public high

schools, and the lowest-achieving 5 percent of public elementary schools and secondary schools that are not high schools. This determination shall be based on (I) student performance on the State academic assessments in reading or language arts and math, including student absolute performance and, if applicable, growth and (II) graduation rates. High schools that have less than a 60 percent graduation rate are considered low-achieving. If the State chooses, (III) it may include (aa) schoolwide gains and (bb) absolute student performance or growth on other statewide assessments.

Sec. 1116(c)(1)(B)(i–ii) [Data Rule] specifies that when identifying the lowest-achieving schools, the State shall (i) use data for the most recent year or (ii) average data for the most recent 2-to 3-year period.

Sec. 1116(c)(1)(C) [Parental Notification] requires the State to provide timely notification to all parents of students enrolled in a school identified as one of the State's lowest-achieving schools.

Sec. 1116(c)(1)(D)(i–iv) [List of Targeted Low-Achieving Schools] requires States to annually (i) compile a list of the schools identified as the State's lowest-achieving schools that (I) receive assistance under this part, (II) are public high schools for which 50 percent or more of each school's students are from low-income families or (III) are public high schools that have less than a 60 percent graduation rate. Further, the State is required to (ii) submit the list to the Secretary, (iii) distribute the list to the local educational agencies, elementary schools, and secondary schools in the State, and (iv) make the list publicly available.

Sec. 1116(c)(2)(A) [Identification as Persistently Low-Achieving] provides that for the 2013–14 school year, each State shall identify schools for the preceding school year that meet the qualifications described in (D) as persistently low-achieving schools. For the 2014–15 school year, and each subsequent school year, each school that has been on the list for the 2 preceding consecutive school years shall be identified as a persistently low-achieving school.

Sec. 1116(c)(2)(B) [5-year Period] provides that each school identified as persistently low-achieving shall be so identified for the 5-year period following the identification.

Sec. 1116(c)(3) [State Waiver] provides that the State may apply to the Secretary to waive the requirements of this section for a school that is performing at a satisfactory level but which would otherwise be considered to be a persistently low-achieving school.

Sec. 1116(c)(4) [Needs Analysis] requires that local education agencies conduct a data-driven analysis of each identified persistently low-achieving school identified to determine the most appropriate school improvement strategies to improve student performance. The needs analysis will include (A) a diagnostic review of data related to students and instructional staff, (B) an analysis of school governance, curriculum, instruction, student supports, conditions for learning, and parent and family engagement practices relative to the needs of the student population, and (C) the resources, which may include community-based supports and early childhood education and care, available at the school, local educational agency, and community levels.

Sec. 1116(c)(5)(A–B) [State and Local Responsibilities] requires local educational agencies, under supervision of the State, to carry out many requirements related to identifying persistently low-

achieving schools. The local educational agency shall: (1) establish a process for selecting an improvement strategy; (2) select and implement an improvement strategy; (3) develop a budget; (4) select and implement a school improvement strategy at the school; (5) monitor the effectiveness of the implementation of the improvement plan; (6) select turnaround partners; (7) align other government resources with the improvement strategy; (8) provide the school with operational flexibility; (9) collect and use data on an ongoing basis to adjust the improvement strategy; (10) provide an assurance that the strategy addresses the needs of all students; (11) take steps to sustain successful reforms; and (12) provide technical assistance and other supports to ensure effective implementation of the school improvement strategy.

Sec. 1116(c)(6)(C) [State as Local Educational Agency] allows a State to take over a persistently low-achieving school and act as the local educational agency if permitted by State law.

Sec. 1116(c)(6) [School Improvement Strategies]

Sec. 1116(c)(6)(A) [Required Activities for All School Improvement Strategies] requires, for each school identified as a persistently low-achieving school, a local educational agency to implement school improvement strategies. Each local educational agency is required to: (i) provide ongoing professional development for staff; (ii) conduct regular evaluations of teachers and principals at the school that provide specific feedback on areas of strength and in need of improvement; (iii) provide time for collaboration among instructional staff; (iv) provide instructional staff with timely access to student data to inform instruction and meet the academic needs of individual students, which may include, in elementary school, school readiness data; (v) collaborate with parents, community members, teachers, and other school personnel on the selection of the school improvement strategy; (vi) use data to identify and implement research-based instructional programs; (vii) in the case of elementary schools with kindergarten entry, consider the issue of school readiness by (I) examining factors contributing to school readiness as part of the needs assessment in paragraph (4); and (II) if school readiness is an area in need of improvement (aa) coordinate with appropriate early childhood programs under the Child Care Development and Block Grant Act, the Head Start Act, prekindergarten programs, and other similar Federal, State, and local programs in order to align instruction to better prepare students for elementary school; and (bb) developing a plan to improve or expand early childhood options which may include the use of funds under this part for such purposes; (viii) provide on-going mechanisms for parent and family engagement; and (ix) provide appropriate services and supports for students as identified in the school's needs assessment.

Sec. 1116(c)(6)(B) [Strategies] requires the local educational agency to identify a school improvement strategy for each identified persistently low-achieving school from among the strategies described in (i–vi).

Sec. 1116(c)(6)(B)(i) [Transformation Strategy] requires that a local educational agency implementing the Transformation Strategy shall—(I) replace the principal if he/she has served more than 2 years, with a principal who has (aa) a demonstrated record of success in increasing student achievement, (bb) training or experi-

ence in raising student achievement, or (cc) training or experience in turning around low-performing schools. In addition, the Transformation Strategy (II) requires all teachers and leaders to reapply for their positions and (III) requires that all staff are hired through mutual consent.

Sec. 1116(c)(6)(B)(ii) [Strategic Staffing Strategy] requires that a local educational agency implementing the Strategic Staffing Strategy (I) replace the principal if he/she has served more than 2 years with a principal who has the demonstrated record of success, training, or experience described above. In addition, (II) the principal is able to staff the school with a turnaround team of his/her choosing from among individuals with a demonstrated record of success in increasing student achievement. The team shall include (aa) not more than 5 teachers in an elementary school and (bb) not more than 20 teachers in a high school. Teachers and principals (III) may receive incentives to participate in the Strategic Staffing Strategy.

Sec. 1116(c)(6)(B)(iii) [Turnaround Strategy] requires that a local educational agency implementing the Turnaround Strategy shall (I) replace the principal, if the principal has served in that role at the school for more than 2 years, with a principal who has the demonstrated record of success, training or experience described above and (II) screen all teachers in the school and retain not more than 65 percent of them.

Sec. 1116(c)(6)(B)(iv) [Whole School Reform Strategy] requires that a local educational agency implementing the Whole School Reform Strategy use an evidence-based strategy that ensures whole school reform. The strategy shall include a partnership with a strategy developer offering a school reform program based on at least a moderate level of evidence that the program will have a statistically significant effect on student outcomes, which includes more than one well-designed or well-implemented experimental or quasi-experimental study.

Sec. 1116(c)(6)(B)(v)(I–II) [Restart Strategy] requires that a local educational agency implementing the Restart Strategy choose from two approaches. The local educational agency may (I) convert the school into a public charter school, close and reopen the school as a public charter school, (bb) convert the school to a magnet school, or create a new, innovative school. The local educational agency also has the option to (II) open a new school that (aa) serves the same grade levels as the original school and (bb) enrolls any former student of the original school who requests to attend the new school and admits additional students, using a random lottery system if necessary.

Sec. 1116(c)(6)(B)(vi)(I–IV) [School Closure Strategy] requires a local educational agency implementing the School Closure Strategy to (I) close the school and enroll the students who attended the school in other schools and to (II) provide transportation, or pay for the provision of transportation, for students to the new school.; The local educational agency must also (III) provide information about high-quality educational options to students who attended the closed school and the students' parents. A local educational agency (IV) may use school improvement funds (d) to pay for the expenses of these activities.

Sec. 1116(c)(6)(C)(i) [Flexibility for Certain Local Educational Agencies] Eligible local educational agencies may modify one of the elements or activities required under subparagraph (A) of a school improvement strategy.

Sec. 1116(c)(6)(C)(ii) [State Flexibility] (I) A State educational agency may, with the approval of the Secretary, establish an alternative State-determined school improvement strategy that may be used by local educational agencies in addition to the strategies described in subparagraph (B).

Sec. 1116(c)(6)(D)[Public School Choice] requires a local educational agency to, not later than 3 months before the first day of the school year following the identification of a school as a persistently low-achieving school to provide all students enrolled in the identified school with the option to transfer to another public school served by the local educational agency. (ii) Priority for transfer to another public school shall be given to the lowest achieving children. (iii) Students who use the option to transfer to another public school shall be enrolled in classes and other activities in the public school to which the students transfer in the same manner as all other children at the public school. (iv) A local educational agency shall permit a child who transfers to another public school under this subparagraph to remain in that school until the child has completed the highest grade in such school.

Sec. 1116(c)(7)(A–B) [Improvement] provides that if, at any time during the 5-year period for which a school is identified as a persistently low-achieving school, the State determines that the school is no longer one of the State's persistently low-achieving schools, then (A) the State shall no longer identify the school as a persistently low-achieving school. (B) The local educational agency shall continue to receive school improvement funds for such school to carry out the grant activities in such school.

Sec. 1116(c)(8) [Repeated Classification as Persistently Low-Achieving] provides that for each school identified as persistently low-achieving for more than the initial 5-year period, the local educational agency shall implement the restart strategy or the school closure strategy.

Sec. 1116(d) [School Improvement Funds] This subsection replaces the School Improvement grant that was in section 1003(g) of the No Child Left Behind Act.

Sec. 1116(d)(1) [Definitions] defines the terms eligible entity and eligible school.

Sec. 1116(d)(2)(A) and (B) [Allotments to States] states that States that submit an application shall be provided with an allotment of funds to carry out the activities described in this subsection to assist eligible schools. The Secretary shall allot to each State with an approved application an amount that bears the same relation to such funds as the amount that the State received under subpart 2 for the preceding fiscal year bears to the amount that all States receive under such subpart for such fiscal year.

Sec. 1116(d)(3)(A–F) [State Application] provides that a State that desires to receive school improvement funds submit an application to the Secretary that includes description of: (A) the process and criteria that the State will use to award subgrants; (B) the process and criteria the State will use to determine whether the eligible entity's proposal for each eligible school meets specific re-

quirements; (C) how the State will ensure geographic diversity in making subgrants; (D) how the State will set priorities in awarding subgrants to eligible entities approved to serve achievement gap schools, if funds are available; (E) how the State will monitor and evaluate the implementation of school improvement strategies by eligible entities; and (F) how the State will reduce barriers for schools in the implementation of school improvement strategies.

Sec. 1116(d)(4) [State Administration and Technical Assistance] allows a State to reserve not more than 5 percent of the grant for the administration of this subsection.

Sec. 1116(d)(5)(A) [School Improvement Activities] requires a State that receives school improvement funds to use not less than 95 percent of funds to carry out school improvement activities for eligible schools.

Sec. 11169(d)(5)(B) [Priority] provides that in distributing grant funds under this paragraph, a State shall assist the schools identified as persistently low-achieving schools before assisting schools identified as achievement gap schools.

Sec. 1116(d)(5)(C)(i) [Subgrants] provides that an eligible entity that desires a subgrant shall submit an application to the State.

Sec. 1116(d)(5)(C)(ii) [Demonstration of Additional Responsibilities] provides that each eligible entity that desires a subgrant under this paragraph shall demonstrate in its application that the eligible entity has in place policies and systems that will support school improvement activities.

Sec. 1116(d)(5)(C)(iii) [Subgrant Size] provides that a State shall award subgrants of sufficient size.

Sec. 1116(d)(5)(C)(iv) [Subgrant Period] provides that each subgrant shall be awarded for a 5-year period.

Sec. 1116(d)(5)(C)(v) [Withholding Final Funding] provides that an eligible entity must demonstrate that the schools receiving funds have made significant progress on the leading indicators, as defined in section 9101, in order to receive subgrant funds for the final 2 years of the subgrant cycle.

Sec. 1116(d)(5)(D)(i–iii) [Use of Subgrant Funds] requires that an eligible entity that receives a subgrant under this paragraph shall use the subgrant funds to carry out the requirements of the school improvement strategies.

Sec. 1116(d)(5)(E) [Supplement, Not Supplant] requires that an eligible entity or State use Federal funds received under this subsection only to supplement the funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the education of pupils participating in programs funded under this subsection.

Sec. 1116(d)(5)(F) [Intervention by State] provides that in the case of a State educational agency that has taken over a school or local educational agency, the State may use an amount of funds under this subsection, similar to the amount that the school or local educational agency would receive under this subsection, to carry out school improvement activities.

Sec. 1116(d)(6) [National Activities] provides that the Secretary shall carry out national activities, including building State and local educational agency capacity to turn around schools identified as persistently low-achieving and schools in rural areas activities focused on building capacity to turn around identified schools, im-

proving the use of data, research, and evaluation to effectively identify and assist identified schools, and other activities designed to support State and local efforts to improve eligible schools.

Sec. 1116(d)(7) [Evaluation] requires that the Director of the Institute of Education Sciences conduct an evaluation of the programs carried out under this subsection.

Sec. 1116(e) [State Responsibilities] requires a State educational agency receiving assistance under this part to support the improvement of all schools that are not identified but are low-performing or have low-performing categories of students.

Sec. 1116(f) [Construction] provides that nothing in this section shall be construed to alter or otherwise affect the rights, remedies, and procedures afforded school or school district employees under Federal, State, or local laws (including applicable regulations or court orders) or under the terms of collective bargaining agreements, memoranda of understanding, or other agreements between such employees and their employers.

Sec. 1117. [Blue Ribbon Schools]

Sec. 1117(a) [Program Purpose] establishes that the purpose of this section is to assist States and local educational agencies in identifying and rewarding high-performing schools.

Sec. 1117(b)(1)(A–B) [Identification of Blue Ribbon Schools] provides that each State may (A) define the category of blue ribbon schools and (B) may identify the schools in the State that are blue ribbon schools each year.

Sec. 1117(b)(2)(A)(i–v) [Blue Ribbon School Criteria] establishes that if a State elects to identify Blue Ribbon Schools, the State's blue ribbon schools shall consist of the top 5 percent of the State's public elementary and secondary schools, as designated by the State based on student achievement and graduation rates and may include school gains and student growth.

Sec. 1117(b)(2)(B) [Noneligibility for Blue Ribbon Status] A school identified as an achievement gap school or a persistently low-achieving school for a year shall not be eligible for blue ribbon school status for the same year.

Sec. 1117(c)(1) [Rewards for Blue Ribbon Schools] Describes the rewards States can provide to Blue Ribbon Schools. States may: (A) increase the school's autonomy over the school's budget, staffing, and time; (B) allow each blue ribbon school to have flexibility in the use of any funds provided to the school under this act consistent with specific Federal statutes; and (C) may reserve not more than .5 percent of the funds to distribute rewards, on a competitive basis, to local educational agencies that serve one or more blue ribbon schools to enable the local educational agencies to provide awards to such blue ribbon schools.

Sec. 1117(c)(2) [Use of Rewards] states that a blue ribbon school that receives an award shall agree to (A) use such funds to improve student achievement and (B) provide technical assistance to the lowest-achieving schools in the State that have characteristics similar to the blue ribbon school.

Sec. 1118 [Parent and Family Engagement]

Sec. 1118(a) [Local Educational Agency Parent and Family Engagement Plan]

Sec. 1118(a)(1) [In General] requires that local educational agencies develop evidence-based plans to engage the parents and family

members of students in meaningful ways in order to receive title I–A funds. The plan must be aligned with the local educational agency plan developed pursuant to section 1112 and should incorporate input from parents and family members of participating children (including district-wide parent advisory committees, where applicable), experts in parent and family engagement, to the extent practicable, and organizations that have a demonstrated record of effectiveness in promoting college- and career-readiness.

Sec. 1118(a)(2) [Consultation and Dissemination] requires that all local educational agencies that receive funds under this part will develop and implement the parent and family and engagement plan in conjunction with the parents and family members of participating children, as well as the district-wide parent advisory committee, if applicable, and develop a template for schools to communicate parent and family engagement strategies.

Sec. 1118(a)(3) [Contents of the Local Educational Agency Parent and Family Engagement Plan]

Sec. 1118(a)(3)(A) [Required Elements] requires that the local educational agency parent and family engagement plan: (i) establish goals for, and commitment to, meaningful engagement strategies; (ii) describe how the local educational agency will equip parents and family members to act in partnership with the school; (iii) describe how the local educational agency will provide schools with the support necessary to develop and implement effective parent and family engagement strategies; and (iv) describe how the local educational agency will use data to continuously improve engagement strategies.

Sec. 1118(a)(3)(B) [Optional Elements] allows a local educational agency to include additional elements in the reduced parent and family engagement plan, including a description of how the LEA plans to include employers, business leaders, philanthropic and nonprofit organizations and other community members to strengthen parent and family engagement.

Sec. 1118(b) [Evaluation] requires each local educational agency to conduct an annual evaluation of the parent and family engagement plan.

Sec. 1118(c) [Reservation and Use of Funds] maintains a provision in current law that requires each local educational agency to reserve at least 1 percent of its allocation under subpart 2 on parent and family engagement activities, unless 1 percent of the allocation is equal to or less than $5,000. Local educational agencies may use these funds to carry out the strategies described in the parent and family engagement plan, such as creating a dedicated office or personnel for parent and family engagement, providing professional development related to parent and family engagement strategies, district-wide or school-based leadership training for parents and family members, adult education and family literacy activities, home visitation programs, or coordinating the LEA's parent and family engagement plan with local early learning, career and technical education and postsecondary education programs; and other evidence-based or promising strategies. Similar to current law, local educational agencies are required to distribute no less than 95 percent of funds to schools served under this part, with priority given to high-need schools. Funds used for evidence-based district-wide parent and family engagement initiatives that

directly benefit parents and family members may be considered funds distributed to schools.

Sec. 1118(d) [Family Member Engagement] requires each school served under this part to: (1) meet at least once per academic year, at a time convenient for parents and family members, to explain opportunities for engagement; (2) use multiple methods to engage parents and family members in school improvement; (3) provide parents and family members with description and explanation of the academic assessments used to measure student progress and opportunities to develop the skills to engage fully as partners in their child's education; (4) make the school welcoming to parents and family members; (5) provide professional development to school staff regarding effective parent and family engagement; (6) collaborate with community-based organizations, employers, or other entities to improve parent and family engagement; (7) coordinate and integrate parent and family engagement programs with other Federal, State and local programs; and (8) provide other support for parent and family engagement strategies as requested.

Sec. 1118(e) [Shared Responsibilities for College and Career Readiness] requires each school served under this part to jointly develop with parents and family members a parent and family engagement compact. The compact must describe: (1) the school's parent and family engagement activities; (2) the school's responsibility to provide effective instruction in a supportive and safe learning environment, inform parents and family members of opportunities for engagement in governance councils and the development of school policies; (3) the parent and family member's responsibilities to be full partners in the education of their child; (4) the importance of ongoing communication through regular parent-teacher conferences, frequent progress reports and opportunities for involvement, and reasonable access to staff and observation of classroom and school-based activities; and (5) the process through which school personnel communicate with parents and families and encourage engagement in the rest of the community.

Sec. 1119 [Qualifications for Teachers and Paraprofessionals]

Sec. 1119(a) [Teacher Qualifications] establishes that except as provided in paragraph (2), each local educational agency receiving assistance under this part must ensure that all teachers teaching a core academic subject in a program supported with funds under this part are highly qualified. Paragraph (2) provides an exception for States that have fully implemented the teacher and principal evaluation requirements described in section 2301(b)(4) must only be required to comply with the requirements under paragraph (1) as they relate to new teachers. (3) A local educational agency that is unable to provide a highly qualified teacher to serve as an on-site classroom teacher for a core academic subject in a small, rural, or remote school may meet the requirements of this section by using distance learning to provide such instruction by a teacher who is a highly qualified teacher.

Sec. 1119(b) [Qualifications for American Indian, Alaska Native, or Native Hawaiian Language, Culture, or History Teachers]

Sec. 1119(b)(1) [Language or Culture] establishes that the requirements of subsection (a) shall not apply to a teacher of American Indian, Alaska Native, or Native Hawaiian language or culture, whether the teacher is teaching on a permanent, part-time,

or occasional basis. A State may require that a local tribe or tribal organization verify the competency of a public school teacher of American Indian, Alaska Native, or Native Hawaiian language or culture to teach such subject, to the chief administrative officer of the local educational agency or the chief State school officer.

Sec. 1119(b)(2) [History] states that the requirements of subsection (a) shall not apply to a teacher who is a Native elder or other authority on American Indian, Alaska Native, or Native Hawaiian history and who provides instruction in such subject, whether on a part-time or occasional basis. A State may require that a local tribe or tribal organization verify the competency of the instructor of American Indian, Alaska Native, or Native Hawaiian history to teach such subject, to the chief administrative officer of the local educational agency or the chief State school officer.

Sec. 1119(c) [New Paraprofessionals] is amended by technical amendments to update the subsection.

Sec. 1119(d) [Exceptions for Translation and Parent Involvement activities] is struck from current law.

Sec. 1119 (l) [Minimum Expenditures] is struck from current law.

Section 1120 amends section 1120 with a technical amendment.

Section 1121 amends section 1120A as follows:

Sec. 1120A(a)—[Maintenance of Effort]

Sec. 1120A(a) [Maintenance of Effort] includes a technical amendment.

Sec. 1120A(c)—[Comparability] The language in current law is struck and replaced with the language described below.

Sec. 1120A(c)(1)(A) [Comparability] stipulates that beginning for the 2015–16 school year, a local educational agency may receive funds under this part only if the local educational agency demonstrates to the State educational agency that the combined State and local per-pupil expenditures are not less than the average combined State and local per-pupil expenditures for those schools that are not served under this part.

Sec. 1120A(c)(1)(B) [Alternative Comparability] provides that if the local educational agency is serving all of the schools under its jurisdiction under this part, the agency shall demonstrate to the State educational agency that the average combined State and local per-pupil expenditures for its high-poverty schools were not less than the average combined State and local per-pupil expenditures for its low-poverty schools.

Sec. 1120A(c)(1)(C) [Basis] provides that a local educational agency may meet the requirements of subparagraphs (A) and (B) on a local educational agency-wide basis or a grade-span by grade-span basis.

Sec. 1120A(c)(1)(D)(i–ii) [Exclusion of Funds] (i) requires that a local educational agency exclude any State or local funds expended in any school for excess costs of providing services to English learners, excess costs of providing services to children with disabilities, capital expenditures, and such other expenditures as the Secretary determines appropriate. (ii) In determining compliance under this subsection, a local educational agency need not include unpredictable changes in student enrollment or personnel assignments that occur after the beginning of a school year.

Sec. 1120A(c)(2) [Documentation] requires that a local educational agency demonstrate that it is meeting the requirements of paragraph (1) by submitting to the State educational agency the per-pupil expenditures, personnel expenditures, non-personnel expenditures, and total expenditures for each school.

Sec. 1120A(c)(3) [Inapplicability] provides that this subsection shall not apply to a local educational agency that does not have more than one building for each grade span.

Section 1120A(c)(4) [Process and Procedures]

Sec. 1120A(c)(4)(A) [Local Educational Agency Responsibilities] requires that each local educational agency assisted under this part report to the State educational agency by October 31, 2016 on its compliance with the requirements of this subsection for the preceding school year, including a listing, by school, of actual combined per-pupil State and local personnel and non-personnel expenditures.

Sec. 1120A(c)(4)(B) [State Educational Agency Responsibilities] requires that each State educational agency assisted under this part ensure that such information is made publicly available by the State or the local educational agency, including the school-by-school listing described in subparagraph (A).

Sec. 1120A(c)(4)(C) [Plan] requires that a local educational agency that does not meet the requirements of this subsection in any year develop and implement a plan to ensure compliance for the subsequent school year and may be required by the State educational agency to report on its progress in implementing such plan.

Sec. 1120A(c)(5)(A–B) [Transition Provisions] For school years prior to 2015–16 a local educational agency may receive funds under this part only if the local educational agency demonstrates to the State educational agency that the local educational agency meets the requirements of this subsection. The Secretary is required to provide for the orderly transition between the requirements under this section, as in effect on the day before the date of enactment of the Elementary and Secondary Education Reauthorization Act, and the new requirements under this section.

Sec. 1120A(c)(6) [Rule of Construction].—Nothing in this subsection shall be construed to require a local educational agency to transfer school personnel in order to comply with this subsection.

Sec. 1120A(d) [Exclusion of Funds] A State educational agency or local educational agency may exclude supplemental State or local funds expended in any school attendance area or school for programs that meet the intent and purposes of this part.

Section 1122 amends section 1120B of ESEA as follows:

Sec. 1120B [Coordination Requirements]

Sec. 1120B(a) [In General] requires each local educational agency receiving funds under this part to carry out the activities described in subsection (b) with Head Start agencies, providers of services under part C of the IDEA, programs carried out under section 619 of IDEA and, if possible, other providers of early childhood education and care services.

Sec. 1120B(b) [Activities] requires local educational agencies to: (1) develop and implement a procedure for transferal of records from the early childhood education and care program to the appro-

priate school for each participating child, with parental consent; (2) establish ongoing communication between the early childhood education and care program staff and their counterparts in the schools; (3) establish ongoing communication between the early childhood education and care program staff and the local educational agency; (4) organize joint training for early childhood education and care program staff and school staff; (5) establish comprehensive transition policies and procedures that promote school-readiness; (6) reach out to parents, families and elementary school teachers to discuss needs of the children entering school; (7) help parents of children who are English learners understand (A) the instructional and other services offered by the school in which the child will enroll after participating in a Head Start or other Federal early childhood care and education program, and, (B) as appropriate, the parental notification requirements described in section 3202; (8) help parents understand the services are offered by the school in which the child will enroll after participating in a Head Start or other Federal early childhood care and education program; and (9) develop and implement a system to increase program participation of underserved populations.

Section 1123 amends section 1121 of ESEA as follows:

Section 1121 [Grants for the Outlying Areas and the Secretary of the Interior]

Section 1121(a) [Reservation of Funds] is amended by technical amendments to update the subsection.

Section 1121(b) [Assistance to Outlying Areas] is amended by technical amendments to update the subsection.

Section 1121(c) [Definitions] strikes the current definitions of "freely associated states" and "outlying area" and replaces them with the definition of "outlying area".

Section 1124 amends section 1122 of ESEA with a technical amendment.

Section 1125 amends section 1125A of ESEA with technical amendments.

Section 1126 amends current law by adding the following sections in part A of title I:

Sec. 1131 [Grants for State Assessments and Related Activities]

Sec. 1131(a) [Grants for State Assessments] establishes that the Secretary shall make grants to States (1) to enable States to pay the costs of developing, improving, or administering State assessments and standards and (2) in the case of States that have developed the assessments and standards, to enable each such State (A) to administer such assessments or (B) to carry out other activities described in this section.

Sec. 1131(b) [Grants for Enhanced Assessment Systems] (1) states that the Secretary shall award, on a competitive basis, grants to State educational agencies to enable the State educational agencies to carry out the activities described in paragraph (3). (2) Each State educational agency desiring to receive a grant under this section shall submit an application to the Secretary. (3) Each State educational agency that receives a grant under this section shall use the grant funds to (A) enable States, or a consortia

of States, to collaborate with institutions of higher education or other organizations or agencies to improve the quality, validity, and reliability of State academic assessments, (B) measure student academic achievement using multiple measures of student academic achievement from multiple sources, (C) chart student progress over time, or (D) evaluate student academic achievement through the development of comprehensive academic assessment instruments.

Sec. 1131(c) [Allotment of Appropriated Funds] (1) establishes that for each fiscal year, the Secretary shall use the amount of funds made available for this section for such year or $400,000,000 of such funds, whichever is less, to (A) make reservations for the Bureau of Indian Affairs and (B) the outlying areas. (C) From the amounts remaining funds shall be allocated to each State using a formula.

Part B—Pathways to College

Section 1201 amends the below ESEA sections as follows:

Sec. 1201 [Secondary School Reform]

Sec. 1201(a) [Purposes] states that the purposes of this section are to ensure students graduate from secondary school on track to college- and career-readiness and to increase graduation rates by providing grants to eligible entities.

Sec. 1201(b) [Definitions] defines the terms (1) "Competency-Based Learning Model", (2) "Effective Secondary School Reform Strategies", (3) "Eligibility Entity", (4) "Eligible Secondary School", (5) "External Partner", (6) "Feeder Middle School", (7) "Secretary", and (8) "Struggling Student".

Sec. 1201(c) [Grants Authorized] allows the Secretary to reserve not more than 2.5 percent for national activities, which the Secretary must use for technical assistance, data collection and dissemination, reporting activities. The Secretary must award grants, on a competitive basis, to eligible entities, of which: (i) not more than 25 percent of grant funds must be used for activities related to the early warning indicator system; and (ii) not less than 75 percent of grant funds must be used for activities at feeder middle schools and eligible secondary schools. Grants are awarded for a period of 5 years, conditional after 3 years on satisfactory progress on the performance indicators. Each eligible entity must submit to the Secretary an annual report including data on the entity's progress on the performance indicators.

Sec. 1201(d) [Application] requires an eligible entity to submit an application to the Secretary. Each application must include a description of: (A) how the eligible entity will develop and implement the early warning indicator system; (B) the external partner's capacity and record of success in secondary school reform and how the eligible entity will sustain the activities proposed; (C) how the eligible entity conducted a comprehensive needs analysis and capacity assessment to identify secondary schools proposed to be served by the grant; (D) the strategies chosen to be implemented at the eligible secondary schools; and (E) the performance indicators and targets the eligible entity will use to assess the effectiveness of the activities implemented.

Sec. 1201(e) [Required Use of Funds]

Sec. 1201(e)(1) [In General] requires that an eligible entity use the grant funds to: (A) implement an early warning indicator system; (B) provide support and credit recovery opportunities for struggling students; (C) provide dropout recovery or re-entry programs to secondary schools; (D) provide evidence-based grade and school transition programs and supports; and (E) provide school leaders, instructional staff, non-instructional staff, students, and families with high-quality, easily accessible information about graduation and postsecondary opportunities.

Sec. 1201(e)(2) [Required Use of Funds in Feeder Middle Schools] requires that an eligible entity use the grant funds in feeder middle schools to improve the academic achievement of their students and prepare them to graduate on track to college- and career-readiness by: (A) using early warning indicator and intervention systems; (B) creating a personalized learning environment; (C) providing high-quality professional development opportunities to school leaders, teachers, and other school staff to prepare staff; and (D) implementing organizational practices and school schedules that allow for collaborative staff participation, team teaching, and common instructional planning time.

Sec. 1201(e)(3) [Required Use of Funds in Eligible Secondary Schools] requires that an eligible entity use the grant funds in eligible secondary schools to implement a comprehensive approach that will: (A) personalize the school experience; (B) increase student engagement by providing service-learning, experiential, and work-based and other learning opportunities; (C) implement high-quality professional development for teachers and school leaders; (D) improve curriculum and instruction; and (E) implement (i) Graduation Promise Academies, (ii) Career Academies, or (iii) Early College Schools.

Sec. 1201(f) [Allowable Uses of Funds] allows an eligible entity to use the funds to: (1) improve parent and family engagement in the educational attainment and achievement of struggling students and dropouts; (2) provide extended learning; (3) increase student supports; and (4) create smaller learning communities.

Sec. 1201(g) [Matching Funds] requires an eligible entity to provide matching funds, from non-Federal sources, in an amount equal to not less than 20 percent of the amount of grant funds awarded in the first 3 years of the grant, not less than 50 percent in the fourth year, and not less than 75 percent in the fifth year, as applicable. The Secretary can waive all or part of the matching requirement described in paragraph (1) on a case-by-case basis.

Sec. 1201(h) [Supplement, Not Supplant] states that an eligible entity must use Federal funds received under this section only to supplement the funds that would, in the absence of such Federal funds, be made available from other Federal and non-Federal sources for these activities, and not to supplant such funds.

Section 1202 amends the below ESEA sections as follows:

Sec. 1221 [Purposes] states that the purposes of this part are to increase the number of teachers prepared to teach Advanced Placement or International Baccalaureate courses, increase the number of students attending high-need schools who enroll and succeed in Advanced Placement or International Baccalaureate courses and take Advanced Placement or International Baccalaureate examina-

tions, and to provide high-quality professional development for teachers of Advanced Placement or International Baccalaureate courses, and pre-Advanced Placement or pre-International Baccalaureate courses, in high-need schools.

Sec. 1222 [Funding Distribution Rule] requires the Secretary to give priority to funding activities under section 1223, the Advanced Placement and International Baccalaureate Examination Fee Program and distribute any remaining funds under section 1224, the Advanced Placement and International Baccalaureate Incentive Program.

Sec. 1223 [Advanced Placement and International Baccalaureate Examination Fee Program]

Sec. 1223(a) [Grants Authorized] requires the Secretary to make grants to State educational agencies to cover part or all of the costs of Advanced Placement or International Baccalaureate examination fees for low-income students.

Sec. 1223(b) [Award Basis] requires that when determining the amount of the grant awarded to a State educational agency, the Secretary consider the number of children eligible to be counted under section 1124(c) in the State in relation to the number of such children so counted in all States.

Sec. 1223(c) [Information Dissemination] requires that State educational agency awarded a grant under this section to make publicly available information regarding the availability of Advanced Placement or International Baccalaureate examination fee payments under this section, and must disseminate such information to eligible secondary school students and parents.

Sec. 1223(d) [Applications] requires a State educational agency to submit an application to the Secretary that: (1) describe the Advanced Placement or International Baccalaureate examination fees the State educational agency will pay on behalf of low-income students in the State from grant funds; (2) provide an assurance that any grant funds awarded under this section must be used only to pay for Advanced Placement or International Baccalaureate examination fees; and (3) contain such information as the Secretary may require.

Sec. 1223(e) [Regulations] requires the Secretary to prescribe such regulations as are necessary to carry out this section.

Sec. 1223(f) [Report] requires that each State educational agency awarded a grant under this section must annually report to the Secretary the following data, by course subject, for the preceding year: (A) the number of students who are taking Advanced Placement or International Baccalaureate courses; (B) the number of Advanced Placement or International Baccalaureate examinations taken by students in the State; (C) the number of students scoring at different levels on Advanced Placement or International Baccalaureate courses; and (D) demographic information. It requires the Secretary to annually compile and report the information received from each State educational agency under paragraph (1) to the authorizing committees.

Sec. 1223(g) [BIA as SIA] states that for purposes of this section, the Bureau of Indian Affairs must be treated as a State educational agency.

Sec. 1224 [Advanced Placement Incentive Program Grants]

Sec. 1224(a) [Grants Authorized] requires the Secretary to award grants to eligible entities for a period of not more than 3 years and permits the Secretary to renew a grant awarded under this section for an additional period of not more than 2 years, if an eligible entity meets certain requirements.

Sec. 1224(b) [Definition of Eligible Entity] defines the term "eligible entity".

Sec. 1224(c)(1) [Application] requires each eligible entity to submit an application to the Secretary that includes a description of: (A) the goals and objectives for the project supported by the grant under this section; (B) how the eligible entity will ensure that students have access to courses that will prepare students to succeed in Advanced Placement or International Baccalaureate courses; (C) how the eligible entity will provide professional development for teachers that will further the goals and objectives of the grant project; (D) how the eligible entity will ensure that teachers serving high-need schools are qualified to teach Advanced Placement or International Baccalaureate courses; (E) how the eligible entity will provide for the involvement of business and community organizations and other entities in carrying out funded activities; (F) how the eligible entity will use funds received under this section; and (G) how the eligible entity will evaluate the outcome of the grant project.

Sec. 1224(d) [Priority] requires the Secretary to give priority to applications from eligible entities that: (1) are part of a statewide or district-wide strategy for increasing the availability of Advanced Placement or International Baccalaureate courses, and pre-Advanced Placement or pre-International Baccalaureate courses, in high-need schools; (2) demonstrate a focus on increasing the availability of Advanced Placement or International Baccalaureate courses in core academic subjects; and (3) propose to carry out activities that target high-need schools.

Sec. 1224(e) [Authorized Activities] requires each eligible entity that receives a grant to use it to increase (A) the number of teachers serving high-need schools who are qualified to teach Advanced Placement or International Baccalaureate courses and (B) the number of students attending high-need schools who succeed in the examinations for such courses. An eligible entity that receives a grant may also use grant funds for: (A) high-quality teacher professional development; (B) pre-Advanced Placement or pre-International Baccalaureate teacher and counselor high-quality professional development in secondary schools; (C) coordination and articulation between grade levels to prepare students to succeed in Advanced Placement or International Baccalaureate courses; (D) purchase of instructional materials for Advanced Placement or International Baccalaureate courses; (E) activities to increase the availability of, and participation in, online Advanced Placement or International Baccalaureate courses; (F) carrying out the requirements of subsection (g); and (G) in the case of an eligible entity described in subsection (b)(1), awarding subgrants to high-need local educational agencies to enable the high-need local educational agencies to carry out authorized activities described in subparagraphs (A) through (F).

Sec. 1224(f) [Contracts] allows an eligible entity awarded a grant to provide online Advanced Placement or International Bacca-

laureate courses to enter into a contract with an organization to provide the online Advanced Placement or International Baccalaureate courses.

Sec. 1224(g) [Collecting and Reporting Requirements] requires each eligible entity receiving a grant to collect and report to the Secretary annually: (A) the number of students served by the eligible entity; (B) the number of students taking Advanced Placement or International Baccalaureate examinations and the distribution of scores on those examinations; (C) the number of teachers who are receiving training to teach Advanced Placement or International Baccalaureate courses; (D) the number of teachers becoming qualified to teach Advanced Placement or International Baccalaureate courses; and (E) the number of qualified teachers who are teaching Advanced Placement or International Baccalaureate courses in high-need schools. Such data must be disaggregated by subject area, disaggregated by student subgroup, and in a manner that allows for an assessment of the effectiveness of the grant program.

Sec. 1224(h) [Evaluation] requires that the Secretary evaluate the implementation and impact of the activities supported under this section and disseminate research on best practices.

Sec. 1224(i) [Matching Requirement] requires each eligible entity to provide toward the cost of the activities assisted under the grant an amount equal to 100 percent of the amount of the grant, with exceptions allowed.

Sec. 1225 [Supplement, Not Supplant] stipulates that grant funds provided under this part must supplement, and not supplant, other non-Federal funds that are available to assist low-income students to pay for the cost of Advanced Placement or International Baccalaureate examination fees or to expand access to Advanced Placement or International Baccalaureate courses, and pre-Advanced Placement or pre-International Baccalaureate courses.

Sec. 1226 [Definitions] defines "high-need school" and "low-income student".

Section 1203 amends the act by striking subparts 3 and 4.

Part C—Education of Migratory Children

Section 1301 amends section 1301 of ESEA by inserting a new program purpose as follows:

Sec. 1301 [Program Purpose] establishes that the purpose of the program is to assist States in providing high-quality and comprehensive educational programs during the regular school year and summer or intersession periods, that address the unique educational needs of migratory children: (1) succeed in school; (2) meet the same State college- and career-ready academic content and student academic achievement standards that all children are expected to meet; (3) graduate high school ready for higher education and careers; and (4) overcome factors that inhibit the ability of such children to succeed in school.

Sec. 1302 amends section 1302 with technical amendments.

Sec. 1303 amends section 1303 as follows:

Sec. 1303(a) [State Allocations] changes the allocation formula to provide that the amount awarded to each State (other than Puerto Rico) for each fiscal year must be an amount equal to the product of: (1) the sum of the average number of identified eligible migratory children aged 3 through 21, residing in the State, based on data for the preceding 3 years and the number of identified eligible migratory children, age 3 through 21, who received services under this part in summer or intersession programs provided by the State during the previous year; and (2) 40 percent of the average per-pupil expenditure in the State (but not be less than 32 percent, or more than 48 percent) of the average per-pupil expenditure in the United States.

Sec. 1303(b) [Hold Harmless] states that for fiscal years 2011 through 2013 that States will be held harmless from changes to the allocation formula at a rate of 90 percent reduce of their allocation for the previous year.

Sec. 1303(c) [Allocation to Puerto Rico] provides that Puerto Rico's allocation is the amount determined by multiplying the number of children who would be counted under subsection (g) by the product of the percentage which the average per-pupil expenditure in the Commonwealth of Puerto Rico is of the lowest average per-pupil expenditure of any of the 50 States (but not less than 85 percent); and 32 percent of the average per-pupil expenditure in the United States.

Sec. 1303(d) [Ratable Reductions; Reallocations] describes actions the Secretary may take if the amount allocated for any fiscal year is insufficient to pay in full. It requires the Secretary to: (A) develop and implement a procedure for monitoring the accuracy of the information on the number and needs of migratory children used to institute further reductions in allocations; and (B) issue criteria for a system of State quality control for the accuracy of State counts of eligible migratory children. It prohibits the Secretary from reducing the amount of a State allocation on the basis of unintentional errors in such counts for States implementing a system of State quality control, if the discrepancy between the initial State count and any subsequent revisions is minimal.

Sec. 1303(f) [Determining Numbers of Eligible Children] adds additional requirements around determining the number of eligible children. Provides that the Secretary must: (1) use the most recent information that most accurately reflects the actual number of migratory children; (2) develop and implement a procedure for monitoring the accuracy of such information, if such a procedure does not create barriers to the families of migratory children who are eligible for services; and (3) update and implement the procedure, to more accurately reflect the cost factors for different types of summer and intersession program designs.

Sec. 1303(g) [Nonparticipating States] provides a mechanism for determining the allocation for a State that did not receive an allocation for the previous fiscal year or that has been participating for less than 3 consecutive years. In that case, the Secretary must calculate the State's number of identified migratory children aged 3 through 21 by using the most recent data available that identifies

the migratory children residing in the State until data is available to calculate the 3-year average number of such children.

Section 1304 amends section 1304 as follows:

Sec. 1304(b) [Program Information] creates additional application requirements, including: (1) a description of the steps the State is taking to provide all migratory children with the opportunity to meet the same State college- and career-ready academic content and student academic achievement standards that all children are expected to meet; (2) a description of how the State will meet the requirements for the timely electronic transfer of student records and how the State will use such records transfer; and (4) such budgetary and other information as the Secretary may require.

Sec. 1304(c) [Assurances] creates additional assurances to be included in each application, including that: (1) in the planning and operation of programs and projects at both the State and local agency operating levels, there is consultation with parent advisory councils for programs of at least 1 school year, and that all such programs and projects are conducted in a manner that provides a certain level of parental involvement and are developed in a format and language understandable to the parents; (2) there has been, and will be, adequate provision for addressing the unmet education needs of migratory children who are not attending school; and (3) the State has procedures in place to verify the accuracy and completeness of any data regarding the counting of migratory children that is submitted to the Secretary.

Sec. 1304(d) [Priority for Services] requires that in providing services with funds received under this part, each recipient of such funds must give priority to migratory children who have made a move within the previous 1-year period and who: (1) are failing, or most at risk of failing, to meet the State college- and career-ready academic content standards and student academic achievement standards adopted under section 1111(a)(1); and (2) have dropped out of school, or most at risk of failing, to meet the State's challenging State academic content standards and challenging State student academic achievement standards, and whose education has been interrupted during the regular school year.

Sec. 1304(e) [Continuation of Services] states that notwithstanding any other provision of this part: (1) a child who ceases to be a migratory child during a school term must be eligible for services until the end of such term; (2) a child who is no longer a migratory child may continue to receive services for 1 additional school year, but only if comparable services are not available through other programs; and (3) students who were eligible for services in secondary school may continue to be served through credit accrual programs until graduation.

Section 1305 amends section 1305 as follows:

Sec. 1305 [Secretarial Approval; Peer Review] requires the Secretary to approve each State application that meets the requirements of this part and, to the extent practicable, review any such application with assistance and advice of State officials and other individuals with relevant expertise.

Section 1306 amends section 1306 as follows:

Sec. 1306 [Comprehensive Needs Assessment and Service-Delivery Plan; Authorized Activities] states that each State plan must address the unique needs of migratory children and that each State that receives assistance must ensure that the State and its local operation agencies identify and address the unique educational needs of migratory children consistent with the purposes of this part, in accordance with a comprehensive State plan that: (A) is integrated with other programs under this act or other acts, as appropriate; (B) addresses the unique educational needs of migratory children; (C) is developed in collaboration with parents of migratory children; (D) is not used to supplant State efforts regarding, or administrative funding for, this part; (E) provides that migratory children will have an opportunity to meet the same State college- and career-ready academic content and student academic achievement standards adopted under section 1111(a)(1) that all children are expected to meet; (F) specifies measurable program goals and outcomes; (G) encompasses the full range of series that are available for migratory children from appropriate local, State, and Federal education programs; (H) is the product of joint planning among such local, State and Federal programs, including programs under part A, early care and education programs, and language instruction educational programs under part A or B of title III; and (I) provides for the integration of services available under this part with services provided by such other programs.

Section 1307 amends section 1307 as follows:

Sec. 1307 [Bypass] specifies that the Secretary can use all or part of any State's allocation to award grants to, or enter into contracts with, any public or private nonprofit agency under certain circumstances.

Section 1308 amends section 1308 as follows:

Sec. 1308 [National Activities]

Sec. 1308(a) [Improvement Coordination] gives the Secretary additional authority to improve coordination of migrant education activities by allowing the Secretary, in consultation with the States, to make grants to, or enter into contracts with, State educational agencies, local educational agencies, institutions of higher education, and other public and private entities to improve the coordination between State educational agencies, local operating agencies, and their counterparts in other nations in educating migratory children who move between the United States and such nations.

Sec. 1308(b) [Student Records] describes how the Secretary will assist States with the transfer of migratory student records. It requires the Secretary to assist each State in maintaining an effective system for the electronic transfer of student records and, in consultation with the States, continue to ensure the linkage of migratory child record systems. The Secretary must maintain ongoing consultation with the States, local educational agencies, and other migratory student service providers on the effectiveness of the system of electronic records transfer. The Secretary must report findings and recommendations regarding the maintenance of these records to Congress.

Sec. 1308(c) [Technical Assistance] states that the Secretary may provide technical assistance designed to support State efforts to meet the needs of migratory children.

Section 1308(d) [Incentive Grants] makes technical corrections.

Sec. 1308(e) [Improvements and Coordination] provides that from any funds remaining after the issuance of technical assistance and Incentive Grants, the Secretary, in consultation with the States, may make grants to, or enter into contracts with, State educational agencies, local educational agencies, institutions of higher education, and other public and private nonprofit entities to improve the interstate and intrastate coordination among such agencies' and entities' programs available to migratory students.

Section 1309 amends part C of title I by redesignating section 1309 as section 1312 and by inserting a new section 1309, 1310 and 1311 as follows:

Sec. 1309 [Performance Data] requires that each State that receives a grant under this part must annually submit to the Secretary, and make public, data on: (1) the academic achievement of migratory students, as measured by State assessments; (2) such students' high school graduation rates and rates of enrollment and persistence in, and completion of a program of study at, institutions of higher education; and (3) the results of such other performance measures and targets as the Secretary may prescribe.

Sec. 1310 [Evaluation and Study] requires the Secretary to conduct a pilot study, funded as a part of the 2012 National Assessment of Educational Progress, on the feasibility of using the National Assessment of Educational Progress for assessing and reporting on the academic achievement of migratory children in grades 4 and 8 in reading and mathematics.

Sec. 1311 [State Assistance in Determining Number of Migratory Children] requires that each State must assist the Secretary in determining the number of migratory children in such State through such procedures as the Secretary may require, except that the Secretary must not require additional information that is not directly related to determining the migratory status of the child or the administration of this part.

Section 1310 [Definitions] amends section 1312, as redesignated by section 1309, as follows:

Sec. 1312 [Definitions] defines the following terms: (1) "Food Processor", (2) "Initial Commercial Sale", (4) "Migratory Agricultural Worker", (5) "Migratory Child", (6) "Migratory Fisher", and (7) "Qualifying Move".

Part D—Prevention and Intervention Programs for Children and Youth who are Neglected, Delinquent, or At-Risk

Sections 1401–1415 amend the below ESEA sections as follows:

Sec. 1401 [Purpose and Program Authorization] is amended to state that (1) neglected or delinquent children and youth have the opportunity to meet the same college- and career-ready academic content standards and student academic achievement standards under section 1111(a)(1) that all children in the State are expected to meet.

Sec. 1412 [Allocation of Funds]

Sec. 1412(a) [Subgrants to State Agencies] sets out the formula for subgrants to State agencies described in section 1411 (other than an agency in the Commonwealth of Puerto Rico).

Sec. 1412(b) [Subgrants to State Agencies in Puerto Rico] is updated with a technical amendment.

Sec. 1414 [State Plan and State Agency Application]

Sec. 1414(a) [State Plan] requires each State educational agency that desires to receive a grant to submit, for approval by the Secretary, a plan that (D) provide assurances that the State educational agency has established procedures to ensure that each student who has been placed in the juvenile justice system is promptly re-enrolled in secondary school or placed in a re-entry program that best meets the educational and social needs of the student, procedures for facilitating the transfer of credits that such students earned during placement, and opportunities for such students to participate in higher education or career pathways.

Sec. 1414(c) [State Agency Applications] is updated with technical amendments.

Sec. 1415 [Use of Funds]

Sec. 1415(a) [Uses] is updated with technical amendments and amended to allow a State agency to use funds received under this subpart to (E) include the costs of testing for such children and youth for a recognized equivalent of a secondary school diploma.

Sec. 1416 [Institution-Wide Projects] is updated with technical amendments and amended to allow for the development and implementation of transition plans.

Sec. 1418 [Transition Services] is updated with technical amendments.

Sec. 1419 [Evaluation; Technical Assistance; Annual Model Program] requires that, from the amount reserved for evaluation activities in accordance with section 9601(a), the Secretary, acting through the Director of the Institute for Education Sciences, must evaluate the implementation and impact of the activities supported under this part.

Sec. 1421 [Purpose] is updated with a technical amendment to update the section.

Sec. 1422 [Programs Operated By Local Educational Agencies]

Sec. 1422(d) [Transitional and Academic Services] requires that transitional and supportive programs operated in a local educational agency under this subpart be designed primarily to meet the transitional needs (including the social and emotional needs) and academic needs of students returning to local educational agencies or alternative education programs from correctional facilities.

Sec. 1423 [Local Educational Agency Applications] is updated with technical amendments.

Sec. 1424 [Uses of Funds] is updated with technical amendments.

Sec. 1425 [Program Requirements for Correctional Facilities Receiving Funds Under This Section] sets requirements for each correctional facility entering into an agreement with a local educational agency under section 1423(2) to provide services to children and youth under this subpart. New or amended requirements include: (1) coordinating funds received under this subpart with

other local, State, and Federal funds available to provide services to participating children and youth, such as funds made available under title I of Public Law 105–220, and career and technical education funds; (2) developing an initial educational services and transition plan for each child or youth served under this subpart upon entry into the correctional facility, in partnership with the child or youth's family members and the local educational agency that most recently provided services to the child or youth (if applicable), consistent with section 1414(a)(1); and (3) consulting with the local educational agency for a period jointly determined necessary by the correctional facility and local educational agency upon discharge from that facility, to coordinate educational services so as to minimize disruption to the child's or youth's achievement.

Sec. 1426 [Accountability] describes the State educational agency's responsibilities, including requiring correctional facilities or institutions for delinquent children and youth to annually report on the number of children and youth released from the correctional facility or institution who returned or did not return to school, the number of children and youth obtaining a secondary school diploma or its recognized equivalent, and the number of children and youth obtaining employment; and the option to require correctional facilities or institutions for delinquent children and youth to demonstrate, after receiving assistance under this subpart for 3 years, that there has been an increase in the number of children and youth returning to school, obtaining a secondary school diploma or its recognized equivalent, or obtaining employment after such children and youth are released.

Sec. 1431 [Program Evaluations] sets program evaluation requirements. Each State agency or local educational agency that conducts a program under subpart 1 or 2 is required to evaluate the program, disaggregating data on participation by gender, race, ethnicity, and age, not less than once every 3 years, to determine the program's impact.

Sec. 1432 [Definitions] amends the definition of "At-Risk."

Part E—Educational Stability of Children in Foster Care

Section 1501 amends part E of title I as follows:

Section 1501(a) [Obligations To Collaborate With Child Welfare Agencies] requires each State educational agency receiving assistance under part A to collaborate with the State agency responsible for administering the State plans under parts B and E of title IV of the Social Security Act to develop and implement a plan to ensure that, for each child in the State, in foster care, changing foster care placements, or leaving foster care, that the following occurs: (A) the child enrolls or remains in the child's school of origin; (B) the child is immediately enrolled in school; and (C) records are immediately transferred. Each State educational agency shall ensure that the plan is implemented by local educational agencies in the State.

Section 1501(b) [Credit Transfer and Diplomas] requires each State that receives assistance under part A to have policies for ensuring that a child in foster care can (1) transfer school credits, receive partial credits for satisfactorily completed coursework, (2) re-

cover school credits lost due to placement instability, and (3) receive a secondary school diploma from a current or former school.

1501(c) [Transportation] provides that not later than 1 year after the date of enactment of the Elementary and Secondary Education Reauthorization Act of 2011, the State educational agency must enter into an agreement with the State agency responsible for administering the State plans under the Social Security Act to ensure that children in foster care receive transportation to and from those schools. The agreement must include a description of how foster care maintenance payments will be used to help fund the cost of transportation and how children who leave foster care is eligible to receive transportation to remain in their school of origin for the remainder of the academic year.

1501(d) [Points of Contact] requires a State that receives assistance under part A to ensure that each local educational agency in the State designates an individual employed by the agency to serve as a point of contact for the child welfare agencies responsible for children in foster care enrolled in the local educational agency and to oversee the implementation of this section. State educational agencies receiving assistance under part A must designate an individual to serve as a point of contact for child welfare agencies and to oversee the implementation of this section. Neither the local educational agency's nor the State educational agency's point of contact can be the individual designated as the local educational agency liaison or the State Coordinator for Education of Homeless Children and Youth under the McKinney-Vento Homeless Assistance Act, unless the individual has the capacity, resources, and time to perform both roles.

Section 1502 [Definitions] defines the terms "child in foster care", "school attendance area", and "school of origin".

Section 1501(b) [Guidance] requires the Secretary of Education, in collaboration with the Secretary of Health and Human Services, to issue guidance, not later than 90 days after the date of enactment of this act, on the implementation of Part E of Title I of the Elementary and Secondary Education Act of 1965.

Title II: Supporting Excellent Teachers and Principals

Section 2101 amends the below ESEA sections as follows:

Sec. 2101(a) [Technical Amendments] makes a number of technical amendments to update the title.

Sec. 2101(b) Troops-to-Teachers

Sec. 2101(b)(1)(A) [Transfer of Functions] transfers the operation and administration of the Troops-to-Teachers program from the Department of Education to the Department of Defense.

Sec. 2101(b)(1)(B) [Effective Date] states that the transfer will take place the first day of the first month, 180 days after the enactment of this act.

Sec. 2101(b)(2) [Enactment and Modification of the Troops-to-Teachers program in Title 10 of the U.S. Code]

Sec. 2101(b)(2)(A) [In General]

(a) [Definitions] defines the terms "charter school", "program", "elementary school", "highly qualified teacher", "local educational agency", "secondary school", and "State".

(b) [Program Authorization] authorizes the Secretary of Defense to carry out the Troops-to-Teachers program to assist eligible members of the Armed Forces to obtain teaching certificates and licenses and to facilitate their employment by local educational agencies or public charter schools receiving title I funding or experiencing a shortage of highly qualified teachers, or in elementary or secondary schools, or as vocational or technical teachers.

(c) [Eligibility and Application Process] defines the eligible members of the Armed Forces, and describes the application process for applying to the program, the selection criteria and education background for applicants, selection priorities for the program, and other conditions of selection.

(d) [Participation Agreement and Financial Assistance] explains that members of the Armed Forces accepted into the program agree to obtain a teaching certificate or licenses within the time period determined by the Secretary and will accept an offer of full-time employment for not less than 3 years with a local educational agency or public charter school receiving grants under part A of title I of this act. This paragraph also outlines the conditions under which a member of the Armed Forces is not considered to be in violation of the participation agreement, including full-time student status, disability status, service on active duty and other conditions as defined by the Secretary. Participants may be paid up to $5,000 stipends while in the program up to a total of 5,000 participants, or may be paid up to $10,000 to a program participant who agrees to become a highly-qualified teacher and to accept full-time employment as an elementary school teacher, secondary school teacher, or vocational or technical teacher for not less than 3 school years in a high-need school as long as no more than 3,000 bonuses are paid in any fiscal year.

(e) [Reimbursement Under Certain Circumstances] states that a participant paid a stipend or bonus must repay the stipend or bonus if he/she fails to obtain teacher certification or licensure, leaves the program voluntarily or is terminated for cause, or the participant agreed to serve as a member of the reserves component of the Armed Forces for a period of 3 years and fails to complete the required term. The amount of reimbursement is required to be proportional to the amount of time the participant spent in the program.

(f) [Relationship to Educational Assistance Under Montgomery GI Bill] states that the receipt of a stipend or bonus under the Troops-to-Teacher program does not reduce or affect the entitlement of a participant to any benefits they are entitled to.

(g) [Participation by States] directs that requirements of States to conduct activities under the Troops-to-Teachers program can be carried out by consortia of States. The Secretary of Defense may make grants available to States or consortia of States to operation offices for the purposes of recruiting eligible members of the Armed Forces for the program and facilitating employment of participants of the program. The total amount of grants made in any fiscal year may not exceed $5,000,000.

Part A—Continuous Improvement and Support for Teachers and Principals

Sec. 2101 [Purpose] explains that the purpose of this part is to provide grants to State educational agencies and subgrants to local educational agencies to enable them to improve academic achievement for all students, including those with disabilities and language learners, by providing professional development to improve instruction and student achievement and by increasing the number and improving the equitable distribution of high-quality teachers and principals.

Sec. 2102 [Definitions] defines the terms "induction program", "mentoring", and "State".

Sec. 2111 [Allotments to States]

Sec. 2111(a) [In General] directs that the Secretary will allot grants to States whose applications have been approved under section 2112. These grants will be used for purposes outlined in section 2113. Each grant consists of allotments determined for a State under subsection (b).

Sec. 2111(b) [Determination of Allotments] states that from the total amount appropriated to carry out this subpart for a fiscal year, the Secretary shall reserve:

Sec. 2111(b)(1)(A–B) [Reservation of Funds] directs the Secretary to reserve (A) one-half of 1 percent for allotments for the U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, (B) as well as one-half of 1 percent for the Secretary of the Interior for programs under this part in schools operated or funded by the Bureau of Indian Education.

Sec. 2111(b)(2)(A) [State Allotments] states that the Secretary will allot to each State the sum of (i) an amount that bears the same relationship to 35 percent of the remaining amount as the number of individuals ages 5 through 17 in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all such States, as so determined; and (ii) an amount that bears the same relationship to 65 percent of the remaining amount as the number of individuals, ages 5 through 17 from families with incomes below the poverty line, in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all such States, as so determined.

Sec. 2111(b)(2)(B) [Exception] states that no State receiving an allotment under subparagraph (A) may receive less than one-half of 1 percent of the total amount allotted under such subparagraph.

Sec. 2111(b)(3) [Reallotment] explains that if any State does not receive an allotment for any fiscal year under this subsection, the Secretary shall re-allot such funds to the remaining States.

Sec. 2112 [State Applications]

Section 2112(a) [In General] states that the State educational agency must submit an application to the Secretary that meets all the requirements the Secretary sets forth.

Section 2112(b)(1–9) [Contents] directs that each application submitted shall be subject to peer review and include: (1) a description of how the State educational agency will ensure that each local educational agency receiving a subgrant will comply with the requirements; (2) a description of how the State will use funds reserved under the State reservation; (3) a description of how the ac-

tivities to be carried out by the State educational agency will be based on a review of scientifically valid research and an explanation of why the activities are expected to improve student achievement; (4) a description of how activities are aligned with State content and achievement standards and State assessments, which may include State early learning content and achievement standards and assessments; (5) a description of how the State educational agency will provide data on each teacher's student achievement and, if applicable, student growth, for the required State assessments to teachers and local educational agencies in a timely and useful manner; (6) if the State intends to use grant funds to develop or improve a teacher and principal evaluation system, (A) a description of such system, and (B) an assurance that such system will be consistent with requirements in the Teacher Incentive Fund program; (7) a description of how the State educational agency will hold local educational agencies accountable for meeting the highly-qualified teacher requirements; (8) an assurance that the State educational agency will comply with requirements regarding the participation of children in private schools; and (9) a description of the activities funded under this subpart, including how such activities will be coordinated with the State agency responsible for early childhood education and care programs and the State Advisory Council on Early Childhood Education and Care established under section 642B of the Head Start act, that are designed to improve and strengthen the knowledge and skills of teachers and principals responsible for educating children in preschool, where applicable, through grade 3.

Sec. 2112(c) [Deemed Approval] states that an application submitted by a State educational agency that has been peer reviewed shall be deemed to be considered approved by the Secretary unless the Secretary makes a written determination within 120 days that the application is not in compliance with this subpart.

Sec. 2112(d) [Disapproval] directs that the Secretary cannot disapprove the application except after giving the State educational agency notice and an opportunity for a hearing.

Sec. 2112(e) [Notification] states that, if the Secretary finds an application not in compliance, the Secretary is required to: (1) give the State educational agency notice and an opportunity for a hearing and (2) notify the State educational agency of the finding with a citation of the specific provisions not in compliance.

Sec. 2112(f) [Response] states that, if the State educational agency responds to the Secretary's notification during the 45-day period beginning on the date of notification and resubmits the application with the requested information, the Secretary is required to approve or disapprove the application prior to the later of (1) the expiration of the 45-day period beginning on the date on which the application is resubmitted or (2) the expiration of the 120-day period described in subsection (c).

Sec. 2112(g) [Failure to Respond] states that, if the State educational agency does not respond to the Secretary's notification during the 45-day period beginning on the date of notification, such application is deemed disapproved.

Sec. 2113 [State use of Funds]

Sec. 2113(a)(1) [In General] directs that States that receive funds must reserve 95 percent of the grant funds to make subgrants to local educational agencies.

Sec. 2113(a)(2)(A–E) directs that States must also use no less than 2 percent but no more than 5 percent of the funds to improve the performance and distribution of high-quality principals and other school leaders through: (A) developing, reviewing, and periodically revising State policies related to principals; (B) developing, with appropriate stakeholders, and carrying out a State plan to provide well-prepared principals; (C) activities designed to recruit, prepare, place, assist support and retain highly rated principals in high-need schools and low-performing schools; (D) providing training and support to principals and school leadership teams in high-needs schools and low-performing schools on improving instruction and closing achievement gaps; and (E) providing compensation or incentive to attract, retain and reward highly rated principals and other school leaders for high-need schools and low-performing schools.

Sec. 2113(a)(3)(A–E) Any remaining funds may be used to (A) plan and administer State activities; (B) assist local education agencies in recruiting, preparing, placing, developing, and retaining high-quality teachers for high-needs schools and low performing schools; (C) provide technical assistance to local educational agencies; (D) develop and disseminate the State Report Card described; and (E) provide technical assistance to local educational agencies in the development and implementation of programs and policies that support children's transition from early childhood education and care programs into elementary schools, improve school readiness, and improve the academic achievement of young children.

Sec. 2113(a)(4)(A–E) may use any funds remaining after making the reservations to provide technical assistance to local educational agencies to support the design and implementation of a system to evaluate teachers and principals consistent with section 2301(b)(4).

Sec. 2113(b) [Optional Uses]

Sec. 2113(b)(1)(A–D) [In General] states that a State that receives a grant under section 2111 may, from the funds available from the State reservation, use an amount equal to not more than one percent to establish, expand, or implement 1 or more teacher or principal preparation academies and to provide for a State authorizer.

Sec. 2113(b)(2)(A–B) [Definitions]

Sec. 2113(b)(2)(A–B) [Teacher or Principal Preparation Academy] defines the terms "teacher or principal preparation academy" and "State authorizer".

Sec. 2113(c) [Supplement, Not Supplant] establishes that funds received under this subpart shall be used to supplement, and not supplant, non-Federal funds that would otherwise be used for activities authorized under this subpart.

Sec. 2121 [Allocations to Local Educational Agencies]

Sec. 2121(a) [In General] states that the Secretary will make a grant to a State only if the State agrees to distribute the funds to local educational agencies under this subpart.

Sec. 2121(b)(1)(A–B) [Allocations] establishes that the State educational agency is required to allocate to each of the eligible local educational agencies in the State for such fiscal year the sum of (A)

an amount that bears the same relationship to 20 percent of the total amount reserved as the number of individuals age 5 through 17 in the geographic area served by the agency, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in the geographic areas served by all the local educational agencies in the State, as so determined; and (B) an amount that bears the same relationship to 80 percent of the total amount reserved as the number of individuals age 5 through 17 from families with incomes below the poverty line in the geographic area served by the agency, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in the geographic areas served by all the local educational agencies in the State, as so determined.

Sec. 2121(b)(2)(A–B) [Hold Harmless] establishes that the State educational agency is (A) required to allocate to each eligible LEA an amount that is not less than 90 of the allocation the eligible LEA received for the previous fiscal year under this part. (B) If insufficient funds are appropriated to allocate the amounts that all eligible LEAs in the State are eligible to receive for a fiscal year, the Secretary is required to ratably reduce those amounts for the fiscal year.

Sec. 2122 [Local Applications and Needs Assessment]

Sec. 2122(a)(1–2) [In General] states that, to be eligible to receive a subgrant, a local educational agency is required to (1) submit an application to the State educational agency and (2) conduct an assessment of the needs of the local educational agency.

Sec. 2122(b)(1–4) [Contents] directs that each application submitted under this section shall include: (1) a description of the results of the needs assessment conducted; (2) a description of the performance measures and activities the local educational agency will use to address the needs identified; (3) a description of how the local educational agency will improve or implement a rigorous, transparent, and fair teacher and principal evaluation system; and (4) the local educational agency's plan for using subgrant funds and other Federal, State, and local funds to provide for equitable distribution of teachers and principals within the local educational agency.

Sec. 2123 [Local use of Funds]

Sec. 2123(a)(1–10) [In General] directs that local educational agencies that receive a subgrant must use subgrant funds to increase student achievement for all children, including English learners and students with disabilities, through (1) developing and carrying out professional development which may include joint professional development for teachers, principals, and other relevant school staff with early childhood education and care program staff; (2) reducing class size for prekindergarten through 3rd grade by an amount and to a level consistent with what scientifically valid research has found to improve student achievement; (3) developing and implementing an induction program or a mentoring program; (4) developing and implementing, or improving, a teacher and principal evaluation system; (5) increasing teacher capacity to evaluate student work and use student achievement data; (6) recruiting, preparing, placing, supporting, developing, rewarding, and retaining highly rated teachers and principals; (7) improving within-dis-

trict equity in the distribution of highly rated teachers in high-need schools; (8) enabling teachers to become certified as teachers in a high-need subject or field; (9) creating career ladders; and (10) reforming the local educational agency's system of compensating teachers and principals.

Sec. 2123(b) [Supplement, Not Supplant] establishes that funds received under this subpart shall be used to supplement, and not supplant, non-Federal funds that would otherwise be used for activities authorized under this subpart.

Sec. 2131(1–3) [National Leadership Activities] states that, from the funds authorized for this part, the Secretary is authorized to set aside no more than 1 percent of funds for (1) research and development, (2) technical assistance, and (3) outreach and dissemination activities directly or through grants, contacts, or cooperative agreements.

Sec. 2141 [Accountability]

Sec. 2141(a)(1–4) [In General] establishes that (1) each State that receives a grant must report annually to the Secretary a State Report on program performance and results of the grant; (2) each local educational agency is required to annually submit to the State a local educational agency report on program performance and results under such subgrant; (3) each State and local educational agency report shall collect, report and disseminate information in compliance with the Family Educational Rights and Provision act; and (4) no State or local educational agency shall be required to publically report information that would reveal identifiable information about an individual teacher or principal.

Sec. 2141(b)(1–4) [Information] directs that each State and local educational agency report shall contain (1) the number of teachers in the State and local educational agency teaching under a provisional license due to not having passed all required State licensure tests for 1, 2, and 3 or more school years and (2) data by teacher preparation program within the State, on the student achievement data students taught by such program's graduates.

Sec. 2151 [Principal Recruitment and Training Grant Program]

Sec. 2151(a)(1–5) [Definitions] defines the terms "Current principal", "Eligible entity", "Eligible school", "Middle grade", and "School-level student outcomes".

Sec. 2151(b)(1–2) [Program Authorized]

Sec. 2151(b)(1) [Principal Recruitment and Training Grant Program] directs that the Secretary will award grants to recruit, prepare, place, and support principals in eligible schools.

Sec. 2151(b)(2)(A–B) [Duration]

Sec. 2151(b)(2)(A)(i–ii) [In General] establishes that (i) a grant awarded under this program will not last more than 5 years and that (ii) the Secretary may renew a grant based on performance and award the grantee increased funding to scale up or replicate the grantee's program.

Sec. 2151(b)(2)(B)(i–ii) [Performance] states that (i) the Secretary's primary consideration will be how principals recruited, prepared, placed, and supported under the grantee's program have improved school-level student outcomes as well as (ii) the percentage of program graduates who (I) become principals in eligible schools; (II) remain principals in eligible schools for multiple years; and

(III) are highly rated principals as determined by a principal evaluation system, if applicable.

Sec. 2151(c)(1–2) [Application and Selection Criteria] establishes that an eligible entity will submit an application to the Secretary. In awarding grants, the Secretary will consider (A) the extent to which the entity has the capacity to implement the activities that it proposes to implement; (B) the entity's demonstrated record of effectiveness or an evidenced-based plan for preparing principals to improve school-level student outcomes; (C) the extent to which the entity has a demonstrated record of effectiveness or an evidence-based plan for providing principals trained by the entity with the guidance, support, and tools they need to improve school-level student outcomes; (D) the likelihood of the entity sustaining the project with funds other than funds provided under this section.

Sec. 2151(d)(1–3) [Awarding Grants]

Sec. 2151(d)(1)(A–D) [Priority] directs that the Secretary shall give priority to eligible entities with a record of preparing or developing principals who (A) have improved school-level student outcomes; (B) have become principals in eligible schools; (C) remain principals in eligible schools for multiple years; and (D) are highly rated principals under a teacher and principal evaluation system.

Sec. 2151(d)(2)(A–B) [Grant for Rural Schools and Lowest Performing Schools] directs that the Secretary will (A) award not less than one grant to an eligible entity that intends to establish a program for rural schools; and (B) award not less than one grant to an eligible entity that intends to establish a program to train and support principals and other school leaders to lead reform efforts in persistently low-achieving schools in a State or more than 1 State.

Sec. 2151(d)(3)(A–B) [Reform Efforts] establishes that an eligible entity that receives a grant under this program (A) will use the grant funds in the first year to: (i) bring together experts and stakeholders; (ii) to collect and develop, in consultation with experts and stakeholders, an evidence-based body of knowledge on effective school reform leadership in persistently low-achieving schools; (iii) to develop an evidence-based leadership training program; and (B) during each subsequent year of the grant carry out the activities described in (A).

Sec. 2151(e)(1–8) [Activities] directs eligible entities to use grant funds for the following purposes: (1) to recruit, select, train, and support a diverse group of aspiring or current principals, or both, for work in eligible schools; (2) to track participants; (3) if the entity provides a program for aspiring principals, it will provide (A) a pre-service residency, that is not less than 1 year in length that includes coaching from a mentor principal, and instructional leadership and organizational management experience; (B) focused coursework on instructional leadership, organizational management, and the use of a variety of data, and (C) ongoing support, mentoring, and professional development; (4) to train mentors for principals in eligible schools; (5) to provide differentiated training to participants in skills that evidence shows are critical to improving school-level student outcomes in eligible schools; (6) to deliver high-quality, differentiated, school-level support services and training to current principals of eligible schools or to individuals who have completed the aspiring principal residency; (7) to make train-

ing materials funded under the grant available to the Department for public dissemination; and (8) to track the effectiveness of the program.

Sec. 2151(f)(1–2) [Annual Report] mandates that grant recipients submit an annual report to the Secretary starting in the third year of the grant regarding school-level student outcomes resulting from implementation of the grant activities; and data on (A) the percentage of program graduates who become principals in eligible schools; (B) the percentage of graduates who remain principals in eligible schools for multiple years; and (C) the percentage of program graduates who are highly rated under a teacher and principal evaluation system.

Sec. 2151(g)(1–2) [Matching Requirement]

Sec. 2151(g)(1)(A–B) [Matching Requirement] states that a grant recipient will contribute matching funds annually equal or greater than 20 percent of the amount of the grant.

Sec. 2151(g)(2) [Waiver] establishes that the Secretary may waive or reduce the matching requirement if an entity demonstrates a need for such a waiver or reduction due to financial hardship.

Sec. 2151(h) [Supplement, Not Supplant] establishes that grant funds provided under this section shall be used to supplement, and not supplant, any other Federal, State, or local funds otherwise available to carry out the activities described in this section.

Sec. 2151(i)(1–2) [Evaluation and Dissemination of Best Practices] mandates that the Secretary carry out an evaluation of programs funded under this section and identifies and disseminates research and best practices related to such programs.

Sec. 2151(j) [Report to Congress] directs that, not later than 5 years after the date of enactment of this act, the Secretary will submit a report to the relevant committees on lessons learned through programs funded with grants awarded under this section.

Part B—Teacher Pathways to the Classroom

Sec. 2201 [Teacher Pathways]

Sec. 2201(a) [Purpose] states that the purpose of this section is to support the recruitment, selection, preparation, placement, retention, and support of teachers in high-need subjects or fields who will improve student academic achievement and student outcomes at high-needs schools.

Sec. 2201(b)(1–2) [Definitions] defines the terms "eligible entity" and "teacher in a high-need subject or field".

Sec. 2201(c) [Authorization of Grant Awards] states that the Secretary shall award grants to eligible entities.

Sec. 2201(d) [Applications] states that an eligible entity that desires to receive a grant under this section shall submit an application to the Secretary.

Sec. 2201(e) [Considerations] requires that the Secretary considers the geographic diversity of the eligible entities.

Sec. 2201(f)(1–3) [Priority] provides that the Secretary shall give priority to applicants that demonstrate a record of (1) recruiting college undergraduates, recent college graduates, graduate students, and professionals with a demonstrated history of significant academic achievement to become teachers; (2) recruiting and selecting candidates who are members of groups underrepresented in the

teaching profession; and (3) preparing teachers who consistently improve student academic achievement at high-need schools.

Sec. 2201(g)(1–5) [Required Use of Funds] requires that an eligible entity that receives a grant under this section shall use the grant funds (1) to recruit, select, prepare, place, retain, and support teachers for high-need schools and teachers in high-need subjects or fields; (2) to prepare all teachers to teach students with disabilities and English language learners; (3) to prepare teachers in classroom management, instructional planning and delivery, learning theory and cognitive development, literacy development, and student assessment; (4) to provide school-based, clinical experience at a high-need school that includes observation of and feedback on teacher candidates' teaching; and (5) to provide ongoing mentoring and support, which may include coursework, for participants for at least 1 school year.

Sec. 2201(h) [Permissible Use of Grant Awards] provides that an eligible entity that receives a grant under this section may use the grant funds to provide financial stipends for teacher candidates who are not the teacher of record.

Sec. 2201(i)(1–2) [Performance and Grant Renewal] states that an eligible entity that receives a grant under this section must track the placement rate, retention rate, and performance in improving student academic achievement of teachers recruited and prepared by programs funded by the grant and submit data on such performance to the Secretary.

Sec. 2201(j) [Fiscal Agent] states that the fiscal agent for an eligible entity that receives a grant under this section may be a local educational agency, State educational agency, institution of higher education, or nonprofit organization that is a partner in the eligible entity.

Sec. 2201(k)(1–2) [Matching Requirements]

Sec. 2201(k)(1) [Federal Share] requires that the Federal share for this section will be a percentage of the cost of the activities assisted under the grant as determined by the Secretary.

Sec. 2201(k)(2)(A–B) [Non-Federal Share] directs that the non-Federal share provided by an eligible entity receiving a grant in this program will be a percentage of the total costs determined by the Secretary and may include in-kind contributions. The Secretary may waive or reduce the amount of the non-Federal share.

Sec. 2201(l) [Evaluation] requires that the Director of the Institute of Education Sciences evaluate the implementation and impact of the program under this section, identify best practices for recruiting, selecting, preparing, placing, retaining, and supporting teachers in high-need subjects or fields for high-need schools, and disseminate research on best practices.

Part C—Teacher Incentive Fund Program

Section 2301 [Purposes; Definitions]

Sec. 2301(a)(1–2) [Purposes] establishes that the purposes of this subpart are to assist States, local educational agencies, and nonprofit organizations to develop, implement, improve, or expand (1) comprehensive performance-based compensation systems for teachers, principals, and schools that raise student academic achievement and close the achievement gap, especially for teachers and

principals in high-need schools; and (2) rigorous, transparent, and fair teacher and principal evaluation systems.

Sec. 2301(b)(1–4) Definitions defines the terms "eligible entity", "performance-based compensation system", "student academic achievement", and "teacher and principal evaluation system".

Sec. 2302(a) [Teacher Incentive Fund Grants] states that the Secretary is authorized to award competitive grants to eligible entities to carry out the development, implementation, improvement, or expansion of a performance-based compensation system in a school served by a project under this part.

Sec. 2302(b) [Priority] requires that the Secretary give priority to eligible entities that concentrate their activities under this section on teachers and principals in high-need schools.

Sec. 2302(c)(1–9) [Applications] provides that an eligible entity desiring a grant under this subpart submit an application to the Secretary that shall include a description of: (1) the performance-based compensation system and teacher and principal evaluation system which the eligible entity proposes to develop, implement, improve, or expand; (2) the support and commitment, from teachers and principals in the school to be served by the project, the community, and the local educational agencies, for the proposed activities, including a demonstration of consultation with teachers and principals in the design and development of the proposal; (3) how the eligible entity will develop and implement a fair, rigorous, and objective process to evaluate teacher, principal, and student performance under the project; (4) the local educational agencies or schools to be served by the project; (5) the quality of teachers and principals in the local educational agencies and the schools to be served by the project and how the project will increase the quality of teachers and principals in a high-need school; (6) how the eligible entity will use grant funds in each year of the grant; (7) how the eligible entity will continue the performance-based compensation system after the grant period ends; (8) the State, local, or other public or private funds that will be used to supplement the grant and sustain the activities assisted under the grant at the end of the grant period; and (9) the rationale and evidence for the proposed activities and of any prior experience of the eligible entity in developing and implementing such activities.

Sec. 2302(d) [Use of Funds]

Sec. 2302(d)(1)(A–B) [In General] requires an eligible entity that receives a grant under this subpart to use the grant funds to develop, implement, improve, or expand, in collaboration with teachers, principals, other school administrators, and members of the public (A) a performance-based compensation system or (B) a teacher and principal evaluation system.

Sec. 2302(d)(2)(A–C) [Authorized Activities] requires that grant funds under this subpart shall be used for (A) developing or improving teacher and principal evaluation systems that reflect clear and fair measures of teacher and principal performance; (B) paying bonuses and increased salaries; and (C) conducting outreach within a local educational agency or a State to gain input on how to construct the teacher and principal evaluation system and to develop support for such system.

Sec. 2302(e)(1–2) [Duration of Grant] provides that (1) the Secretary can award Grants for no more than 5 years and (2) a local

educational agency may receive (whether individually or as part of a consortium or partnership) a grant under this part only once.

Sec. 2302(f) [Equitable Distribution] requires that when awarding grants, the Secretary must consider geographic diversity, including the distribution between rural and urban areas.

Section 2302(g)(1–2) [Matching Requirement] requires that each eligible entity that receives a grant under this subpart shall provide, over the course of the 5-year project period, an increasing share of matching funds (which may be provided in cash or in kind) to carry out the activities supported by the grant and (2) provides that the Secretary can waive the matching requirement for an eligible entity that (A) consists of a high-need local educational agency or (B) that is located in a rural area.

Sec. 2302(h) [Supplement, Not Supplant] states that grant funds provided under this subpart shall be used to supplement, not supplant, other Federal, State, or local funds.

Part D—Achievement Through Technology and Innovation

Sec. 2401 [Short Title] states that part D of title II may be cited as the "Achievement Through Technology and Innovation Act of 2011" or the "ATTAIN Act".

Sec. 2402(1–7) [Purposes and Goals] establishes that the purposes and goals of this part are to improve the use of technology to improve student achievement and effective teaching.

Sec. 2403 [Definitions] defines the terms "blended learning", "educational productivity", "local educational agency", "student technology literacy", and "systemic education transformation".

Sec. 2404(a–c) [Allocation of funds; Limitation; Trigger] requires that (1) funds made available for this program be used for: (A) the State and local grants described in subpart 1 if the appropriation is more than $300 million, or (B) for the State Competitive Grants described in subpart 2 if the appropriation is less than $300 million. (2) The local educational agency may set aside up to 3 percent for administrative costs. (4) A State educational agency may use no more than 60 percent of funds for administrative costs.

Sec. 2411(a–c) [Allotment and Reallotment] (1) requires the Secretary to reserve: (A) three-fourths percent for schools operated or funded by the Bureau of Indian Education and (B) one-half percent for the outlying areas. (C) The remaining funds shall be distributed to State educational agencies in an amount proportional to their title I, part A allocation. (2) No State shall receive less than one-half of 1 percent. (3) The Secretary is required to re-allot any unused amount of a State educational agency's allotment to the remaining State educational agencies.

Sec. 2412(a–c) [Use of Allotment by State] (1) limits the amount a State educational agency may use to carry out State activities to not more than 5 percent or $100,000, whichever amount is greater. (2) State educational agencies are required to distribute the remainder in the following manner: (A) 60 percent for Improving Teaching and Learning through Technology subgrants and (B) 40 percent for Systemic Education Transformation through Technology Integration subgrants. (3) Grants must be of sufficient size and scope to be effective, be for at least 2 years, and preference in giving awards and technical assistance should be given to schools identified for improvement in section 1116. (4) A State educational

agency must ensure an equitable distribution among urban and rural areas of the State.

Sec. 2413(a–b) [State Applications] requires each State educational agency desiring to receive funding under this subpart to submit an application to the Secretary describing: (1) the State educational agency's plan to provide support to subgrantees under this subpart; (2) long-term goals and strategies for improving student achievement through the effective use of technology; (3) the priority area upon which the State educational agency will focus its assistance; (4) how the State educational agency will support subgrantees to implement professional development programs; (5) how the State educational agency will ensure that school staff possess the knowledge and skills to use technology for the purposes described in this subparagraph; (6) how the State educational agency will evaluate the impact and effectiveness of activities described in section 2414; (7) the State challenging academic content standards and challenging student academic achievement standards that the State educational agency will use to ensure that each student is technologically literate, and a description of how the State educational agency will assess student performance in gaining technology literacy. The State educational agency shall also provide (8) an assurance that financial assistance provided under this subpart will supplement, and not supplant, State and local funds; and (9) a description of how the State educational agency consulted with local educational agencies in the development of the State application.

Sec. 2414 [State Activities]

Sec. 2414(a)(1–3) [Mandatory Activities] requires State educational agencies receiving funding under this subpart to carry out each of the following activities: (1) identify the State college- and career-ready academic content standards and college- and career-ready student academic achievement standards that the State educational agency will use to ensure that each student is technologically literate; (2) assess student performance in gaining technology literacy; and (3) provide guidance, technical assistance, and other assistance in using technology to improve teaching and redesign curriculum and instruction, improve educational productivity, and deliver computer-based and online assessment.

Sec. 2414(b)(1–4) [Permissive Activities] allows State educational agencies receiving funding under this part to carry out each of the following activities: (1) providing State leadership activities and technical assistance; (2) developing or utilizing research-based or innovative strategies for the delivery of specialized or rigorous academic courses and curricula through the use of technology; (3) providing, or supporting local educational agencies in providing, sustained and intensive, high-quality professional development; and (4) assessing student performance in gaining technology literacy.

Sec. 2415(a) [Local applications] requires each local educational agency to submit an application to the State educational agency containing: (1) a new or updated local long-range strategic educational technology plan, (2) other information that the State educational agency may reasonably require, including: (A) A description of how the local educational agency will align and coordinate the local educational agency's use of funds under this subpart with efforts to improve student achievement and close achievement

gaps, their technology plan, and with other funding sources; (B) An assurance that financial assistance provided under this subpart will supplement, and not supplant, other funds available to carry out activities assisted under this subpart; (C) A description of the process used to assess and, as needed, update technologies throughout the local educational agency.

Sec. 2415(b) [Competitive Grants; Systemic Education Transformation Through Technology Integration] requires each local educational agency submitting an application for the Systemic Education Transformation Through Technology Integration to include: (1) a description of how grant funds will be used to implement systemic education transformation; (2) an assurance that at least 25 percent of funds will be used for professional development; and (3) a description of the evaluation that will be used to determine the impact of the funded activities.

Sec. 2415(c) [Formula Grants; Improving Teaching and Learning Through Technology] requires each local educational agency submitting an application for the Improving Teaching and Learning Through Technology program to include: (1) an assurance that 40 percent of funds will be used to assist educators in becoming technology literate; (2) a description of the professional development program; (3) a description of how technology will be used to improve student learning; (4) a description of the areas the grant will target; (5) and a description of how technology will be integrated into a redesigned curriculum or instruction.

Sec. 2415(d) [Combined Applications] allows local educational agencies to submit one application for the grants described in (b) and (c).

Sec. 2416. [Local activities]

Sec. 2416(a) [Competitive Grants; Systemic Education Transformation Through Technology Integration] requires each local educational agency to carry out activities to improve student learning, technology literacy and achievement. Activities include: (1) use of no less than 5 percent of funds for evaluation; and (2) use of funds to implement a plan for systemic education transformation.

Sec. 2416(b) [Formula Grants; Improving Teaching and Learning Through Technology] requires a local educational agency to carry out activities to improve student learning, technology literacy and achievement. Activities include: (1) use of no less than 40 percent of funds for professional development; and (2) use funds to acquire or implement technology tools, applications and other sources to improve student learning.

Sec. 2416(c) [Multiple Grants] allows a local educational agency that receives grants under both programs to use all funds for activities authorized under (a).

Sec. 2421 [State Competitive Grants]

Sec. 2421(a) [In General] states that the Secretary shall award grants to consortia of State educational agencies with approved applications.

Sec. 2421(b) [State Consortia Applications] states that a consortia of State educational agencies shall submit an application to the Secretary that includes a description of the following: (A) a list of the States in the consortium; (B) how the consortia will support local educational agencies in enhancing the use of technology; (C) an identification of an additional priority the consortium will ad-

dress which shall be preparing for and administering assessments online, using technology and blended learning, or improving the capacity of administrators to lead systemic education transformation through technology; (D) each State educational agency's long-term goals and strategies to improve student academic achievement with technology; (E) how the State educational agencies will use funds to improve the ability of educators to use technology; (F) a description of how the use of grant funds will be evaluated; (H) the identification of the State college- and career-ready academic content standards that will be used to determine student technology literacy; (H) an assurance that grant funds will supplement and not supplant State and local funds; (I) how the State educational agencies consulted with local educational agencies in the development of the application; (J) the process the State educational agencies will use to competitively award subgrants; (K) how the State educational agencies will coordinate grant funds with other available funding; and (L) an assurance that a number of conditions are met by each State.

Sec. 2421(c)(1) [In General] establishes that the Secretary shall award grants that are (A) of sufficient size and duration to be effective, (B) are distributed among States of diverse geographic locations and populations, and (C) serve students attending high-need schools.

Sec. 2421(c)(2) [Priority] directs that the Secretary will give priority to applications from consortia in which each State has met, or has proposed a detailed plan with specific timelines to meet, the following conditions. (A) Assessments in the State are delivered online. (B) The State has signed teacher certification reciprocity agreements with one or more other States, including for online instruction. (C) Postsecondary and other teacher training institutions are required to provide, or support the provision of training in online and blended instruction. (D) The State directly supports technology tools and applications and ensures that all students and teachers have high-speed access to the Internet. (E) The State supports policies or plans facilitating the use of student-owned devices in schools or that facilitate home access to digital content. (F) The States have plans that support students with disabilities, advanced learners, below-grade-level learners, and English learners.

Sec. 2421(d) [State Consortium Use of Funds] states that each State educational agency consortium that receives a grant shall (1) allocate not less than 75 percent of grant funds to local educational agencies and (2) use remaining funds for State-level activities described in the application.

Subpart 3—Internet Safety

Sec. 2431(a–f) [Internet Safety] Prohibits local educational agencies from using funds under this part to access the Internet, or to pay for direct costs associated with accessing the Internet, for such school unless the school, school board, local educational agency, or other authority with responsibility for administration of such school both—(1) has in place a policy of Internet safety for minors that includes the operation of a technology protection measure with respect to any of its computers with Internet access that protects against access through such computers to visual depictions that are obscene; child pornography; or harmful to minors; and is enforcing

the operation of such technology protection measure during any use of such computers by minors; and (2) has in place a policy of Internet safety that includes the operation of a technology protection measure with respect to any of its computers with Internet access that protects against access through such computers to visual depictions that are obscene or child pornography; and is enforcing the operation of such technology protection measure during any use of such computers.

Title III: Language and Academic Content Instruction for English Learners and Immigrant Students

Section 3001 amends the below ESEA section as follows:

Sec. 3001 [Reorganization] makes a number of technical amendments across title III to update the title, including by striking part B of current law and redesignating part C as part B.

Section 3002 amends section 3102 as follows:

Section 3102 [Purposes] states that the purposes of part A are to:

(1) meet the educational needs of English learners and immigrant students with high-quality, evidence-based services that ensure the English language proficiency and academic content knowledge they need to meet the State's college- and career-ready standards and academic assessments;

(2) support the efforts of State and local educational agencies to provide high-quality and effective educational programs for English learners;

(3) support the efforts of teachers, school leaders, and State and local educational agencies to develop the capacity needed to provide evidence-based, linguistically and culturally appropriate services to English learners to attain English language proficiency and meet State college- and career-ready academic standards, and subsequently implement, evaluate and modify such services effectively;

(4) ensure that rigorous and consistent standards and State accountability systems are in place for programs for English learners; and

(5) promote parent and community participation in programs for language instruction in communities for parents of children who are English learners.

Section 3003 amends section 3111 as follows:

Sec. 3111 [Formula Grants to States]

Sec. 3111(b) [Use of Funds] states that the Secretary may only make a grant to the State educational agency if they agree to expend at least 95 percent of the State allotment in subgrants to eligible entities to carry out the activities described in section 3115 (other than subsection (e)) and in subgrants under section 3114(d)(1) to eligible entities that are described in that section to carry out the activities described in section 3115(e). In addition, each State educational agency receiving a grant may reserve no more than 5 percent of funds to provide technical assistance to eligible entities. The SEA may not use more than 40 percent (or $175,000, whichever is greater) of the amount reserved for tech-

nical assistance for planning, evaluation, administration, or interagency coordination.

Sec. 3111(c) [Reservations and Allotments] is amended by directing the Secretary to reserve from the amount appropriated: 0.5 percent or $5,000,000, whichever is greater, for payments to eligible entities under subsection 3112(a) for services to Native American and Alaska Native children; 0.5 percent for payments to outlying areas in accordance with their needs, as determined by the Secretary; and 6.5 percent for national activities. The remaining allotment will be allocated to States in proportion to the number of English learners in the States, but will be no less than $500,000. If the State educational agency does not submit a plan, or submits an unsatisfactory plan, the State's allotment will be made available on a competitive basis to qualified agencies within the State, and any allotment still remaining will be redistributed among the remaining States. The total amount allotted to Puerto Rico cannot exceed 0.5 percent of the total amount allotted to all States for that fiscal year. In order to assess the number of English learners in the States, the Secretary may use American Community Survey data from the Department of Commerce, and the number of English learners assessed as not proficient in English based on the State's English language proficiency assessment under section 1111(a)(2)(D). To assess the number of immigrant students, the Secretary shall use data available from the American Community Survey.

Section 3004 amends section 3112 as follows:

Sec. 3112 [Native American and Alaska Native Children]

Sec. 3112(a–b) [Eligible Entities; Submission of Applications for Assistance] are amended with technical amendments to update the sections.

Sec. 3112(c) [Special Rules] is amended by striking the language in current law and inserting language that states that an eligible entity cannot receive more than one grant under this subsection in the same period, and that these funds may be used both for activities supported in this subpart and for Native American language immersion and restoration programs.

Section 3005 [State Educational Agency Plans] amends section 3113 of ESEA as follows:

Sec. 3113 [State Educational Agency Plans]

Sec. 3113(a) [Plan Required] specifies that in order to receive a grant a State educational agency must submit a plan to the Secretary.

Sec. 3113(b) [Contents] describes the required contents of each plan submitted. Plans must include: (1) a description of the process the State educational agency will use to award subgrants under section 3114(d)(1); (2) a description of the process for creating statewide criteria for local educational agencies in determining English learners who need services, standards for when students no longer need such services, and standards for all English learners in all LEAs in the State; (3) a description of how the State educational agency will support local educational agencies efforts in making English learners proficient in each of the four language domains; (4) an assurance that if new State academic standards are

adopted, the State educational agency will update such English language proficiency standards accordingly; (5) an assurance that the State's assessment system is valid and reliable; (6) criteria for defining English language proficiency; (7) a description of how the State educational agency will coordinate the activities of this subpart with the activities carried out under the other parts of this act; (8) a description of how the State educational agency will assist eligible entities in improving English language instruction; (9) an assurance that eligible entities will be given flexibility for curriculum selection; (10) a description of how the State educational agency will manage subgrants; (11) an assurance that the State's English language standards are aligned with the academic standards described in section 1111; and (12) an assurance that the plan was developed in consultation with local educational agencies, teachers, program administrators, parents, and other relevant stakeholders.

Sec. 3113(c) [Approval] states that the Secretary, after using a peer review process, must approve a plan submitted under this section if it meets all the above requirements.

Sec. 3113(d) [Duration of Plan] states that each State educational agency plan submitted and approved under this part will remain in effect for the duration of the State educational agency's participation and be periodically reviewed and revised by the agency to reflect changes in strategy and programs.

Sec. 3113(e) [Consolidated Plan] allows the plan submitted in subsection (a) to be submitted as part of a consolidated plan under section 9302.

Sec. 3113(f) [Secretary Assistance] states that the Secretary must provide technical assistance, if requested, in the development of English language proficiency standards, objectives and assessments.

Section 3006 amends section 3114 as follows:

Sec. 3114 [Within-State Allocations] provides for a number of technical amendments to update the section. Sec. 3114(d)(2) requires that State educational agencies must also consider eligible entities with limited or no experience serving immigrant children and that State educational agencies must consider eligible entities that have experienced a significant increase in immigrant children and youth.

Section 3007 amends section 3115 as follows:

Sec. 3115 [Subgrants to Eligible Entities]

Sec. 3115(a) [Purposes of Subgrants] states that the purposes of the subgrants are to supplement the education of English learners and immigrant youth and help them achieve proficiency in the State college and career readiness standards. This includes individual and whole school language instruction educational programs for English learners and immigrant youths.

Sec. 3115(b) [Administrative Expenses] provides that no more than 2 percent of the subgrant be used for administrative costs.

Sec. 3115(c) [Required Subgrantee Activities] provides that subgrants must be used for two or more of the following activities: (1) increasing English language proficiency through evidence-based programs; (2) providing relevant professional development to teach-

ers, administrators and other school or community-based personnel; and (3) carrying out other evidence-based activities to enhance language instruction for English learners.

Sec. 3115(d) [Authorized Subgrantee Activities] provides that funds may also be used for (1) upgrading program objectives and strategies, (2) tutoring programs and services, (3) coordinated language instruction educational programs, (4) literacy programs and services, (5) technology, and (6) community participation and parent and family outreach activities.

Sec. 3115(e) [Activities by Agencies Experiencing Substantial Increases in Immigrant Children and Youth] requires that funds be used by eligible entities to provide for enhanced instructional opportunities for immigrant children, which may include (A) family literacy and engagement outreach, (B) support for personnel, (C) tutoring, mentoring or counseling services for immigrant youth, (D) curricula selection, (E) basic instructional services, (F) other costs to assist immigrant children and youth to succeed in school, and (G) activities to assist parents of immigrant children and youth.

Sec. 3115(f) [Selection of Method of Instruction] requires an eligible entity to select one or more methods or forms of instruction that meet State academic content and student academic achievement standards, to be on track to college- and career-readiness, consistent with sections 3124 through 3126.

Sec. 3115(g) [Supplement, Not Supplant] prohibits supplanting of Federal, State, or local funds to support English learners.

Sec. 3115(h) [Prohibition on Use of Funds] prohibits a subgrantee from using funds provided under this subpart for services required to be provided for compliance with Title VI of the Civil Rights act of 1964.

Section 3008 amends section 3116 as follows:

Sec. 3116 [Local Plans]

Sec. 3116(a) [Plan Required] states that all eligible entities must submit a plan to the State educational agency in order to receive grant funds.

Sec. 3116(b) [Contents] states that each plan must include the following: (1) a description of the evidence-based programs and activities proposed; (2) a description of the process for accountability for individual schools receiving funds; (3) a description of parent, family and community engagement efforts to be undertaken; (4) a description of plans to consult with teachers, researchers, school personnel, parents and community stakeholders in developing and implementing these programs; (5) a description of how these programs will lead to English language proficiency and mastery of core academic subjects; (6) an assurance that all activities are reflected in a school-level plan or a separate school-level title III activity plan; and (7) an assurance that the eligible entity is not in violation of State law and that each local educational agency within the eligible entity complies with section 3202.

Sec. 3116(c) [Teacher English Fluency] requires eligible entities to certify that all English language instructors will be fluent in the language used for instruction.

Section 3009 amends section 3121 as follows:

Sec. 3121 [Evaluations]

Sec. 3121(a) [In General] describes elements of the report each eligible entity must submit to the State educational agency at the conclusion of each second fiscal year. The report must include: (1) a description of programs and activities conducted using subgrant funds, including how those programs supplemented programs primarily funded by State or local funds; (2) a description of the progress toward English language and State academic content and achievement standard proficiency; (3) the number and percentage of English learners participating in these programs who, by the end of each school year, attain English language proficiency; (4) a description of the progress made by former English learners in their academic proficiency, high school graduation and college- and career-readiness for each of the 3 years after they no longer receive services under this subgrant; and (5) the number and percentage of English learners who have not attained English proficiency within 5 years of enrolling at the local educational agency and being classified as English learners.

Sec. 3121(b) [Use of Evaluations] requires that the evaluation be used by the subgrantee and the State educational agency to (1) assess the progress of English learners and (2) to improve the effectiveness of programs and activities.

Section 3010 [Reporting Requirements] amends section 3122 with technical amendments to update the section.

Section 3011 [Coordination with Related Programs] amends section 3123 with technical amendments to update the section.

Section 3012 [Rules of Construction] amends section 3124 with technical amendments and adds a provision that states that nothing in subpart 1 should be construed to prevent a grantee from providing services to a student who has met proficiency according to section 1111(a)(2)(D) but has not attained (or is not on track to attain) proficiency on regular State academic assessment under section 1111(a)(2)(A).

Section 3013 [Prohibition] amends section 3128 with a technical amendment to update the section.

Section 3014 strikes section 3131 and inserts the following:

Sec. 3131 [National Activities]

Sec. 3131 [Professional Development Grants] requires that the Secretary use funds made available under Sec. 3111(c)(1)(C) to award grants on a competitive basis, for a period of no more than 5 years, to institutions of higher education or nonprofits with relevant expertise and capacity to provide for professional development activities for teachers and educational personnel working with English learners. Grants awarded under this section may be used to: (1) support partnerships between State educational agencies or local educational agencies and institutions of higher education to support individuals working to improve educational services and supports for English learners; (2) support research on promising instructional strategies; (3) support strategies that promote school readiness and transitions for young English learners; (4) support strategies that promote high school graduation for English learners; (5) support strategies that promote parent, family and community engagement; (6) support the development of cur-

ricula and assessments; or (7) support the dissemination of the above-mentioned information.

Sec. 3132 [Commission on Assessment of English Learners]

Sec. 3132(a) [Commission on Assessment of English Learners] directs the Secretary to establish an independent commission on the assessment and advancement of English learners.

Sec. 3132(b) [Composition] requires that the commission be comprised of individuals with experience and expertise in the education and development of English learners, including individuals with expertise in the art of teaching English to speakers of other languages, measurement and assessment, and educational assessment and accountability practices. The Secretary must ensure that the individuals selected are experts who are competent to evaluate instruction, assessments and models for English learners.

Sec. 3132(c) [Duties of the Commission] states that the duties of the commission are to provide the Secretary with advice and recommendations about the following issues: (1) the development and approval of standards pertaining to English learners; (2) the provision of regulations and guidance on the inclusion of English learners in assessment and accountability systems; (3) the alignment of State English language proficiency standards with State college- and career-ready standards; (4) the formation of peer review panels; (5) means of supporting local educational agencies and schools in properly supporting English learners; (6) means of ensuring that research, development and dissemination activities address gaps in knowledge regarding the inclusion of English learners in assessment and accountability systems; and (7) advise on ways to address the needs of English learners in all programs at the Department of Education.

Sec. 3132(d) [Annual Report] requires the commission to submit an annual report, beginning within 1 year of all members of the commission being appointed, to the Secretary and the authorizing committees of Congress, including the findings and recommendations described in subsection (c).

Section 3015 [Definitions] amends section 3201 as follows:

Sec. 3201 [Definitions] defines the term "eligible entity" and makes technical amendments to update other definitions.

Section 3016 [Parental Notification] amends Section 3202, as redesignated, as follows:

Sec. 3202 [Parental Notification]

Sec. 3202(a) [In General] specifies that eligible entities must, within the first 30 days of the school year, inform the parents of participating students of the following: (1) the reasons for the identification of their child as an English learner eligible for participation in the language instructional educational program; (2) the child's level of proficiency and how that was assessed; (3) the method of instruction used in the program; (4) how the program will reflect the educational strengths and needs of the child; (5) how the program will help the child learn English and academic content; (6) the exit requirements of the program, the expected rate of transition from the program, and the expected rate of high school graduation for English learners; (7) for children with disabilities, how

the program meets the objectives of the child's individualized education program; and (8) information on parental rights.

Sec. 3202(b) [Receipt of Information] provides that the information described in subsection (a) must be provided in an understandable and uniform format and, to the extent practicable, in a language that the parent can understand.

Sec. 3202(c) [Special Rule Applicable during School Year] provides that for students who are not identified for participation in a language instruction educational program prior to the beginning of the school year, the eligible entity must carry out subsections (a) and (b) within 2 weeks of the child being placed in the program.

Sec. 3202(d) [Parent and Family Engagement] requires eligible entities to implement an effective outreach program to parents and family members of English learners to tell them: (A) how they can be involved in the education of their children; and (B) how they can be active participants in assisting their children to learn English, achieve at high academic levels, meet State academic standards and understand expectations for college readiness and career success. In addition, this outreach must include holding, and notifying parents and family members of, regular meetings for the purpose of garnering and responding to recommendations from parents.

Sec. 3202(e) [Basis for Admission or Exclusion] states that a child cannot be admitted to, or excluded from, any federally assisted education program on the basis of a surname or language-minority status.

Section 3017 [National Clearinghouse] amends section 3202, as redesignated, with technical amendments to update the section.

Section 3018 [Regulations] amends section 3204, as redesignated, with technical amendments to update the section.

Title IV: Supporting Successful, Well-Rounded Students

Section 4101 [Redesignations] changes the title heading and redesignates parts and sections in title IV.

Part A—Improving Literacy Instruction and Student Achievement

Section 4102 amends part A of title IV as follows:

Sec. 4101 [Short title] states that the part may be cited as "Improving Literacy Instruction and Achievement."

Sec. 4102 [Purposes] contains two purposes for this new program. The purposes relate to improving student academic achievement in reading and writing from birth through grade 12.

Sec. 4103 [Definitions] contains the definitions of a number of terms that are used in this part, including "child", "classroom-based instructional assessment", "comprehensive literacy instruction", "developmental delay", "effective literacy instruction", "eligible entity", "English language acquisition", "family literacy services", "formative assessment", "high-quality professional development", "instructional leader", "literacy coach", "local educational agency", "reading", "scientifically valid research", "screening assessment", "State", "State literacy leadership team", "summative assessment", and "writing".

Sec. 4104 [Program Authorized]

Sec. 4104(a) [Reservations and Awards to State Educational Agencies] directs that: (A) the Secretary shall reserve no more than 4 percent of the funds appropriated for this part for dissemination of information and technical assistance; (B) shall reserve not more than 5 percent of the funds to competitively award planning grants to State educational agencies; (C) in the case of a fiscal year for which the appropriation is less than $500,000,000 awards shall be made competitively to carry out section 4106 (State implementation grants); and (D) in each fiscal year for which the appropriation equals or exceeds $500,000,000 the Secretary shall distribute grants to carry out section 4106 (implementation grants) based on a formula to State educational agencies whose applications have been approved by a peer review panel.

Sec. 4104(b) [Peer Review] requires the Secretary to have applications peer reviewed. (A) The peer review panel shall be composed of experts appointed by the Secretary from those recommended by the National Research Council and the National Institute of Child Health and Human Development. (B) Those appointed to the peer review panels may be classroom teachers, experts in professional development, experts in assessment, or experts in comprehensive literacy instruction.

Sec. 4104(c) [Conflicts of Interest] requires the Secretary to ensure that each member of the peer review panel does not stand to benefit financially from a grant and requires each State educational agency to ensure that members of the State literacy leadership team do not stand to benefit financially from the State's grant or subgrants.

Sec. 4104(d) [Supplement, Not Supplant] Prohibits supplanting of non-Federal funds to support literacy instruction.

Sec. 4104(e) [Maintenance of Effort] requires each State educational agency receiving a grant to maintain effort for each fiscal year in expenditures for literacy instruction.

Sec. 4105 [State Planning Grants]

Sec. 4105(a) [Planning Grants Authorized] authorizes the Secretary to award 1-year planning grants to State educational agencies to complete comprehensive planning to carry out activities that improve literacy for children from birth through grade 12.

Sec. 4105(b) [Application] describes the application content and approval requirements. Each State educational agency receiving a planning grant shall include in the application a plan for improving State efforts in comprehensive literacy activities. Such plan shall: (A) describe the activities that will be supported with the grant; (B) provide a budget; (C) include an analysis of data on child literacy and language and student academic achievement in reading; and (D) provide an assurance that all State agencies responsible for early learning programs and services collaborated in writing the plan.

Sec. 4105(c) [Required Activities] each State educational agency that receives a planning grant is required to (1) review reading, writing, or other literacy resources and programs, and data to identify any literacy needs and gaps in the State and (2) form or designate a State literacy leadership team. The State literacy team shall (A) create a comprehensive State literacy plan; (B) provide recommendations on State literacy standards; (C) provide recommendations to guide the State educational agency's measuring,

assessment, and monitoring of progress in literacy; (D) identify criteria for providers of professional development; (E) advise the State educational agency on ensuring that local educational agencies and schools provide data in a timely manner to teachers; and (F) provide recommendations to assist the State educational agency in building educators' capacity to provide literacy instruction.

Sec. 4106 [State Implementation Grants]

Sec. 4106(a) [Implementation Grants Authorized] authorizes the Secretary to award to State educational agencies implementation grants for up to 5 years (renewable for up to 2 additional years if progress is made on indicators listed in this section) to implement the comprehensive literacy plan, carry out State activities, and to award subgrants.

Sec. 4106(b) [State Applications] describes the application requirements for State educational agencies wishing to receive a grant. (2) Each application shall include: (A) a description of the members of the State literacy leadership team and a description of how the State educational agency has developed a comprehensive State literacy plan; (B) an implementation plan that includes a description of how the State educational agency will carry out the required State activities and provide assistance and accountability for eligible entities to implement the program; (C) a description of key data metrics and the performance targets for such metrics; (D) an assurance that the State educational agency and any eligible entity receiving a subgrant will participate in the national evaluation; (E) an assurance that the State educational agency will use not less than 10 percent of implementation grant funds for birth through kindergarten entry age programs, not less than 30 percent for State and local programs and activities, not less than 30 percent of grant funds for State and local programs and activities, not more than 10 percent for the State activities; and (F) an assurance that the State educational agency will give priority to subgrants based on the number or percentage of children from families with income levels below the poverty line.

Sec. 4106(c) [Approval of Applications] requires the Secretary to evaluate applications based on the responsiveness to the application requirements and to convene a peer review panel to review the applications. Each State educational agency's application shall contain an assurance that the State agencies responsible for early learning programs and services were consulted with in implementing activities.

Sec. 4107 [State Activities]

Sec. 4107(a) [Required Activities] each State educational agency shall use implementation grant funds to carry out the activities proposed in a State's implementation plan, including by (1) providing technical assistance to eligible entities, (2) coordinating with institutions of higher education to improve pre-service preparation, (3) review and update State licensure or certification standards in literacy instruction, and (4) by sharing promising instructional practices on the State's Web site.

Sec. 4107(b) [Permissive Activities] describes allowable State activities, which may include (1) training the personnel of eligible entities to use data systems to improve child literacy learning, (2) developing literacy coach training programs and training literacy coaches, (3) building public support among local educational agency

personnel, early learning programs, and the community for comprehensive literacy instruction for children from birth through grade 12, and (4) administering and evaluating funded activities.

Sec. 4108 [Subgrants to Eligible Entities in Support of Birth through Kindergarten Entry Literacy]

Sec. 4108(a) [Subgrants] (1) requires the State educational agency to competitively award subgrants to eligible entities to support high-quality early literacy initiatives for children from birth through kindergarten entry. (2) The term of the grant will be determined by the State educational agency.

Sec. 4108(b) [Sufficient Size and Scope] requires that each subgrant be of sufficient size and scope.

Sec. 4108(c) [Local Applications] requires each eligible entity to submit an application to the State educational agency that includes a description of: (1) how subgrant funds will be used to enhance language and literacy development; (2) the programs the eligible entity proposes to assist; (3) a budget; (4) how the eligible entity will use a 1-year planning period, if requested; (5) the literacy initiatives in place that will be coordinated and integrated with activities supported by the grant; (6) how funds will provide professional development to program staff; (7) how funds will be used to provide services, activities and materials that are based on scientifically valid research to meet the diverse developmental and linguistic needs of children; (8) how funds will be used to provide assessments; (9) how families and caregivers will be involved; (10) how funds will be used to help children make the transition to elementary school; (11) how the activities will be coordinated with comprehensive literacy instruction in kindergarten through grade 12; and (12) how funds will be used to evaluate activities and data.

Sec. 4108(d) [Approval of Local Applications] requires the State educational agency to select applications based on their quality and place priority in funding programs based on the number or percentage of children from families with income levels below the poverty line.

Sec. 4108(e) [Local Uses of Funds] requires an eligible entity to: (1) Use grant funds to: (A) enhance and improve early literacy skills for children in early learning programs; (B) carry out professional development; (C) acquire, provide training for, and implement assessments; (D) select, develop, and implement a multi-tier system of support; (E) integrate research-based instructional materials, activities, tools, and measures into the programs offered by the eligible entity; (F) train providers and personnel to support, develop, and administer high-quality early learning literacy initiatives that utilize data to improve instruction, and provide time and support for personnel to meet to plan comprehensive literacy instruction; (G) provide family literacy services about child literacy development; (H) annually collect, summarize, and report to the State educational agency data on child literacy and language development metrics; and (I) coordinate the involvement of families, early learning program staff, principals, other instructional leaders, and teachers in literacy development of children served under this part. (2) Each eligible entity shall use no more than 20 percent of grant funds in the first year of the grant and no more than 10 percent of grant funds each year thereafter to purchase curricula and assessment materials.

Sec. 4108(f) [Prohibition] prohibits the use of assessment items and data from assessments to provide rewards or sanctions for children, early learning program providers, teacher, program directors, or principals.

Sec. 4109 [Subgrants to Eligible Entities in Support of Kindergarten through Grade 12 Literacy]

Sec. 4109(a) [Subgrants to Local Educational Agencies] requires the State educational agency to (1) competitively award subgrants to eligible entities to support high-quality literacy initiatives for children in kindergarten through grade 12. Subgrants must (2) be of sufficient size and scope to carry out the activities described in the application. (3) Each eligible entity desiring a subgrant must submit an application that includes the following information: (A) a description of the capacity survey; (B) how professional development will be provided to teachers; (C) how schools will identify children in need of literacy interventions; (D) the budget for schools to be served by the eligible entity; (E) a description of how the school will integrate comprehensive literacy instruction into core academic subjects; (F) a description of how literacy instruction will be coordinated with early learning and after-school activities; (G) a description of the assessments that will be used; (H) a description of how families and caregivers will be involved; (I) a description of how a planning period, if desired, will be used; (J) a description of literacy initiatives in place and how activities funded with the subgrant will be coordinated with such initiatives; and (K) an assurance that the eligible entity will participate in the national evaluation.

Sec. 4109(b) [Local Uses of Funds for Kindergarten Through Grade 5] requires each eligible entity that receives a subgrant to use funds to carry out the following activities pertaining to children in kindergarten through grade 5: (1) developing and implementing a literacy plan across content areas that serves the needs of all children, provides intensive, supplemental, accelerated, and explicit intervention and support in reading and writing for children whose literacy skills are below grade level, and supports activities that are provided primarily during the regular school day; (2) acquiring, providing training for, selecting, and administering assessments, and managing, monitoring, and planning instruction based on the assessment data; (3) providing high-quality professional development opportunities; (4) training principals, specialized instructional support personnel, and other school district personnel to support, develop, administer, and evaluate high-quality kindergarten through grade 5 literacy initiatives; (5) coordinating the involvement of early learning program staff in the literacy development of children served under this part; (6) engaging families and encouraging family literacy experiences and practices to support literacy development; and (7) annually collecting and reporting data.

Sec. 4109(c) [Local Uses of Funds for Grades 6 Through 12] requires each eligible entity that receives a subgrant to use funds to carry out the following activities pertaining to children in grades 6 through 12: (1) developing and implementing a literacy plan for children in grades 6 through 12; (2) training principals and other instructional leaders to support and evaluate adolescent literacy initiatives that utilize data, assess the quality of literacy instruction in the core academic subjects, provide time for teachers to plan literacy instruction in academic subjects, and include explicit in-

struction; and (3) coordinate the involvement of educators in children's literacy development.

Sec. 4109(d) [Allowable Uses] states that eligible entities may use grant funds to carry out the following activities pertaining to children in kindergarten through grade 12: (1) providing a planning period of not more than 1 year for eligible entities; (2) recruiting, placing, training, and compensating literacy coaches; (3) connecting out-of-school learning opportunities to in-school learning to improve literacy achievement; (4) training families and caregivers to support the improvement of adolescent literacy; (5) providing for a multi-tier system of support; (6) forming a school literacy leadership team; (7) providing high-quality, literacy-rich environments that engage children with materials and experiences at the children's reading and writing levels; and (8) providing time for teachers to meet to plan comprehensive literacy instruction.

Sec. 4109(e) [Limitation of Use to Certain Schools] requires eligible entities to use funds to serve schools that have the highest percentages or numbers of children counted under section 1124(c).

Sec. 4110 [National Evaluation, Information Dissemination, and Technical Assistance]

Sec. 4110(a) [National Evaluation] requires (1) the Secretary to enter into a contract with an organization independent of the Department for a 5-year national evaluation of the grant and subgrant programs assisted under this part. It requires that the evaluation include scientifically valid research that applies rigorous and systematic procedures to obtain valid knowledge relevant to the implementation and effect of the programs. (2) The evaluation shall include an analysis of the following: (A) the impact of the implementation of literacy initiatives and practices on increased academic outcomes, promoting early literacy development, and strengthening the literacy skills of English learners and children with disabilities; (B) the fidelity of implementation of core program features; (C) the relationship between implementation of the core features and children's academic outcomes; (D) and other inquiries designated by the Secretary. (3) Requires the Secretary to provide the findings of the evaluation to grantees, make the findings publicly available, and submit the findings to the authorizing committees.

Sec. 4110(b) [Information Dissemination and Technical Assistance] requires the Secretary, in collaboration with the regional educational laboratories, the comprehensive centers, and the Director of the National Institute of Child Health and Human Development to distribute information on literacy best practices and other information and to provide technical assistance and information dissemination in literacy instruction best practices and other information.

Sec. 4111 [Consequences of Insufficient Progress, Reporting Requirements, and Conflicts of Interest]

Sec. 4111(a) [Consequences of Insufficient Programs] allows the Secretary to withhold funds from a State recipient or eligible entity for insufficient progress.

Sec. 4111(b) [Reporting Requirements] requires each State recipient to annually report to the Secretary on the (A) number and percentage of children reading and writing on grade level by the end of grade 3, (B) the percent of children served under the award who

receive special education and related services, and (C) the degree of appropriate developmental progress or literacy achievement growth of children, disaggregated by subgroup. (2) Each State educational agency receiving an award shall periodically report to the Secretary on the State's progress and shall include descriptions of: (A) professional development activities; (B) instruction, strategies, activities, curricula, materials, and assessments used in funded programs; (C) the types of programs funded and the demographic information of children served by the programs; (D) the experience and qualifications of program staff; and (E) student performance on relevant program metrics. (3) Each eligible entity is required to submit to the State educational agency the information described in paragraph (2).

Sec. 4112 [Rules of Construction] states that: (a) nothing in this part shall be construed to prohibit children eligible for assistance under title I or III or children eligible for assistance under the Individuals with Disabilities Education Act from receiving literacy instruction and intervention under this part; and (b) the screening assessments, diagnostic assessments, and formative assessments of reading and writing authorized under this part shall not be construed to constitute an evaluation required under the Individuals with Disabilities Education Act, except that assessments administered under this act may be used in conjunction with other assessments as part of an evaluation under the Individuals with Disabilities Education Act, provided that all assessment requirements of such act are met.

Part B—Improving Science, Technology, Engineering, and Mathematics Instruction and Student Achievement

Sections 4103 redesignates parts and sections, and amends title IV by inserting after part A the following:

Sec. 4201 [Purpose] describes the four purposes of this part, which relate to improving student achievement in science, technology, engineering, and mathematics.

Sec. 4202 [Definitions] defines terms for the purposes of this part, including: "eligible entity"; "eligible subgrantee"; "outside partner"; and "State".

Sec. 4203 [Grants; Allotments]

Sec. 4203(a) [Reservations] requires the Secretary to make the following reservations from funds appropriated for this part: (A) 2 percent to carry out technical assistance to States and (B), in any year that State grants are distributed competitively (if the appropriation for this part is less than $500 million), 5 percent for 1-year State capacity-building grants.

Sec. 4203(b) [Competitive Grants] states that: (1) if the appropriation for this part is equal to or exceeds $500 million, the Secretary is required to distribute grants to States by formula; (2) grants shall be for a period of no more than 3 years; and (3) if an eligible entity makes progress on performance metrics the Secretary may renew the grant for an additional 2-year period.

Sec. 4203(c) [Formula Grants] requires (1) the Secretary to award grants to States via a formula for each year the amount appropriated for the program is more than $500 million; (2) the Secretary to allot grant funds to each State based on overall population and poverty data; (3) that no State receive less than one-half

of 1 percent of the total amount allotted; (4) that the amount allotted to the Commonwealth of Puerto Rico not exceed one-half of 1 percent; and (5) that the Secretary re-allot unused funds.

Sec. 4204 [Applications]

Sec. 4204(a) [In General] requires each eligible entity or State seeking a grant under this part (whether formula or competitive) to submit an application to the Secretary.

Sec. 4204(b) [Contents] requires each application to include a number of elements: (1) The results of a State needs analysis, which must include student achievement and achievement gap data specific to science, technology, engineering, and mathematics, teacher evaluations, availability of courses, access to courses by low-income students, Advanced Placement, International Baccalaureate, and postsecondary level course completion, remediation rates, teacher qualifications, shortages and distributions, quality of pre-service preparation, labor market needs, and an analysis of the implementation of any multi-tiered systems of support. (2) An identification of the subjects the State will address based on the needs assessment. (3) A description, in a manner that addresses any needs identified by the needs analysis, of: (A) how grant funds will be used to improve instruction in identified subjects; (B) support the employment of multi-tiered systems of support; (C) the process that the State or eligible entity will use for awarding subgrants, including how relevant stakeholders will be involved; (D) how the State's or eligible entity's activities and subgrants will be coordinated with other Federal, State, and local programs and activities; (E) the technical assistance that the State or eligible entity will provide to subgrantees; (F) how the State or eligible entity will evaluate the activities funded; (G) how the State or eligible entity will allocate funds in a manner that will provide services to both elementary schools and secondary schools; (H) how the State or eligible entity will provide targeted support to improve instruction in high-need local educational agencies and high-need schools; (I) how the State or eligible entity's proposed project will ensure an increase in access for students who are traditionally underrepresented in science, technology, engineering, and mathematics subject fields to high-quality courses in one or more of the identified subjects; and (J) how the State or eligible entity will continue to involve stakeholders in education reform efforts related to science, technology, engineering, and mathematics instruction. (4) The State or eligible entity is required to assure that implementation of approved subgrantee plans will be monitored.

Sec. 4204(c) [Additional Funding] Permits a State or eligible entity to request to use an additional State activities reservation in a manner that addresses the results of the State's needs analysis.

Sec. 4205 [Authorized Activities]

Sec. 4205(a) [Required Activities] requires each State or eligible entity that receives a grant under this part to use the grant funds to carry out each of the following activities: (1) increase access for students through grade 12 that belong to groups that are traditionally underrepresented in science, technology, engineering, and mathematics subject fields to high-quality courses in the identified subjects; (2) implement evidence-based programs of instruction based on high quality standards and assessments in the identified subjects; (3) provide professional development and other com-

prehensive systems of support for teachers and school leaders; (4) provide technical assistance to subgrantees and other high-need schools and local educational agencies, including through the development and implementation of multi-tiered systems of support and the development of curriculum consistent with the principals of universal design for learning.

Sec. 4205(b) [Permissible Activities] allows each State or eligible entity that receives a grant to carry out one or more of the following activities: (1) recruiting qualified teachers and instructional leaders who are trained in identified subjects; (2) providing induction and mentoring services to new teachers in identified subjects; (3) developing instructional supports; or (4) implementing an interdisciplinary approach, by integrating instruction in one or more science, technology, engineering, and mathematics subjects with reading, English language arts, or instruction in other core academic subjects and noncore academic subjects.

Sec. 4205(c) [Subgrants] Requires (1) each State or eligible entity that receives a grant to award subgrants, on a competitive basis, to eligible subgrantees. (2) Each subgrant shall be of sufficient size and scope to support programs consistent with this part. (3 A–B) Each subgrant application shall include the following: (i) a description of the activities that the eligible subgrantee will carry out, and how such activities will improve teaching and student academic achievement in the identified subjects; (ii) a description of how the eligible subgrantee will use funds provided under this subsection to serve students and teachers in high-need schools; (iii) a description of how funds provided under this subsection will be coordinated with other Federal, State, and local programs and activities; (iv) if the eligible subgrantee is working with outside partners, a description of how such outside partners will be involved. (4) Each subgrantee is (A) required to carry out activities for students through grade 12, consistent with the activities described in the subgrantee's application, which shall include: (i) high-quality teacher and instructional leader recruitment, support, evaluation, and professional development in the identified subjects; (ii) professional development; (iii) activities to improve the content knowledge of teachers and facilitate professional collaboration; (iv) the development, adoption, and improvement of high-quality curricula and instructional supports that are aligned with State college- and career-ready academic content standards; (v) the development or improvement, and implementation, of multi-tiered systems of support; and (vi) integrating instruction in the identified subjects with instruction in reading, English language arts, or other core and noncore academic subjects. (B) Allows subgrantees to use the subgrant funds to (i) support the participation of low-income students in nonprofit competitions related to science, technology, engineering, and mathematics subjects; and (ii) broaden secondary school students' access to, and interest in, careers that require academic preparation in one or more identified subjects. (C) Requires subgrantees collaborating with outside entities to obtain a 15 percent match from the partner. The match requirement may be waived in case of hardship.

Sec. 4205(d) [State Activities] provides that (1) States may use not more than 5 percent of grant funds for (A) administrative costs; (B) monitoring the implementation of subgrants; (C) providing tech-

nical assistance to subgrantees; and (D) evaluating subgrants. (2) States may submit a request to the Secretary to reserve not more than 15 percent of grant funds for additional State activities.

Sec. 4206(a–b) [Performance Metrics; Report] (1) requires the Secretary, acting through the Director of the Institute of Education Sciences, to establish performance metrics to evaluate the effectiveness of the activities carried out under this part. (2) Requires each grantee under this part to prepare and submit an annual report to the Secretary, including information relevant to the performance metrics.

Sec. 4207 [Evaluation] requires the Secretary, acting through the Director of the Institute of Education Sciences, and in consultation with the Director of the National Science Foundation, to (1) evaluate the implementation and impact of the activities supported under this part, including progress measured by the metrics established under section 4206; (2) identify best practices to improve instruction in science, technology, engineering, and mathematics subjects; and (3) disseminate, in consultation with the National Science Foundation, research on best practices to improve instruction in science, technology, engineering, and mathematics subjects.

Sec. 4208 [Supplement, Not Supplant] states that funds received under this part shall be used to supplement, and not supplant, funds that would otherwise be used for activities authorized under this part.

Sec. 4209 [Maintenance of Effort] states that a State that receives funds under this part for a fiscal year shall maintain the fiscal effort provided by the State for the subjects supported by the funds under this part at a level equal to or greater than the level of such fiscal effort for the preceding fiscal year.

Part C—Increasing Access to a Well-Rounded Education

Section 4104 amends Title IV of ESEA by inserting after Part B the following:

Sec. 4301 [Purpose] describes the purpose of this part, which is to improve student achievement by giving students increased access to high-quality instruction for a well-rounded education.

Sec. 4302 [Definitions] defines terms for the purposes of this part, including: "covered subjects", "eligible entity", "eligible subgrantee", and "low-income student".

Sec. 4303 [Grant Program]

Sec. 4303(a–b) [Grants to Eligible Entities; Duration] requires the Secretary to make grants to eligible entities for up to 5 years.

Sec. 4303(c) [Payments] (1) requires the Secretary to make continued funding after the third year of the grant contingent on grantee performance. (2)(A) The grants are to be distributed by formula if the appropriation for this program exceeds $500 million, and by competition if the appropriation is less than $500 million. (2)(B) Provides that the formula to distribute funds via formula be based on 80 percent child poverty and 20 percent child population. (2)(C) Provides for a small State minimum of at least 1 percent of the total amount allotted to States and a maximum award for Puerto Rico of no more than 1 percent of the total amount allotted to States. (2)(D) Requires the Secretary to establish a peer review

process for applications submitted for formula or competitive funding.

Sec. 4303(d) [Application] requires (1) each eligible entity to submit an application to the Secretary. (2) The application shall (A) describe the needs identified based on an analysis of: (i) student access to, and quality of instruction in, covered subjects; (ii) the capacity of high-need local educational agencies in such State to deliver high-quality instruction in covered subjects; (iii) the capacity of the eligible entity to provide local educational agencies with the support needed to deliver high-quality instruction and curricula in covered subjects; and (iv) standards, assessments, curricula, accommodations, and other supports used in such State in covered subjects. The application shall also: (B) identify the covered subjects it will address; (C) describe how access to courses will be increased for low-income students, the knowledge and skills of teachers will be evaluated and improved, assistance will be provided to high-need local educational agencies to improve student access to and achievement in identified subjects, and activities funded are evidence-based; (D) describe how activities funded by the grant are aligned with other Federal, State and local programs; and (E) describe how the eligible entity will disburse funds to eligible subgrantees. (3) There is a competitive priority for (A) interdisciplinary approaches and (B) plans that include expanded learning time in order to increase access to covered subjects.

Sec. 4303(e) [Authorized Activities] (1) requires each eligible entity that receives a grant to use funds to increase access for low-income students to high-quality courses in the identified subjects by carrying out at least one of the following activities: (A) improve the knowledge and skills of teachers; (B) provide assistance to high-need local educational agencies to improve low-income student access to, and achievement in, identified subjects; and (C) develop and implement curricula, instructional supports and assessments in identified subjects. (2) Each eligible entity shall use grant funds to meet the needs identified in the eligible entity's needs analysis and the Secretary shall not require any eligible entity to address a specific subject. (3) Each eligible entity may use up to 4 percent of grant funds for administrative costs.

Sec. 4303(f) [Subgrants] allows each eligible entity to award competitive subgrants so long as each subgrant is of sufficient size and scope to support programs consistent with this part.

Sec. 4303(g) [Evaluation] requires the Secretary, acting through the Director of the Institute of Education Sciences, to evaluate the impact of activities supported by this part, identify best practices, and disseminate research on best practices.

Sec. 4303(h) [Accountability] requires the Secretary, acting through the Director of the Institute of Education Sciences, to establish performance metrics to evaluate the outcomes of grants funded under this part. Each eligible entity that receives a grant is required to prepare and submit an annual report to the Secretary, including information about the performance metrics.

Sec. 4303(i) [Supplement, Not Supplant] states that funds received under this part shall be used to supplement, and not supplant, funds that would otherwise be used for activities authorized under this part.

Sec. 4303(j) [Maintenance of Effort] states that a State that receives funds under this part for a fiscal year shall maintain the fiscal effort provided by the State for the subjects supported by the funds under this part at a level equal to or greater than the level of such fiscal effort for the preceding fiscal year.

Part D—Successful, Safe, and Healthy Students

Section 4105 amends title IV by inserting after part C the following:

Sec. 4401 [Purpose] states that the purpose of this part is to assist State educational agencies and local educational agencies in developing and implementing comprehensive programs and strategies to foster positive conditions for learning in public schools that (1) promote student physical health and well-being, nutrition, and fitness; (2) promote student mental health and well-being; (3) prevent school violence and harassment, and reduce substance abuse among students; and (4) promote safe and supportive schools.

Sec. 4402 [Definitions] defines the following terms: "controlled substance"; "drug"; "drug and violence prevention"; "eligible local applicant"; "physical education indicators"; "programs to promote mental health"; and "programs to promote physical activity, education, fitness and nutrition".

Sec. 4403 [Reservations] states that: (1) in the first 3 years of funding, (A) the Secretary must reserve 30 percent or $30 million (whichever is greater), for formula grants to States, in an amount proportional to each State's share under title I of this act to develop conditions for learning measurement systems and to conduct needs analyses; and (B) not more than 68 percent of funds shall be reserved for Successful, Safe and Healthy Students State grants. (2) For the fourth and each subsequent year, not less than 98 percent of funding will be provided for Successful, Safe and Healthy Students State grants. (3) For each year that funding is provided for this part, 2 percent of funds shall be reserved for technical assistance.

Sec. 4404 [Successful, Safe, and Healthy Students State Grants]

Sec. 4404(a) [Purpose] states that the purpose of this section is to provide funding to States to implement comprehensive programs that address conditions for learning in schools.

Sec. 4404(b) [State Grants] provides that awards to States provided via formula, if the appropriation is at least $500 million, be allotted by the title I, part A formula; that no State shall receive less than one-half of 1 percent of the total amount; and that Puerto Rico shall receive an amount not to exceed one-half of 1 percent of the total amount. Awards to States shall be provided via a competition, if the appropriation is less than $500 million, and be of sufficient size and scope to support grant activities.

Sec. 4404(c) [Applications] (1) requires a State desiring a grant to submit an application to the Secretary that (2) includes the following: (A) a plan for improving conditions for learning in schools; (B) a needs analysis of the conditions for learning in schools in the State; and (C) a description of how the activities proposed are responsive to the results of the needs analysis. Each application shall also include (D) a description of how the State will: (i) develop, adopt, adapt, and implement the State's conditions for learning measurement system and how the State will ensure that local edu-

cational agencies will participate in such a system; (ii) ensure the reliability and validity of the State's conditions for learning data collection; (iii) coordinate the proposed activities with other Federal and State programs; (iv) assist local educational agencies to align activities with funds the agencies receive under the program with other funding sources; (v) solicit and approve subgrant applications; (vi) address the needs of diverse geographic areas in the State; (vii) provide assistance to local educational agencies and schools in their efforts to prevent and appropriately respond to incidents of harassment; and (viii) provide assistance to local educational agencies and schools in their approaches to school discipline. (3) The Secretary is required to establish a process to review submitted applications.

Sec. 4404(d) [Duration] states that grants shall be awarded to a State for no more than 5 years, with an initial grant period of the first 3 years and a possible 2-year extension if the State shows sufficient improvement on performance metrics.

Sec. 4404(e) [Reservation and Use of Funds] allows a State to reserve 7½ percent of grant funds for administration of the program, technical assistance, and the development, improvement, and implementation of the State's conditions for learning measurement system; and to use the remainder of grant funds to competitively award subgrants to eligible local applicants.

Sec. 4404(f) [Required State Activities] requires States receiving a grant under this section to: (1) establish a statewide physical education requirement that is consistent with widely recognized standards; (2) require all local educational agencies in the State to (A) establish policies that prevent and prohibit conduct that is sufficiently severe, persistent, or pervasive to limit a student's ability to participate in or benefit from a program or activity of a public school or educational agency, or to create a hostile or abusive educational environment at a program or activity of a public school or educational agency, including acts of verbal, nonverbal, or physical aggression, intimidation, or hostility and (B) provide (i) annual notice and (ii) grievance procedures to parents and students; (3) develop, adapt, improve, or adopt and implement the statewide conditions for learning measurement system; (4) collect information in each year of the grant on the conditions for learning at the school-building level; (5) collect annual incident data at the school-building level that are accurate and complete; (6) publicly report, at the school level and local educational agency level, the data collected in the State's conditions for learning measurement system each year in a timely and highly accessible manner; (7) to use the results of the data collected in the State's conditions for learning measurement system to (A) identify and address conditions for learning statewide, (B) help subgrantees identify and address school and student needs, and (C) provide individualized assistance to schools identified under section 1116 and schools with significant conditions for learning weaknesses; (8) award subgrants; and (9) monitor and provide technical assistance to subgrantees.

Sec. 4404(g) [Conditions for Learning Measurement System] (1) requires each State that receives a grant under this part to establish a conditions for learning measurement system. (2) The conditions for learning measurement system shall: (A) contain, at a minimum, data collected from valid and reliable surveys of students and staff; (B) school-level data on (i) physical education indicators,

(ii) student attendance and truancy, (iii) in-school suspensions, out-of-school suspensions, expulsions, referrals to law enforcement, school-based arrests, and disciplinary transfers by student, (iv) the frequency, seriousness, and incidence of violence and drug-related offenses resulting in disciplinary action in elementary schools and secondary schools in the State, and (v) the incidence and prevalence, age of onset, perception of health risk, and perception of social disapproval of drug use and violence, including harassment, by youth and school personnel in schools and communities; (C) collect and report data, including, at a minimum, the data described in clauses (ii), (iii), and (v) in the aggregate and disaggregated by the categories of race, ethnicity, gender, disability status, migrant status, English proficiency, and status as economically disadvantaged, and cross tabulated across all of such categories by gender and by disability; (D) protect student privacy; and (E) to the extent practicable, utilize a Web-based reporting system.

Sec. 4404(h) [Subgrants] (1)(A) Requires a State that receives a grant under this section to competitively award subgrant to eligible local applicants (i) based on need as identified by the State's conditions for learning measurement system; (ii) that are of sufficient size and scope to enable subgrantees to carry out approved activities; and (iii) to implement programs that are comprehensive in nature, based on scientifically valid research, improve conditions for learning, and are part of a strategy to achieve all the conditions for learning. (B) States are required to provide assistance to subgrant applicants and recipients in the selection of scientifically valid programs and interventions. (2)(A) Requires States to allocate at least 20 percent of aggregate subgrant funds to carry out programs to promote physical activity, education, fitness, and nutrition. (B) This requirement does not mean that subgrant recipients must use 20 percent of subgrant funds for the promotion of physical activity, education, fitness, and nutrition. (3) Each eligible local applicant that desires a subgrant shall submit an application to the State. (4) Requires States to prioritize subgrants to entities that (A) demonstrate the greatest need according to the results of the local needs assessment and (B) propose to serve schools with the highest concentrations of poverty. (5) Requires subgrantees to: (A) carry out activities that (i) are needed according to the State's conditions for learning measurement system, (ii) are part of a comprehensive strategy or framework to address such need, and (iii) that include (I) drug and violence prevention, (II) programs to promote mental health, or (III) programs to promote physical activity, education, fitness, and nutrition; (B) ensure that funded activities are based on scientifically valid research; (C) use school-level data to inform activities; (D) collect and report school-level data to the State educational agency; (E) establish policies to expand access to quality physical activity opportunities; (F) engage family members and community-based organizations in the grant; and (G) to consider and accommodate the unique needs of students with disabilities and English learners in implementing activities.

Sec. 4404(i) [Accountability] (1) Requires the Secretary, acting through the Director of the Institute of Education Sciences, to establish program performance metrics to measure the effectiveness of the activities carried out under this part. (2) Requires each State that receives a grant under this part to prepare and submit an an-

nual report to the Secretary, which shall include information relevant to the conditions for learning, including on progress towards meeting outcomes for the performance metrics.

Sec. 4404(j) [Evaluation] requires the Secretary, acting through the Director of the Institute of Education Sciences, to conduct an evaluation of the impact of practices funded under this section.

Sec. 4405 [Technical Assistance] requires the Secretary to provide technical assistance to applicants, recipients, and subgrant recipients of the programs funded under this part.

Sec. 4406 [Prohibited Use of Funds] states that the funds appropriated for this program may not be used for school resource officers or security personnel, metal detectors, security cameras, or security related salaries, equipment or expenses; drug testing programs; or zero-tolerance discipline policies other than those required under the Gun-Free Schools act.

Sec. 4407 [Federal and State Nondiscrimination Laws] states that nothing in this part invalidates or limits nondiscrimination principles or rights, remedies, procedures or legal standards available to victims of discrimination under any other Federal law or law of a State.

Part E—21st Century Community Learning Centers

Section 4106 amends part E of title IV, as redesignated, as follows:

Sec. 4501 [Purpose; Definitions] is amended in subsection (a) with technical amendments and with two additional purposes as follows: (3) increase the number of hours in the traditional school day, week, or year; and (4) comprehensively redesign and implement an expanded school day, school week or school year schedule for all students in a high-need school. Subsection (b) amends the definition of "community learning center" to include providing expanded learning time programs and initiatives and redefines an "eligible entity" for the program as one or more high-need local educational agency in partnership with one or more nonprofit organizations with a record of success in providing programming consistent with the program. Rural local educational agencies that cannot find partner organizations in geographic proximity or of good quality may receive a waiver from the State educational agency.

Sec. 4502 [Allotments to States] maintains the reservation for national activities and for payments to outlying areas. (b) As in current law, remaining funds under the part are allotted to States using the title I–A formula with States allowed to use 2 percent of their allotment for administrative costs and 3 percent for State activities. (c) State activities have been expanded to include professional development; activities necessary to align services provided with State academic standards; and coordination with other Federal, State, and local programs.

Sec. 4503 [State Application] (a) describes minimum requirements that States must submit in an application for funds to the Secretary. While current law is largely maintained, changes include: (4) States must now describe the grant competition it will hold to select eligible entities; (5) States are required to provide awards of sufficient size and scope to support allowable activities; (7) States must assist eligible entities in coordinating their funds

with other funding streams; (8) Awards to eligible entities are now for 3 years, with an extension of 2 additional years pending positive outcomes (rather than the current law 3–5 years); (11) States must now affirm that the application was developed in consultation with officials overseeing expanded and learning time and summer learning initiatives; (12) State needs assessments must now take into account the availability of expanded learning time; and (13) States must now describe how they will evaluate grantees, including benchmarks used. (b–f) Consistent with current law, State applications submitted to the Secretary in a timely manner will be deemed approved, and can only be disapproved after a hearing process.

Sec. 4504 [Local Competitive Grant Program] describes the application that eligible entities must submit to the State. New elements of the local application include: (A) a description of the expanded learning time or summer learning opportunities the eligible entity will offer; (B) how activities will help keep students on track to college and career readiness; (E) an explanation of how the program will offer students aligned academic instruction and enrichment activities; (H) a description of the eligible entity's capacity to implement the program; and (J) a description of the education and training activities that teachers and program staff have received. The (d) permissive local match is eliminated. The (f) duration of awards is amended to allow an additional period of up to 2 years of the grant if the eligible entity is achieving outcomes of the grant. This section also includes (g) new priorities for the State to consider in awarding grants, including those that are based on strong research evidence, propose to serve the highest percentage of students from low-income families, demonstrate strong partnerships, and provide matching funds (with a scaling match that rises to 30 percent of the third year of the grant, and 40 percent for each subsequent year). It specifies that the Department of Education cannot show preference for, or provide direction about whether communities use these grant funds expanded learning time or afterschool programs.

Sec. 4505 [Local Activities] is amended by (a) adding high-quality expanded learning time programs as a new allowable local activity and (b) describes new performance indicators for the grant, which the State must collect and report to the Secretary. The performance indicators include: the average time added to the school day, school week, or school year; student participation and attendance rates for the programs; and student achievement in core academic subjects and high school graduation rates, as applicable, for students who participate in such programs.

Part F—Promise Neighborhoods

Section 4107 amends title IV by inserting after part E the following:

Sec. 4601 [Short Title] states that this part may be cited as the Promise Neighborhoods Act of 2011.

Sec. 4602 [Purpose] states that the purpose of this part is to improve the academic outcomes, from school readiness to college entry and success, for children living in the Nation's most distressed neighborhoods, by using data-driven programs and existing resources to provide those children with access to a community-based

continuum of high-quality services that address all the needs of such children from birth to college and career.

Sec. 4603 [Definitions] defines the following terms: "college and career readiness", "community of practice", "expanded learning time", "family and student supports", "integrated student supports", "neighborhood", and "pipeline services".

Sec. 4611 [Program Authorized] includes the following subsections: (a) establishes Promise Neighborhoods Partnership Grants as a competitive grant program and requires that the Secretary award grants of sufficient size and scope to allow grantees to carry out the purposes of the part; (b) specifies that grants are for a period of 5 years, and may be renewed once; (c) conditions funding after the third year upon the grantee meeting the performance metrics for the grant under sec. 4616(a); (d) requires grantees to provide matching funds of at least 100 percent of the grant amount; and (e) allows the Secretary to waive or reduce the match requirement in cases of significant financial hardship.

Sec. 4612 [Eligible Entities] states that eligible entities for the Partnership Grants include at least one nonprofit entity in partnership with not less than one high-need local educational agency. The partnership may also include any of the following entities: (1) a charter school funded by the Bureau of Indian Education that is not a local educational agency, except that such school shall not be the fiscal agent for the eligible entity partnership; (2) an institution of higher education; (3) the office of a chief elected official of a unit of local government; and (4) an Indian tribe or tribal organization.

Sec. 4613(a) [Application Requirements] describes the application eligible entities must complete to apply for Promise Neighborhoods Partnership grants.

Sec. 4613(b) [Contents of Application] requires applicants to describe in detail their plan to significantly improve the academic outcomes of children living in the neighborhood, by providing a continuum of services and supports that addresses the needs of children in the neighborhood, as identified by a needs analysis and supported by evidence-based practices. Applicants must establish performance goals, consistent with the performance metrics of the program established by the Secretary and including plans to expand the number of children served over time. Applicants must also include a detailed description of the services to be offered and the data they will collect.

Sec. 4613(c) [Memorandum of Understanding] requires each eligible entity to provide a preliminary memorandum of understanding with all partners in the grant.

Sec. 4614 [Use of Funds] states that grantees must use funds to implement the pipeline services they propose in the application—they must spend 80 percent of their funds on these services—and to continuously improve and evaluate the program.

Sec. 4615 [Report and Publicly Available Data] states that the grantees must report data to the Secretary on how many children are served; which pipeline services they access; and the success the program has in areas, such as narrowing achievement gaps, ensuring school readiness, and increasing high-school graduation and college entry rates. Grantees must make this report available to the public.

Sec. 4616 [Accountability] states that the Secretary must establish performance metrics for the grant that will be used in the evaluation of the grant conducted under the authority contained in section 9601.

Sec. 4621 [Program Authorized] includes subsection (a)(1), that establishes Promise Neighborhoods School Grants as a competitive grant program, and (a)(2), that requires that the Secretary award grants of sufficient size and scope to allow grantees to carry out the purposes of the part. Subsection (b) specifies that grants are for a period of 5 years, and may be renewed. Continued funding after the third year is dependent on the grantee meeting the performance metrics for the grant under sec. 4616(a). Grantees must provide matching funds of at least 100 percent of the grant amount; the Secretary may waive or reduce the match requirement in cases of significant financial hardship.

Sec. 4622 [Definition of Eligible Entity] states that eligible entities for the Partnership Grants include at least one high-need local educational agency (including charter schools that are their own local educational agencies under State law) in partnership with at least one nonprofit entity or institution of higher education, or a school funded by the Bureau of Indian Education that is a local educational agency in partnership with at least one nonprofit entity or institution of higher education.

Sec. 4623 [Application Requirements; Priority] includes the following subsections: (a) describes the application eligible entities must complete to apply for Promise Neighborhoods School grants; (b) requires applicants to describe in detail their plan to significantly improve the academic outcomes of children living in the neighborhood, including the designation of a school-based site coordinator and performance goals, consistent with the performance metrics of the program established by the Secretary; (c) requires applicants to provide a preliminary memorandum of understanding including all partners in the grant; and (d) provides for three priorities for the Secretary to consider in evaluating applicants (those that propose to provide services across pre-kindergarten through grade 12, those that propose to make significant investments in high-quality early learning programs, and those that provide schools served by the grant with operational flexibility).

Sec. 4624 [Use of Funds] states that grantees must use funds to implement the pipeline services they propose in the application and to continuously improve and evaluate the program.

Sec. 4625 [Report and Publicly Available Data] states that grantees must report data to the Secretary on how many children are served; which pipeline services they access; and the success the program has in areas such as narrowing achievement gaps, ensuring school readiness, and increasing high-school graduation and college entry rates. Grantees must make this report available to the public.

Sec. 4626 [Accountability] states that the Secretary will establish performance metrics for the grant that will be used in the evaluation of the grant conducted under the evaluation authority provided under section 9601.

Subpart 3—General Provisions

Sec. 4631 [National Activities] states that the Secretary may reserve up to 5 percent of funds appropriated for this part (in addition to any amount reserved under the evaluation authority) for national activities such as research on the activities conducted by grantees, identification and dissemination of best practices, and technical assistance to grantees.

Part G—Parent and Family Information and Resource Centers

Section 4108 amends title IV by inserting after part F the following:

Sec. 4701 [Purpose] establishes the purpose of this subpart, which are to provide support to State educational agencies, support a community of practice related to effective parent and family engagement strategies and practices, and (as appropriate) provide information and training to local education agencies, schools, parents and families, and community members.

Sec. 4702 [Definition of an Eligible Entity] defines the term "eligible entity".

Sec. 4703 [Grants Authorized] includes the following subsections: (a) authorizes the Secretary to award competitive grants to eligible entities that assist State educational agencies in identifying and implementing effective parent, family, and community engagement strategies, provide technical assistance, training, and information to high-need schools and high-need local educational agencies, and strengthen partnerships among parents, families, community-based organizations, schools, employers, and other community members; (b) specifies that grants awarded under this subpart will be for 5 years, and that at least one grant will be awarded to an eligible entity in each State; (c) requires the Secretary to give priority to applicants that have a demonstrated record of success in increasing parent and family engagement in high-need schools.

Sec. 4704 [Applications]

Sec. 4704(a) [Submission] requires each eligible entity that desires a grant to submit an application to the Secretary.

Sec. 4704(b) [Assurances] requires applicants to make assurances that: (1) the eligible entity is governed by a board of directors that includes parents, family members, and community stakeholders; (2) will use at least 75 percent of its funds to areas with a high concentration of low-income families; (3) will use at least 20 percent of its funds to establish or operate parent education programs for children attending early care and education programs; (4) will operate a parent and family information and resource center of sufficient size, scope, and quality; (5) will ensure that parents and family members have access to leadership development training; and (6) will demonstrate that it receives matching funds.

Sec. 4704(c) [Contents] requires that each submitted application: (1) describe how the eligible entity will serve urban and rural areas; (2) demonstrate the eligible entity's effectiveness in carrying out parent and family engagement activities; (3) describe how the entity will leverage relationships with partner organizations and disseminate information about best practices; (4) describe how the entity will serve parents and family members of children attending high-need schools; (5) describe how the entity will support the State educational agency in expanding effective parent and family

engagement strategies throughout the State; and (6) identify the other Federal and non-Federal programs that the entity will coordinate with.

Sec. 4705 [Uses of Funds]

Sec. 4705(a) [Required Activities] states that eligible entities under this program must: (1) provide technical assistance to State educational agencies; (2) disseminate information about the range of programs and resources available to assist local educational agency and school personnel in parent and family engagement; (3) coordinate parent and family engagement strategies with relevant Federal, State, and local services; (4) work with individuals and organizations with expertise in identifying and implementing evidence-based practices; (5) coordinate with early care and education programs related to improving school readiness expectations among parents and families; and (6) Implement parent institutes or other leadership development strategies.

Sec. 4705(b) [Permissive Activities] states that eligible entities may use grant funds to: (1) assist parents and family members directly; (2) develop and disseminate templates for schools and local educational agencies to use to provide information about curricula and academic expectations to parents and family members; (3) provide training and information to organizations that support partnerships among schools, parents, family members, and district-wide parent advisory committees, as applicable; and (4) provide professional development.

Sec. 4706 [Administrative Provisions]

Sec. 4706(a) [Matching Funds for Grant Approval] requires that grantees demonstrate to the Secretary that a portion of the services provided are supported by non-Federal funds.

Sec. 4706(b) [Performance Accountability] requires grantees to: (1) report on an annual basis on several indicators, including the number of local educational agencies that received assistance, the number of parents and family members who participated in activities, and outcomes of parent and family engagement activities; and (2) establish, in consultation with the Secretary, performance goals. If an entity fails to meet its goals for 2 consecutive years, the grant will be terminated.

Sec. 4706(c) [Report to Congress] requires the Secretary to submit a report to the authorizing committees describing the activities of entities supported under this subpart and the best practices they have discovered.

Sec. 4706(d) [Rule of Construction] states that, consistent with current law, employees of grantees may meet with parents and family members not on school grounds and work with other non-profit agencies that serve children.

Sec. 4706(e) [Parental Rights] states that, consistent with current law, no individual will be required to participate in any activities supported under this subpart and that no grantees may take actions that infringe on the right of parents to direct the education of their children.

Part I—Programs of National Significance

Section 4108 [Programs of National Significance] makes a number of technical amendments and redesignations to current law and inserts in section 4901, as redesignated, the following:

Sec. 4901 [Programs Authorized]

Sec. 4901(a) [Authorization] states that the Secretary is authorized to support nationally significant programs. All of these programs must have the aim of helping all children meet college- and career-ready academic content standards and college- and career-ready student academic achievement standards. As in current law, the Secretary may carry out programs directly or by grant or contract.

Sec. 4901(b) [Uses of Funds] states that nonprofit entities receiving funds under this section must use the funds to carry out one of the following activities: (1) providing funding for economically disadvantaged students, including students from military families and recent immigrants, and their teachers, to participate in programs based in Washington, DC, that increase civic responsibility and understanding of the Federal Government among young people; (2) developing, implementing, evaluating, and disseminating innovative, research-based approaches to civic learning for low-income elementary school and secondary school students; (3) supporting a national principal and teacher certification process that provides a framework for measuring and improving teaching and instructional leadership with a focus on educators working in schools that are eligible for funding under part A of title I; (4) creating a national teacher corps of outstanding college graduates to teach in underserved communities; (5) supporting a national network of providers of high-quality, evidence-based professional development in writing instruction for teachers across all academic subjects and grades; (6) encouraging parents and caregivers to read aloud to their children by supporting programs through which, during pediatric exams, doctors and nurses train parents and caregivers who may not be skilled readers; (7) preparing young children from low-income families for reading success by the third grade by distributing inexpensive books and through other activities; (8) supporting projects that encourage the involvement of persons with disabilities in the arts, by increasing access to all forms of the arts for all persons and fostering a greater awareness of the need for arts programs for individuals with disabilities; (9) implementing a coordinated program of scientifically based research, demonstration projects, innovative strategies, and professional development for teachers and other instructional leaders working in high-poverty schools to enhance the ability of educators to meet the special educational needs of gifted and talented students and prioritize students who have been underrepresented in gifted education programs; (10) promoting gender equity in education by supporting educational agencies and institutions in meeting the requirements of Title IX of the Education Amendments of 1972; and (11) other high quality, nationally significant programs that meet the purposes of this act.

Title V: Promoting Innovation

Section 5001 [Promoting Innovation] changes the title heading as follows:

Title V—Promoting Innovation

Part A—Race to the Top

Section 5101 amends part A of title V as follows:

Sec. 5101 [Purposes] establishes that the purposes of this part are to provide incentives for States and high-need local educational agencies to implement comprehensive reforms and innovative strategies that are designed to lead to improvements in outcomes for all students and significant reductions in achievement gaps between the groups of students described in section 1111(a)(2)(B)(ix).

Sec. 5102 [Reservation of Funds] states that the Secretary may reserve not more than 5 percent to carry out activities related to technical assistance, outreach, and dissemination.

Sec. 5103 [Race to the Top Program]

Sec. 5103(a)(1) [Program Authorized; In General] establishes that each fiscal year for which funds are appropriated, the Secretary will determine the goals that are the greatest priority and award grants, through a grant competition, to eligible entities to carry out comprehensive reforms and innovative strategies.

Sec. 5103(a)(2)(A–B) [Selection of Goals and Categories of Entities] states that (A) the Secretary will determine one or more categories of entities that may apply for and receive the grants through such grant competition, and one or more goals to be supported under the grants. (B) Information regarding the selections of goals and categories of entities for an upcoming grant competition will be made widely available and provide applicants with sufficient time to apply.

Sec. 5103(a)(3)(A–D) [Eligible Entities] defines the categories of entities that may be selected for grants under this part.

Sec. 5103(a)(4)(A–G) [Educational Goals] states that the goals that will be supported through grants include the following: (A) increasing the access of children from low-income families to highly rated teachers and school leaders; (B) strengthening the availability and use of high-quality and timely data; (C) implementing (i) college- and career-ready academic standards that prepare students to be college- and career-ready and (ii) strategies that translate such standards into classroom practice; (D) turning around persistently low-performing schools; (E) creating conditions for the creation, expansion, and replication of high-performing public charter and other autonomous schools that will enroll a large percentage of students from low-income families; (F) providing more equitable State and local resources to high-poverty schools; and (G) improving school readiness by (i) increasing enrollment of children from low-income families in high-quality early childhood education and care programs, and (ii) designing and implementing an integrated system of high-quality programs and services.

Sec. 5103(b)(1–2) [Duration of Grants] states that: (1) each grant shall be for a period of not more than 4 years; and (2) before receiving funding for the second or any subsequent year, the eligible entity shall demonstrate to the Secretary that it is (A) making progress

in implementing the plan at a rate that the Secretary determines will result in full implementation of the plan during the remainder of the grant period; and (B) making progress at a rate that the Secretary determines will result in reaching the targets and achieving the objectives of the grant on time.

Sec. 5103(c) [Interagency Agreement] states that the Secretary will establish an interagency agreement with the Secretary of Health and Human Services to jointly administer any grant competition to improve early childhood education and care.

Section 5104 [Application Process]

Sec. 5104(a)(1–6) [In General] states that each eligible entity that desires to receive a grant must submit an application, and that each application must include the following: (1) documentation of the eligible entity's record in areas to be measured by the Secretary's identified performance measures; (2) evidence of conditions of innovation and reform; (3) a comprehensive and coherent plan for using funds to improve performance; (4) in the case of an eligible entity that is a State or a consortium of States, evidence of collaboration among the eligible entity, other local educational agencies, schools expected to benefit, and other stakeholders; (5) in the case of an eligible entity that is a high-need local educational agency or a consortium of such agencies, evidence of collaboration by the eligible entity with its school leaders, teachers, parents, and other stakeholders; and (6) annual performance measures and targets.

Sec. 5104(b)(1–2) [Criteria for Evaluating Applications] establishes that (1) the Secretary is required: (1) to award grants, on a competitive basis, based on the quality of the applications; and (2) to publish an explanation of how the application review process will ensure an equitable, transparent, and objective evaluation.

Sec. 5104(c)(1–2) [Priority] dictates that, in awarding grants, the Secretary will give priority to (1) high-need rural local educational agencies, and (2) for any grant competition for improving early childhood care and education to any eligible entity that provides a full-day kindergarten program.

Sec. 5105 [Performance Measures] requires each grantee to establish annual performance measures and targets for the programs and activities carried out under this part, including to: (1) track its progress in implementing its plan and (2) make progress on any other performance measure identified by the Secretary.

Section 5106 [Uses of Funds]

Sec. 5106(a)(1)(A–B) [Use of State Grant Funds] states that each State and consortium of States that receives a grant must: (A) use not less than 50 percent of the grant funds to award subgrants to the local educational agencies that will participate in the plan for any purpose included in the plan; and (B) use any remaining amount for any purpose included in the plan.

Sec. 5106(a)(2) [Amount of Subgrants] states that the amount of a subgrant under paragraph (1)(A) for a local educational agency shall bear the same relation to its title I part A allocation for the most recent year for which such data is available among participating local educational agencies.

Sec. 5106(a)(3)(A–B) [Exception] establishes that each State and consortium of States that receives a grant for the goal of improving early childhood care and education, will not be subject to the re-

quirements of paragraph (1)(A) and may use grant funds to award subgrants to public or private nonprofit agencies and organizations for activities consistent with any purpose included in its plan.

Sec. 5106(b) [Use of Subgrant Funds] establishes that each local educational agency or public or private nonprofit agency or organization that receives a subgrant under paragraph (1)(A) or (3)(B) of section (a) shall use subgrant funds for any purpose included in the eligible entity's plan, subject to any requirements of the eligible entity.

Sec. 5106(c) [Use of High-need Local Educational Agency Grant Funds] Each high-need local educational agency and consortium of high-need local educational agencies that receives a grant shall use such funds for any purpose included in its plan.

Sec. 5106(d)(1–2) [Special Rule] states that: (1) notwithstanding any other provision of this section, grant or subgrant funds under this part shall only be used to fund a program or activity that is an allowable use of funds under another section of this act, the Individuals with Disabilities Education Act, the Adult Education and Family Literacy Act, or the Carl D. Perkins Career and Technical Education Act of 2006, except that grant or subgrant funds for the goal of improving early childhood care and education may also be used to fund a program or activity that is an allowable use of funds under the Head Start Act, or the Child Care and Development Block Grant Act of 1990; and (2) establishes that grant or subgrant funds under this part that are used to improve early childhood education and care programs shall not be used to carry out: (A) assessments that provide rewards or sanctions for individual children or teachers; (B) a single assessment that is used as the primary or sole method for assessing program effectiveness; or (C) evaluating children, other than for the purposes of improving instruction, classroom environment, professional development, or parent and family engagement, or program improvement.

Section 5107 [Reporting]

Sec. 5107(a)(1–2) [Annual Report] establishes that an eligible entity that receives a grant is required to submit to the Secretary an annual report including, at a minimum, (1) data on the eligible entity's progress in achieving the targets for the annual performance measures and targets and (2) a description of the challenges the eligible entity has faced in implementing its program under this part.

Sec. 5107(b) [Local Report] states that each local educational agency and each public or private nonprofit agency or organization that receives a subgrant shall submit to the eligible entity such information as the eligible entity may require to complete its annual report.

Part B—Investing in Innovation

Section 5201 amends part B of title V as follows:

Sec. 5201(1–2) [Purposes] states that the purposes of this part are to (1) fund the identification, development, evaluation, and expansion of innovative, research- and evidence-based practices, programs, and strategies in order to significantly (A) increase student academic achievement and close achievement gaps; (B) increase high school graduation rates; (C) increase college enrollment rates

and rates of college persistence; (D) improve teacher and school leader effectiveness; and (E) improve school readiness and strengthen collaboration and coordination among elementary schools and early childhood care and education; and (2) support the rapid development, expansion, adoption, and implementation of tools and resources that improve the efficiency, effectiveness, or pace of adoption of such educational practices, programs, and strategies.

Sec. 5202(a–c) [Reservations] allows the Secretary to (a) reserve up to 30 percent of the funds appropriated for this program for each fiscal year to carry out the activities of the Advanced Research Projects Agency—Education, up to $100,000,000. (b) It also permits the Secretary to reserve not more than 5 percent of funds appropriated for any fiscal year to carry out activities of national significance.

Sec. 5203(a–b) [Program Authorized; Length of Grants; Priorities] (a)(1) requires that the Secretary award grants to eligible entities on a competitive basis and (2) defines the term "eligible entity". (b) The Secretary must award grants under this part for a period of not more than 3 years; and may extend such grants for an additional 2-year period if the grantee demonstrates to the Secretary that it is making significant progress on the program performance measures.

Sec. 5203(c)(1–2) [Rural Set-aside] requires the Secretary to ensure that not less than 22 percent of the funds awarded are for projects that meet both of the following requirements: (1) the eligible entity includes (A) a local educational agency with an urban-centric district locale code of 32, 33, 41, 42, or 43, (B) a consortium of such local educational agencies, or (C) if the applicant is a partnership, an educational service agency or a nonprofit organization with demonstrated expertise in serving students from rural areas; and (2) a majority of the schools to be served by the project are designated with a school locale code of 41, 42, or 43, or a combination of such codes and (A) are served by a local educational agency in which 20 percent or more of the children ages 5 through 17 years old are from families with income below the poverty line; (B) are served by a local educational agency in which the total number of students in average daily attendance at all of the schools served by the local educational agency is fewer than 600; or (C) are served by a local educational agency located in a county that has a total population density of fewer than 10 persons per square mile.

Sec. 5203(d) [Priorities] requires the Secretary, in awarding grants under this part, to give priority to an eligible entity that includes a plan to (1) address the needs of high-need local educational agencies; (2) improve school readiness; or (3) address the unique learning needs of students who are children with disabilities or English learners.

Sec. 5203(e) [Standards of Evidence] requires the Secretary to establish standards for the quality of evidence that an applicant must provide. These standards must include (1) strong evidence that the activities proposed by the applicant will have a statistically significant effect on student outcomes; (2) moderate evidence that the activities proposed by the applicant will improve outcomes; and (3) a rationale based on research findings or a reasonable hypothesis

that the activities proposed by the applicant will improve student outcomes.

Sec. 5203(f) [Support for New Practices, Strategies, or Programs] requires the Secretary to ensure that not less than one-half of the funds awarded under subsection (a) for any fiscal year are for projects that only meet an evidence standard described in paragraph (2) or (3) of subsection (e) as long as a sufficient number of high quality applications are received.

Sec. 5204(1–10) [Applications] requires each eligible entity to submit an application to the Secretary. At a minimum, each application shall: (1) describe the project and how the evidence supporting that project meets the established evidence standards; (2) describe how the applicant will address at least one of the areas described in section 5205(a)(1); (3) provide an estimate of the number of children that the applicant plans to serve under the proposed project; (4) demonstrate that the applicant has established one or more partnerships with public or private organizations and that the partner or partners will provide matching funds; (5) describe the applicant's plan for continuing the proposed project after funding under this part ends; (6) if the applicant is a local educational agency, (A) document the local educational agency's record during the previous 3 years in (i) increasing student achievement and (ii) closing achievement gaps; and (B) demonstrate how the local educational agency has made significant improvements in other outcomes on the performance measures described in section 5206; (7) if the applicant is a partnership that includes a nonprofit organization, provide evidence that the nonprofit organization has helped at least one school or local educational agency, during the previous 3 years, significantly (A) increase student achievement and (B) close achievement gaps; (8) provide a description of the applicant's plan for independently evaluating the effectiveness of activities carried out with funds under this part; (9) provide an assurance that the applicant will (A) cooperate with evaluations, as requested by the Secretary; (B) make data available to third parties for validation and further study, and (C) participate in communities of practice; and (10) if the applicant is a partnership that includes a nonprofit organization that intends to make subgrants, provide an assurance that the applicant will apply paragraphs (1) through (9), as appropriate, in its selection of subgrantees and in its oversight of those subgrants.

Sec. 5205(a)(1) [Mandatory Use of Funds] requires that each eligible entity that receives a grant must (1) (A) use the grant funds to carry out, at a minimum, one of the following activities: (i) improving the effectiveness of teachers and school leaders and increasing equity in the distribution of effective teachers and school leaders; (ii) strengthening the use of data to improve teaching and learning; (iii) providing high-quality instruction based on college- and career-ready standards and measuring students' mastery of standards using high-quality assessments aligned with those standards; (iv) turning around the lowest-performing schools; (v) improving school readiness for students who are low-income, English learners, and children with disabilities; or (vi) other areas relating to school improvement consistent with the purposes of this part, as determined by the Secretary. In addition, (B) an eligible entity receiving grant funds under this part may use the grant

funds to develop or expand strategies to improve the performance of high-need students on the performance measures described in section 5206.

Sec. 5205(a)(2) [Permissive Use of Funds]—permits each eligible entity that receives a grant under this part to use the grant funds for an independent evaluation of the innovative practice carried out with the grant.

Sec. 5205(b) [Authority to Subgrant]—(1) If an eligible entity that receives a grant under this part includes a nonprofit organization, the nonprofit organization may use the grant funds to award subgrants to other entities to provide support to one or more schools or local educational agencies, and (2) each entity awarded a subgrant shall comply with the requirements of this part relating to grantees, as appropriate.

Sec. 5206 [Performance Measures] requires the Secretary to establish performance measures for the programs and activities carried out under this part, which must, at a minimum, track the grantee's progress in improving outcomes for each subgroup of students described in section 1111(b)(2)(C)(v) that is served by the grantee.

Sec. 5207 [Reporting] requires that an eligible entity that receives a grant under this part submit to the Secretary, at such time and in such manner as the Secretary may require, an annual report that includes, among other things, information on the entity's progress on the performance measures established under section 5206, and the data supporting that progress.

Part C—Magnet Schools Assistance

Sections 5301 amends sections 5301–5311 as follows:

Sec. 5301(a) [Findings and Purpose] is amended by updating (2) to state that the use of magnet schools has increased dramatically since the inception of the magnet schools assistance program under this act, with more than 1,500,000 students nationwide attending such schools. Paragraph (4)(B) is also amended as follows: to ensure that all students have equitable access to a high-quality public education that will prepare them to succeed in a highly competitive economy comprised of people from many different racial and ethnic backgrounds.

Sec. 5301(b) [Purpose] is amended in (2) by including whole school programs and by updating language related to standards. Paragraphs (3) and (4) are struck and replaced as follows: (3) the development and design of evidence-based educational methods and practices that promote diversity and increase high-quality public educational options; and (4) courses of instruction within magnet schools that will substantially increase the college- and career-readiness of students attending such schools.

Sec. 5303 [Program Authorized] is amended to clarify that the Secretary shall award grants on a competitive basis.

Sec. 5305 [Applications and Requirements] is amended by striking the current application requirements and inserting a new (b) that requires each application to include the following: (1) A description of (A) how a grant awarded under this part will be used to (i) improve student academic achievement for all students and subgroups of students and (ii) promote desegregation; (B) (i) de-

scription of the evidence that the magnet school program that the applicant proposes to implement would improve student academic achievement and reduce minority group isolation, or (ii) if such evidence is not available, a rationale, based on current research findings, for how the program would improve student academic achievement and reduce minority group isolation; (C) how the applicant will continue the magnet school program after assistance under this part is no longer available; (D) how grant funds under this part will be used (i) to improve student academic achievement for all students attending the magnet school programs and (ii) to implement services and activities that are consistent with other programs under this act; (E) the student application process, and selection criteria, if any, to be used by the proposed magnet school program; (F) how the applicant will conduct outreach and disseminate information about the proposed magnet school program; and (G) how the applicant will assess, monitor, and evaluate the impact of the activities funded under this part on student academic achievement and integration; and (2)(A–E) assurances that the applicant will use grant funds under this part for the purpose specified in section 5301(b); employ highly rated school leaders and teachers in the courses of instruction assisted under this part; not engage in discrimination based on race, religion, color, national origin, sex, or disability; carry out a high quality program that will result in greater family engagement; and give students residing in the local attendance area of the proposed magnet school program equitable consideration for placement in the program, consistent with desegregation guidelines and the capacity of the applicant to accommodate the students. It also specifies that no grant will be awarded under this part unless the Assistant Secretary of Education for Civil Rights determines that the required assurances are being met.

Section 5304 [Priority] amends section 5306 as follows:

Sec. 5306(1–4) [Priority] requires the Secretary to give priority to grant applicants that (1) have the highest quality applications or demonstrate the greatest need for assistance, based on the expense or difficulty of effectively carrying out approved desegregation plans and the magnet school program for which the grant is sought; (2) propose to carry out new magnet school programs, significantly revise existing magnet school programs, or significantly expand magnet school programs, in a manner that (A) is aligned with other programs that have demonstrated a record of success in increasing student academic achievement and reducing minority group isolation or (B) has a strong research basis for improving student academic achievement and reducing minority group isolation; (3) select, or propose to select, students to attend magnet school programs solely or primarily by lottery, rather than through academic examination or other selective enrollment methods; and (4) propose to serve the entire student population of a school.

Sec. 5305 [Use of Funds] amends section 5307 as follows:

Sec. 5307(a)(1–7) [Use of Funds] amends current law to specify that grant funds may be used by a eligible local educational agencies, or consortium of such agencies as follows: (1) for planning, outreach, and promotional activities directly related to the development, expansion, continuation, or enhancement of academic programs and services offered at magnet schools; (2) for the acquisi-

tion of books, educational technology, materials, and equipment necessary to conduct magnet school programs; (3) for (A) the compensation, or subsidization of the compensation, of elementary and secondary school teachers, leaders, and other instructional staff who are highly rated; and (B) high-quality professional development and staff capacity-building activities; (4) with respect to a magnet school program offered to less than the entire student population of a school, for instructional activities that are designed to make available the special curriculum that is offered by the magnet school program to students who are enrolled in the school but who are not enrolled in the magnet school program; (5) for activities; (6) to enable the local educational agency, or consortium of such agencies, to have more flexibility in designing magnet schools for students in all grades; and (7) for other operational costs that cannot be met with other State or local sources.

Sec. 5307(b) [Special Rule] is amended to update language related to standards.

Section 5306 [Limitations] amends section 5309 as follows:

Sec. 5309 [Limitations] (a) is amended to state that a grant must be awarded for an initial period of no more than 3 years, but may be renewed for no more than an additional 2 years if the Secretary finds that the grantee is achieving the intended outcomes, shows improvement in student achievement, and reduces minority-group isolation, and other indicators of success established by the Secretary. (b) Is also amended by changing the percentage of funding grantees are allowed to use for planning to 40 percent of the grant funds received for the first year on planning of the program and 10 percent of funds received during the second and third years.

Section 5307 [Evaluations] amends section 5310 to as follows:

Sec. 5310(a–b) [Evaluations] specifies that from the amount reserved for evaluation activities in accordance with section 9601(a), the Secretary, acting through the Director of the Institute of Education Sciences, must evaluate the implementation and impact of the activities supported under this part.

Section 5308 [Availability of Funds for Grants to Agencies not Previously Assisted] amends section 5311 as follows:

Sec. 5311 [Availability of Funds for Grants to Agencies Not Previously Assisted] provides that, in any fiscal year for which the amount appropriated for the program exceeds $75,000,000, the Secretary must give priority in using such amounts in excess of $75,000,000 to awarding grants to local educational agencies or a consortia of agencies that did not receive a grant under this part in the preceding year.

Part D—Public Charter Schools

Section 5401 amends part D of title V as follows:

Sec. 5401 [Purpose] states that the purpose of this part is to support the creation, expansion, and replication of high-performing charter schools that serve the needs and increase the academic achievement of all students.

Sec. 5402(1–2) [Distribution of Funds] establishes that from the funds appropriated for this part in a fiscal year, 85 percent shall be available to carry out subpart 1 and 15 percent shall be available to carry out subpart 2.

Sec. 5411 [Definitions] defines the following terms: "charter school", "charter school authorizer", "developer", "eligible entity", "expand", "high-performing charter school", and "replicate".

Sec. 5412 [Program Authorized]

Sec. 5412(a) [In General] states that the Secretary will award competitive grants to eligible entities to enable such eligible entities to award subgrants to developers to create, expand, or replicate one or more high-performing charter schools, including through conversion of an existing school into a charter school.

Sec. 5412(b) [Allocations] establishes that the Secretary will use not less than 65 percent of funds to award grants to State educational agencies.

Sec. 5412(c)(1–2) [Considerations] establishes that, in awarding the grants, the Secretary will consider the geographic diversity of eligible entities and the number of eligible entities in a State that are receiving grants in any fiscal year.

Sec. 5412(d) [Grant Amount]

Sec. 5412(d)(1)(A–C) states that, in determining each grant amount, the Secretary will consider: (A) the number of charter schools under the jurisdiction of the eligible entity; (B) the number of students, including students on charter school waiting lists, that will be served by charter schools that receive funds under this subpart; and (C) the amount of funds that is needed to implement the proposed activities.

Sec. 5412(e) [Duration]

Sec. 5412(e)(1) [In General] directs that the Secretary will award each grant for an initial period of not more than 3 years.

Sec. 5412(e)(2) [Renewal] states that the Secretary may renew a grant for an additional period of not more than 2 years, if the eligible entity is achieving the objectives of the grant and has shown improvement on specified performance measures.

Sec. 5412(f)(1–2) [Limitations] establishes that an eligible entity may not receive more than one grant at a time and a developer may not receive more than one subgrant at a time.

Sec. 5412(g) [Reservations]

Sec. 5412(g)(1–2) [Administrative Expenses; Improving Authorizer Quality] states that (1) an eligible entity that receives a grant may use not more than 5 percent of grant funds for administrative expenses associated with the grant; and (2) an authorizer that receives a grant under this subpart will use 5 percent of grant funds for improvements to charter school oversight and monitoring systems.

Sec. 5412(h) [Waiver] states that the Secretary may waive a statutory requirement if the waiver is requested in an approved application and the Secretary determines the waiver will promote the purpose of this subpart.

Sec. 5413 [Applications]

Sec. 5413(a) [In General] mandates that each eligible entity seeking a grant will submit an application to the Secretary.

Sec. 5413(b) [Contents]

Sec. 5413(b)(1)(A–K) [Eligible Entities] dictates that the application of any eligible entity must include a description of: (A) how the eligible entity will use the grant; (B) the need for the high-performing charter schools; (C) the performance measures used to measure outcomes; (D) how the eligible entity will provide clear in-

formation to parents, families, and students regarding available charter school options; (E) how the eligible entity will coordinate grant funds; (F) how the eligible entity will ensure that each charter school (i) meets the requirements of the charter school definition and (ii) provides equitable access, implements recruitment and outreach programs to include, and effectively serves the needs of, all students and subgroups; (G) how the eligible entity will award subgrants through a high-quality competition; (H) how the eligible entity will target subgrants to charter schools serving students who attend schools identified through the State accountability system; (I) the eligible entity's record of success in creating, expanding, replicating, managing, and overseeing high-performing charter schools, and closing unsuccessful schools; (J) how the eligible entity will hold charter schools accountable if such schools do not meet their performance contract objectives; and (K) how charter school authorizers are approved and held accountable for establishing high standards, and are periodically reviewed on charter school performance, including in areas of student safety, financial management, and compliance.

Sec. 5413(b)(2)(A–C) [State Educational Agencies] states that each State educational agency must include in its application information on: (A) The State's laws or policies that address: (i) how decisions are made regarding the closure of unsuccessful charter schools, and how student academic achievement and growth is a primary factor in such decisions; (ii) how charter schools are held accountable for meeting the requirements of the charter school definition and for effectively serving the needs of all students and subgroups; (iii) and how a charter school will comply with subsections (a)(5) and (e)(1)(B) of section 613 of the Individuals with Disabilities Education act; (B) the eligible entity's record of funding charter schools, including facilities; and (C) the number of charter schools in the State that (i) have been closed or not renewed in the preceding 5 years, and the reasons for such closures, revocations, or non-renewals, (ii) have been identified through the State accountability system in the preceding 5-year period, (iii) have met performance contract objectives, and (iv) are high-performing charter schools.

Sec. 5413(b)(3)(A–C) [Local Educational Agencies] establishes that each local educational agency must include in its application information on its policies and procedures for: (A) ensuring that charter schools have equitable access to school facilities; (b) complying with subsections (a)(5) and (e)(1)(B) of section 613 of the Individuals with Disabilities Act; and (c) supporting public school choice.

Sec. 5413(b)(4) [Charter School Authorizers] states that each charter school authorizer must include in its application: (A) a demonstration that it has explicit policies for the approval, monitoring, renewal, and closure of charter schools, that make student academic achievement, for all students and subgroups, a primary factor in such decisions; (B) a description of how the eligible entity will make publicly available (i) decisionmaking criteria and procedures, and (ii) the results of such decisions; and (C) information about the number of charter schools that (i) the charter school authorizer has authorized that have been closed or have not been renewed in the preceding 5 years, and the reasons for such closures,

revocations, or non-renewals, (ii) have been identified through the State accountability system in the preceding 5-year period, (iii) have met performance contract objectives, and (iv) are high-performing charter schools.

Sec. 5413(b)(5)(A–B) [Charter Management Organizations] establishes that each charter management organization must include in its application (A) the qualifications of the eligible entity's management team, and (B) a multi-year financial and operating model for each of the high-performing charter schools that the eligible entity intends to create, expand, or replicate under the grant.

Sec. 5413(b)(6) [Special Rule] describes the circumstances under which the Secretary may award a grant to a charter school developer that plans to open a charter school in a jurisdiction where no eligible entity will be awarding subgrants for the fiscal year for which the charter school developer applies.

Sec. 5414 [Selection Criteria; Priority]

Sec. 5414(a) [Selection Criteria]

Sec. 5414(a)(1)(A–F) [In General] establishes that, in awarding grants, the Secretary will consider the following: (A) the quality of the application; (B) the eligible entity's record, if applicable, of success in creating, expanding, replicating, managing, and overseeing high-performing charter schools; (C) the eligible entity's record of discontinuing funding or closing low-performing charter schools in the past and its commitment to do so in the future; (D) the extent to which the eligible entity demonstrates it will award subgrants targeted to serve students at schools that have been identified through the State accountability system; (E) the quality of the plan for supporting subgrant recipients to (i) improve academic achievement for all students and subgroups, and (ii) promote effective outreach to and recruitment of, students with disabilities and English learners, and their parents; and (F) the extent to which the State provides for and enforces high-quality standards for charter school authorizers.

Sec. 5414(a)(2)(A–B) [State Educational Agencies] dictates that, in reviewing applications from State educational agencies, the Secretary will also consider the extent to which they (A) ensure that charter schools receive equitable funding, including equitable State funding to support early childhood education and care programs operated by charter schools in the State; and (B) provide charter schools with equitable access to funds for facilities.

Sec. 5414(a)(3)(A–B) [Local Educational Agencies] dictates that, in reviewing applications from local educational agencies, the Secretary will also consider the extent to which they (A) have policies in place to ensure that (i) charter schools have equitable access to school facilities, or that (ii) charter schools are not denied access to public school facilities; and (B) demonstrate support for public school choice.

Sec. 5414(a)(4)(A–B) [Charter School Authorizers] states that, in reviewing applications from charter school authorizers, the Secretary will also consider their record of success in authorizing high-performing charter schools.

Sec. 5414(a)(5)(A–B) [Charter Management Organizations] states that, in reviewing applications from charter management organizations, the Secretary will also consider the quality of the eligible en-

tity's management team and its multi-year financial and operating model.

Sec. 5414(b) Priority

Sec. 5414(b)(1) [Students from Low-Income Families] establishes that the Secretary will give priority to eligible entities that propose to create, expand, or replicate high-performing charter schools that enroll a large percentage of students from low-income families.

Sec. 5414(b)(2) [Diversity] states that the Secretary may give priority to eligible entities that propose to create, expand, or replicate a charter school that will have a diverse student population.

Sec. 5414(b)(3)(A–C) [State Educational Agencies] dictates that, in reviewing applications from State educational agencies, the Secretary will give priority to those eligible entities that (A) do not have a law that prohibits, or effectively inhibits, increasing the number of high-performing charter schools in the State; (B)(i) provide for, and adequately support, two or more charter school authorizers, of which not less than one is a statewide charter school authorizer; or (ii) in States where local educational agencies are the only authorizers (I) allow for an appeals process and (II) require authorizers to indicate an affirmative interest in serving as authorizers; and (C) have a policy or procedure in place that ensures that charter schools are reauthorized or have their charter renewed not less than once every 5 years.

Sec. 5415 [Uses of Funds]

Sec. 5415(a)(1–4) [Required Uses of Funds] establishes that each eligible entity receiving a grant shall: (1) use not less than 95 percent of the remaining funds after the reservations made under section 5412(g) to award subgrants to one or more developers to create, expand, or replicate one or more high-performing charter schools; (2) give priority to developers that propose to serve a large percentage of students from low-income families; (3)(A–C) provide developers with support and technical assistance in (A) improving student academic achievement; (B) effectively serving the needs of all students, including students who are children with disabilities and English learners; and (C) implementing outreach and recruitment practices that includes families of students who are children with disabilities and English learners; and (4) directly, or through a partnership with a nonprofit organization develop and implement parent, family, and student information, outreach, and recruitment programs.

Sec. 5415(b)(1–2) [Permissible use of Funds] states that each eligible entity receiving a grant may use not more than 1 percent of grant funds to disseminate information to public schools about lessons learned to (1) successfully address the education needs of all students, including students who are children with disabilities and English learners; and (2) replicate high-performing charter school models.

Sec. 5416 [Subgrants]

Sec. 5416(a) [Applications] establishes that each developer that desires to receive a subgrant shall submit an application, which shall include the information required under subparagraphs (A) through (F) of paragraph (1) and paragraph (5) of section 5413(b).

Sec. 5416(b)(1–9) [Use of Funds] establishes that a developer that receives a subgrant shall use such funds to create, expand, or replicate one or more high-performing charter schools, which may

include carrying out the following activities: (1) if necessary, carrying out not more than 12 months of planning and program design; (2) recruiting and providing preparation, induction, and professional development for teachers, school leaders, and other staff; (3) acquiring necessary equipment, supplies, and educational materials; (4) professional development and implementation of systems for the delivery of appropriate services for students who are children with disabilities and English learners; (5) providing transportation to students to and from the school; (6) paying operational costs that cannot be met through State or local funding sources; (7) directly, or through a partnership with a nonprofit organization, developing and implementing parent, family, and student information and outreach programs; (8) developing and implementing effective outreach and recruitment strategies to inform families of students who are children with disabilities and students who are English learners about the charter school, its admissions process, and its plan to effectively provide appropriate educational and related services to such students; and (9) evaluating and disseminating information.

Sec. 5416(c) [Limitations] states that not more than 1 percent of subgrant funds may be used to carry out the activities described in subsection (b)(9).

Sec. 5417 [Performance Measures; Reports]

Sec. 5417(a)(1–7) [Performance Measures and Targets] states that each eligible entity receiving a grant shall establish performance measures and annual targets, approved by the Secretary, that shall include, in the aggregate and disaggregated by each subgroup of students, the following: (1) number of students enrolled in each charter school; (2) number of students enrolled in each high-performing charter school; (3) number of students enrolled in each high-performing charter school who were formerly attending a school that has been identified through the State accountability system; (4) student academic achievement and growth; (5) student retention rates; (6) in the case of a public charter secondary schools, graduation rates, and rates of enrollment and persistence in institutions of higher education; and (7) other measures required by the Secretary.

Sec. 5417(b) [Reports] states that each eligible entity receiving a grant will annually prepare and submit a report to the Secretary containing the information in subsection (a).

Sec. 5417(c) [Developers] states that each developer receiving a subgrant will provide the eligible entity with the data necessary to comply with the requirements of this section.

Sec. 5418(a) [Federal Formula Allocation During First Year and for Successive Enrollment Expansions] mandates that, for purposes of title I part A and any other Federal funds which the Secretary allocates to States on a formula basis, the Secretary and each State educational agency shall take such measures as are necessary to ensure that every charter school receives the Federal funding for which the charter school is eligible not later than 5 months after the charter school first opens, notwithstanding the fact that the identity and characteristics of the students enrolling in that charter school are not fully and completely determined until that charter school actually opens and expands its enrollment in any subsequent year.

Sec. 5418(b) [Adjustment and Late Openings]

Sec. 5418(b)(1) [In General] establishes that appropriate adjustments, through recovery of funds or reduction of payments for the succeeding year, will take place in cases where the estimated or projected enrollment data used to make payment to the charter school exceeded the actual or final data.

Sec. 5418(b)(2) [Rule] states that for charter schools that first open after November 1 of any academic year, the State shall ensure that such charter schools that are eligible for the funds described in subsection (a) have the opportunity to receive those funds during their first year of operation.

Sec. 5419. [Records Transfer]

Sec. 5419 [Records Transfer] establishes that State and local educational agencies receiving title I, part A or any other Federal funds shall, in the most timely manner possible and to the extent practicable, ensure that a student's records and, if applicable, a student's individualized education program are transferred to a charter school upon the student's transfer, and vice versa.

Sec. 5420 [National Activities]

Sec. 5420(1–6) [National Activities] states that the Secretary may reserve not more than 2.5 percent of the funds for national activities to carry out research, development, data collection, technical assistance, outreach, and dissemination activities, including: (1) research, technical assistance, and other activities to assist eligible entities in improving their capacity to (A) meet the needs of, and improve the outcomes for, all students, including students who are children with disabilities and English learners; (B) support authorizers to improve quality through the adoption of research-based policies and procedures and increased capacity; and (C) work to turn around schools that have been identified through the State accountability system; (2) providing for the research and dissemination of information about specific charter school models and program characteristics for which there is strong evidence of a significant impact on improving student academic achievement and growth, consistent with section 1111, for all students, including students who are children with disabilities and English learners; (3) developing and implementing activities that help parents, families, students, and the community identify and access high-performing charter schools; (4) providing for the collection and dissemination of information regarding the financial resources available to charter schools; and (5) carrying out other related activities.

Sec. 5431 [Purpose] states that the purpose of this subpart is to provide grants to eligible entities to improve access to facilities and facilities financing for high-performing charter schools and assist such schools to address the cost of acquiring, constructing, and renovating facilities.

Sec. 5432 [Definitions] defines the following terms: "eligible entity", "high-performing charter school", and "per-pupil facilities aid program".

Sec. 5433 [Grants to Eligible Entities]

Sec. 5433(a) [Credit Enhancement Grants] establishes that the Secretary will use not less than 65 percent of the amount available to award grants on a competitive basis to eligible entities to demonstrate innovative methods of assisting high-performing charter schools to address the cost of acquiring, constructing, and ren-

ovating facilities by enhancing the availability of loans or bond financing.

Sec. 5433(b) [Other Facilities Grants] states that the Secretary will use the remainder of the amount available to award grants on a competitive basis to eligible entities to: (1) improve access to facilities and facilities financing for high-performing charter schools, through methods listed in (A–C); and (2) support a State Educational Agency's per-pupil facilities aid program through Federal payments that shall be not more than (A) 90 percent of the cost, for the first fiscal year; (B) 80 percent in the second such year; (C) 60 percent in the third such year; (D) 40 percent in the fourth such year; and (E) 20 percent in the fifth such year.

Sec. 5433(c) [State Share of Per-Pupil Facilities Aid Program] states that a State receiving a grant under subsection (b)(2) may partner with one or more organizations to provide up to 50 percent of the State share of the cost.

Sec. 5433(d)(1–3) [Grant Amount] dictates that, in determining the amount of each grant to be awarded, the Secretary must consider (1) the quality of the application; (2) the number of students that are served or may be served by high-performing charter schools that would receive assistance; and (3) the amount of funds needed to implement the proposed activities.

Sec. 5433(e) [Supplement, Not Supplant] establishes that funds made available will be used to supplement, and not supplant, State and local public funds.

Sec. 5434 [Charter School Objectives] states that an eligible entity receiving a grant under this subpart shall use the funds to assist one or more high-performing charter schools to accomplish one or both of the following objectives: (1) the acquisition of an interest in improved or unimproved real property that is necessary to commence or continue the operation of a charter school; and/or (2) the construction of new facilities, or the renovation, repair, or alteration of existing facilities necessary to commence or continue the operation of a charter school.

Sec. 5435 [Applications; Selection Criteria]

Sec. 5434(a) [In General] dictates that each eligible entity shall submit an application to the Secretary.

Sec. 5435(b) [Contents] establishes that the application will include: (1) a description of the proposed activities; (2) a demonstration that the eligible entity will consider the quality of a charter school when determining (A) which charter schools will receive assistance, (B) how much grant assistance will be provided, and (C) the type of assistance that each charter school will receive; (3) a description of its record of successfully carrying out the proposed activities; (4) if applicable, its record of leveraging private-sector funding and how the proposed activities will leverage the maximum amount of private-sector financing capital; (5) how the eligible entity possesses sufficient expertise to evaluate the likelihood of success of a charter school for which facilities financing is sought; (6) in the case of an application submitted by an eligible entity that includes one or more State or local educational agencies, a description of the agency's policies and procedures for ensuring that charter schools have equitable access to school facilities; and (7) other information the Secretary may require.

Sec. 5435(c) [Selection Criteria] dictates that, in awarding grants, the Secretary will consider (1) the quality of the application; (2) the extent to which the eligible entity proposes to support high-performing charter schools that plan to enroll a large percentage of students from low-income families; (3) geographic diversity, including the distribution of grants between urban and rural areas; and (4) the number of eligible entities in a State that are receiving grants in any fiscal year.

Sec. 5436 [Reserve Account]

Sec. 5436(a) [Use of Funds] states that, to assist charter schools with addressing the cost of acquiring, constructing, and renovating facilities and accessing facilities and facilities financing, as described in section 5433(a), an eligible entity will, in accordance with State and local law, directly or indirectly, alone or in collaboration with others, deposit the funds in a reserve account that shall be used by the eligible entity for one or more of the following purposes: (1) guaranteeing, insuring, and reinsuring bonds, notes, evidences of debt, loans, and interests therein, for an objective described in subsection (a) of section 5434; (2) guaranteeing and insuring leases of personal and real property for an objective described in subsection (a) of section 5434; (3) facilitating financing by identifying potential lending sources, encouraging private lending, and other similar activities that directly promote lending to, or for the benefit of, charter schools; or (4) facilitating the issuance of bonds by charter schools, or by other public entities for the benefit of charter schools, by providing technical, administrative, and other appropriate assistance.

Sec. 5436(b) [Investment] states that funds deposited in the reserve account established will be invested in obligations issues or guaranteed by the United States or a State, or in other low-risk securities.

Sec. 5436(c) [Reinvestment of Earnings] states that earnings on funds shall be deposited in the reserve account established under subsection (a) and used accordingly.

Sec. 5437. [Limitation on Administrative Costs] states that an eligible entity may use not more than 2.5 percent of the funds for administrative costs.

Sec. 5438 [Audits and Reports]

Sec. 5438(a) [Financial Record Maintenance and Audit] establishes that the financial records of each eligible entity will be maintained in accordance with generally accepted accounting principles and be subject to an annual audit by an independent public accountant.

Sec. 5438(b) [Reports] establishes that (1) each eligible entity receiving a grant will submit to the Secretary a report of its operations and activities, and (2) each annual report submitted will include: (A) a copy of the most recent financial statements prepared by an independent public accountant reviewing the financial records of the eligible entity; (B) a copy of any report made on an audit of the financial records of the eligible entity; (C) if applicable, an evaluation by the eligible entity of the effectiveness in leveraging private funds; (D) a listing and description of the charter schools served during the reporting period and their performance in increasing student achievement; (E) a description of the activities carried out by the eligible entity to assist charter schools

in meeting the objectives set forth in section 5434; and (F) a description of the characteristics of lenders and other financial institutions participating in the activities undertaken, if applicable.

Sec. 5438(b)(3) [Secretarial Report] dictates that the Secretary will review the reports and provide a comprehensive annual report to Congress.

Sec. 5439 [No Full Faith and Credit for Grantee Obligations] mandates that no financial obligation of an eligible entity shall be an obligation of, or guaranteed in any respect by, the United States. The full faith and credit of the United States is not pledged to the payment of funds which may be required to be paid under any obligation made by an eligible entity.

Sec. 5440 [Recovery of Funds]

Sec. 5440(a) [In General] establishes that the Secretary will collect (1) all of the funds in a reserve account established by an eligible entity under section 5436(a) if the Secretary determines, not earlier than 2 years after the date on which the eligible entity first received funds, that the eligible entity has failed to make substantial progress in carrying out the purposes described in section 5436(a); or (2) all or a portion of the funds in a reserve account established by an eligible entity under section 5436(a) if the Secretary determines that the eligible entity has permanently ceased to use all or a portion of the funds in such account to accomplish any purpose described in section 5436(a).

Sec. 5440(b) [Exercise of Authority] states that the Secretary will not exercise the authority provided in subsection (a) to collect from any eligible entity any funds that are being properly used.

Sec. 5440(c) [Procedures] states that the provisions of sections 451, 452, and 458 of the General Education Provisions Act shall apply to the recovery of funds under subsection (a).

Sec. 5440(d) [Construction] establishes that this section shall not be construed to impair or affect the authority of the Secretary to recover funds under part D of the General Education Provisions Act.

Part E—Voluntary Public School Choice Programs

Section 5501 [Voluntary Public School Choice] amends title V of ESEA by inserting at the end the following:

Sec. 5501 [Grants] specifies that (a) the Secretary will award competitive grants to eligible entities to establish or expand public school choice program, and (b) grants may be awarded for a period of 3 years and may be renewed by the Secretary for no more than 2 years.

Sec. 5502 [Uses of Funds] (a) requires an entity that receives a grant to use the funds to establish or expand inter- or intra-district public school choice programs for students attending the lowest performing schools to attend high-quality public schools. (b) Grant recipients may use the funds as follows: (1) to plan or design a program; (2) for transportation services; (3) to improve public school finance systems; (4) to increase capacity at high-quality schools; (5) to educate parents and recruit students for the program; and (6) for other costs of program implementation. (c) The funds may not be used for school construction, and (d) no more than 5 percent of the funds may be used for administrative expenses.

Sec 5503 [Applications] specifies that, to receive a grant, (a) an eligible entity must submit an application to the Secretary that (b) includes a full description of: (1) the activities to be carried out; (2) how activities will increase access, student achievement and growth, and diversity; (3) the selection process; (4) how the grant money will be coordinated with other funds; (5) how the plan will be implemented after grant funds expire; and (6) information about partners, if applicable. (c) The Secretary will consider the quality of the plan, the extent to which the applicant can demonstrate academic achievement and growth, and the extent to which the application can demonstrate public awareness of the program.

Sec. 5504 [Priorities] requires the Secretary to give a priority to programs that will (1) serve low-income families and (2) increase diversity.

Sec. 5505 [Requirements and Voluntary Participation] (a) requires an eligible entity to (1) develop and carry out the program with the involvement of parents, administrators, teachers, and other stakeholders and (2) they may choose to partner with a public or other nonprofit organization to disseminate information to parents and provide parent education about the program; (b) if more students voluntarily apply to the program than can be accommodated, the entity must use a lottery system to select students; (c) student participation in a program is voluntary; and (d) each grant recipient must establish performance measures and targets that will be reported annually to the Secretary in both an aggregate and disaggregated form.

Sec. 5506 [Evaluations] specifies that evaluations carried out by the Secretary must address how well the program promotes educational equity and excellence, the characteristics of the participating students, and the effect of the program on academic achievement and growth.

Sec. 5507 [Definitions] defines the terms "charter school", "eligible entity", and "lowest-performing school".

Title VI: Promoting Flexibility

Section 6101 [Promoting Flexibility] amends title VI by inserting a new title heading—"Promoting flexibility; Rural education", by striking part A and inserting the following:

Part A—Transferability

Sec. 6101 [Transferability of Funds]

Sec. 6101(a)(1) [Transfer of Fund; Authority to Transfer] states that, except as specified in (2), a State may transfer all of their funds allotted for State-level activities as part of a formula grant.

Sec. 6101(a)(2) [Prohibition Against Transferring Funds Out of Certain Titles] provides that a State may not transfer any funds that originate in titles I, III, VII, or VIII.

Sec. 6101(b) [Transfers by Local Education Agencies]

Sec. 6101(b)(1) [Authority to Transfer] provides that, except for funds that originate in titles I, III, VII and VIII, a local educational agency may transfer 100 percent of the funds allocated to it for a fiscal year for use for local-level activities described in this act.

Sec. 6101(b)(2) [Prohibition Against Transferring Funds Out of Certain Titles] prohibits a local educational agency from transferring funds from titles I, III, VII, and VIII.

Sec. 6101(b)(3) [Special Rule with Respect to Rural Districts] states that, except for funds that originate in titles I, III, VII, and VIII, a local educational agency eligible under part B may transfer 100 percent of the funds allocated to it for a fiscal year for use for local-level activities described in this act.

Sec. 6101(c) [Modification of Plans and Applications; Notification]

Sec. 6101(c)(1) [State Transfers] requires that States that make a transfer of funds modify State plans and submit a copy of the modified plan or application to the Secretary within 30 days and notify the Secretary no later than 30 days before the effective date of the transfer.

Sec. 6101(c)(2) [Local Transfers] requires that local educational agencies that make a transfer of funds modify State plans and submit a copy of the modified plan or application to the State within 30 days and notify the State no later than 30 days before the effective date of the transfer.

Sec. 6101(d)(1) [Applicable Rules] [In General] states that all funds transferred are subject to the rules and requirements under the provisions (A) where the funds are being transferred to and (B) from where the funds are coming.

Sec. 6101(d)(2) [Consultation] requires that a State or local educational agency that transfers funds must conduct consultations if the transfer provides for the participation of students, teachers, or other education personnel from private schools.

Sec. 6102 [Rural Education] amends part B of title VI by striking section 6211, redesignating specified sections, and as follows:

Part B—Rural Education Initiative

Subpart 1—Small, Rural School Achievement Program

Sec. 6211 [Program Authorized] authorizes rural educational agencies with an average daily attendance of 600 students or fewer or with a school located in a county or locale with a total population density of fewer than 10 persons per square mile, and that is designated with a school locale code of 33, 41, 42, or 43 to consolidate the funds they receive under formula grants provided under this act in a manner consistent with the transferability provisions under section 6101(b). It requires that the Secretary award a grant to an eligible local educational agency in a fiscal year in an amount equal to $100 multiplied by the total number of students in excess of 50 students, in average daily attendance at the schools served by the local educational agency, plus $20,000, except that the initial amount may not exceed $60,000, minus the total formula awards received by the local educational agency under this act in that fiscal year. If the appropriation for this part is more than $211,723,832, a grant under this part will not be less than $25,000, and the initial amount may not exceed $80,000. Provides that a local educational agency that is eligible to receive a grant under this subpart for a fiscal year is eligible to receive funds under subpart 2, but may not receive both. If eligible to receive a grant under subpart 1 or subpart 2, a local educational agency may choose which grant to receive.

Sec. 6212 [Academic Achievement Assessments] requires that each local educational agency that uses or receives funds under

this subpart administer assessments that are consistent with section 1111(a)(2).

Subpart 2—Rural and Low-Income School Program

Sec. 6221 [Program Authorized] authorizes the Secretary of Education to award grants to State educational agencies to enable them to award subgrants to local educational agencies that are located in rural communities and that have student populations of which 20 percent or more come from families with incomes below the poverty line and in which all the schools served by the agency are designated with a school locale code of 33, 41, 42, or 43, and which do not receive funding under subpart 1. It requires a State educational agency to award grants to local educational agencies on a competitive basis. It requires the Secretary to reserve funds for the Bureau of Indian Education and the outlying areas.

Sec. 6222 [Use of Funds] requires that grant funds awarded to local educational agencies under subpart 2 be used to carry out local-level activities consistent with the transferability provisions of section 6101(b), and requires that a State educational agency receiving a grant under this subpart not use more than 5 percent of the amount of the grant for State administrative costs and to provide technical assistance to eligible local educational agencies.

Sec. 6223 [Applications] requires State educational agencies applying for a grant under subpart 2 to include in their application information on specific measurable goals and objectives to be achieved through the activities carried out through the grant.

Sec. 6224 [Accountability] requires that each State educational agency and specially qualified agency that receives a grant under subpart 2 to submit an annual report to the Secretary and describes the required report elements. It requires the Secretary to submit a biennial report to the authorizing committees and describes the required report requirements. It requires any local educational or specially qualified agency that receives a grant under this subpart to administer the assessments that are consistent with section 1111(a)(2).

Subpart 3—General Provisions

Sec. 6241 [Choice of Participation] allows a local educational agency that is eligible for funding under subpart 1 and subpart 2 of this part to choose whether to participate in either subpart 1 or subpart 2.

Sec. 6232 [Annual Average Daily Attendance Determination] requires that each local educational agency seeking a grant under section 6211 and each local educational or specially qualified agency seeking a grant under subpart 2 must conduct a census to determine the number of students in average daily attendance in kindergarten through grade 12 at the schools served by the agency before December 1 of each year; and submit the number to the Secretary (and to the State educational agency, in the case of a local educational agency seeking a grant under subpart (2)) before March 1 of each year. It requires the Secretary to issue a fine to any local educational or specially qualified agency that knowingly submits false average daily attendance information.

Sec. 6233 [Supplement, Not Supplant] requires that funds available under this part be used to supplement, not supplant, any other Federal, State or local education funds.

Sec. 6234 [Rule of Construction] states that nothing in this part can be construed to prohibit a local educational agency that enters into arrangements with other local educational agencies for the provision of special, compensatory, or other education services, pursuant to State law or a written agreement, from entering into similar arrangements for the use, or the coordination of the use, of the funds made available under this part.

Title VII: Indian, Native Hawaiian and Alaska Native Education

Part A—Indian Education

Section 7101 amends section 7102 of ESEA as follows:

Sec. 7102 [Purpose] states that it is the purpose of this part to support the efforts of local educational agencies, Indian tribes and organizations, postsecondary institutions, and other entities: (1) to ensure the academic achievement of Indian and Alaska Native students by meeting their unique cultural, language, and educational needs, consistent with section 1111(a); (2) to ensure that Indian and Alaska Native students gain knowledge and understanding of Native communities, languages, tribal histories, traditions, and cultures; and (3) to ensure that principals, teachers, and other staff who serve Indian and Alaska Native students have the ability to provide culturally appropriate and effective instruction to such students.

Sec. 7111 [Formula Grant Purpose] amends section 7111 as follows:

Sec. 7111 [Purpose] states that it is the purpose of this subpart to support local educational agencies in developing elementary school and secondary school programs that are designed to: (1) meet the unique cultural, language, and educational needs of Indian students; and (2) ensure that all students meet the college- and career-ready student academic achievement standards adopted under section 1111(a)(1).

Sec. 7112 amends section 7112 as follows:

Sec. 7112 [Grants to Local Educational Agencies, Tribes and Tribal Organizations]

Sec. 7112(a) [In General] the Secretary may make grants, from allocations made under section 7113, to local educational agencies Indian tribes, and tribal organizations, in accordance with this section and section 7113.

Sec. 7112(b) [Local Educational Agencies] is amended by a technical amendment.

Sec. 7112(c) [Indian Tribes and Tribal Organizations]

Sec. 7112(c)(1) [In General] states that if a local educational agency that is otherwise eligible for a grant under this subpart does not establish a committee under section 7114(c)(5) for such grant, an Indian tribe, a tribal organization (as defined for purposes of this title by section 4 of the Indian Self Determination and Education Act (25 U.S.C. 450b)), or a consortium of such entities that represents not less than one-third of the eligible Indian chil-

dren who are served by such local educational agency may apply for such grant.

Sec. 7112(c)(2) [Special Rule] requires, in subparagraph (A), that the Secretary treat each Indian tribe, tribal organization, or consortium of such entities applying for a grant pursuant to paragraph (1) as if such entity were a local educational agency for purposes of this subpart. Subparagraph (B) provides that, notwithstanding subparagraph (A), such Indian tribe, tribal organization, or consortium shall not be subject to the requirements of subsections (b)(9) or (c)(5) of section 7114 or section 7118(c).

Sec. 7112(c)(3) [Eligibility] provides that if more than one Indian tribe, tribal organization, or consortium of such entities qualify to apply for a grant under paragraph (1), the entity that represents the most eligible Indian children who are served by the local educational agency shall be eligible to receive the grant.

Sec. 7112(c)(4) [Unaffiliated Indian Tribes] provides that an Indian tribe that operates a school and is not affiliated with either the local educational agency or the Bureau of Indian Education, is eligible to apply for a grant under this subpart.

Sec. 7112(c)(5) [Assurance to Serve All Indian Children] requires that an Indian tribe, tribal organization, or consortium of such entities that qualifies to apply for a grant under paragraph (1) provide an assurance that the entity will use the grant funds to provide services to all Indian students served by the local educational agency.

Sec. 7113 amends section 7113 as follows:

Sec. 7113 [Amount of Grants]

Sec. 7113(b) [Minimum Grant] is amended by a technical amendment.

Sec. 7113(d) [Schools Operated or Supported by the Bureau of Indian Education] is amended by technical amendments.

Sec. 7114 amends section 7114 as follows:

Sec. 7114 [Applications]

Sec. 7114(b) [Comprehensive Program Required] is amended to require that each application submitted under subsection (a) include a description that explains how the local educational agency will use the funds made available under this subpart to supplement other Federal, State, and local programs that meet the needs of such students; provides an assurance that the local educational agency will coordinate activities under this title with other Federal programs supporting educational and related services administered by such agency; provides an assurance that the local educational agency conducted outreach to parents and family members to meet the requirements under subsection (c)(5); describes the formal process the local educational agency used to collaborate with Indian tribes located in the community and the actions taken as a result of the collaboration.

Sec. 7114(c) [Assurances] is amended to require that each application submitted under subsection (a) includes the following assurances: that the local educational agency will use funds received under this subpart only for activities described and authorized under this subpart and that the advisory committee established under paragraph (5), as redesignated, will determine the extent to

which the activities of the local educational agency will address the unique cultural, language, and education needs of Indian students and the extent to which grant funds will directly enhance the educational experiences of American Indian students.

Sec. 7115 amends section 7115 as follows:

Sec. 7115 [Authorized Services and Activities]

Sec. 7115(a) [General Requirements] is amended to clarify that funds received under this subpart shall be used solely for the services and activities described in such application.

Sec. 7115(b) [Particular Activities] provides that the services and activities referred to in subsection (a) may include the following: (1) activities that support Native American language immersion programs and Native American language restoration programs; (2) culturally related activities that support the program described in the application submitted by the local educational agency; (3) high-quality care and education and family programs that emphasize school readiness; (4) enrichment programs that focus on problem solving and cognitive skills development and directly support the attainment of challenging State academic content and student academic achievement standards; (5) programs that promote parent, family, and tribal engagement to meet the unique needs of Indian and Alaska Native children; (6) career preparation activities to enable Indian students to participate in programs such as the programs supported by the Carl D. Perkins Career and Technical Education Act of 2006; (7) activities to educate individuals so as to prevent violence, suicide, and substance abuse; (8) the acquisition of equipment; (9) activities that promote the incorporation of culturally responsive teaching and learning strategies into the educational program of the local educational agency; (10) activities that incorporate culturally and linguistically relevant curriculum content into classroom instruction that is responsive to the unique learning styles of Indian and Alaska Native children to ensure that such children are better able to meet the student academic achievement standards, consistent with section 1111(a); (11) family literacy services; (12) activities that recognize and support the unique cultural and educational needs of Indian children, and incorporate appropriately traditional leaders; (13) dropout prevention strategies, and strategies to (A) meet the educational needs of at-risk Indian students in correctional facilities and (B) support Indian students who are transitioning between local educational agencies and such facilities.

Sec. 7115(c) [Schoolwide Programs] is amended by a technical amendment.

Sec. 7115(e) [Limitation on Use of Funds] provides that funds provided to a grantee under this subpart may not be used for long-distance travel expenses for training activities available locally or regionally.

Sec. 7116 amends section 7116 as follows:

Sec. 7116 [Integration of Services Authorized]

Sec. 7116(d) [Plan Requirements] is amended by a technical amendment.

Sec. 7116(g) [Responsibilities of Department of Education] is amended by technical amendments and by including the Secretary

of Health and Human Services as an entity that shall enter into an interdepartmental memorandum of agreement providing for the implementation and coordination of the demonstration projects authorized under this section.

Sec. 7116(o) [Report on Statutory Obstacles to, and Best Practices for, Program Integration] is amended as follows:

Sec. 7116(o)(1) [In General] requires that not later than 3 years after the date of enactment of the Elementary and Secondary Education Reauthorization Act, the Secretary of Education shall submit a report to the authorizing committees, the Committee on Indian Affairs of the Senate, and the Committee on Natural Resources of the House of Representatives on the results of the implementation of the demonstration projects authorized under this section.

Sec. 7116(o)(2) [Contents] requires that the report identify: (A) statutory barriers to the ability of participants to integrate more effectively their education and related services to Indian students in a manner consistent with the objectives of this section; and (B) the best practices for program integration that result in increased student proficiency, graduation rates, and other relevant academic outcomes for Indian and Alaska Native students.

Sec. 7117 [Student Eligibility Forms] amends section 7117 as follows:

Sec. 7117 [Student Eligibility Forms]

Sec. 7117(b) [Forms] is amended in subparagraphs (A)(ii) and (B) by including a membership number as a way to establish membership in a tribe or band of Indians.

Sec. 7117(d) [Forms and Standards of Proof] is amended as follows:

Sec. 7117(d)(1) [Types of Proof] states that for the purposes of determining whether a child is eligible to be counted for the purpose of computing the amount of a grant award under section 7113, the membership of the child, or any parent or grandparent of the child, in a tribe or tribal organization may be established by proof other than an enrollment number, notwithstanding the availability of an enrollment number for a member of such tribe or tribal organization.

Sec. 7117(d)(2) [Previously Filed Forms] provides that an Indian student eligibility form that was on file as required by this section on the day before the date of enactment of the [short title to be supplied] and that met the requirements of this section, as this section was in effect on the day before the date of enactment of such act, shall remain valid for such Indian student.

Sec. 7117(e) [Monitoring and Evaluation Review] is amended by striking subsection (e) and redesignating subsection (f) as subsection (e).

Sec. 7117(f) [Technical Assistance] requires that the Secretary either directly or through a contract provide technical assistance to a local educational agency upon request, in addition to any technical assistance available under section 1116 or available through the Institute of Education Sciences, to support the services and activities described under this section, including for the: (1) development of applications under this section; (2) improvement in the quality of implementation, content of activities, and evaluation of activities supported under this subpart; (3) integration of activities

under this title with other educational activities established by the local educational agency; and (4) coordination of activities under this title with programs administered by each Federal agency providing grants for the provision of educational and related services.

Sec. 7117(g) [Tribal Grant and Contract Schools] is amended by a technical amendment.

Sec. 7121 amends the heading of subpart 2 of part A of title VII of ESEA.

Sec. 7122 amends section 7121 as follows:

Sec. 7121 [Improvement of Educational Opportunities for Indian Children and Youth]

Sec. 7121(a) [Purpose] is amended by a technical amendment to include Indian youth.

Sec. 7121(c) [Grants Authorized]

Sec. 7121(c)(1) [In General] is amended by including Indian youth in listed activities. Subparagraph (D) is amended by ensuring that health and nutritional services address the emotional problems of Indian children. Subparagraph (G) is amended to provide for high-quality early childhood education and care programs that are effective in preparing young children to be on track for college- and career-readiness by the end of grade 3, including kindergarten and prekindergarten programs, family-based preschool programs that emphasize school readiness, screening and referral, and the provision of services to Indian children and youth with disabilities. Subparagraph (K) is amended to list activities in place of services. Subparagraph (L) is amended by replacing "qualified tribal elders and seniors" with "traditional leaders".

Sec. 7121(c)(2) [Professional Development] provides that high-quality professional development of teaching professionals and paraprofessionals may be a part of any program assisted under this section.

Sec. 7121(d) [Grant Requirements and Applications] is amended as follows:

Sec. 7121(d)(1)(C) [Progress] requires the Secretary to make a grant payment for an initial grant period of not more than 3 years and may renew such grants for not more than 2 additional years if the Secretary determines that the eligible entity has made substantial progress in carrying out the activities assisted under the grant.

Sec. 7121(d)(3) [Application] is amended in clause (i) by inserting "family" in place of "parent" and in clause (iii) by requiring evidence demonstrating that the proposed program for the activities is a evidence-based research program.

Sec. 7121(f) [Continuation] states that notwithstanding any other provision of this section, a grantee carrying out activities under this section prior to enactment of the Elementary and Secondary Education Reauthorization Act of 2011 may continue to carry out such activities under such grant in accordance with the terms of that grant.

Sec. 7123 amends section 7122 as follows:

Sec. 7123 [Professional Development for Teachers and Educational Professionals]

Sec. 7122(a) [Purposes] stipulates that the purposes of this section are: (1) to increase the number of qualified Indian teachers and administrators serving Indian students; (2) to recruit and provide training and support to qualified Indian individuals to enable such individuals to become highly rated teachers or administrators; and (3) to improve the skills of qualified Indian individuals who serve in the capacities described in paragraph (2).

Sec. 7122(d) [Authorized Activities] is amended by adding a new paragraph (3) that states that, notwithstanding any other provision of this section, a grantee that is carrying out activities pursuant to a grant awarded under this section prior to the date of enactment of the Elementary and Secondary Education Reauthorization act of 2011 may continue to carry out such activities under such grant in accordance with the terms of that award.

Sec. 7122(e–g) [Application; Grant Period] requires that each eligible entity desiring a grant under subsection (e) submit an application to the Secretary at such time, in such manner, and accompanied by such information, as the Secretary may reasonably require, including how the eligible entity will recruit qualified Indian individual. Subsection (f) requires that, in awarding grants under this section, the Secretary consider the prior performance of the eligible entity, and that the Secretary may not limit eligibility to receive a grant under this section on the basis of the number of previous grants the Secretary has awarded such entity or the length of any period during which such entity received such grants. Subsection (g) provides that each grant under this section be awarded for a period of not more than 3 years. Grants may be renewed for an additional 2 years if the Secretary finds that the grantee is achieving the objectives of the grant.

Sec. 7122(h) [Service Obligation] provides that the Secretary shall require, by regulation, that an individual who receives training pursuant to a grant made under this section perform work related to the training received under this section in a local educational agency that serves a high portion of Indian students, or repay all or a prorated part of the assistance received. The Secretary is required to establish, by regulation, a reporting procedure under which a grant recipient under this section shall, not later than 12 months after the date of completion of the training, and periodically thereafter, provide information concerning compliance with the work requirement under paragraph (1).

Sec. 7131 strikes sections 7132, 7133, 7134, 7135, and 7136 and amends subpart 3 of part A of title VII as follows:

Sec. 7131(a) [National Activities] authorizes the Secretary to use funds made available under section 7152(b) for each fiscal year to: (1) conduct research related to effective approaches for improving the academic achievement and development of Indian children and adults; (2) collect and analyze data on the educational status and needs of Indian students; (3) provide technical assistance and logistical support to grantees under this subpart; and (4) carry out other activities that are consistent with the purpose of this part.

Sec. 7131(b–c) [Eligibility; Coordination] permits the Secretary to carry out any of the activities described in subsection (a) directly or through grants to, or contracts or cooperative agreements with, Indian tribes, Indian organizations, State educational agencies,

local educational agencies, institutions of higher education, including Indian institutions of higher education, and other public and private agencies and institutions. Subsection (c) authorizes research activities under this section, which must be coordinated with the appropriate offices within the Department and may include collaborative research activities that are jointly funded and carried out by the Bureau of Indian Education and the Institute of Education Sciences.

Sec. 7132 [Improvement of Academic Success for Students through Native American Language]

Sec. 7132(a) [Purpose] stipulates that it is the purpose of this section to improve educational opportunities and academic achievement of Indian and Alaska Native students through Native American language programs and to foster the acquisition of Native American language.

Sec. 7132(b) [Eligible Entities] defines the term "eligible entity".

Section 7132(c) [Grants Authorized] states that the Secretary is required to award grants to eligible entities to carry out specified activities. Paragraph (1) authorizes grants to support Native American language programs that: (A) provide instruction through the use of a Native American language for not less than 10 children for an average of not less than 500 hours per year per student; (B) provide for the involvement of parents, caregivers, and families of students enrolled in the program; (C) utilize, and may include the development of instructional courses and materials for learning Native American languages and for instruction through the use of Native American languages; (D) provide support for professional development activities; and (E) include a goal of all students achieving fluency in a Native American language and academic proficiency in mathematics, English, reading or language arts, and science. Paragraph (2) authorizes grants to support Native American language restoration programs that: (A) provide instruction in not less than one Native language; (B) provide support for professional development activities for teachers of Native American languages; (C) develop instructional materials for the programs; and (D) include the goal of increasing proficiency and fluency in not less than one Native American language.

Sec. 7132(d) [Application] requires that an eligible entity that desires to receive a grant under this section submit an application to the Secretary. An eligible entity that submits an application for a grant to carry out the activity specified in subsection (c)(1) shall include in such application a certification that assures that such entity has experience and a demonstrated record of effectiveness in operating and administering a Native American language program or any other educational program in which instruction is conducted in a Native American language.

Sec. 7132(e) [Grants Duration] requires the Secretary to make grants under this section only on a multi-year basis for a period not to exceed 5 years.

Sec. 7132(f) [Definition] defines the term "average".

Sec. 7132(g) [Administrative Costs] stipulates that except as provided in paragraph (2), not more than 5 percent of the funds provided to a grantee may be used for administrative purposes. An elementary school or secondary school for Indian students that re-

ceives funds from a recipient of a grant may use not more than 10 percent of the funds for administrative purposes.

Sec. 7133 [Improving State and Tribal Educational Agency Collaboration] directs the Secretary, in consultation with the Director of the Bureau of Indian Education, to conduct a study of the relationship among State educational agencies, local educational agencies, and other relevant State and local agencies, and tribes or tribal representatives to: (1) identify examples of best practices in collaboration among those entities that result in the provision of better services to Indian students; and (2) provide recommendations regarding State educational agency functions that tribal educational agencies could perform, areas and agency functions in which greater State educational agency and tribal educational agency collaboration is needed, and other steps to reducing barriers to serving Indian students.

Sec. 7141 amends section 7141 by inserting the Secretary of the Interior as an entity the National Advisory Council on Indian Education will advise.

Sec. 7151 is amended to define the term "traditional leader".

Part B—Native Hawaiian Education; Alaska Native Education

Sec. 7201 amends the heading of part B and designates Subpart 1—Native Hawaiian Education and Subpart 2—Alaska Native Education.

Subpart 1—Native Hawaiian Education

Sec. 7202 is amended as follows:

Sec. 7202 [Findings] states that Congress finds the following: (1) Native Hawaiians are a distinct and unique indigenous people with a historical continuity to the original inhabitants of the Hawaiian archipelago; (2) The United States has recognized and reaffirmed that Native Hawaiians have a cultural, historic, and land-based link to the indigenous people who exercised sovereignty over the Hawaiian Islands, that Congress does not extend services to Native Hawaiians because of their race, but because of their unique status, that Congress has also delegated broad authority to administer a portion of the Federal trust responsibility to the State of Hawaii, that the political status of Native Hawaiians is comparable to that of American Indians and Alaska Natives, and that the aboriginal, indigenous people of the United States have a continuing right to autonomy; (3) The political relationship between the United States and the Native Hawaiian people has been recognized and reaffirmed by the United States, as evidenced by the inclusion of Native Hawaiians in various Federal laws; (4) In 1993, 2005, and 2009 the updated findings of the Native Hawaiian Educational Assessment Project found that despite the successes of the programs established under title IV of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988, many of the same educational needs still exist for Native Hawaiians; (5) Native Hawaiian students served by the State of Hawaii Department of Education has risen from 20 percent in 1980 to 26 percent in 2008, and there are and will continue to be geographically rural, isolated areas with a high Native Ha-

waiian population density; (6) Despite the consequences of more than 100 years of nonindigenous influence, the Native Hawaiian people are determined to preserve, develop, and transmit to future generations their ancestral territory and their cultural identity in accordance with their own spiritual and traditional beliefs, customs, practices, language, and social institutions; and (7) The State of Hawaii, in the constitution and statutes of the State of Hawaii reaffirms and protects the unique right of the Native Hawaiian people to practice and perpetuate their culture and religious customs, beliefs, practices, and language, recognizes the traditional language of the Native Hawaiian people as an official language of the State of Hawaii, and promotes the study of the Hawaiian culture, language, and history by providing a Hawaiian education program and using community expertise as a suitable and essential means to further the program.

Sec. 7203 amends section 7203 to read as follows:

Sec. 7203 [Purposes] states that the purposes of this subpart: (1) develop, implement, assess, expand, and evaluate innovative educational programs, Native Hawaiian language medium programs, Native Hawaiian culture-based education programs, and other education programs to improve the academic achievement of Native Hawaiian students by meeting their unique cultural and language needs to help such students meet challenging State academic content standards and challenging State student academic achievement standards; (2) provide guidance to appropriate Federal, State, and local agencies to more effectively and efficiently focus resources, including resources made available under this subpart, on the development and implementation of innovative educational programs for Native Hawaiian students, rigorous and substantive Native Hawaiian language programs, and Native Hawaiian culture-based educational programs; (3) create a system by which information from programs funded under this subpart will be collected, analyzed, evaluated, reported, and used in decisionmaking activities with respect to the types of grants awarded under this subpart.

Sec. 7204 amends section 7204 as follows:

Sec. 7204(a) [Establishment of Native Hawaiian Education Council] stipulates that in order to better effectuate the purposes of this subpart through the coordination of educational and related services and programs available to Native Hawaiian students, including those programs receiving funding under this subpart, the Secretary shall establish a Native Hawaiian Education Council.

Sec. 7204(b) [Composition] requires the Education Council to consist of 15 members, including the governor, mayors, and education officials.

Sec. 7204(c) [Chair, Vice Chair] requires that the Education Council select a chair and vice chair from among the members of the Education Council, who shall each serve for one 2-year term.

Sec. 7204(d) [Native Hawaiian Education Council Grant] requires the Secretary to make a grant to the Education Council to carry out the following activities: (1) coordinate the educational and related services and programs available to Native Hawaiian students; (2) assess the extent to which such services and programs meet the needs of Native Hawaiians, and collect data on the status of Native

Hawaiian education; (3) provide direction and guidance, through the issuance of reports and recommendations, to appropriate Federal, State, and local agencies; (4) make direct grants and subgrants, as described in paragraphs (1) through (3); and (5) hire an executive director who shall execute the duties and powers of the Education Council.

Sec. 7204(e) [Duties and Powers of the Education Council] stipulates that the Education Council shall do the following: (1) obtain from the Secretary information regarding grants awarded under this subpart; (2) provide technical assistance to Native Hawaiian organizations that are grantees or potential grantees under this subpart; (3) assess and define the educational needs of Native Hawaiian students; (4) assess the programs and services currently available to address the educational needs of Native Hawaiian students; (5) assess and evaluate the individual and aggregate impact achieved by grantees in improving Native Hawaiian educational performance and meeting the goals of this subpart; (6) prepare and submit to the Secretary, before the end of each calendar year, annual reports; and (7) hold annual community consultations as described in subsection (f).

Sec. 7204(f) [Community Consultations] requires the Education Council to hold not less than one community consultation each year on each of the Islands of Hawaii, Maui, Molokai, Lanai, Oahu, and Kauai, of which not less than three members of the Education Council shall attend. The Education Council shall gather community input regarding current grantees, priorities and needs, other Native Hawaiian educational issues. The Education Council shall also report to the community on the outcomes of the grants awarded under this part. The Education Council may, from funds made available under section 7205(i)(2), provide financial support to the community consultations described in paragraph (1).

Sec. 7204(g) [Administrative Provisions Relating to Education Council] requires that the Education Council shall meet at the call of the chair of the Council, or upon request by a majority of the members of the Education Council, but in any event not less often than every 120 days.

Sec. 7204(h) [Funding] stipulates that for each fiscal year, the Secretary shall provide to the Education Council the amount described in section 7205(i)(2), to remain available until expended. Each member of the Education Council, and each member of a community consultation, Kupuna council, or other working group established by the Education Council, shall serve without compensation.

Sec. 7204(i) [Report] requires that no later than 2 years after the date of enactment of the Elementary and Secondary Education Reauthorization Act of 2011, the Secretary shall prepare and submit to the Committee on Indian Affairs and the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives, a report that: (1) summarizes the annual reports of the Education Council; (2) describes the allocation and use of funds under this subpart and the information gathered since the first annual report submitted by the Education Council to the Secretary under this section; and (3) contains recommendations for changes in Federal, State, and local policy to advance the purposes of this subpart.

Sec. 7204(j) [Federal Advisory Committee Act Applicability] stipulates that the provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Education Council, except that section 14 of such act shall not apply.

Sec. 7204(k) [Termination] requires the Education Council to terminate on the date that is the expiration of the 10-year period following the date of enactment of the Elementary and Secondary Education Reauthorization Act of 2011.

Sec. 7205 amends section 7205 as follows:

Sec. 7205(a) [Grants and Contracts] stipulates that in order to carry out programs that meet the purposes of this subpart, the Secretary is authorized to award grants to, or enter into contracts with: (1) Native Hawaiian educational organizations; (2) Native Hawaiian community-based organizations; (3) public and private nonprofit organizations, agencies, and institutions with experience in successfully developing or operating Native Hawaiian education and workforce development programs or programs of instruction in the Native Hawaiian language; (4) charter schools; and (5) consortia of the organizations, agencies, and institutions described in paragraphs (1) through (4).

Sec. 7205(b) [Priority] requires that when providing grants and entering into contracts under this subpart, the Secretary give priority to the following: (1) programs that meet the educational priorities established by the Education Council; (2) programs designed to improve the academic achievement of Native Hawaiian students by meeting their unique cultural and language needs; (3) programs in which a State educational agency, local educational agency, institution of higher education, or a State educational agency or local educational agency in partnership with an institution of higher education apply for a grant or contract under this part as part of a partnership or consortium; or (4) a Native Hawaiian organization.

Sec. 7205(c) [Authorized Activities] stipulates that activities provided through programs carried out under this subpart may include the following: (1) the development and maintenance of a statewide Native Hawaiian early childhood education and care system to provide a continuum of high-quality services for Native Hawaiian children from the prenatal period through the age of kindergarten entry; (2) the operation of family-based education centers that provide such services as programs for Native Hawaiian parents and their infants from the prenatal period of infancy through age 3, preschool programs for Native Hawaiian children, and research on, and development and assessment of, family-based early care and education and preschool programs for Native Hawaiians; (3) activities that enhance beginning reading and literacy in either the Hawaiian or the English language among Native Hawaiian students in kindergarten through third grade and assistance in addressing the distinct features of combined English and Hawaiian literacy for Hawaiian speakers in fifth and sixth grade; (4) activities to meet the special needs of Native Hawaiian students with disabilities; (5) activities that address the special needs of Native Hawaiian students who are gifted and talented; (6) the development of academic and vocational curricula to address the needs of Native Hawaiian children, youth, and adults, including curriculum

materials in the Hawaiian language, mathematics, science, engineering, and technology curricula that incorporate Native Hawaiian tradition and culture; (7) professional development activities for educators; (8) the operation of community-based learning centers that address the needs of Native Hawaiian families and communities through the coordination of public and private programs and services; (9) activities, including program co-location, to enable Native Hawaiian individuals to enter and complete programs of postsecondary education; (10) activities that recognize and support the unique needs of Native Hawaiian youth to complete quality workforce preparation and training programs and activities, including apprenticeship programs; (11) research and data collection activities to determine the educational status and needs of Native Hawaiian children and youth; (12) other research and evaluation activities related to programs carried out under this subpart; and (13) other activities, consistent with the purposes of this subpart.

Sec. 7205(d) [Additional Activities] requires that funds made available to carry out this section are used to support the following: (1) development of a body of Native Hawaiian law; (2) repair and renovation of public schools that serve high concentrations of Native Hawaiian students; (3) informal education programs that present traditional Hawaiian knowledge, science, astronomy, and the environment through State museums or learning centers.

Sec. 7205(e) [Special Rule and Conditions] prohibits the Secretary from establishing a policy under this section that prevents a Native Hawaiian student enrolled at a 2- or 4-year degree granting institution of higher education outside of the State of Hawaii from receiving a scholarship pursuant to subsection (c)(9)(A) and requires the Secretary shall establish conditions for receipt of a scholarship awarded under subsection (c)(9)(A), including the requirement that an individual seeking such a scholarship enter into a contract to provide professional services, either during the scholarship period or upon completion of a program of postsecondary education, to the Native Hawaiian community.

Sec. 7205(f) [Treatment of Funds] stipulates that except as provided in paragraph (2), funds made available under this subpart shall be used to supplement, and not supplant, any State or local funds used to achieve the purposes of this subpart. Paragraph (1) shall not apply to any nonprofit entity or Native Hawaiian community-based organization that receives a grant or other funds under this subpart.

Sec. 7205(g) [Administrative Costs] stipulates that except as provided in paragraph (2), not more than 5 percent of funds provided to a recipient of a grant or contract under subsection (a) for any fiscal year may be used for administrative purposes. Not more than 10 percent of funds provided under subsection (a) for any fiscal year to a nonprofit entity serving the Native Hawaiian community may be used for administrative purposes.

Sec. 7205(h) [Supplement, Not Supplant] requires funds made available under this section to be used to supplement, and not supplant, any State or local funds used to achieve the purposes of this subpart.

Sec. 7206 [Administrative Provisions] amends section 7206 as follows:

Sec. 7206 [Administrative Provisions] requires entities seeking a grant or contract under subpart 2 to submit an application to the Secretary. Applications submitted must describe the criteria that will be used to ensure that projects and activities use evidence-based strategies and methods and that projects and activities will be monitored. The Secretary must provide to the Education Council a copy of each grant or contract application submitted under this subpart. Sec. 7206 also requires each entity that receives a grant under this subpart to submit to the Secretary an annual report that determines the extent to which activities carried out with funds provided under this subpart are effective in improving the educational achievement of Native Hawaiian students. As a part of the information reported, each entity that receives a grant under this subpart shall provide data, using information from the most recent year for which data are available, on the academic achievement of the Native Hawaiian students the entity serves, as measured by the State assessments required under section 1111(a), the high school graduation and college-going rates of those students, and such other measures as the Secretary may prescribe.

Sec. 7207 [Definitions] defines the following terms: "community consultation", "Native Hawaiian", "Native Hawaiian Educational Organization", "Native Hawaiian Language", "Native Hawaiian Organization", and "Office of Hawaiian Affairs".

Subpart 2—Alaska Native Education

Sec. 7301 amends title VII by striking section 7301 through 7306 and inserting the following:

Sec. 7301 [Short Title] states that this subpart may be cited as the "Alaska Native Educational Equity, Support, and Assistance Act".

Sec. 7302 [Findings] describes the following findings: (1) the attainment of educational success is critical to the betterment of the conditions, long-term well-being, and preservation of the culture and languages of Alaska Natives; (2) it is the policy of the Federal Government to encourage the maximum participation by Alaska Natives in the planning and the management of Alaska Native education programs and to support efforts developed by and undertaken within the Alaska Native community to improve educational opportunity for all students; (3) Alaska Native children enter and exit school with serious educational handicaps; (4) the educational achievement of Alaska Native children is far below national norms and, as a result, Alaska Native students are being denied their opportunity to become full participants in society; (5) the programs authorized in this part are essential if educational handicaps are to be overcome; (6) the sheer magnitude of the geographic barriers to be overcome in delivering educational services in rural Alaska and Alaska villages should be addressed through the development and implementation of innovative, model programs in a variety of areas; (7) Alaska Native children should be afforded the opportunity to begin their formal education on a par with their non-Native peers and the Federal Government should lend support to efforts developed by and undertaken within the Alaska Native community to improve educational opportunity for all students; (8) in

1983, pursuant to Public Law 98–63, Alaska ceased to receive educational funding from the Bureau of Indian Affairs.

Sec. 7303 [Purposes] describes the following purposes: (1) to address the critical need to meet the unique educational needs of Alaska Natives; (2) to authorize the development and expansion of supplemental educational programs to benefit Alaska Natives; (3) to supplement existing programs and authorities in the area of education to further the purposes of this subpart; (4) to provide direction and guidance to appropriate Federal, State and local agencies to focus resources, including resources made available under this subpart, on meeting the educational needs of Alaska Natives; (5) To ensure the maximum participation by Alaska Natives in the planning and management of programs designed to serve Alaska Natives.

Sec. 7304 [Program Authorized] directs the Secretary to make grants to, or enter into contracts with, Alaska Native organizations, educational entities with experience in developing or operating Alaska Native programs or programs of instruction conducted in Alaska Native languages, cultural and community-based organizations with experience in developing or operating programs to benefit the educational needs of Alaska Natives, and consortia of organizations and entities described in this paragraph to carry out programs that meet the purposes of this subpart. Sec. 7304(a)(2) describes the following permissible activities: (A) the development and implementation of plans, methods, and strategies to improve the of Alaska Natives; (B) the development of curricula and programs that address the educational needs of Alaska Native students, including curricula materials, instructional programs, and best practice networks; (C) training and professional development activities for educators, including training to develop appreciate for and understanding of Alaska Native culture, values and ways of learning and the preparation and recruitment of teachers, principals and superintendents who are Alaska Native; (D) the development and operation of home instruction programs for Alaska Native preschool children to ensure active parental involvement; (E) family literacy services; (F) the development and operation of student enrichment programs, including such programs in science, technology, engineering, and mathematics that prepare students to excel in such subjects, provide support services to the families to support student success, and include activities that recognize and support the unique cultural and educational needs of Alaska Native children; (G) research and data collection activities to determine the educational status and needs of Alaska Native children and adults; (H) other research and evaluation activities related to programs carried out under this subpart; (I) remedial and enrichment programs to assist Alaska Native students to be college- or career-ready upon graduation from high school; (J) parenting education for parents and caregivers of Alaska Native children to improve parenting and caregiving skills (including skills relating to discipline and cognitive development), including parenting education provided through in-home visitation of new mothers; (K) culturally based education programs designed and provided by an entity with demonstrated experience in providing programs of study to share the rich and diverse cultures of Alaska Native peoples among youth, elders, teachers, and larger community, instructing

Alaska Native youth in leadership, communication, Native culture, arts, and languages, increasing the high school graduation rate of Alaska Native students, providing instruction in Alaska Native history and ways of living, providing intergenerational learning and internship opportunities, and providing cultural immersion activities; (L) a statewide on-site exchange program, for both students and teachers, involving schools and culture camps that demonstrates effectiveness in facilitating cultural relationships between urban and rural Alaskans to build mutual respect and understanding, and foster a statewide sense of common identity through host family, school, and community cross-cultural immersion; (M) activities carried through Head Start programs carried out under the Head Start Act, including training of teachers for such programs; (N) other early learning and preschool programs; (O) education programs for at-risk urban Alaska Native students in kindergarten through grade 12 that are operated by tribes or tribal organizations that have demonstrated experience in increasing graduation rates among such students and that include a culturally informed curriculum designed to preserve and promote Alaska Native culture, partner with the local school district, provide high quality academic instruction and support for students, increase parental involvement, improve academic proficiency and graduation rates, provide college preparation and career planning, and incorporate data collection; (P) a statewide program that has demonstrated effectiveness in providing technical assistance and support to schools and communities in order to engage adults in promoting the academic progress and overall well-being of young people through strengths-based approaches to child and youth development, positive youth-adult relationships, improved conditions for learning (such as school climate and student connection to school and community), and increased connections between schools and families; (Q) career preparation activities to enable Alaska Native children and adults to prepare for meaningful employment, including programs providing career and technical preparation, mentoring, training, and apprenticeship activities; (R) the provision of operational support and the purchase of equipment to develop vocational schools in rural areas of Alaska, including boarding schools, for Alaska native students in grades 9 through 12, or at higher levels of education, to provide the students with necessary resources to prepare for skilled employment opportunities; (S) other activities, consistent with the purposes of this subpart, to meet the educational needs of Alaska Native children and adults; and (T) regional leadership academies that demonstrate effectiveness in building respect and understanding and fostering a sense of Alaska Native identity to promote Alaska native students pursuit of, and success in, completing higher education or career training. (3) Home instruction programs for Alaska Native preschool children that may include programs for parents and their infants, preschool programs, or training education and support for parents. Subsection (b) provides that no more than 5 percent of funds may be used for administrative purposes. Subsection (c) provides that in awarding grants or contracts priority shall be given to applications from Alaska Native regional nonprofit organizations, Alaska Native organizations, or consortia that include not less than one Alaska Native regional nonprofit organization.

Sec. 7305 [Administrative Provisions] requires an application to be submitted to the Secretary before grants or contracts can be made. Subsection (b) provides that a State educational agency or local educational agency may apply for an award only as part of a consortium involving an Alaska Native organization. Subsection (c) requires each applicant to provide for ongoing advice from and consultation with representatives of the Alaska Native community. Subsection (d) requires each entity that applies for a grant to inform local educational agencies.

Sec. 7306 [Definitions] defines the following terms: "Alaska Native" and "Alaska Native organization".

Title VIII: Impact Aid

Section 8001–8008 amends the below ESEA sections as follows:

Sec. 8001 [Purpose] specifies that the purpose of the program is to provide financial assistance to local educational agencies to assist in the provision of services to federally connected children to help them meet college- and career-ready State academic content and student academic achievement standards.

Section 8002 [Payments Relating to Federal Acquisition of Real Property]

Sec. 8002(b) [Amount] provides that in calculating the amount that a local educational agency is eligible to receive for a fiscal year, the Secretary must apply the current levied real property tax rate for current expenditures levied by fiscally independent local educational agencies, or imputed for fiscally dependent local educational agencies, to the current annually determined estimated taxable value of the acquired Federal property. In determining the total taxable value of such acquired Federal property for fiscal year 2011 and each succeeding fiscal year, the Secretary must: (1) first determine the total taxable value for the purpose of levying property tax for school purposes for current expenditures of real property located within the boundaries of the local educational agency; (2) then determine the per acre value of the eligible Federal property by dividing the total taxable value by the difference between the total acres located within the boundaries of the local educational agency and the number of Federal acres eligible under this section; and (3) then multiply the per acre value by the number of eligible Federal acres. When two or more local educational agencies share eligible Federal property, a local educational agency can ask the Secretary to calculate the per acre value of each local educational agency and apply the average of these per acre values to the acres of the Federal property in that agency.

Sec. 8002(g) [Former Districts] provides that for fiscal year 2006 and all succeeding fiscal years, if an eligible local educational agency is formed at any time after 1938 by the consolidation of two or more former school districts, the local educational agency can choose to have the Secretary determine its eligibility and any amount for which it is eligible for any fiscal year on the basis of one or more of those former districts, as designated by the local educational agency. Eligible local educational agencies include: (1) any local educational agency that, for fiscal year 1994 or any preceding fiscal year, applied, and was determined to be eligible under Public Law 81–874; or (2) a local educational agency formed by the

consolidation of two or more districts, at least one of which was eligible for assistance for the fiscal year proceeding the year of consolidation, if (a) for fiscal years 2006 through 2011, the local educational agency had notified the Secretary of the designation not later than 30 days after the enactment of this act; and (b) for fiscal year 2012, and any subsequent fiscal year, the local educational agency includes the designation in its application.

Sec. 8002(h) [Payments with Respect to Fiscal Years in Which Insufficient Funds are Appropriated] requires the Secretary to first make a foundation payment to each local educational agency that was eligible to receive a payment for fiscal year 2007. The amount of this payment must be equal to 90 percent of the payment the local educational agency received in 2006. If the amount appropriated for the Impact Aid program is insufficient to pay the full amount for all eligible local educational agencies for the fiscal year, then the Secretary must ratably reduce the payment. From the amount that is left over, the Secretary must make payments to each local educational agency that the Secretary determines eligible for a payment for a fiscal year after 2007, for the fiscal year for which such agency was determined eligible for the payment. The amount of the local educational agency's foundation payment must be equal to its foundation payment for the first fiscal year for any succeeding fiscal year. For local educational agencies determined to be eligible after 2007, the payment must be calculated by: (i) calculating the local educational agency's maximum payment; (ii) calculating the percentage that the amount appropriated for the Impact Aid program for the most recent fiscal year for which the Secretary has completed making payments is of the total maximum payments for that fiscal year for all local educational agencies eligible for a payment relating to Federal acquisition of real property and multiply the agency's maximum payment by that percentage; and (iii) multiplying the amount by 90 percent. From any funds remaining after making all foundation payments for the fiscal year involved, the Secretary must make a payment to each local educational agency that received a foundation payment in an amount that bears the same relation to the remainder as a percentage share determined for the local educational agency bears to the percentage share for all local educational agencies eligible to receive a payment for the fiscal year involved, except that data from the most current fiscal year must be used.

Sec. 8002(i) [Special Payments] specifies, for fiscal years in which insufficient funds are appropriated, that the calculation of the foundation payment for a local educational agency that meets the requirements below must be equal to 90 percent of the payment received in fiscal year 2005, for fiscal year 2011 and each succeeding fiscal year. Impacted districts are those that: (A) received a payment for fiscal year 1996; (B) serve a school district that contains all or a portion of U.S. military academy; (C) serves a school district in which at least 60 percent of the real property is federally owned; and (D) demonstrate to the Secretary that the per-pupil revenue derived from local sources is not less than that revenue for the preceding fiscal year.

Sec. 8002(m) [Records] allows the Secretary to base a determination of eligibility on original records (including reproductions of those records) documenting the assessed value of real property,

prepared by a legally authorized official as of the time of the Federal acquisition, or other records that the Secretary determines to be appropriate and reliable, including Federal agency records or local historical records.

Section 8003 [Payments for Eligible Federally Connected Children]

Sec. 8003(a)(1) [Computation of Payment—In General] specifies that for the purpose of computing the amount an agency is eligible to receive as a basic support payment for its federally connected children or for students with disabilities, the Secretary must determine the number of federally connected children who were in average daily attendance (including children enrolled in a State that has an open enrollment policy, but not including children enrolled in a distance learning program who are not residing within the agencies geographic boundaries.

Sec. 8003(a)(4) [Computation of Payment—Military Installation and Indian Housing Undergoing Renovation or Rebuilding] counts children as federally connected even if they did not reside on Federal property because said property was undergoing renovation or rebuilding, or was authorized for demolition. It specifies that children can only be so counted for 4 years.

Sec. 8003(a)(5) [Computation of Payment—Military "Build to Lease" Program Housing] requires the Secretary, in computing the amount of payment for a local educational agency for federally connected children, to consider children residing in housing initially acquired or constructed under the "Build to Lease" program, or under lease of off-base property to reside on Federal property.

Sec. 8003(b)(2)(B) [Eligibility for Heavily Impacted Local Educational Agencies] provides that a heavily impacted local educational agency is eligible to receive a basic support payment if it: (1) is a local educational agency whose boundaries are the same as a Federal military installation, or whose boundaries are the same as island property designated by the Secretary of the Interior to be property that is held in trust by the Federal Government, and that has no taxing authority; (2) is a local educational agency that (A) has an enrollment of federally connected children that constitutes a percentage of the total student enrollment of the agency that is not less than 45 percent; (B) has a per-pupil expenditure that is less than (i) for an agency that has a total student enrollment of 500 or more students, 125 percent of the average per-pupil expenditure of the State in which the agency is located; or (ii) for an agency that has a total student enrollment of less than 500 students, 150 percent of the average per-pupil expenditure of the State in which the agency is located, or the average per-pupil expenditure of three or more comparable local educational agencies in the State in which the agency is located; (C) is an agency that (i) has a tax rate for general fund purposes that is not less than 95 percent of the average tax rate for general fund purposes of comparable local educational agencies in the State; or (ii) was eligible to receive a payment under this subsection for fiscal year 2012 and is located in a State that by State law has eliminated ad valorem tax as a revenue source for local educational agencies; or (D) has an enrollment of children described in subsection (a)(1) that constitutes a percentage of the total student enrollment of the agency which is not less than 30 percent, and has a tax rate for general fund pur-

poses which is not less than 125 percent of the average tax rate for general fund purposes for comparable local educational agencies in the State; or (3) is a local educational agency that has a total student enrollment of not less than 25,000 students, of which not less than 50 percent are children federally connected and not less than 5,500 of such children resided on Federal property with a parent employed on Federal property within the local educational agency's school district boundaries or resided on Federal property with a parent who is on active duty. Generally, a heavily impacted local educational agency that met these requirements is ineligible to receive a basic support payment if the agency fails to meet the requirements for the subsequent fiscal year except that it will continue to receive a basic support payment for the fiscal year for which the ineligibility determination is made. However, a local educational agency with an enrollment of federally connected children that is at least 35 percent of total enrollment and that was also eligible in 2001 retains its eligibility. A local educational agency that is eligible for basic support payments, but whose tax rate for general fund purposes falls below 95 percent of the average tax rate for general fund purposes of local educational agencies in the State for 2 consecutive years loses its eligibility. A heavily impacted local educational agency that becomes ineligible for at least 1 fiscal year can resume eligibility for a basic support payment for a subsequent fiscal year if it meets the requirements. However, it cannot receive a payment until the fiscal year after the eligibility determination. For the first fiscal year for which a heavily impacted local educational agency applies for a basic support payment, or with respect to the first fiscal year for which a heavily impacted local educational agency applies for a basic support payment after becoming ineligible for 1 or more preceding fiscal years, the agency must apply for the payment at least 1 year prior to the start of that first fiscal year.

Sec. 8003(b)(2)(C) [Maximum Amount for Heavily Impacted Local Educational Agencies] provides that the maximum amount that a heavily impacted local educational agency is eligible to receive for any fiscal year is the sum of the total weighted student units, multiplied by the greater of (1) four-fifths of the average per-pupil expenditure of the State in which the local educational agency is located for the third fiscal year preceding the fiscal year for which the determination is made; or (2) four-fifths of the average per-pupil expenditure of all of the States for the third fiscal year preceding the fiscal year for which the determination is made. The section also creates special calculations for certain local educational agencies, including those with large and small numbers of certain eligible children.

Sec. 8003(b)(2)(D) [Maximum Amount for Large Heavily Impacted Local Educational Agencies] provides that the maximum amount that a heavily impacted local educational agency is eligible to receive for any fiscal year must be determined using the formula for the maximum amount of basic support payments. For purposes of calculating the maximum amount, this section specifies that the factor used in determining the weighted student units is 1.35. It defines a heavily impacted local educational agency as a local educational agency that has a total student enrollment of not less than 25,000 students, of which not less than 50 percent are federally

connected and not less than 5,500 of such children reside on Federal property with a parent that is either employed on Federal property or on active duty.

Sec. 8003(b)(2)(E) [Data] requires the Secretary to use student, revenue, expenditure, and tax data from the third fiscal year preceding the fiscal year for which the local educational agency is applying for assistance.

Sec. 8003(b)(2)(G) [Eligibility for Heavily Impacted Local Educational Agencies Affected by Privatization of Military Housing] deems eligible for payment, heavily impacted local educational agencies who are ineligible due to conversion of military housing units to private housing, or as the direct result of base realignment and closure or modularization as determined by the Secretary of Defense, force structure change, or force relocation.

Sec. 8003(b)(3)(B) [Learning Opportunity Threshold] requires the Secretary to disregard children in distance learning programs who do not reside within the geographic boundaries of the local educational agency from its total enrollment when calculating the agency's learning opportunity threshold percentage.

Sec. 8003(b)(3)(D) [Ratable Distribution] sets a formula the Secretary must use for each fiscal year in which there are insufficient funds to make the total payments for federally connected children, but for which the funds appropriated exceed the amount required to pay each local educational agency 100 percent of the local educational agency's learning opportunity threshold payment.

Sec. 8003(b)(3)(H) [Special Rule] requires the Secretary to deem each local educational agency that received a fiscal year 2009 basic support payment for heavily impacted local educational agencies under this paragraph as eligible to receive a basic support payment for heavily impacted local educational agencies under this paragraph for each of fiscal 2010, 2011, and 2012 and make payments for each of those years.

Sec. 8003(b)(3)(I) [Continued Eligibility for a Heavily Impacted Local Educational Agency Entering Into] specifies that, for any fiscal year, a heavily impacted local educational agency that received a basic support payment under this paragraph for the fiscal year prior to the fiscal year for which the local educational agency entered into an intergovernmental cooperative agreement with a State educational agency must remain eligible to receive a basic support payment under this paragraph for the duration of the intergovernmental cooperative agreement, but in no case for more than 5 years.

Sec. 8003(c) [Prior Year Data] provides an exception to the requirement that calculations for distribution of payments for federally connected children be based on prior year data.

Sec. 8003(e) [Hold Harmless] requires the Secretary to pay local educational agencies, in 2012, 90 percent of the basic support payment it received in 2011, in 2013, 85 percent of the basic support payment it received in 2012, and in 2014, 80 percent of the basic support payment it received in 2013.

Section 8007 [Construction]

Sec. 8007(a) [Construction Payments Authorized] authorizes construction payments to each local educational agency that receives a basic support payment for federally connected children for that fiscal year. The local educational agency must also meet one of the

following requirements: (1) the number of children who are federally connected because they resided on Indian lands for the preceding school year constituted at least 50 percent of the total student enrollment in the schools of the agency during the preceding school year; (2) the number of children who are federally connected because they (a) lived on Federal property and had a parent on active-duty or (b) did not live on Federal property, but had a parent on active duty, for the preceding school year constituted at least 50 percent of the total student enrollment in the schools of the agency during the preceding school year; or (3) the agency is heavily impacted or has lost eligibility but is receiving a basic support payment for the year in which the eligibility determination is made.

Section 8010 [Federal Administration]

Sec. 8010(d) [Timely Payments] requires the Secretary to pay a local educational agency the full amount that the agency is eligible to receive (or, if applicable, the amount that is available to pay the agency) for a fiscal year by September 30 of the second fiscal year following the fiscal year for which the amount has been appropriated if the local educational agency submits the necessary information to the Secretary not later than 1 calendar year following the fiscal year in which the amount has been appropriated.

Section 8013 [Definitions] changes the definition of "Armed Forces" to include the Coast Guard.

Section 8009 amends ESEA by inserting a new section:

Sec. 8009 [Eligibility for Impact Aid] sets out special eligibility requirements for North Chicago Community Unit School District 187.

Title IX: General Provisions

Section 9101 amends section 9101 of ESEA as follows:

Sec. 9101 [Definitions] specifies definitions for the following terms:

(1) Adjusted cohort; entering cohort; transferred into; transferred out
(2) Advanced placement and International Baccalaureate course
(3) Advanced placement or international baccalaureate examination
(4) Authorizing committees
(5) Average daily attendance
(6) Average per-pupil expenditure
(7) Charter management organization
(8) Child
(9) Child with a disability
(10) Conditions for learning
(11) Consolidated local application
(12) Consolidated local plan
(13) Consolidated State application
(14) Consolidated State plan
(15) Core academic subject
(16) Covered program
(17) Current expenditures
(18) Department
(19) Developmental delay
(20) Distance learning

(21) Educational service agency
(22) Elementary school
(23) English learner
(24) Evidence-based
(25) Expanded learning time
(26) Family literacy activities
(27) Family member
(28) Free public education
(29) Gifted and talented
(30) Graduation rates
(31) High school
(32) Highly qualified teacher
(33) High-need local educational agency
(34) High-need school
(35) Institution of higher education
(36) Leading indicators
(37) Local educational agency
(38) Magnet school
(39) Mutual consent
(40) Native American and Native American Language
(41) On track to college and career readiness
(42) Outlying area
(43) Parent
(44) Poverty line
(45) Professional development
(46) Regular secondary school diploma
(47) Scientifically based research
(48) Scientifically valid research
(49) Secondary school
(50) Secretary
(51) Specialized instructional support personnel; Specialized instructional support services
(52) State
(53) State Advisory Council on Early Childhood Education and Care
(54) State educational agency
(55) Teacher mentoring
(56) Turnaround partner
(57) Universal design for learning

Sec. 9101(b) [Conforming Amendments] makes conforming amendments.

Section 9102 [Unsafe School Choice Option] amends section 9532(a) of ESEA as follows:

Sec. 9102 [Unsafe School Choice Option] specifies that a student who is threatened with or becomes a victim of a crime in or on the grounds of a school can attend another school in the local educational agency.

Section 9103 [Evaluation Authority] amends section 9601 as follows:

Sec. 9601 [Evaluation Authority]

Sec. 9601(a)(1–5) [Reservation of Funds] provides that except as provided in subsection (b), the Secretary of Education is permitted to reserve no more than 3 percent of the amount appropriated to

carry out each categorical program and demonstration project authorized under the act. The reserved funds will be used by the Secretary via the Director of the Institute of Education Sciences to: (1) conduct comprehensive, high-quality evaluation of the program or project that provide information for policymaking and to support continuous improvement and use methods appropriate for the evaluation questions being asked; (2) provide technical assistance to grant recipients about the conduct of the evaluation activities the grantees carry out under the act and the collection and reporting of performance data relating to the program or project, (3) evaluate the aggregate short- and long-term effects and costs efficiencies across Federal programs assisted or authorized under the act and related Federal preschool, elementary and secondary programs; (4) increase the usefulness of evaluation of grant recipients in order to ensure the continuous improvement of programs or project by improving the quality, timeliness, efficiency, dissemination and use of information relating to performance under the program or project; and (5) identify and disseminate research and best practices related to the programs and projects authorized under the act.

Sec. 9601(b) [Title I] states that the Secretary is permitted to reserve no more than 1 percent of funds appropriated for title I.

Sec. 9601(c)(1–2) [Evaluation Plan] requires that beginning not more than 1 year after the enactment of the Elementary and Secondary Education Reauthorization Act, the Secretary must annually develop and submit to Congress a plan that: (1) describes the timeline for evaluation of the programs and projects under the act; and (2) describes the specific evaluation activities the Secretary intends to carry out for such programs and projects during the following year.

Sec. 9601(d) [Evaluation Activities Authorized Elsewhere] provides that if funds are authorized elsewhere in the act, other than title I, the Secretary may not reserve additional funds under this section for evaluation of that program or project.

Sec. 9601(e) [Special Rule Regarding Allocation For Impact Evaluations] requires that the Secretary use not less than 30 percent of funds reserved under section 9601 for each of the fiscal years 2012 through 2017, for impact evaluations that meet the requirements in subsection (a)(1).

Title X: Commission on Effective Regulation and Assessment Systems for Public Schools

Section 10011 adds the following to ESEA

Sec. 10011 [Short Title] states that the title may be cited as the "Commission on Effective Regulation and Assessment Systems for Public Schools Act".

Sec. 10012(1–2) [Definitions] defines the terms "Chairperson" and "Commission".

Sec. 10013(a–b) [Establishment of Commission on Effective Regulation and Assessment Systems for Public Schools] directs that the Secretary will establish the Commission on Effective Regulation and Assessment Systems for Public Schools within 30 days of the enactment of this act. The Commission will: (1) examine the regulatory requirements on elementary and secondary education at the Federal, State, and local levels; (2) make recommendations on how

to align and improve requirements in such regulations; (3) examine the quality and purpose of current requirements; and (4) make recommendations to improve and align assessment systems to provide meaningful information and improve student achievement, teacher performance, and innovation.

Sec. 10013(c) [Membership] directs that the Commission will be composed of four Governors, six State legislators, two chief State school officers, two State superintendents, two principals, two teachers, two assessment experts, and two teacher and principal effectiveness experts. The Secretary will solicit input and nominations for appointing members of the Commission from Governors, members of Congress, State legislators, and superintendents, principals, teachers, and other members of the education community in addition to parents, students, and other members of the general public. The Secretary will determine Commission members after considering recommendations and input.

Sec. 10013(d) [Chairperson] directs that the Secretary will appoint a Governor as the Chairperson of the Commission.

Sec. 10013(e) [Meetings] states that, at the call of the Chairperson, the Commission will meet at least once every 6 months and such other meetings as the Chairperson sees fit. All meetings will be open to the public.

Sec. 10013(f) [Quorum] states that a majority of the Commission members shall constitute a quorum, but a lesser number of members may hold hearings.

Sec. 10013(g) [Initial Meeting] states that the first meeting of the Commission will take place within 60 days after the enactment of this act.

Sec. 10014 [Powers of the Commission]

Sec. 10014(a) [Hearings] states that the Commission will hold hearings, take testimony, and receive evidence as the Commission determines is appropriate. In hearings under this subsection, the Commission will consider inviting witnesses from, among other groups, teachers, parents, principals, superintendents, Federal, State, and local educational agency personnel, researchers and other experts, and any other individuals the Commission determines is appropriate.

Sec. 10014(b) [Information from Federal Agencies] states that the Commission may obtain information directly from any Federal department or agency as the Commission considers necessary. Upon request of the Chairperson, the department or agency head will furnish such information to the Commission.

Sec. 10015 [Duties of the Commission]

Sec. 10015(a)(1–3) [Duties] explains that the Commission shall take action to fully understand the issues of effective regulation and assessment systems for public schools. The Commission will focus on examining the over-regulation and the effective testing of public schools. In conducting its work, the Commission may examine examples of State educational agency and local educational agency regulations and testing requirements.

Sec. 10015(b) [Reports] directs the Commission to submit regular reports to the Secretary and the members of the authorizing committees, including a report within 1 year of the Commission's first meeting and on an annual basis thereafter. The Commission shall prepare a public report analyzing findings of the Commission and

making recommendations for Federal, State, and local policymakers, which will be broadly disseminated to the general public.

Sec. 10015(c) [Testimony] directs the Chairperson to provide testimony to the authorizing committees annually.

Sec. 10016 [Commission Personnel Matters]

Sec. 10016(a) [Compensation of Members] states that each member of the Commission will serve without compensation for service on the Commission.

Sec. 10016(b) [Travel Expenses] states that members of the Commission will be allowed travel expenses while away from their homes or regular places of business when performing services for the Commission.

Sec. 10016(c)(1–2) [Assistance] directs the Assistant Secretary of Elementary and Secondary Education to assist the Commission without reimbursement upon request of the Commission. Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

Title XI: Amendments to Other Laws; Miscellaneous Provisions

Part A—Amendments to Other Laws

Subpart 1—McKinney-Vento Homeless Assistance Act

Section 11011 states that the subpart may be cited as the "McKinney-Vento Homeless Education Reauthorization Act of 2011".

Section 11012 amends the McKinney-Vento Homeless Assistance Act as follows:

Sec. 721 [Statement of Policy] states the following as the policy of Congress. (1) Each State shall ensure that each homeless child and youth has access to the same free appropriate public education, including a public preschool education, as is provided to other children and youth. (2) In any State where compulsory residency requirements or other requirements of laws, regulations, practices, or policies may act as a barrier to the identification, enrollment, attendance, or success in school of homeless children and youth, the State shall review and revise such laws, regulations, practices, or policies to ensure that homeless children and youth are afforded the same free appropriate public education as is provided to other children and youth. (3) Homelessness is not a sufficient reason to separate students from the mainstream school environment. (4) Homeless children and youth shall have access to the education and other services that such children and youth need to ensure that such children and youth have an opportunity to meet the same college- and career-ready State student academic achievement standards to which all students are held.

Sec. 722 [Grants for State and Local Activities for the Education of Homeless Children and Youth]

Sec. 722(a) [General Authority] provides that the Secretary is authorized to make grants to States.

Sec. 722(b) [Application] provides that in order for a State to be eligible to receive a grant under this section, the State educational agency, in consultation with other relevant State agencies, shall submit an application to the Secretary.

Sec. 722(c) [Allocation and Reservations]

Sec. 722(c)(1)(A) [Allocation; In General] provides that the Secretary is authorized to allot to each State an amount that bears the same ratio to the amount appropriated that remains after the Secretary reserves funds under paragraph (2) and uses funds to carry out section 724 (d) and (h), as the amount allocated under section 1122 of the Elementary and Secondary Education Act of 1965 to the State for that year bears to the total amount allocated under section 1122 of such act to all States for that year.

Sec. 722(c)(1)(B)(i–ii) [Minimum Allotments] provides that no State shall receive for a fiscal year less than the greater of (i) $150,000; or (ii) an amount that bears the same ratio to the amount appropriated for such year under section 726 that remains after the Secretary reserves funds under paragraph (2) and uses funds to carry out section 724 (d) and (h), as the amount the State received under this paragraph for the preceding fiscal year bears to the total amount received by all States under this paragraph for the preceding fiscal year.

Sec. 722(c)(1)(C) [Reduction for Insufficient Funds] provides that if there are insufficient funds in a fiscal year to allot to each State the minimum amount under subparagraph (B), the Secretary shall ratably reduce the allotments to all States based on the proportionate share that each State received under this subsection for the preceding fiscal year.

Sec. 722(c)(2) [Reservations]

Sec. 722(c)(2)(A) [Students in Territories] states that the Secretary is authorized to reserve 0.1 percent of the amount appropriated for each fiscal year to be allocated among the U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands. Such funds shall be used for programs that are consistent with the purposes of the programs described in this subtitle.

Sec. 722(c)(2)(B) [Indian Students] (i) requires that the Secretary transfer 1 percent of appropriated funds to the Department of the Interior for programs that are for Indian students served by schools funded by the Secretary of the Interior and that are consistent with the purposes of the programs described in this subtitle. (ii) Requires that the Secretary of Education and the Secretary of the Interior enter into an agreement for the distribution and use of the funds described in clause (i) under terms that the Secretary of Education determines best meet the purposes of the programs described in this subtitle.

Sec. 722(d)(1–4) [State Activities] requires that State grant funds be used for the following: (1) to provide activities for and services to improve the identification of homeless children and youth and enable such children and youth to enroll in, attend, and succeed in school; (2) to establish or designate an Office of the Coordinator for Education of Homeless Children and Youth in the State educational agency; (3) to prepare and carry out the duties in the State plan; (4) to develop and implement professional development activities for liaisons and other local educational agency and school personnel, and community agencies to (A) improve their identification of homeless children and youth and (B) improve their awareness of, and capacity to respond to, specific needs in the education of homeless children and youth.

Sec. 722(e) [State and Local Subgrants]

Sec. 722(e)(1) [Minimum Disbursements by States] provides that the State educational agency (A) may use not more that 20 percent of the State's allocation or $85,000, whichever amount is greater, for State-level activities; and (B) shall use the remainder of the State's allocation to award subgrants to local educational agencies for the purposes of carrying out section 723.

Sec. 722(e)(2) [Use by State Educational Agency] provides that a State educational agency may use funds for State-level activities to conduct activities directly or through grants or contracts.

Sec. 722(e)(3) [Prohibition on Segregating Homeless Students] provides, with the exception of covered counties, no State receiving funds under this subtitle shall segregate a homeless child or youth in a separate school, or in a separate program within a school.

Sec. 722(f) [Functions of the Office of the Coordinator] requires that the Coordinator for Education of Homeless Children and Youth established in each State: (1) gather and make publicly available reliable, valid, and comprehensive information on (A) the nature and extent of the problems homeless children and youth have in gaining access to public preschool programs, and schools; (B) the difficulties in identifying the special needs and barriers to participation and achievement of such children and youth; (C) any progress made by the State educational agency and local educational agencies in the State in addressing such problems and difficulties; and (D) the success of the programs under this subtitle in identifying homeless children and youth and allowing homeless children and youth to enroll in, attend, and succeed in, school; (2) develop and carry out the State plan; (3) collect data for and transmit to the Secretary reports to assess the educational needs of homeless children and youth within the State; (4) improve the provision of comprehensive education and related support services to homeless children and youth and their families, and to minimize educational disruption, through collaboration with (A) educators, (B) providers of services to homeless children and youth and homeless families, (C) providers of emergency, transitional, and permanent housing to homeless children and youth, and their families, (D) local educational agency liaisons, and (E) community organizations and groups representing homeless children and youth and their families; (5) provide professional development and technical assistance to and conduct monitoring of local educational agencies; and (6) make opportunities available for teachers and local educational agency liaisons to participate in ongoing and relevant professional development programs and activities.

Sec. 722(g) [State Plan]

Sec. 722(g)(1)(A–J) [In General] requires that each State submit to the Secretary and implement a plan to provide for the education of all homeless children and youth within the State. Such plan must include the following. (A) A description of how such children and youth are (or will be) given the opportunity (i) to meet the same college- and career-ready State student academic achievement standards as all students are expected to meet and (ii) to become college- and career-ready. (B) A description of the procedures the State educational agency will use, in coordination with local educational agencies, to identify such children and youth in the State and to assess their needs. (C) A description of procedures for

the prompt resolution of disputes arising under this subtitle. (D) A description of programs for school personnel to increase the awareness of such personnel of the specific needs of homeless adolescents. (E) A description of procedures that ensure that homeless children and youth are able to participate in Federal, State, or local nutrition programs. (F) A description of procedures that ensure that (i) homeless children have access to public preschool programs, administered by the State educational agency or local educational agency; (ii) homeless youth are identified and accorded equal access to appropriate and available secondary education and support services; and (iii) homeless children and youth who meet the relevant eligibility criteria are able to participate in Federal, State, or local programs. (G) Strategies to address problems identified in the reports provided to the Secretary. (H) Strategies to address other problems with respect to the education of homeless children and youth, including enrollment problems. (I) A demonstration that the State educational agency, and local educational agencies and schools in the State, have developed and shall regularly review and revise their policies and practices to remove barriers to the identification, enrollment, attendance, retention, and success of homeless children and youth in schools in the State. (J) Assurances that the following will be carried out: (i) the State educational agency and local educational agencies in the State will adopt policies and practices to ensure that homeless children and youth are not stigmatized or segregated on the basis of their status as homeless; (ii) local educational agencies will designate an appropriate staff person as the local educational agency liaison for homeless children and youth, who shall have sufficient training and time to carry out the duties (iii) the State and local educational agencies in the State will adopt policies and practices to ensure that transportation is provided at the request of the parent or guardian involved to and from the school of origin in accordance with specific requirements; and (iv) the State educational agency and local educational agencies will adopt policies and practices to promote school success for homeless children and youth, including access to full participation in academic and extracurricular activities that are made available to non-homeless students.

Sec. 722(g)(2) [Compliance] (A) requires that each plan adopted under this subsection shall also describe how the State will ensure that local educational agencies in the State will comply with the requirements specified in the State plan. (B) Requires that the State plan indicates what technical assistance the State will furnish to local educational agencies and how compliance efforts will be coordinated with the local educational agency liaisons.

Section 722(g)(3)(A–C) [School Readiness for Homeless Children] states that each State plan adopted under this subsection shall ensure that entities carrying out preschool programs funded, administered, or overseen by the agency involved (A) shall not be required to enroll a homeless child immediately in an early learning program that is operating at full capacity when the child seeks to enroll; (B) identify and prioritize homeless children for enrollment and increase their enrollment and attendance in early learning programs; and (C) review the educational and related needs of homeless children and their families in such agency's service area, in coordination with the liaison designated.

Sec. 722(g)(4)(A–J) [Local Educational Agency Requirements]

Section 722(g)(4)(A)(i–ii) [In General] provides that the local educational agency serving each child or youth to be assisted under this subtitle shall, according to the child's or youth's best interest (i) continue the child's or youth's education in the school of origin for the duration of homelessness; or (ii) enroll the child or youth in any public school that nonhomeless students who live in the attendance area in which the child or youth is actually living are eligible to attend.

Sec. 722(g)(4)(B)(i–v) [Best Interest in School Stability] states that in determining the best interest of the child or youth under subparagraph (A), the local educational agency shall (i) presume that keeping a homeless child or youth in the school of origin is in the child's or youth's best interest, except when doing so is contrary to the wishes of the child's or youth's parent or guardian; (ii) consider student-centered factors related to the child's or youth's best interest; (iii) if, after conducting the best interest determination described in clause (ii), the local educational agency determines that it is not in the child's or youth's best interest to attend the school of origin or the school requested by the parent, guardian, or unaccompanied youth, provide the homeless child's or youth's parent or guardian or the unaccompanied youth with a written explanation, including a statement regarding the right to appeal; (iv) in the case of an unaccompanied youth, ensure that the local educational agency liaison assists in placement or enrollment decisions under this subparagraph, gives priority to the views of such unaccompanied youth, and provides notice to such youth of the right to appeal; and (v) provide transportation.

Sec. 722(g)(4)(C)(i) [Enrollment] provides that the school selected in accordance with this paragraph shall immediately enroll the homeless child or youth, even if the child or youth (I) is unable to produce records traditionally required for enrollment; (II) has unpaid fines or fees from prior schools or is unable to pay fees in the school selected; or (III) has missed application or enrollment deadlines during any period of homelessness.

Sec. 722(g)(4)(C)(ii) [Contacting School Last Attended] requires that the enrolling school immediately contact the school last attended by the child or youth to obtain relevant academic and other records.

Sec. 722(g)(4)(C)(iii) [Relevant Health Records] provides that if the child or youth needs to obtain immunizations or other required health records, the enrolling school shall immediately refer the parent or guardian of the child or youth, or the unaccompanied youth, to the local educational agency liaison, who shall assist in obtaining necessary immunizations or screenings, or records.

Sec. 722(g)(4)(C)(iv) [No Liability] states that whenever the school selected enrolls an unaccompanied youth in accordance with this paragraph, no liability shall be imposed upon the school by reason of enrolling the youth without parent or guardian consent.

Sec. 722(g)(4)(D) [Records] requires that any record ordinarily kept by the school regarding each homeless child or youth be maintained (i) so that the records involved are available when a homeless child or youth enters a new school or school district, even if the child or youth owes fees or fines or did not withdraw from the previous school in conformance with local withdrawal procedures;

and (ii) in a manner consistent with section 444 of the General Education Provisions Act (20 U.S.C. 1232g).

Sec.722(g)(4)(E)(i–iv) [Disputes] states that if a dispute arises over eligibility, enrollment, school selection, or service in a public school or public preschool, or any other issue relating to services under this subtitle that: (i) in the case of a dispute relating to eligibility for enrollment or school selection, the child or youth shall be immediately enrolled in the school in which enrollment is sought, pending final resolution of the dispute including all available appeals; (ii) the parent or guardian of the child or youth shall be provided with a written explanation of the school's decision regarding eligibility for enrollment, school selection, or services, made by the school or the local educational agency, which shall include information about the right to appeal the decision; (iii) the child, youth, parent, or guardian shall be referred to the local educational agency liaison, who shall carry out the dispute resolution process as expeditiously as possible after receiving notice of such dispute; and (iv) in the case of an unaccompanied youth, the liaison shall ensure that the youth is immediately enrolled in school pending resolution of such dispute.

Sec. 722(g)(4)(F) [Placement Choice] provides that the choice regarding placement shall be made regardless of whether the child or youth involved lives with the homeless parents or has been temporarily placed elsewhere.

Sec. 722(g)(4)(G) [School Of Origin Defined] defines the term "school of origin".

Sec. 722(g)(4)(H) [Contact Information] provides that nothing in this subtitle shall prohibit a local educational agency from requiring a parent or guardian of a homeless child to submit contact information.

Sec. 722(g)(4)(I) [Privacy] requires that information regarding a homeless child's or youth's living situation be treated as a student education record under section 444 of the General Education Provisions Act (20 U.S.C. 1232g).

Sec. 722(g)(4)(J) [Academic Achievement] requires that the school selected in accordance with this paragraph ensure that homeless children and youth have opportunities to meet the same college- and career-ready State student academic achievement standards to which other students are held.

Sec. 722(g)(4)(K) [School Readiness for Homeless Children] requires that each local educational agency ensure school readiness for homeless children.

Sec. 722(g)(5) [Comparable Services] states that in addition to receiving services provided for homeless children and youth under this subtitle or other Federal, State, or local laws, regulations, policies, or practices, each homeless child or youth to be assisted under this subtitle also shall be provided services comparable to services offered to other students in the school selected under paragraph (4), including the following: (A) transportation services; (B) educational services for which the child or youth meets the eligibility criteria; (C) programs in career and technical education; (D) programs for gifted and talented students; (E) school nutrition programs; and (F) health and counseling services.

Sec.722(g)(6) [Coordination]

Sec. 722(g)(6)(A)(i–ii) [In General] states that each local educational agency must coordinate (i) the provision of services under this subtitle with the services of local social services agencies and other agencies or entities providing services to homeless children and youth and their families; and (ii) transportation, transfer of school records, and other interdistrict activities, with other local educational agencies.

Sec. 722(g)(6)(B) [Housing Assistance] requires that each State educational agency and local educational agency that receives assistance under this subtitle shall coordinate, if applicable, with State and local housing agencies responsible for developing comprehensive housing affordability strategy to minimize education disruption for children and youth who become homeless.

Sec. 722(g)(6)(C)(i–iii) [Coordination Purpose] requires that the coordination required under subparagraphs (A) and (B) be designed to: (i) ensure that all homeless children and youth are identified within a reasonable time frame; (ii) ensure that homeless children and youth have access to and are in reasonable proximity to available education and related support services; and (iii) raise the awareness of school personnel and service providers of the effects of short-term stays in a shelter and other challenges associated with homelessness.

Sec. 722(g)(6)(D) [Homeless Children and Youths With Disabilities] states that for children and youth who are to be assisted both under this subtitle, and under the Individuals with Disabilities Education Act or section 504 of the Rehabilitation Act of 1973, each local educational agency shall coordinate the provision of services under this subtitle with the provision of programs for children with disabilities served by such local educational agency and other involved local educational agencies.

Sec. 722(g)(7) [Local Educational Agency Liaison]

Sec. 722(g)(7)(A)(i–x) [Duties] requires that each local educational agency liaison for homeless children and youth ensure that: (i) all homeless children and youth are identified by school personnel and through outreach and coordination activities with other entities and agencies; (ii) homeless children and youth are enrolled in, and have a full and equal opportunity to succeed in, schools of that local educational agency; (iii) homeless families, and homeless children and youth, have access to educational services for which such families, children, and youth are eligible; (iv) homeless families, and homeless children and youth receive referrals to health care services, dental services, mental health and substance abuse services, housing services, and other appropriate services; (v) the parents or guardians of homeless children and youth are informed of the educational and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children; (vi) public notice of the educational rights of homeless children and youth is incorporated into documents related to residency requirements or enrollment, provided upon school enrollment and withdrawal, posted on the local educational agency's Web site, and disseminated in locations frequented by parents or guardians of such children and youth, and unaccompanied youth; (vii) disputes are resolved in accordance with paragraph (4)(E); (viii) the parent or guardian of a homeless child or youth, and any unaccompanied youth, is fully in-

formed of all transportation services; (ix) school personnel are adequately prepared to implement this subtitle and receive professional development, resource materials, technical assistance, and other support; and (x) unaccompanied youth (I) are enrolled in school; (II) have opportunities to meet the same college- and career-ready State student academic achievement standards to which other students are held; and (III) are informed of their status as independent students under section 480 of the Higher Education act of 1965.

Sec. 722(g)(7)(B) [Notice] requires that State Coordinators appointed under subsection (d)(3) and local educational agencies inform school personnel, service providers, and advocates working with homeless families and homeless children and youth of the contact information and duties of the local educational agency liaisons.

Sec. 722(g)(7)(C) [Local and State Coordination] requires that the local educational agency liaisons, as a part of their duties, coordinate and collaborate with the State Coordinators and community and school personnel. Such coordination shall include collecting and providing to the State Coordinator the data needed.

Sec. 722(g)(7)(D) [Professional Development] requires that the local educational agency liaisons participate, as appropriate, in the professional development and other technical assistance activities provided by the State Coordinator.

Sec. 722(h) [Special Rule for Emergency Assistance]

Sec. 722(h)(1) [Emergency Assistance]

Sec. 722(h)(1)(A) [Reservation of Amounts] states that the Secretary may use funds appropriated under section 726 for fiscal year 2012, for the purposes of providing emergency assistance through grants.

Sec. 722(h)(1)(B) [General Authority] requires that the Secretary use the funds to make grants to State educational agencies to enable the agencies to make subgrants to local educational agencies to provide activities for specific individuals.

Sec. 722(h(1)(C)(i–ii) [Eligible Individuals] requires that funds made available under this subsection be used to provide such activities for eligible individuals, consisting of homeless children and youths, and their families, who (i) have become homeless due to home foreclosure; or (ii) have become homeless due to a major disaster.

Sec. 722(h)(2) [Grants to State Educational Agencies]

Sec. 722(h)(2)(A) [Disbursement] requires that the Secretary make grants with funds provided for emergency assistance to State educational agencies based on need, consistent with the number of eligible individuals in the States involved.

Sec. 722(h)(2)(B) [Assurance] states that to be eligible to receive a grant under this paragraph, a State educational agency shall provide an assurance to the Secretary that the State educational agency, and each local educational agency receiving a subgrant from the State educational agency under this subsection, that the activities carried out under this subsection are consistent with the authorized local activities.

Sec. 722(h)(3) [Subgrants to Local Educational Agencies] provides that a State educational agency that receives a grant under paragraph (2) shall use the funds made available through the grant to make subgrants to local educational agencies. The State edu-

cational agency shall make the subgrants to local educational agencies based on need, consistent with the number of eligible individuals in the areas served by the local educational agencies.

Sec. 722(h)(4)(A–B) [Restriction] requires that the Secretary—(A) shall determine the amount (if any) by which the funds appropriated under section 726 for fiscal year 2009 exceed $70,000,000; and (B) may only use funds from that amount to carry out this subsection.

Sec. 722(i) [School Readiness for Homeless Children] requires that each State educational agency and local educational agency receiving assistance under this subtitle ensure that programs serving public preschool children comply with the requirements of this subtitle.

Sec. 723 [Local Educational Agency Subgrants for the Education of Homeless Children and Youth]

Sec. 723(a)(1) [In General] requires that the State educational agency make subgrants to local educational agencies for the purpose of facilitating the identification, enrollment, attendance, and success in school of homeless children and youth.

Sec. 723(a)(2) [Services]

Sec. 723(a)(2)(A)(i–ii) [In General] states that services under paragraph (1): (i) may be provided through programs on school grounds or at other facilities; and (ii) shall be provided through existing programs and mechanisms that integrate homeless children and youth with nonhomeless children and youth.

Sec. 723(a)(2)(B) [Services on School Grounds] states that if services under paragraph (1) are provided to homeless children and youth on school grounds, the school involved may use funds under this subtitle to provide the same services to other children and youth who are determined by the local educational agency serving the school to be at risk of failing in, or dropping out of, school.

Sec. 723(a)(3) [Requirement] states the services provided under this section shall not replace the regular academic program and shall be designed to expand upon or improve services provided as part of the school's regular academic program.

Sec. 723(a)(4) [Duration of Grants] requires that subgrants awarded under this section cannot exceed terms of 3 years.

Sec. 723(b)(1–7) [Application] states that a local educational agency that desires to receive a subgrant under this section shall submit an application to the State educational agency that shall include the following: (1) an assessment of the educational and related needs of homeless children and youth in the area served by the local educational agency; (2) a description of the services and programs for which assistance is sought to address the needs identified in paragraph (1); (3) an assurance that the local educational agency's combined fiscal effort per student, or the aggregate expenditures of that agency and the State with respect to the provision of free public education by such agency for the fiscal year preceding the fiscal year for which the subgrant determination is made, was not less than 90 percent of such combined fiscal effort or aggregate expenditures for the second fiscal year preceding the fiscal year for which the determination is made; (4) an assurance that the applicant complies with, or will use requested funds to comply with, paragraphs (3) through (7) of section 722(g); (5) a description of policies and procedures that the agency will implement

to ensure that activities carried out by the agency will not isolate or stigmatize homeless children and youth; (6) an assurance that the local educational agency will collect and promptly provide data requested by the State Coordinator; and (7) an assurance that the local educational agency has removed the policies and practices that have created barriers to the identification, enrollment, attendance, retention, and success in school of all homeless children and youth.

Sec. 723(c) [Awards]

Sec. 723(c)(1) [In General] requires that the State educational agency, in accordance with the requirements of this subtitle and from amounts made available to it under section 722(a), make subgrants on a competitive basis to local educational agencies that submit applications. Such subgrants shall be awarded on the basis of the need of such agencies.

Sec. 723(c)(2) [Need]

Sec. 723(c)(2)(A) [In General] states that in determining need under paragraph (1), the State educational agency may consider the number of homeless children and youth enrolled in preschool, elementary schools, and secondary schools within the area served by the local educational agency, and shall consider the needs of such children and youth and the ability of the local educational agency to meet such needs.

Sec. 723(c)(2)(B)(i–iv) [Other Considerations] provides that the State educational agency may also consider the following: (i) the extent to which the proposed use of funds will facilitate the identification, enrollment, attendance, retention, and educational success of homeless children and youth; (ii) the extent to which the application reflects coordination with other local and State agencies that serve homeless children and youth; (iii) the extent to which the applicant exhibits in the application and in current practice a commitment to education for all homeless children and youth; and (iv) such other criteria as the State agency determines to be appropriate.

Sec. 723(c)(3) [Quality] requires that in determining the quality of applications under paragraph (1), the State educational agency consider each of the following: (A) the applicant's needs assessment and the likelihood that the program presented in the application will meet such needs; (B) the types, intensity, and coordination of the services to be provided under the program; (C) the extent to which the applicant will promote meaningful involvement of parents or guardians of homeless children or youth in the education of their children; (D) the extent to which homeless children and youth will be integrated into the regular education program involved; (E) the quality of the applicant's evaluation plan for the program; (F) the extent to which services provided under this subtitle will be coordinated with other services available to homeless children and youth and their families; (G) the extent to which the local educational agency will use the subgrant to leverage resources; (H) the local educational agency's use of funds to serve homeless children and youth under section 1113(c)(3) of the Elementary and Secondary Education Act of 1965; (I) the extent to which the applicant's program meets such other measures as the State educational agency considers to be indicative of a high-qual-

ity program; and (J) the extent to which the application describes how the applicant will meet the requirements of section 722(g)(4).

Sec. 723(d) [Authorized Activities] provides that a local educational agency may use funds awarded under this section for activities that carry out the purpose of this subtitle, including the following. (1) The provision of tutoring, supplemental instruction, and enriched educational services that are linked to the achievement of the same college- and career-ready State academic content standards and college- and career-ready State student academic achievement standards as the State establishes for other children and youth. (2) The provision of expedited evaluations of the strengths, needs, and eligibility of homeless children and youth. (3) Professional development and other activities for educators and pupil services personnel. (4) The provision of referral services to homeless children and youth for medical, dental, mental, and other health services. (5) The provision of assistance to defray the cost of transportation. (6) The provision of developmentally appropriate early childhood and care programs, not otherwise provided through Federal, State, or local funding. (7) The provision of services and assistance to attract, engage, and retain homeless children and youth. (8) The provision for homeless children and youth of before- and after-school, mentoring, and summer programs in which a teacher or other qualified individual provides tutoring, homework assistance, and supervision of educational activities. (9) If necessary, the payment of fees and other costs associated with tracking, obtaining, and transferring records necessary to facilitate the appropriate placement of homeless children and youth in school. (10) The provision of education and training to the parents of homeless children and youth about the rights of, and resources available to, such children and youth, and other activities designed to increase the meaningful involvement of families of homeless children or youth in the education of their children. (11) The development of coordination of activities between schools and agencies providing services to homeless children and youth. (12) The provision of pupil services (including counseling) and referrals for such services. (13) Activities to address the particular needs of homeless children and youth that may arise from domestic violence and parental mental health or substance abuse problems. (14) The adaptation of space and purchase of supplies for any nonschool facilities made available under subsection (a)(2) to provide services under this subsection. (15) The provision of school supplies. (16) The provision of assistance to defray the cost of the position of liaison. (17) The provision of other extraordinary or emergency assistance needed to enable homeless children and youth to enroll, attend, and succeed in school, including in early learning programs.

Sec. 724 [Secretarial Responsibilities]

Sec. 724(a) [Review of State Plans] requires that in reviewing the State plan submitted the Secretary use a peer review process and shall evaluate whether State laws, policies, and practices described in such plan adequately address the problems of all homeless children and youth relating to access to education and placement as described in such plan.

Sec. 724(b)(1–2) [Technical Assistance] states that the Secretary (1) shall provide support and technical assistance to State educational agencies; and (2) may designate an individual who shall

coordinate services and activities for the education of homeless children and youth.

Sec. 724(c) [Notice]

Sec. 724(c)(1) [In General] requires that the Secretary before the next school year that begins after the date of enactment of the Elementary and Secondary Education Reauthorization Act, develop and disseminate a public notice of the educational rights of homeless children and youth. The notice shall include information regarding the definition of homeless children and youth in section 725.

Sec. 724(c)(2) [Dissemination] requires that the Secretary disseminate the notice nationally. The Secretary also shall disseminate such notice to heads of other Department of Education offices. The Secretary shall also disseminate such notice to heads of other Federal agencies, and grant recipients and other entities carrying out federally funded programs.

Sec. 724(d) [Evaluation and Dissemination] requires that the Secretary conduct evaluation, dissemination, and technical assistance activities for programs that are designed to meet the educational needs of homeless preschool, elementary school, and secondary school students, and may use funds appropriated under section 726 to conduct such activities.

Sec. 724(e) [Submission and Distribution] requires that the Secretary require applications for grants under section 722 to be submitted to the Secretary not later than the expiration of the 120-day period beginning on the date that funds are available for purposes of making such grants and shall make such grants not later than the expiration of the 180-day period beginning on such date.

Sec. 724(f) [Determination by Secretary] requires that the Secretary, based on the information received from the States and information gathered by the Secretary under subsection (h), determine the extent to which State educational agencies are ensuring that each homeless child or youth has access to a free appropriate public education. The Secretary shall provide support and technical assistance to State educational agencies in areas in which barriers to a free appropriate public education persist.

Sec. 724(g)(1–3) [Publication] requires the Secretary develop, issue, and publish in the Federal Register, not later than 90 days after the date of enactment of the Elementary and Secondary Education Reauthorization Act, a summary of the changes enacted by that act and related strategies.

Sec. 724(h) [Information]

Sec. 724(h)(1)(A–E) [In General] requires that the Secretary collect and disseminate publicly data and information regarding: (A) the number of homeless children and youth; (B) the education and related support services such children and youth receive; (C) the extent to which the needs of homeless children and youth are being met; (D) the academic progress being made by homeless children and youth, including the percent or number of homeless children and youth participating in State assessments; and (E) such other data and information as the Secretary determines to be necessary and relevant to carry out this subtitle.

Sec. 724(h)(2) [Coordination] requires the Secretary coordinate such collection and dissemination with other agencies and entities

that receive assistance and administer programs under this subtitle.

Sec. 724(i)(1–2) [Report] requires that no later than 4 years after the date of enactment of the Elementary and Secondary Education Reauthorization Act the Secretary prepare and submit to the President and the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report on the status of the provision of education and related support services to homeless children and youth.

Sec. 725(1–6) [Definitions] defines the following terms: "enroll", "enrollment", "homeless children", "local educational agency", "State educational agency", "Secretary", "State", and "unaccompanied youth".

Sec. 726 [Authorization of Appropriations] states that for the purpose of carrying out this subtitle, there are authorized to be appropriated to the Secretary such sums as may be necessary for fiscal year 2012 and for each of the 6 succeeding fiscal years.

Subpart 2—Advanced Research Projects Agency—Education

Section 11021 amends The Department of Education Organizational Act by inserting after Section 220 the following new section:

Sec. 221 [Advanced Research Projects Agency—Education]

Sec. 221(a) [Establishment] establishes an Advanced Research Projects Agency—Education in the Department of Education, to be referred to as "ARPA–ED."

Sec. 221(b) [Purposes] establishes ARPA–ED to pursue breakthrough research and development in educational technology and providing effective use of the technology to improve achievement for all students by: (1) identifying and promoting revolutionary advances in fundamental and applied sciences to be translated into new learning technologies; (2) developing novel learning technologies, and enabling processes and context for effective use of those technologies; (3) developing, testing, and evaluating the impact and efficacy of those technologies; (4) accelerating transformational technological advances in areas in which the private sector is not likely to accelerate advances because of difficulties in implementation or adoption or technical and market uncertainty; (5) coordinating activities with nongovernmental entities to demonstrate technologies and research application to facilitate technology transfer; and (6) encouraging educational research using new technologies and the data produced by technologies.

Sec. 221(c) [Authorities of the Secretary] authorizes the Secretary of Education to: (1) appoint a director of ARPA–ED; (2) establish processes for the development and execution of projects and the solicitation of entities to carry out the projects in a manner that is: (A) tailored to the purposes of ARPA–ED and not constrained by other Department-wide requirements, and (B) Designed to heighten transparency and public- and private-sector involvement; (3) award grants, contracts, cooperative agreements, and cash prizes and enter into transactions; (4) make appointments of up to 20 scientific engineering, professional, and other mission-related employees for periods up to 4 years; (5)(A) prescribe the rates of basic pay

for the personnel and (B) pay any employee appointed under paragraph (4) additional pay; (6) obtain independent, periodic, rigorous evaluations of (A) the effectiveness of the processes ARPA–ED uses to meet its mission and (B) the effectiveness of individual projects assisted by ARPA–ED using evidence standards developed in consultation with the Institutes of Education Sciences; and (7) disseminate information on effective practices and technologies developed with ARPA–ED support.

Sec. 221(d) [Evaluation Funds] provides that the Secretary may use funds available to ARPA–ED to pay the cost of the evaluation under subsection (c)(6).

Sec. 221(e) [Federal Advisory Committee Act] provides that any advisory committee convened by the Secretary to provide advice with respect to this section shall be exempt from the requirements of the Federal Advisory Committee Act.

Sec. 221(f) [Nonduplication] states that to the greatest extent possible the Secretary will work to ensure the activities of the ARPA–ED do not duplicate activities under programs carried out under Federal law by the Department of Education and other Federal Agencies.

Part B—Miscellaneous Provisions

Section 11211 makes technical and conforming amendments.

VIII. Additional Views

ADDITIONAL VIEWS OF SENATORS BURR, ISAKSON, HATCH, McCAIN, AND ROBERTS

Since its inception, the Elementary and Secondary Education Act (ESEA) of 1965 has prioritized the most disadvantaged students in our society by providing a basic level of financial support for schools serving communities of low-income families and students. Throughout the years since, however, previous Congresses and Administrations have strayed from this basic—albeit central—tenet of the Federal Government's efforts in education, supporting an ever-expanding and unfocused Federal role that has failed to raise student achievement and only further frustrated innovation in the States. Ultimately, this increasingly Federal approach toward our Nation's schools has endangered the mission of ESEA and the students it was supposed to serve.

Indeed, passage of the No Child Left Behind Act of 2001, although well-intentioned, ushered in a new era of larger Federal mandates, ballooning Federal education spending, and complex accountability requirements that have done little to address student academic achievement, creating a compliance nature in States more focused on adhering to Federal rules than on instruction. Admittedly, the history of these misguided efforts is bipartisan, with both Republicans and Democrats supporting an ever-increasing Federal role. But after decades of Federal expansion with little to show for it, now is the right time to signal a fundamental shift in the future of Federal education policy back to lessened Federal involvement and greater flexibility for State and local governments, schools, teachers, and parents. Educating our Nation's students is a State and local responsibility that cannot be successfully managed from Washington, DC, leading us to believe the overall Federal approach needs to be rethought. This proposed reauthorization, in our view, fails to initiate that fundamental shift.

ESERA 2011

Since the last ESEA reauthorization over 10 years ago, much has changed in the States and the schools they serve. Committee Republicans support the efforts of States to raise their own academic content standards and update accountability systems as many have through the efforts of the National Governors Association (NGA) and the Council of Chief State School Officers (CCSSO). To the extent States are taking the lead in identifying opportunities to improve their standards and assessments and make reforms to their own accountability systems, we applaud these State-led efforts. With that said we firmly reject attempts—however lightly tried in ESERA 2011 or more directly through the Administration's Race to the Top competition—to prod States toward the Common Core

Standards Initiative. In our view, Federal legislation and policy should remain silent on this issue, even if in the form of nudges or inducements.

Unfortunately, rather than returning accountability for educating students to local decisionmakers, this legislation continues to make decisions in Washington that would be better managed by the States. Although this bill would eliminate onerous mandates on adequate yearly progress (AYP) and annual measurable objectives (AMOs), it makes the wrong exchange for that freedom by mandating a focus on the bottom 5 percent of low-performing schools while also maintaining focus on "achievement gap schools", those in which the largest disparities between subgroups exists.

Further, ESERA 2011 injects Washington-defined school turnaround strategies that would mandate how many teachers would need to be dismissed, how many years would be too long before a principal would need to be dismissed, and—in a clear illustration of how misguided this one-size-fits-all approach truly is—actually give States cover to keep persistently low-performing schools open for several years without ever improving. We believe one-size-fits-all school turnaround models cannot be so thoughtfully constructed to successfully manage thousands of unique schools across the country without being either overly prescriptive or the result of a lowest-common denominator compromise from Washington. Ultimately, the tough business of school turnaround efforts will require hard decisions and designs made by locals with the support of parents and teachers free of Washington micromanagement.

PROGRAMS AND SPENDING

Finally, ESERA 2011 purports to eliminate or consolidate 39 Federal education programs, which in the view of the Minority is deceptive marketing at best. ESERA 2011 creates new programs while disguising old ones, failing to recognize the continued rapid expansion of the U.S. Department of Education, the absence of evident return for our continued spending, and the dire condition of the Federal purse. Specifically, this legislation eliminates several programs that lack any connection to academic achievement or had not been funded in years and then touts these eliminations as an achievement toward reining in spending. Moreover, ESERA 2011 claims to eliminate subject-specific programs but creates new superprograms to simply continue those activities with even more Federal controls and mandates than its anteceding programs. We believe this is a shell game that only continues Federal spending blithely, all while claiming belt tightening.

As if this disingenuous attempt at program consolidation through phantom cuts were not enough, the committee also further adds (partly through amendments during the October 20, 2011, Executive Session) to the list of categorical programs new, expensive additions such as Promise Neighborhoods, Race to the Top, Investing in Innovation (i3), the Advanced Research Projects Agency—Education (ARPA–ED), Well-Rounded curriculum spending, and teacher and principal recruitment programs. It is appalling that the committee has prioritized the spending of hundreds of millions to billions of Federal dollars for these new, untested programs when

our priority should be direct spending for the most disadvantaged students in our Nation, through title I formula funds.

COMMITTEE PROCESS

Federal education legislation has always enjoyed broad bipartisan support because, despite deep policy differences amongst interested parties, previous Congresses and Administrations have prioritized a cooperative, bipartisan process with the intent of improving education in our Nation. This reauthorization departs from this history on several counts.

In the midst of ongoing HELP Committee work, on September 23, 2011—a mere 3 weeks before the HELP Committee would hold executive session on ESEA legislation—President Obama and the U.S. Department of Education issued State-level waivers to NCLB's most central provisions. While some aspects of these waivers clearly are appropriate (i.e., relief from adequate yearly progress (AYP)) others are not (i.e., requirements for teacher and principal evaluations) and run afoul of the clear intent of section 9401 of the ESEA (P.L. 107–110) providing statutory relief for States without mention of Federally mandated strings or requirements on that relief. The waiver authority provided by the Administration requires college- and career-ready expectations; State-developed differentiated recognition, accountability, and support; effective instruction and leadership requirements; and reduced duplication and burden. Whole cloth revisions such as these to No Child Left Behind are within Congress' purview as a co-equal branch of government, not the Administration's alone.

Adding these waiver requirements raises serious questions about the legality of the Administration's waivers and furthermore limits its credibility amongst the States. Though some States have applied for waivers because of the hope of relief from the onerous and outdated provisions of No Child Left Behind, other States have declined to apply, citing the temporary nature of the waivers and the inability to comply for internal, State reasons. These issues would easily be overcome with a fully legislated congressional reauthorization, as opposed to waivers, by virtue of the representation of each State in Congress and the value of the legislative process. Setting these concerns aside, the Administration remained disengaged in congressional attempts to reauthorize the law, taking its own approach that in our view hurts the prospects of a true reauthorization without the leadership of the President.

Perhaps as a result of the hurried atmosphere created by President Obama's insistence on waivers, the Majority also unnecessarily rushed the committee to the original October 19 (subsequently rescheduled for the following day), 2011 Executive Session. Despite assertions by the Majority that adequate time was given for review of a draft that spanned nearly 900 pages and the to-the-letter adherence to committee rules, this bare minimum, de minimus approach to reauthorizing legislation as important as K–12 Federal education policy is clearly inappropriate for the full discourse this legislation deserves. As a result, several prominent education advocacy groups representing teachers, principals and school board members wrote a letter to the Majority urging postponement of the executive session for fear the process was moving too quick-

ly. These pleas, along with the objections of members of the Minority, were ignored by the Majority for reasons still unapparent.

CONCLUSION

Supporters of ESERA 2011 claim their bill takes the approach of rejecting No Child Left Behind's heavy Federal prescription, agreeing that current Federal law stifles innovation on the ground, all while replacing it with its own version of heavy Federal prescription and mandates. If this legislation becomes law, the Federal Government will continue the business of telling States and locals how to intervene in their schools, continue spending at levels that are unsustainable, and lock out the flexibility necessary for teaching the diverse nature of students our Nation presents.

Committee Republicans believe now is the time to right size the Federal role in education and empower States and local communities to take back control of education in their local schools. This legislation undermines the central tenets of why the Federal Government initiated its involvement in education in 1965, which is to promote equity in funding to the most disadvantaged students in our Nation with their more affluent peers while maintaining the local control that made American schools the envy of the world. This legislation would further remove the Federal Government from these central tenets and, as a result, should not become law.

ADDITIONAL VIEWS OF SENATOR MURKOWSKI

I agree with my Minority colleagues that the No Child Left Behind Act (NCLB) created more one-size-fits-all Federal mandates and, in too many schools, a culture of compliance that overshadowed effective, innovative instruction. I disagree, however, that there has been little improvement in academic achievement since the enactment of NCLB. In many schools, the academic achievement of low-income, minority, and special needs students has increased and achievement gaps have decreased. Schools have used the data generated by the Adequate Yearly Progress system to improve instructional practices and professional development. NCLB also gave educators, parents, and taxpayers the information they needed to leverage changes that had long been needed.

I had hoped that the Senate Health, Education, Labor, and Pensions Committee would have taken this opportunity to restore an appropriate balance in the roles played by Federal, State, and local governments, schools, teachers, and parents. Unfortunately, the Elementary and Secondary Education Reauthorization Act (ESERA) failed to successfully combine strong accountability for taxpayers' funds and our children's future with greater opportunity for States to design accountability systems that work for their students.

I support this legislation's focus on college- and career-ready standards (which I believe should be crafted by States rather than mandated by the Federal Government). I support the continued focus on the groups of students who tend to be most academically at risk. I agree that including student growth in the measure of a school's success is a crucial improvement. I also agree that recognition of high-performing schools is long overdue.

I strongly disagree, however, with ESERA's focus on only the bottom 5 percent of low-performing schools and only the very largest disparities between subgroups. Under ESERA 2011, the lack of achievement of students with disabilities, minorities and other subgroups of students could be masked and again ignored. That is unacceptable.

I agree with my Minority colleagues that the school turnaround strategies included in this legislation ignore the realities in many areas of our Nation, especially in challenging communities in both urban and rural America. Teacher and principal turnover is the problem in too many of our schools—especially in rural States like Alaska. Yet, this bill requires principals to be fired despite having no control over the factors that impact student learning, such as staffing and professional development. The bill requires teachers who are happy to build their lives in challenging communities to be fired, rather than focusing on helping them to improve their instructional practices. According to the best advice of some of our Nation's most effective education leaders, none of these turnaround models will encourage innovative, smart, successful educators to take jobs in our most challenging schools. While the legislation does allow the Department to approve a State-designed strategy, States' experiences with the Department's offer of waivers informs us that this model is more likely to extend Federal micromanagement in the decisions of our local schools instead of reduce it.

Some of my colleagues believe that the Federal Government has no role in education. Others believe that the Federal Government should limit the Federal role to funding title I as a block grant and

allow States to determine whether schools are effective or not. I believe that the Federal Government does have a role in assisting our Nation's children to be prepared for the future. I believe we must maintain the commitment made in 1965 to our Nation's disadvantaged students by supporting programs that have resulted in student gains, and that while we must give States more authority to innovate, the Federal Government should demand that our schools meet the needs of each and every student.

This is especially true in regard to our Nation's first peoples. Tragically, this committee missed an important opportunity to take on one of the most complicated and important educational issues of the day—the role of America's indigenous first peoples in the education of their children. Over the course of our Nation's history since the ratification of our Constitution, the U.S. government has had a government-to-government relationship with Indian tribes. Over the past decade, the increasing desire for self-determination among our American Indian, Alaska Native, and Native Hawaiian populations who believe they should have greater responsibility for the success of their children has gained strength. Yet, the Majority chose not to be informed by these facts or even engage in a discussion about the role of Native Americans in their own children's education. This committee must examine how ESEA can more effectively serve our Nation's first peoples. Yet the only mention of Native Americans remains relegated to Title VII, Indian Education where it has always been—a segregated afterthought. This is not acceptable.

I also agree with my Minority colleagues that the process by which ESERA was brought to the committee's consideration was deeply flawed. The Senate HELP Committee has a long history of resolving complex and controversial issues in a fully bipartisan, fully inclusive manner. The Senate HELP Committee has, in the past, represented the best traditions of the U.S. Senate. This reauthorization departs from this history on several counts.

This legislation was drafted by Senators Harkin and Enzi alone. This nearly 900–page bill was presented to committee members on October 11, 2011. In the 1 week between the bill's unveiling and the Executive Session, no substantive, bipartisan negotiation was permitted. Chairman Harkin provided committee members just 1 week to review the legislation, evaluate its impact on their individual States and communities, and engage National and constituent stakeholders. I agree with my Minority colleagues, and—truth to tell, many of my Majority colleagues—that this hurried approach was inappropriate. The final product reflects the lack of informed and careful consideration that this committee has given to every previous major reauthorization in recent history. I am also deeply dismayed that the Chairman chose to hold a hearing to take testimony on the strengths and weaknesses of ESERA *after* the bill was passed out of committee.

I am hopeful that with the start of the 113th Congress, this committee will start over and, through a fully bipartisan and inclusive process, build legislation that will work in both the urban and rural corners of our Nation and that will work for parents, educators, taxpayers and students alike.

IX. CHANGES IN EXISTING LAW

In compliance with section 12 of rule XXVI of the Standing rules of the Senate, changes in existing law made by the bill as reported are shown as follows: Existing law proposed to be omitted is enclosed in black brackets, new matter is printed in *italic*, existing law in which no change is proposed is shown in roman:

* * * * * * *

ELEMENTARY AND SECONDARY EDUCATION ACT of 1965

* * * * * * *

SECTION 1. SHORT TITLE.

This Act may be cited as the "Elementary and Secondary Education Act of 1965".

[SEC. 2. TABLE OF CONTENTS.]

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

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[Sec. 1119. Qualifications for teachers and paraprofessionals.
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[Sec. 1120A. Fiscal requirements.
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[Sec. 1122. Allocations to States.
[Sec. 1124. Basic grants to local educational agencies.
[Sec. 1124A. Concentration grants to local educational agencies.
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[Sec. 1125AA. Adequacy of funding of targeted grants to local educational agencies in fiscal years after fiscal year 2001.

[Sec. 1125A. Education finance incentive grant program.
[Sec. 1126. Special allocation procedures.
[Sec. 1127. Carryover and waiver.

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[Sec. 1233. State educational agency programs.
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[Sec. 1238. Award of subgrants.
[Sec. 1239. Evaluation.
[Sec. 1240. Indicators of program quality.
[Sec. 1241. Research.
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[Sec. 1307. Bypass.
[Sec. 1308. Coordination of migrant education activities.
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(1) IN GENERAL.—There are authorized to be appropriated to carry out part A of title I (except for sections 1116(d) and 1125A and subpart 3 of part A of such title) such sums as may be necessary for fiscal year 2012 and each of the 4 succeeding fiscal years.

(2) SCHOOL IMPROVEMENT GRANTS, NATIONAL ACTIVITIES, AND EVALUATION.—

(A) IN GENERAL.—There are authorized to be appropriated to carry out section 1116(d) such sums as may be necessary for fiscal year 2012 and each of the 4 succeeding fiscal years.

(B) RESERVATION FOR NATIONAL ACTIVITIES.—Of the amounts appropriated under subparagraph (A) for a fiscal year, the Secretary shall reserve not more than 2 percent for the national activities described in section 1116(d)(6).

(3) EDUCATION FINANCE INCENTIVE GRANT PROGRAM.—There are authorized to be appropriated to carry out section 1125A such sums as may be necessary for fiscal year 2012 and each of the 4 succeeding fiscal years.

(b) GRANTS FOR STATE ASSESSMENTS AND THE NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS.—

(1) NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS.—For the purpose of administering the State assessments under the National Assessment of Educational Progress, there are authorized to be appropriated such sums as may be necessary for fiscal year 2012 and each of the 4 succeeding fiscal years.

(2) STATE ASSESSMENTS AND RELATED ACTIVITIES.—For the purpose of carrying out assessment and related activities under subpart 3 of part A of title I, there are authorized to be appropriated such sums as may be necessary for fiscal year 2012 and each of the 4 succeeding fiscal years.

(c) PATHWAYS TO COLLEGE.—For the purposes of carrying out part B of title I, Pathways to College, there are authorized to be appropriated such sums as may be necessary for fiscal year 2012 and each of the 4 succeeding fiscal years.

(d) EDUCATION OF MIGRATORY CHILDREN.—For the purposes of carrying out part C of title I, Education of Migratory Children, there are authorized to be appropriated such sums as may be necessary for fiscal year 2012 and each of the 4 succeeding fiscal years.

(e) NEGLECTED AND DELINQUENT.—For the purposes of carrying out part D of title I, Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At-risk, there are

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(f) CONTINUOUS IMPROVEMENT AND SUPPORT FOR TEACHERS AND PRINCIPALS.—

(1) IN GENERAL.—For the purposes of carrying out subparts 1, 2, 3, and 4 of part A of title II, there are authorized to be appropriated such sums as may be necessary for fiscal year 2012 and each of the 4 succeeding fiscal years.

(2) PRINCIPAL RECRUITMENT AND TRAINING.—For the purposes of carrying out subpart 5 of part A of title II, Principal Recruitment and Training, there are authorized to be appropriated such sums as may be necessary for fiscal year 2012 and each of the 4 succeeding fiscal years.

(g) TEACHER PATHWAYS TO THE CLASSROOM.—For the purposes of carrying out part B of title II, Teacher Pathways to the Classroom, there are authorized to be appropriated such sums as may be necessary for fiscal year 2012 and each of the 4 succeeding fiscal years.

(h) TEACHER INCENTIVE FUND.—For the purposes of carrying out part C of title II, Teacher Incentive Fund, there are authorized to be appropriated such sums as may be necessary for fiscal year 2012 and each of the 4 succeeding fiscal years.

(i) ACHIEVEMENT THROUGH TECHNOLOGY AND INNOVATION.—For the purposes of carrying out part D of title II, Achievement through Technology and Innovation, there are authorized to be appropriated such sums as may be necessary for fiscal year 2012 and each of the 4 succeeding fiscal years.

(j) ENGLISH LEARNERS AND IMMIGRANT STUDENTS.—For the purposes of carrying out title III, Language and Academic Content Instruction for English Learners and Immigrant Students, there are authorized to be appropriated such sums as may be necessary for fiscal year 2012 and each of the 4 succeeding fiscal years.

(k) IMPROVING LITERACY INSTRUCTION AND STUDENT ACHIEVEMENT.—For the purposes of carrying out part A of title IV, Improving Literacy Instruction and Student Achievement, there are authorized to be appropriated such sums as may be necessary for fiscal year 2012 and each of the 4 succeeding fiscal years.

(l) IMPROVING SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS INSTRUCTION AND STUDENT ACHIEVEMENT.—For the purposes of carrying out part B of title IV, Improving Science, Technology, Engineering, and Mathematics Instruction and Student Achievement, there are authorized to be appropriated such sums as may be necessary for fiscal year 2012 and each of the 4 succeeding fiscal years.

(m) INCREASING ACCESS TO A WELL-ROUNDED EDUCATION.—For the purposes of carrying out part C of title IV, Increasing Access to a Well-Rounded Education, there are authorized to be appropriated such sums as may be necessary for fiscal year 2012 and each of the 4 succeeding fiscal years.

(n) SUCCESSFUL, SAFE, AND HEALTHY STUDENTS.—For the purposes of carrying out part D of title IV, Successful, Safe, and Healthy Students, there are authorized to be appropriated such sums as may be necessary for fiscal year 2012 and each of the 4 succeeding fiscal years.

(o) 21ST CENTURY COMMUNITY LEARNING CENTERS.—For the purposes of carrying out part E of title IV, 21st Century Community Learning Centers, there are authorized to be appropriated such sums as may be necessary for fiscal year 2012 and each of the 4 succeeding fiscal years.

(p) PROMISE NEIGHBORHOODS.—For the purposes of carrying out part F of title IV, Promise Neighborhoods, there are authorized to be appropriated such sums as may be necessary for fiscal year 2012 and each of the 4 succeeding fiscal years.

(q) PARENT AND FAMILY INFORMATION AND RESOURCE CENTERS.—For the purposes of carrying out part G of title IV, Parent and Family Information and Resource Centers, there are authorized to be appropriated such sums as may be necessary for fiscal year 2012 and each of the 4 succeeding fiscal years.

(r) READY TO LEARN.—For the purposes of carrying out part H of title IV, Ready to Learn, there are authorized to be appropriated such sums as may be necessary for fiscal year 2012 and each of the 4 succeeding fiscal years.

(s) PROGRAMS OF NATIONAL SIGNIFICANCE.—For the purposes of carrying out part I of title IV, Programs of National Significance, there are authorized to be appropriated such sums as may be necessary for fiscal year 2012 and each of the 4 succeeding fiscal years.

(t) RACE TO THE TOP.—For the purposes of carrying out part A of title V, Race to the Top, there are authorized to be appropriated such sums as may be necessary for fiscal year 2012 and each of the 4 succeeding fiscal years.

(u) INVESTING IN INNOVATION.—For the purposes of carrying out part B of title V, Investing in Innovation, there are authorized to be appropriated such sums as may be necessary for fiscal year 2012 and each of the 4 succeeding fiscal years.

(v) MAGNET SCHOOLS ASSISTANCE.—For the purposes of carrying out part C of title V, Magnet Schools Assistance, there are authorized to be appropriated such sums as may be necessary for fiscal year 2012 and each of the 4 succeeding fiscal years.

(w) PUBLIC CHARTER SCHOOLS.—For the purposes of carrying out part D of title V, Public Charter Schools, there are authorized to be appropriated such sums as may be necessary for fiscal year 2012 and each of the 4 succeeding fiscal years.

(x) VOLUNTARY PUBLIC SCHOOL CHOICE.—For the purposes of carrying out part E of title V, Voluntary Public School Choice, there are authorized to be appropriated such sums as may be necessary for fiscal year 2012 and each of the 4 succeeding fiscal years.

(y) RURAL EDUCATION ACHIEVEMENT PROGRAM.—For the purposes of carrying out part B of title VI, Rural Education Achievement Program, there are authorized to be appropriated such sums as may be necessary for fiscal year 2012 and each of the 4 succeeding fiscal years.

(z) INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE EDUCATION.—For the purposes of carrying out title VII, Indian, Native Hawaiian, and Alaska Native Education, there are authorized to be appropriated such sums as may be necessary for fiscal year 2012 and each of the 4 succeeding fiscal years.

(aa) IMPACT AID.—For the purposes of carrying out title VIII, Impact Aid, there are authorized to be appropriated such sums as may

be necessary for fiscal year 2012 and each of the 4 succeeding fiscal years.

(1) PAYMENTS FOR FEDERAL ACQUISITION OF REAL PROPERTY.—For the purpose of making payments under section 8002, there are authorized to be appropriated such sums as may be necessary for fiscal year 2012 and each of the 4 succeeding fiscal years.

(2) BASIC PAYMENTS; PAYMENTS FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—For the purpose of making payments under section 8003(b), there are authorized to be appropriated such sums as may be necessary for fiscal year 2012 and each of the 4 succeeding fiscal years.

(3) PAYMENTS FOR CHILDREN WITH DISABILITIES.—For the purpose of making payments under section 8003(d), there are authorized to be appropriated such sums as may be necessary for fiscal year 2012 and each of the 4 succeeding fiscal years.

(4) CONSTRUCTION.—For the purpose of carrying out section 8007, there are authorized to be appropriated such sums as may be necessary for fiscal year 2012 and each of the 4 succeeding fiscal years.

(5) FACILITIES MAINTENANCE.—For the purpose of carrying out section 8008, there are authorized to be appropriated such sums as may be necessary for fiscal year 2012 and each of the 4 succeeding fiscal years.

TITLE I—IMPROVING THE ACADEMIC ACHIEVEMENT OF THE DISADVANTAGED

[SEC. 1001. [20 U.S.C. 6301] STATEMENT OF PURPOSE.]

[The purpose of this title is to ensure that all children have a fair, equal, and significant opportunity to obtain a high-quality education and reach, at a minimum, proficiency on challenging State academic achievement standards and state academic assessments. This purpose can be accomplished by—

[(1) ensuring that high-quality academic assessments, accountability systems, teacher preparation and training, curriculum, and instructional materials are aligned with challenging State academic standards so that students, teachers, parents, and administrators can measure progress against common expectations for student academic achievement;

[(2) meeting the educational needs of low-achieving children in our Nation's highest-poverty schools, limited English proficient children, migratory children, children with disabilities, Indian children, neglected or delinquent children, and young children in need of reading assistance;

[(3) closing the achievement gap between high- and low-performing children, especially the achievement gaps between minority and nonminority students, and between disadvantaged children and their more advantaged peers;

[(4) holding schools, local educational agencies, and States accountable for improving the academic achievement of all students, and identifying and turning around low-performing

schools that have failed to provide a high-quality education to their students, while providing alternatives to students in such schools to enable the students to receive a high-quality education;

[(5) distributing and targeting resources sufficiently to make a difference to local educational agencies and schools where needs are greatest;

[(6) improving and strengthening accountability, teaching, and learning by using State assessment systems designed to ensure that students are meeting challenging State academic achievement and content standards and increasing achievement overall, but especially for the disadvantaged;

[(7) providing greater decisionmaking authority and flexibility to schools and teachers in exchange for greater responsibility for student performance;

[(8) providing children an enriched and accelerated educational program, including the use of schoolwide programs or additional services that increase the amount and quality of instructional time;

[(9) promoting schoolwide reform and ensuring the access of children to effective, scientifically based instructional strategies and challenging academic content;

[(10) significantly elevating the quality of instruction by providing staff in participating schools with substantial opportunities for professional development;

[(11) coordinating services under all parts of this title with each other, with other educational services, and, to the extent feasible, with other agencies providing services to youth, children, and families; and

[(12) affording parents substantial and meaningful opportunities to participate in the education of their children.]

SEC. 1001. PURPOSE.

The purpose of this title is to ensure that every child has a fair, equal, and significant opportunity to obtain a high-quality education, succeed from the earliest grades, and graduate from high school ready for college, career, and citizenship. This purpose can be accomplished by—

(1) setting high expectations for children to graduate college and career ready from high school;

(2) supporting high-quality teaching that uses student achievement data, professional collaboration, meaningful feedback, effective technologies, student engagement, multi-tiered systems of support, and other evidence-based practices to continuously improve instruction and encourage new models of teaching and learning;

(3) removing barriers to, and encouraging State and local innovation and leadership in, education based on the evaluation of success and continuous improvement, especially in providing excellent instruction, high-quality assessments, meaningful accountability, evidence-based supports and interventions in underperforming schools, highly effective educators, a well-rounded education, and other key factors for success;

(4) providing additional resources and supports to meet the needs of disadvantaged students, including children from low-

income families and those attending high-poverty schools, English learners, migratory children, children with disabilities, Indian children, and neglected or delinquent children;

(5) focusing on increasing student achievement and closing achievement gaps, especially achievement gaps between minority and nonminority students and between disadvantaged children and their more advantaged peers;

(6) removing barriers and promoting integration across all levels of education, and across Federal education programs;

(7) streamlining Federal requirements to reduce burdens on States, districts local educational agencies, schools, and educators; and

(8) strengthening parental engagement and coordination of student, family, and community supports to promote student success.

* * * * * * *

[SEC. 1002. [20 U.S.C. 6302] AUTHORIZATION OF APPROPRIATIONS.]

[(a) LOCAL EDUCATIONAL AGENCY GRANTS.—For the purpose of carrying out part A, there are authorized to be appropriated—

[(1) $13,500,000,000 for fiscal year 2002;

[(2) $16,000,000,000 for fiscal year 2003;

[(3) $18,500,000,000 for fiscal year 2004;

[(4) $20,500,000,000 for fiscal year 2005;

[(5) $22,750,000,000 for fiscal year 2006; and

[(6) $25,000,000,000 for fiscal year 2007.

[(b) READING FIRST.—

[(1) READING FIRST.—For the purpose of carrying out subpart 1 of part B, there are authorized to be appropriated $900,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years.

[(2) EARLY READING FIRST.—For the purpose of carrying out subpart 2 of part B, there are authorized to be appropriated $75,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years.

[(3) EVEN START.—For the purpose of carrying out subpart 3 of part B, there are authorized to be appropriated $260,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years.

[(4) IMPROVING LITERACY THROUGH SCHOOL LIBRARIES.—For the purpose of carrying out subpart 4 of part B, there are authorized to be appropriated $250,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years.

[(c) EDUCATION OF MIGRATORY CHILDREN.—For the purpose of carrying out part C, there are authorized to be appropriated $410,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years.

[(d) PREVENTION AND INTERVENTION PROGRAMS FOR YOUTH WHO ARE NEGLECTED, DELINQUENT, OR AT RISK.—For the purpose of carrying out part D, there are authorized to be appropriated $50,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years.

[(e) FEDERAL ACTIVITIES.—

[(1) SECTIONS 1501 AND 1502.—For the purpose of carrying out sections 1501 and 1502, there are authorized to be appropriated such sums as may be necessary for fiscal year 2002 and each of the 5 succeeding fiscal years.

[(2) SECTION 1504.—

[(A) IN GENERAL.—For the purpose of carrying out section 1504, there are authorized to be appropriated such sums as may be necessary for fiscal year 2002 and for each of the 5 succeeding fiscal years.

[(B) SPECIAL RULE.—Of the funds appropriated pursuant to subparagraph (A), not more than 30 percent may be used for teachers associated with students participating in the programs described in subsections (a)(1), (b)(1), and (c)(1).

[(f) COMPREHENSIVE SCHOOL REFORM.—For the purpose of carrying out part F, there are authorized to be appropriated such sums as may be necessary for fiscal year 2002 and each of the 5 succeeding fiscal years.

[(g) ADVANCED PLACEMENT.—For the purposes of carrying out part G, there are authorized to be appropriated such sums for fiscal year 2002 and each 5 succeeding fiscal year.

[(h) SCHOOL DROPOUT PREVENTION.—For the purpose of carrying out part H, there are authorized to be appropriated $125,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years, of which—

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

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

[(i) SCHOOL IMPROVEMENT.—For the purpose of carrying out section 1003(g), there are authorized to be appropriated $500,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years.]

[SEC. 1003. [20 U.S.C. 6303] SCHOOL IMPROVEMENT.]

[(a) STATE RESERVATIONS.—Each State shall reserve 2 percent of the amount the State receives under subpart 2 of part A for fiscal years 2002 and 2003, and 4 percent of the amount received under such subpart for fiscal years 2004 through 2007, to carry out subsection (b) and to carry out the State's responsibilities under sections 1116 and 1117, including carrying out the State educational agency's statewide system of technical assistance and support for local educational agencies.

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

[(1) shall allocate not less than 95 percent of that amount directly to local educational agencies for schools identified for school improvement, corrective action, and restructuring, for activities under section 1116(b); or

[(2) may, with the approval of the local educational agency, directly provide for these activities or arrange for their provision through other entities such as school support teams or educational service agencies.

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

[(1) serve the lowest-achieving schools;

[(2) demonstrate the greatest need for such funds; and

[(3) demonstrate the strongest commitment to ensuring that such funds are used to enable the lowest-achieving schools to meet the progress goals in school improvement plans under section 1116 (b)(3)(A)(v).

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

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

[(2) section 1126(c).

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

[(f) REPORTING.—The State educational agency shall make publicly available a list of those schools that have received funds or services pursuant to subsection (b) and the percentage of students from each school from families with incomes below the poverty line.

[(g) ASSISTANCE FOR LOCAL SCHOOL IMPROVEMENT.—

[(1) PROGRAM AUTHORIZED.—The Secretary shall award grants to States to enable the States to provide subgrants to local educational agencies for the purpose of providing assistance for school improvement consistent with section 1116.

[(2) STATE ALLOTMENTS.—Such grants shall be allotted among States, the Bureau of Indian Affairs, and the outlying areas, in proportion to the funds received by the States, the Bureau of Indian Affairs, and the outlying areas, respectively, for the fiscal year under parts A, C, and D of this title. The Secretary shall expeditiously allot a portion of such funds to States for the purpose of assisting local educational agencies and schools that were in school improvement status on the date preceding the date of enactment of the No Child Left Behind Act of 2001.

[(3) REALLOCATIONS.—If a State does not receive funds under this subsection, the Secretary shall reallocate such funds to other States in the same proportion funds are allocated under paragraph (2).

[(4) STATE APPLICATIONS.—Each State educational agency that desires to receive funds under this subsection shall submit an application to the Secretary at such time, and containing such information, as the Secretary shall reasonably require, except that such requirement shall be waived if a State edu-

cational agency submitted such information as part of its State plan under this part. Each State application shall describe how the State educational agency will allocate such funds in order to assist the State educational agency and local educational agencies in complying with school improvement, corrective action, and restructuring requirements of section 1116.

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

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

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

[(C) renewable for two additional 1-year periods if schools are meeting the goals in their school improvement plans developed under section 1116.

[(6) PRIORITY.—The State, in awarding such grants, shall give priority to local educational agencies with the lowest-achieving schools that demonstrate—

[(A) the greatest need for such funds; and

[(B) the strongest commitment to ensuring that such funds are used to provide adequate resources to enable the lowest-achieving schools to meet the goals under school and local educational agency improvement, corrective action, and restructuring plans under section 1116.

[(7) ALLOCATION.—A State educational agency that receives a grant under this subsection shall allocate at least 95 percent of the grant funds directly to local educational agencies for schools identified for school improvement, corrective action, or restructuring to carry out activities under section 1116(b), or may, with the approval of the local educational agency, directly provide for these activities or arrange for their provision through other entities such as school support teams or educational service agencies.

[(8) ADMINISTRATIVE COSTS.—A State educational agency that receives a grant award under this subsection may reserve not more than 5 percent of such grant funds for administration, evaluation, and technical assistance expenses.

[(9) LOCAL AWARDS.—Each local educational agency that applies for assistance under this subsection shall describe how it will provide the lowest-achieving schools the resources necessary to meet goals under school and local educational agency improvement, corrective action, and restructuring plans under section 1116.]

SEC. [1004]*1002*. STATE ADMINISTRATION *AND STATE ACCOUNTABILITY AND SUPPORT*.

(a) [IN GENERAL.—Except as provided in subsection (b)]*STATE ADMINISTRATION*.—

(1) IN GENERAL.—Except as provided in paragraph (2), to carry out administrative duties assigned under parts A, C, and D of this title, each State may reserve the greater of—

[(1)]

(A) 1 percent of the amounts received under such parts; or

[(2)]

(B) $400,000 ($50,000 in the case of each outlying area).

[(b)]

(2) EXCEPTION.—If the sum of the amounts appropriated for parts A, C, and D of this title is equal to or greater than $14,000,000,000, then the reservation described in [subsection (a)(1)]*paragraph (1)(A)* shall not exceed 1 percent of the amount the State would receive, if $14,000,000,000 were allocated among the States for parts A, C, and D of this title.

(b) ACCOUNTABILITY AND SUPPORT.—

(1) IN GENERAL.—Each State may reserve not more than 4 percent of the amount the State receives under subpart 2 of part A to carry out paragraph (2) and to carry out the State and local educational agency responsibilities under section 1116, which may include carrying out a statewide system of technical assistance and support for local educational agencies.

(2) USES.—Of the amount reserved under paragraph (1) for any fiscal year, the State educational agency—

(A) shall use not less than 90 percent of that amount by allocating such sums directly to local educational agencies for activities required under section 1116; or

(B) may, with the approval of the local educational agency, directly provide for such activities or arrange for their provision through other entities such as educational service agencies.

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

(A) serve the lowest-achieving schools, including schools identified under subsection (b) or (c) of section 1116;

(B) demonstrate the greatest need for such funds; and

(C) demonstrate the strongest commitment to ensuring that such funds are used to enable the lowest-achieving schools to improve student achievement and outcomes.

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

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

(B) section 1126(c).

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

(6) REPORTING.—Each State educational agency shall make publicly available a list of those schools that have received funds or services pursuant to this subsection and the percentage of students from each such school from families with incomes below the poverty line.

* * * * * * *

PART A—IMPROVING BASIC PROGRAMS OPERATED BY LOCAL EDUCATIONAL AGENCIES

Subpart 1—Basic Program Requirements

[SEC. 1111. [20 U.S.C. 6311] STATE PLANS.]

[(a) PLANS REQUIRED.—

[(1) IN GENERAL.—For any State desiring to receive a grant under this part, the State educational agency shall submit to the Secretary a plan, developed by the State educational agency, in consultation with local educational agencies, teachers, principals, pupil services personnel, administrators (including administrators of programs described in other parts of this title), other staff, and parents, that satisfies the requirements of this section and that is coordinated with other programs under this Act, the Individuals with Disabilities Education Act, the Carl D. Perkins Career and Technical Education Act of 2006, the Head Start Act, the Adult Education and Family Literacy Act, and the McKinney-Vento Homeless Assistance Act.

[(2) CONSOLIDATED PLAN.—A State plan submitted under paragraph (1) may be submitted as part of a consolidated plan under section 9302.

[(b) ACADEMIC STANDARDS, ACADEMIC ASSESSMENTS, AND ACCOUNTABILITY.—

[(1) CHALLENGING ACADEMIC STANDARDS.—

[(A) IN GENERAL.—Each State plan shall demonstrate that the State has adopted challenging academic content standards and challenging student academic achievement standards that will be used by the State, its local educational agencies, and its schools to carry out this part, except that a State shall not be required to submit such standards to the Secretary.

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

[(C) SUBJECTS.—The State shall have such academic standards for all public elementary school and secondary school children, including children served under this part, in subjects determined by the State, but including at least mathematics, reading or language arts, and (beginning in the 2005–2006 school year) science, which shall include the same knowledge, skills, and levels of achievement expected of all children.

[(D) CHALLENGING ACADEMIC STANDARDS.—Standards under this paragraph shall include—

[(i) challenging academic content standards in academic subjects that—

[(I) specify what children are expected to know and be able to do;

[(II) contain coherent and rigorous content; and

[(III) encourage the teaching of advanced skills; and

[(ii) challenging student academic achievement standards that—

[(I) are aligned with the State's academic content standards;

[(II) describe two levels of high achievement (proficient and advanced) that determine how well children are mastering the material in the State academic content standards; and

[(III) describe a third level of achievement (basic) to provide complete information about the progress of the lower-achieving children toward mastering the proficient and advanced levels of achievement.

[(E) INFORMATION.—For the subjects in which students will be served under this part, but for which a State is not required by subparagraphs (A), (B), and (C) to develop, and has not otherwise developed, such academic standards, the State plan shall describe a strategy for ensuring that students are taught the same knowledge and skills in such subjects and held to the same expectations as are all children.

[(F) EXISTING STANDARDS.—Nothing in this part shall prohibit a State from revising, consistent with this section, any standard adopted under this part before or after the date of enactment of the No Child Left Behind Act of 2001.

[(2) ACCOUNTABILITY.—

[(A) IN GENERAL.—Each State plan shall demonstrate that the State has developed and is implementing a single, statewide State accountability system that will be effective in ensuring that all local educational agencies, public elementary schools, and public secondary schools make adequate yearly progress as defined under this paragraph. Each State accountability system shall—

[(i) be based on the academic standards and academic assessments adopted under paragraphs (1) and (3), and other academic indicators consistent with subparagraph (C)(vi) and (vii), and shall take into account the achievement of all public elementary school and secondary school students;

[(ii) be the same accountability system the State uses for all public elementary schools and secondary schools or all local educational agencies in the State, except that public elementary schools, secondary schools, and local educational agencies not participating under this part are not subject to the requirements of section 1116; and

[(iii) include sanctions and rewards, such as bonuses and recognition, the State will use to hold local educational agencies and public elementary schools and secondary schools accountable for student achievement and for ensuring that they make adequate yearly progress in accordance with the State's definition under subparagraphs (B) and (C).

[(B) ADEQUATE YEARLY PROGRESS.—Each State plan shall demonstrate, based on academic assessments described in paragraph (3), and in accordance with this paragraph, what constitutes adequate yearly progress of the State, and of all public elementary schools, secondary schools, and local educational agencies in the State, toward enabling all public elementary school and secondary school students to meet the State's student academic achievement standards, while working toward the goal of narrowing the achievement gaps in the State, local educational agencies, and schools.

[(C) DEFINITION.—"Adequate yearly progress" shall be defined by the State in a manner that—

[(i) applies the same high standards of academic achievement to all public elementary school and secondary school students in the State;

[(ii) is statistically valid and reliable;

[(iii) results in continuous and substantial academic improvement for all students;

[(iv) measures the progress of public elementary schools, secondary schools and local educational agencies and the State based primarily on the academic assessments described in paragraph (3);

[(v) includes separate measurable annual objectives for continuous and substantial improvement for each of the following:

[(I) The achievement of all public elementary school and secondary school students.

[(II) The achievement of—

[(aa) economically disadvantaged students;

[(bb) students from major racial and ethnic groups;

[(cc) students with disabilities; and

[(dd) students with limited English proficiency;

[except that disaggregation of data under subclause (II) shall not be required in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student;

[(vi) in accordance with subparagraph (D), includes graduation rates for public secondary school students (defined as the percentage of students who graduate from secondary school with a regular diploma in the standard number of years) and at least one other aca-

demic indicator, as determined by the State for all public elementary school students; and

[(vii) in accordance with subparagraph (D), at the State's discretion, may also include other academic indicators, as determined by the State for all public school students, measured separately for each group described in clause (v), such as achievement on additional State or locally administered assessments, decreases in grade-to-grade retention rates, attendance rates, and changes in the percentages of students completing gifted and talented, advanced placement, and college preparatory courses.

[(D) REQUIREMENTS FOR OTHER INDICATORS.—In carrying out subparagraph (C)(vi) and (vii), the State—

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

[(ii) except as provided in subparagraph (I)(i), may not use those indicators to reduce the number of, or change, the schools that would otherwise be subject to school improvement, corrective action, or restructuring under section 1116 if those additional indicators were not used, but may use them to identify additional schools for school improvement or in need of corrective action or restructuring.

[(E) STARTING POINT.—Each State, using data for the 2001–2002 school year, shall establish the starting point for measuring, under subparagraphs (G) and (H), the percentage of students meeting or exceeding the State's proficient level of academic achievement on the State assessments under paragraph (3) and pursuant to the timeline described in subparagraph (F). The starting point shall be, at a minimum, based on the higher of the percentage of students at the proficient level who are in—

[(i) the State's lowest achieving group of students described in subparagraph (C)(v)(II); or

[(ii) the school at the 20th percentile in the State, based on enrollment, among all schools ranked by the percentage of students at the proficient level.

[(F) TIMELINE.—Each State shall establish a timeline for adequate yearly progress. The timeline shall ensure that not later than 12 years after the end of the 2001–2002 school year, all students in each group described in subparagraph (C)(v) will meet or exceed the State's proficient level of academic achievement on the State assessments under paragraph (3).

[(G) MEASURABLE OBJECTIVES.—Each State shall establish statewide annual measurable objectives, pursuant to subparagraph (C)(v), for meeting the requirements of this paragraph, and which—

[(i) shall be set separately for the assessments of mathematics and reading or language arts under subsection (a)(3);

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

[(iii) shall identify a single minimum percentage of students who are required to meet or exceed the proficient level on the academic assessments that applies separately to each group of students described in subparagraph (C)(v);

[(iv) shall ensure that all students will meet or exceed the State's proficient level of academic achievement on the State assessments within the State's timeline under subparagraph (F); and

[(v) may be the same for more than 1 year, subject to the requirements of subparagraph (H).

[(H) INTERMEDIATE GOALS FOR ANNUAL YEARLY PROGRESS.—Each State shall establish intermediate goals for meeting the requirements, including the measurable objectives in subparagraph (G), of this paragraph and that shall—

[(i) increase in equal increments over the period covered by the State's timeline under subparagraph (F);

[(ii) provide for the first increase to occur in not more than 2 years; and

[(iii) provide for each following increase to occur in not more than 3 years.

[(I) ANNUAL IMPROVEMENT FOR SCHOOLS.—Each year, for a school to make adequate yearly progress under this paragraph—

[(i) each group of students described in subparagraph (C)(v) must meet or exceed the objectives set by the State under subparagraph (G), except that if any group described in subparagraph (C)(v) does not meet those objectives in any particular year, the school shall be considered to have made adequate yearly progress if the percentage of students in that group who did not meet or exceed the proficient level of academic achievement on the State assessments under paragraph (3) for that year decreased by 10 percent of that percentage from the preceding school year and that group made progress on one or more of the academic indicators described in subparagraph (C)(vi) or (vii); and

[(ii) not less than 95 percent of each group of students described in subparagraph (C)(v) who are enrolled in the school are required to take the assessments, consistent with paragraph (3)(C)(xi) and with accommodations, guidelines, and alternative assessments provided in the same manner as those provided under section 612(a)(16)(A) of the Individuals with Disabilities Education Act and paragraph (3), on which adequate yearly progress is based (except that the 95 percent requirement described in this clause shall not apply in a case in which the number of students in a category is insufficient to yield statistically

reliable information or the results would reveal personally identifiable information about an individual student).

[(J) UNIFORM AVERAGING PROCEDURE.—For the purpose of determining whether schools are making adequate yearly progress, the State may establish a uniform procedure for averaging data which includes one or more of the following:

[(i) The State may average data from the school year for which the determination is made with data from one or two school years immediately preceding that school year.

[(ii) Until the assessments described in paragraph (3) are administered in such manner and time to allow for the implementation of the uniform procedure for averaging data described in clause (i), the State may use the academic assessments that were required under paragraph (3) as that paragraph was in effect on the day preceding the date of enactment of the No Child Left Behind Act of 2001, provided that nothing in this clause shall be construed to undermine or delay the determination of adequate yearly progress, the requirements of section 1116, or the implementation of assessments under this section.

[(iii) The State may use data across grades in a school.

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

[(3) ACADEMIC ASSESSMENTS.—

[(A) IN GENERAL.—Each State plan shall demonstrate that the State educational agency, in consultation with local educational agencies, has implemented a set of high-quality, yearly student academic assessments that include, at a minimum, academic assessments in mathematics, reading or language arts, and science that will be used as the primary means of determining the yearly performance of the State and of each local educational agency and school in the State in enabling all children to meet the State's challenging student academic achievement standards, except that no State shall be required to meet the requirements of this part relating to science assessments until the beginning of the 2007–2008 school year.

[(B) USE OF ASSESSMENTS.—Each State educational agency may incorporate the data from the assessments under this paragraph into a State-developed longitudinal data system that links student test scores, length of enrollment, and graduation records over time.

[(C) REQUIREMENTS.—Such assessments shall—

[(i) be the same academic assessments used to measure the achievement of all children;

[(ii) be aligned with the State's challenging academic content and student academic achievement

standards, and provide coherent information about student attainment of such standards;

[(iii) be used for purposes for which such assessments are valid and reliable, and be consistent with relevant, nationally recognized professional and technical standards;

[(iv) be used only if the State educational agency provides to the Secretary evidence from the test publisher or other relevant sources that the assessments used are of adequate technical quality for each purpose required under this Act and are consistent with the requirements of this section, and such evidence is made public by the Secretary upon request;

[(v)(I) except as otherwise provided for grades 3 through 8 under clause vii, measure the proficiency of students in, at a minimum, mathematics and reading or language arts, and be administered not less than once during—

[(aa) grades 3 through 5;

[(bb) grades 6 through 9; and

[(cc) grades 10 through 12;

[(II) beginning not later than school year 2007–2008, measure the proficiency of all students in science and be administered not less than one time during—

[(aa) grades 3 through 5;

[(bb) grades 6 through 9; and

[(cc) grades 10 through 12;

[(vi) involve multiple up-to-date measures of student academic achievement, including measures that assess higher-order thinking skills and understanding;

[(vii) beginning not later than school year 2005–2006, measure the achievement of students against the challenging State academic content and student academic achievement standards in each of grades 3 through 8 in, at a minimum, mathematics, and reading or language arts, except that the Secretary may provide the State 1 additional year if the State demonstrates that exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the State, prevented full implementation of the academic assessments by that deadline and that the State will complete implementation within the additional 1-year period;

[(viii) at the discretion of the State, measure the proficiency of students in academic subjects not described in clauses (v), (vi), (vii) in which the State has adopted challenging academic content and academic achievement standards;

[(ix) provide for—

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

[(II) the reasonable adaptations and accommodations for students with disabilities (as defined under section 602(3) of the Individuals with Disabilities Education Act) necessary to measure the academic achievement of such students relative to State academic content and State student academic achievement standards; and

[(III) the inclusion of limited English proficient students, who shall be assessed in a valid and reliable manner and provided reasonable accommodations on assessments administered to such students under this paragraph, including, to the extent practicable, assessments in the language and form most likely to yield accurate data on what such students know and can do in academic content areas, until such students have achieved English language proficiency as determined under paragraph (7);

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

[(xi) include students who have attended schools in a local educational agency for a full academic year but have not attended a single school for a full academic year, except that the performance of students who have attended more than 1 school in the local educational agency in any academic year shall be used only in determining the progress of the local educational agency;

[(xii) produce individual student interpretive, descriptive, and diagnostic reports, consistent with clause (iii) that allow parents, teachers, and principals to understand and address the specific academic needs of students, and include information regarding achievement on academic assessments aligned with State academic achievement standards, and that are provided to parents, teachers, and principals, as soon as is practicably possible after the assessment is given, in an understandable and uniform format, and

to the extent practicable, in a language that parents can understand;

[(xiii) enable results to be disaggregated within each State, local educational agency, and school by gender, by each major racial and ethnic group, by English proficiency status, by migrant status, by students with disabilities as compared to nondisabled students, and by economically disadvantaged students as compared to students who are not economically disadvantaged, except that, in the case of a local educational agency or a school, such disaggregation shall not be required in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student;

[(xiv) be consistent with widely accepted professional testing standards, objectively measure academic achievement, knowledge, and skills, and be tests that do not evaluate or assess personal or family beliefs and attitudes, or publicly disclose personally identifiable information; and

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

[(D) DEFERRAL.—A State may defer the commencement, or suspend the administration, but not cease the development, of the assessments described in this paragraph, that were not required prior to the date of enactment of the No Child Left Behind Act of 2001, for 1 year for each year for which the amount appropriated for grants under section 6113(a)(2) is less than—

[(i) $370,000,000 for fiscal year 2002;

[(ii) $380,000,000 for fiscal year 2003;

[(iii) $390,000,000 for fiscal year 2004; and

[(iv) $400,000,000 for fiscal years 2005 through 2007.

[(4) SPECIAL RULE.—Academic assessment measures in addition to those in paragraph (3) that do not meet the requirements of such paragraph may be included in the assessment under paragraph (3) as additional measures, but may not be used in lieu of the academic assessments required under paragraph (3). Such additional assessment measures may not be used to reduce the number of or change, the schools that would otherwise be subject to school improvement, corrective action, or restructuring under section 1116 if such additional indicators were not used, but may be used to identify additional schools for school improvement or in need of corrective action or restructuring except as provided in paragraph (2)(I)(i).

[(5) STATE AUTHORITY.—If a State educational agency provides evidence, which is satisfactory to the Secretary, that nei-

ther the State educational agency nor any other State government official, agency, or entity has sufficient authority, under State law, to adopt curriculum content and student academic achievement standards, and academic assessments aligned with such academic standards, which will be applicable to all students enrolled in the State's public elementary schools and secondary schools, then the State educational agency may meet the requirements of this subsection by—

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

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

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

[(ii) are applicable to all students served by each such local educational agency.

[(6) LANGUAGE ASSESSMENTS.—Each State plan shall identify the languages other than English that are present in the participating student population and indicate the languages for which yearly student academic assessments are not available and are needed. The State shall make every effort to develop such assessments and may request assistance from the Secretary if linguistically accessible academic assessment measures are needed. Upon request, the Secretary shall assist with the identification of appropriate academic assessment measures in the needed languages, but shall not mandate a specific academic assessment or mode of instruction.

[(7) ACADEMIC ASSESSMENTS OF ENGLISH LANGUAGE PROFICIENCY.—Each State plan shall demonstrate that local educational agencies in the State will, beginning not later than school year 2002–2003, provide for an annual assessment of English proficiency (measuring students' oral language, reading, and writing skills in English) of all students with limited English proficiency in the schools served by the State educational agency, except that the Secretary may provide the State 1 additional year if the State demonstrates that exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the State, prevented full implementation of this paragraph by that deadline and that the State will complete implementation within the additional 1-year period.

[(8) REQUIREMENT.—Each State plan shall describe—

[(A) how the State educational agency will assist each local educational agency and school affected by the State plan to develop the capacity to comply with each of the requirements of sections 1112(c)(1)(D), 1114(b), and 1115(c) that is applicable to such agency or school;

[(B) how the State educational agency will assist each local educational agency and school affected by the State plan to provide additional educational assistance to individual students assessed as needing help to achieve the State's challenging academic achievement standards;

[(C) the specific steps the State educational agency will take to ensure that both schoolwide programs and targeted assistance schools provide instruction by highly qualified instructional staff as required by sections 1114(b)(1)(C) and 1115(c)(1)(E), including steps that the State educational agency will take to ensure that poor and minority children are not taught at higher rates than other children by inexperienced, unqualified, or out-of-field teachers, and the measures that the State educational agency will use to evaluate and publicly report the progress of the State educational agency with respect to such steps;

[(D) an assurance that the State educational agency will assist local educational agencies in developing or identifying high-quality effective curricula aligned with State academic achievement standards and how the State educational agency will disseminate such curricula to each local educational agency and school within the State; and

[(E) such other factors the State educational agency determines appropriate to provide students an opportunity to achieve the knowledge and skills described in the challenging academic content standards adopted by the State.

[(9) FACTORS AFFECTING STUDENT ACHIEVEMENT.—Each State plan shall include an assurance that the State educational agency will coordinate and collaborate, to the extent feasible and necessary as determined by the State educational agency, with agencies providing services to children, youth, and families, with respect to local educational agencies within the State that are identified under section 1116 and that request assistance with addressing major factors that have significantly affected the academic achievement of students in the local educational agency or schools served by such agency.

[(10) USE OF ACADEMIC ASSESSMENT RESULTS TO IMPROVE STUDENT ACADEMIC ACHIEVEMENT.—Each State plan shall describe how the State educational agency will ensure that the results of the State assessments described in paragraph (3)—

[(A) will be promptly provided to local educational agencies, schools, and teachers in a manner that is clear and easy to understand, but not later than before the beginning of the next school year; and

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

[(c) OTHER PROVISIONS TO SUPPORT TEACHING AND LEARNING.—Each State plan shall contain assurances that—

[(1) the State educational agency will meet the requirements of subsection (h)(1) and, beginning with the 2002–2003 school year, will produce the annual State report cards described in such subsection, except that the Secretary may provide the State educational agency 1 additional year if the State edu-

cational agency demonstrates that exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the State, prevented full implementation of this paragraph by that deadline and that the State will complete implementation within the additional 1-year period;

[(2) the State will, beginning in school year 2002–2003, participate in biennial State academic assessments of 4th and 8th grade reading and mathematics under the National Assessment of Educational Progress carried out under section 303(b)(2) of the National Assessment of Educational Progress Authorization Act if the Secretary pays the costs of administering such assessments;

[(3) the State educational agency, in consultation with the Governor, will include, as a component of the State plan, a plan to carry out the responsibilities of the State under sections 1116 and 1117, including carrying out the State educational agency's statewide system of technical assistance and support for local educational agencies;

[(4) the State educational agency will work with other agencies, including educational service agencies or other local consortia, and institutions to provide technical assistance to local educational agencies and schools, including technical assistance in providing professional development under section 1119, technical assistance under section 1117, and technical assistance relating to parental involvement under section 1118;

[(5)(A) where educational service agencies exist, the State educational agency will consider providing professional development and technical assistance through such agencies; and

[(B) where educational service agencies do not exist, the State educational agency will consider providing professional development and technical assistance through other cooperative agreements such as through a consortium of local educational agencies;

[(6) the State educational agency will notify local educational agencies and the public of the content and student academic achievement standards and academic assessments developed under this section, and of the authority to operate schoolwide programs, and will fulfill the State educational agency's responsibilities regarding local educational agency improvement and school improvement under section 1116, including such corrective actions as are necessary;

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

[(8) the State educational agency will inform the Secretary and the public of how Federal laws, if at all, hinder the ability of States to hold local educational agencies and schools accountable for student academic achievement;

[(9) the State educational agency will encourage schools to consolidate funds from other Federal, State, and local sources for schoolwide reform in schoolwide programs under section 1114;

[(10) the State educational agency will modify or eliminate State fiscal and accounting barriers so that schools can easily consolidate funds from other Federal, State, and local sources for schoolwide programs under section 1114;

[(11) the State educational agency has involved the committee of practitioners established under section 1903(b) in developing the plan and monitoring its implementation;

[(12) the State educational agency will inform local educational agencies in the State of the local educational agency's authority to transfer funds under title VI, to obtain waivers under part D of title IX, and, if the State is an Ed-Flex Partnership State, to obtain waivers under the Education Flexibility Partnership Act of 1999;

[(13) the State educational agency will coordinate activities funded under this part with other Federal activities as appropriate; and

[(14) the State educational agency will encourage local educational agencies and individual schools participating in a program assisted under this part to offer family literacy services (using funds under this part), if the agency or school determines that a substantial number of students served under this part by the agency or school have parents who do not have a secondary school diploma or its recognized equivalent or who have low levels of literacy.

[(d) PARENTAL INVOLVEMENT.—Each State plan shall describe how the State educational agency will support the collection and dissemination to local educational agencies and schools of effective parental involvement practices. Such practices shall—

[(1) be based on the most current research that meets the highest professional and technical standards, on effective parental involvement that fosters achievement to high standards for all children; and

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

[(e) PEER REVIEW AND SECRETARIAL APPROVAL.—

[(1) SECRETARIAL DUTIES.—The Secretary shall—

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

[(B) appoint individuals to the peer-review process who are representative of parents, teachers, State educational agencies, and local educational agencies, and who are familiar with educational standards, assessments, accountability, the needs of low-performing schools, and other educational needs of students;

[(C) approve a State plan within 120 days of its submission unless the Secretary determines that the plan does not meet the requirements of this section;

[(D) if the Secretary determines that the State plan does not meet the requirements of subsection (a), (b), or (c), immediately notify the State of such determination and the reasons for such determination;

[(E) not decline to approve a State's plan before—

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

[(ii) providing technical assistance in order to assist the State to meet the requirements of subsections (a), (b), and (c); and

[(iii) providing a hearing; and

[(F) have the authority to disapprove a State plan for not meeting the requirements of this part, but shall not have the authority to require a State, as a condition of approval of the State plan, to include in, or delete from, such plan one or more specific elements of the State's academic content standards or to use specific academic assessment instruments or items.

[(2) STATE REVISIONS.—A State plan shall be revised by the State educational agency if it is necessary to satisfy the requirements of this section.

[(f) DURATION OF THE PLAN.—

[(1) IN GENERAL.—Each State plan shall—

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

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

[(2) ADDITIONAL INFORMATION.—If significant changes are made to a State's plan, such as the adoption of new State academic content standards and State student achievement standards, new academic assessments, or a new definition of adequate yearly progress, such information shall be submitted to the Secretary.

[(g) PENALTIES.—

[(1) FAILURE TO MEET DEADLINES ENACTED IN 1994.—

[(A) IN GENERAL.—If a State fails to meet the deadlines established by the Improving America's Schools Act of 1994 (or under any waiver granted by the Secretary or under any compliance agreement with the Secretary) for demonstrating that the State has in place challenging academic content standards and student achievement standards, and a system for measuring and monitoring adequate yearly progress, the Secretary shall withhold 25 percent of the funds that would otherwise be available to the State for State administration and activities under this part in each year until the Secretary determines that the State meets those requirements.

[(B) NO EXTENSION.—Notwithstanding any other provision of law, 90 days after the date of enactment of the No Child Left Behind Act of 2001 the Secretary shall not grant any additional waivers of, or enter into any additional compliance agreements to extend, the deadlines described in subparagraph (A) for any State.

[(2) FAILURE TO MEET REQUIREMENTS ENACTED IN 2001.—If a State fails to meet any of the requirements of this section, other than the requirements described in paragraph (1), then the Secretary may withhold funds for State administration

under this part until the Secretary determines that the State has fulfilled those requirements.

[(h) REPORTS.—

[(1) ANNUAL STATE REPORT CARD.—

[(A) IN GENERAL.—Not later than the beginning of the 2002–2003 school year, unless the State has received a 1-year extension pursuant to subsection (c)(1), a State that receives assistance under this part shall prepare and disseminate an annual State report card.

[(B) IMPLEMENTATION.—The State report card shall be—

[(i) concise; and

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

[(C) REQUIRED INFORMATION.—The State shall include in its annual State report card—

[(i) information, in the aggregate, on student achievement at each proficiency level on the State academic assessments described in subsection (b)(3) (disaggregated by race, ethnicity, gender, disability status, migrant status, English proficiency, and status as economically disadvantaged, except that such disaggregation shall not be required in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student);

[(ii) information that provides a comparison between the actual achievement levels of each group of students described in subsection (b)(2)(C)(v) and the State's annual measurable objectives for each such group of students on each of the academic assessments required under this part;

[(iii) the percentage of students not tested (disaggregated by the same categories and subject to the same exception described in clause (i));

[(iv) the most recent 2-year trend in student achievement in each subject area, and for each grade level, for which assessments under this section are required;

[(v) aggregate information on any other indicators used by the State to determine the adequate yearly progress of students in achieving State academic achievement standards;

[(vi) graduation rates for secondary school students consistent with subsection (b)(2)(C)(vi);

[(vii) information on the performance of local educational agencies in the State regarding making adequate yearly progress, including the number and names of each school identified for school improvement under section 1116; and

[(viii) the professional qualifications of teachers in the State, the percentage of such teachers teaching with emergency or provisional credentials, and the

percentage of classes in the State not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty schools which, for the purpose of this clause, means schools in the top quartile of poverty and the bottom quartile of poverty in the State.

[(D) OPTIONAL INFORMATION.—The State may include in its annual State report card such other information as the State believes will best provide parents, students, and other members of the public with information regarding the progress of each of the State's public elementary schools and public secondary schools. Such information may include information regarding—

[(i) school attendance rates;

[(ii) average class size in each grade;

[(iii) academic achievement and gains in English proficiency of limited English proficient students;

[(iv) the incidence of school violence, drug abuse, alcohol abuse, student suspensions, and student expulsions;

[(v) the extent and type of parental involvement in the schools;

[(vi) the percentage of students completing advanced placement courses, and the rate of passing of advanced placement tests; and

[(vii) a clear and concise description of the State's accountability system, including a description of the criteria by which the State evaluates school performance, and the criteria that the State has established, consistent with subsection (b)(2), to determine the status of schools regarding school improvement, corrective action, and restructuring.

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

[(A) REPORT CARDS.—

[(i) IN GENERAL.—Not later than the beginning of the 2002–2003 school year, a local educational agency that receives assistance under this part shall prepare and disseminate an annual local educational agency report card, except that the State educational agency may provide the local educational agency 1 additional year if the local educational agency demonstrates that exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the local educational agency, prevented full implementation of this paragraph by that deadline and that the local educational agency will complete implementation within the additional 1-year period.

[(ii) SPECIAL RULE.—If a State educational agency has received an extension pursuant to subsection (c)(1), then a local educational agency within that State shall not be required to include the information required under paragraph (1)(C) in such report card during such extension.

[(B) MINIMUM REQUIREMENTS.—The State educational agency shall ensure that each local educational agency collects appropriate data and includes in the local educational agency's annual report the information described in paragraph (1)(C) as applied to the local educational agency and each school served by the local educational agency, and—

[(i) in the case of a local educational agency—

[(I) the number and percentage of schools identified for school improvement under section 1116(c) and how long the schools have been so identified; and

[(II) information that shows how students served by the local educational agency achieved on the statewide academic assessment compared to students in the State as a whole; and

[(ii) in the case of a school—

[(I) whether the school has been identified for school improvement; and

[(II) information that shows how the school's students achievement on the statewide academic assessments and other indicators of adequate yearly progress compared to students in the local educational agency and the State as a whole.

[(C) OTHER INFORMATION.—A local educational agency may include in its annual local educational agency report card any other appropriate information, whether or not such information is included in the annual State report card.

[(D) DATA.—A local educational agency or school shall only include in its annual local educational agency report card data that are sufficient to yield statistically reliable information, as determined by the State, and that do not reveal personally identifiable information about an individual student.

[(E) PUBLIC DISSEMINATION.—The local educational agency shall, not later than the beginning of the 2002–2003 school year, unless the local educational agency has received a 1-year extension pursuant to subparagraph (A), publicly disseminate the information described in this paragraph to all schools in the school district served by the local educational agency and to all parents of students attending those schools in an understandable and uniform format and, to the extent practicable, provided in a language that the parents can understand, and make the information widely available through public means, such as posting on the Internet, distribution to the media, and distribution through public agencies, except that if a local educational agency issues a report card for all students, the local educational agency may include the information under this section as part of such report.

[(3) PREEXISTING REPORT CARDS.—A State educational agency or local educational agency that was providing public report cards on the performance of students, schools, local educational agencies, or the State prior to the enactment of the No Child

Left Behind Act of 2001 may use those report cards for the purpose of this subsection, so long as any such report card is modified, as may be needed, to contain the information required by this subsection.

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

[(A) beginning with school year 2002–2003, information on the State's progress in developing and implementing the academic assessments described in subsection (b)(3);

[(B) beginning not later than school year 2002–2003, information on the achievement of students on the academic assessments required by subsection (b)(3), including the disaggregated results for the categories of students identified in subsection (b)(2)(C)(v);

[(C) in any year before the State begins to provide the information described in subparagraph (B), information on the results of student academic assessments (including disaggregated results) required under this section;

[(D) beginning not later than school year 2002–2003, unless the State has received an extension pursuant to subsection (c)(1), information on the acquisition of English proficiency by children with limited English proficiency;

[(E) the number and names of each school identified for school improvement under section 1116(c), the reason why each school was so identified, and the measures taken to address the achievement problems of such schools;

[(F) the number of students and schools that participated in public school choice and supplemental service programs and activities under this title; and

[(G) beginning not later than the 2002–2003 school year, information on the quality of teachers and the percentage of classes being taught by highly qualified teachers in the State, local educational agency, and school.

[(5) REPORT TO CONGRESS.—The Secretary shall transmit annually to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report that provides national and State-level data on the information collected under paragraph (4).

[(6) PARENTS RIGHT-TO-KNOW.—

[(A) QUALIFICATIONS.—At the beginning of each school year, a local educational agency that receives funds under this part shall notify the parents of each student attending any school receiving funds under this part that the parents may request, and the agency will provide the parents on request (and in a timely manner), information regarding the professional qualifications of the student's classroom teachers, including, at a minimum, the following:

[(i) Whether the teacher has met State qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction.

[(ii) Whether the teacher is teaching under emergency or other provisional status through which State qualification or licensing criteria have been waived.

[(iii) The baccalaureate degree major of the teacher and any other graduate certification or degree held by the teacher, and the field of discipline of the certification or degree.

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

[(B) ADDITIONAL INFORMATION.—In addition to the information that parents may request under subparagraph (A), a school that receives funds under this part shall provide to each individual parent—

[(i) information on the level of achievement of the parent's child in each of the State academic assessments as required under this part; and

[(ii) timely notice that the parent's child has been assigned, or has been taught for four or more consecutive weeks by, a teacher who is not highly qualified.

[(C) FORMAT.—The notice and information provided to parents under this paragraph shall be in an understandable and uniform format and, to the extent practicable, provided in a language that the parents can understand.

[(i) PRIVACY.—Information collected under this section shall be collected and disseminated in a manner that protects the privacy of individuals.

[(j) TECHNICAL ASSISTANCE.—The Secretary shall provide a State educational agency, at the State educational agency's request, technical assistance in meeting the requirements of this section, including the provision of advice by experts in the development of high-quality academic assessments, the setting of State standards, the development of measures of adequate yearly progress that are valid and reliable, and other relevant areas.

[(k) VOLUNTARY PARTNERSHIPS.—A State may enter into a voluntary partnership with another State to develop and implement the academic assessments and standards required under this section.

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

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

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

[(2) Each such school that is accredited by a regional accrediting organization shall adopt an appropriate assessment, in consultation with and with the approval of, the Secretary of the Interior and consistent with assessments adopted by other

schools in the same State or region, that meets the requirements of this section.

[(3) Each such school that is accredited by a tribal accrediting agency or tribal division of education shall use an assessment developed by such agency or division, except that the Secretary of the Interior shall ensure that such assessment meets the requirements of this section.]

SEC. 1111. STATE AND LOCAL REQUIREMENTS.

(a) ACADEMIC STANDARDS, ACADEMIC ASSESSMENTS, AND ACCOUNTABILITY REQUIREMENTS.—

(1) REQUIREMENTS FOR COLLEGE AND CAREER READY STATE STANDARDS.—In order to receive a grant under this part, each State shall demonstrate that the State meets the following requirements:

(A) COLLEGE AND CAREER READY ALIGNED STANDARDS FOR READING OR LANGUAGE ARTS AND MATHEMATICS.—

(i) IN GENERAL.—The State shall—

(I) not later than December 31, 2013, adopt college and career ready academic content standards in reading or language arts, and mathematics, that meet the requirements of clauses (ii) and (iii); and

(II) not later than the beginning of the 2015–2016 school year, adopt college and career ready student academic achievement standards in reading or language arts, and mathematics, that meet the requirements of clauses (ii) and (iv).

(ii) ALIGNMENT OF COLLEGE AND CAREER READY STANDARDS.—Each State plan shall demonstrate that the State has adopted college and career ready academic content standards and college and career ready student academic achievement standards that are aligned with—

(I) academic coursework, without the need for remediation, at public institutions of higher education in the State;

(II) relevant State career and technical education standards; and

(III) appropriate career skills.

(iii) REQUIREMENTS FOR ACADEMIC CONTENT STANDARDS.—College and career ready academic content standards shall—

(I) be used by the State, and by local educational agencies, public elementary schools, and public secondary schools in the State to carry out the requirements of this part;

(II) be the same standards that the State applies to all public elementary and secondary schools and students in the State;

(III) include the same knowledge, skills, and levels of achievement expected of all elementary and secondary school students in the State; and

(IV) be evidence-based and include rigorous content and skills.

(iv) REQUIREMENTS FOR STUDENT ACADEMIC ACHIEVEMENT STANDARDS.—College and career ready student academic achievement standards for a subject shall—

(I) be aligned with the State's academic content standards described in clause (iii); and

(II) establish levels of performance (at a minimum, basic, on-track, and advanced levels) that determine how well students are mastering the material in the State academic content standards.

(v) METHOD.—A State may meet the requirements in this subparagraph individually or through a consortium with 1 or more other States.

(vi) NO REQUIREMENT TO SUBMIT STANDARDS TO THE SECRETARY.—A State shall not be required to submit the State's college and career ready academic content standards or the State's college and career ready student academic achievement standards to the Secretary for review or approval.

(B) SCIENCE STANDARDS.—A State—

(i) shall demonstrate that the State has adopted, by not later than December 31, 2013, statewide academic content standards and student academic achievement standards in science that are aligned with the knowledge and skills needed to be college and career ready, as described in subparagraph (A)(ii);

(ii) shall not be required to submit such standards to the Secretary; and

(iii) may choose to use such standards as part of the State's accountability system under paragraph (3), if such standards meet the requirements of clauses (ii) through (iv) of subparagraph (A).

(C) STANDARDS FOR OTHER SUBJECTS.—If a State adopts high-quality academic content standards and student academic achievement standards in subjects other than reading or language arts, mathematics, and science, such State may choose to use such standards as part of the State's accountability system, consistent with section 1116.

(D) ALTERNATE ACADEMIC ACHIEVEMENT STANDARDS FOR STUDENTS WITH THE MOST SIGNIFICANT COGNITIVE DISABILITIES.—The State may, through a documented and validated standards-setting process, adopt alternate academic achievement standards in any subject included in the State's accountability system under paragraph (3) for students with the most significant cognitive disabilities, if—

(i) the determination about whether the achievement of an individual student should be measured against such standards is made separately for each student in each subject being assessed; and

(ii) such alternate academic achievement standards—

(I) are aligned with the State academic content standards required under this paragraph for the subject;

(II) provide access to the general curriculum and the student academic achievement standards required under this paragraph for such subject; and

(III) reflect professional judgment as to the highest possible standards achievable by such student.

(E) ENGLISH LANGUAGE PROFICIENCY STANDARDS.—A State shall, not later than December 31, 2014, adopt high-quality English language proficiency standards that—

(i) are aligned with the State's academic content standards in reading or language arts under subparagraph (A) so that achieving English language proficiency, as measured by the State's English language proficiency standards, indicates a sufficient knowledge of English to allow the State to validly and reliably measure the student's achievement on the State's reading or language arts student academic achievement standards;

(ii) ensure proficiency in English for each of the domains of speaking, listening, reading, and writing;

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

(iv) are updated, not later than 1 year after the State adopts any new academic content standards in reading or language arts under this paragraph, in order to align the English language proficiency standards with the new content standards.

(F) NO FEDERAL CONTROL.—Nothing in this section shall be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control a State's academic content standards or student academic achievement standards developed in accordance with this section.

(G) EXISTING STANDARDS.—Nothing in this part shall prohibit a State from revising, consistent with this section, any standard adopted under this part before, on, or after the date of enactment of the Elementary and Secondary Education Reauthorization Act of 2011.

(2) ACADEMIC ASSESSMENTS.—

(A) STATE ASSESSMENTS.—The State plan shall demonstrate that the State educational agency, in consultation with local educational agencies, shall, beginning not later than the beginning of the 2015–2016 school year, adopt and implement statewide assessments that—

(i) include statewide assessments in reading or language arts, and mathematics, annually for grades 3 through 8 and not less frequently than once during grades 10 through 12, that—

(I) are aligned with the State's academic content standards in such subjects under paragraph (1)(A);

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

(III) measure individual academic achievement;

(IV) in the case of a State described in subsection (b)(1)(B), measure individual student

growth, including measuring whether students are attaining growth in accordance with clauses (i) and (ii) of such subsection; and

(V) may, at the State's choosing—

(aa) be administered through a single summative assessment each year; or

(bb) be administered through multiple statewide assessments during the course of the year if the State can demonstrate to the Secretary's satisfaction that the results of these multiple assessments, taken in their totality, provide a summative score that provides valid and reliable information on whether students are on track to college and career readiness in reading or language arts, and mathematics;

(ii) include statewide assessments in science, not less than once during each of the grade spans of grades 3 through 5, 6 through 9, and 10 through 12, that measure—

(I) student achievement relative to the State's science student academic achievement standards under paragraph (1)(B);

(II) individual academic achievement; and

(III) in the case of a State described in subsection (b)(1)(B), individual student growth, including measuring whether students are attaining growth in accordance with clauses (i) and (ii) of such subsection;

(iii) include the English language proficiency assessments and any alternate assessments described in subparagraphs (D) and (E), respectively; and

(iv) at the discretion of the State, measure the proficiency of students in the other academic subjects for which the State has adopted academic content standards and student academic achievement standards under paragraph (1)(C).

(B) REQUIREMENTS FOR ASSESSMENTS.—The assessments administered under this paragraph shall—

(i) be the same academic assessments used to measure the achievement of all students;

(ii) be used only for purposes for which such assessments are valid and reliable, and be consistent with relevant, nationally recognized professional and technical standards;

(iii) be used only if the State educational agency provides to the Secretary evidence that the assessments used are of adequate technical quality for each purpose required under this Act and are consistent with the requirements of this section, which evidence the Secretary may make public;

(iv) involve multiple measures of student academic achievement, including measures that assess higher-order thinking skills and understanding;

(v) provide for—

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

(II) the reasonable adaptations for children with disabilities necessary to measure the academic achievement of such children in a subject, relative to the State academic content standards and State student academic achievement standards under paragraph (1) for such subject;

(III) the valid and reliable accommodations for children with disabilities necessary to measure the academic achievement of such children in a subject, relative to the State academic content standards and State student academic achievement standards under paragraph (1) for such subject; and

(IV) the inclusion of English learners, who shall be assessed in a valid and reliable manner and provided reasonable accommodations on assessments administered to such students under this paragraph, including, to the extent practicable, assessments in the language and form most likely to yield accurate data on what such students know and can do in academic content areas, until such students have achieved English language proficiency as determined under subparagraph (D), except that the State may exempt any English learner at the lowest levels of English language proficiency from the reading or language arts assessment for not more than 2 years following the date of the student's first enrollment in a school in the United States;

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

(vii) include students who have attended schools in a local educational agency for a full academic year but have not attended a single school for a full academic year;

(viii) produce individual student interpretive, descriptive, and diagnostic reports that allow parents, teachers, and principals to understand and address the specific academic needs of students and include information regarding achievement on the academic assessments aligned with State academic achievement standards, and that are provided to parents, teachers, and principals—

(I) as soon as is practicably possible after the assessment is given;

(II) in an understandable and uniform format; and

(III) to the extent practicable, in a language that parents can understand;

(ix) enable results to be disaggregated within the State, local educational agency, and school by gender, by each major racial and ethnic group, by English language proficiency status, by migrant status, by status as a student with a disability, and by economically disadvantaged status, except that, in the case of a local educational agency or a school, such disaggregation shall not be required in a case in which the results would reveal personally identifiable information about an individual student;

(x) be consistent with widely accepted professional testing standards and objectively measure academic achievement, knowledge, and skills;

(xi) not evaluate or assess personal or family beliefs and attitudes or publicly disclose personally identifiable information;

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

(xiii) produce student achievement and other student data that can be used to inform determinations of individual principal and teacher effectiveness for purposes of evaluation and for determining the needs of principals and teachers for professional development and support; and

(xiv) consistent with paragraph (3)(D), be administered to not less than 95 percent of all students, and not less than 95 percent of each subgroup of students described in clause (ix), who are enrolled in the school.

(C) LANGUAGES OF ASSESSMENTS.—The State shall identify the languages other than English that are present in the participating student population in the State and indicate, in the State's plan under subsection (b), the languages for which yearly student academic assessments included in the State's accountability system under paragraph (3) are not available and are needed. The State shall make every

effort to develop assessments in such languages and may request assistance from the Secretary if linguistically accessible academic assessments are needed. Upon request, the Secretary shall assist with the identification of appropriate academic assessments in such languages, but shall not mandate a specific academic assessment or mode of instruction.

(D) ASSESSMENTS OF ENGLISH LANGUAGE PROFICIENCY.—

(i) IN GENERAL.—Each State plan shall demonstrate that local educational agencies in the State will, not later than the beginning of the 2015–2016 school year, provide for the annual assessment of English language proficiency of all English learners in the schools served by the State educational agency.

(ii) REQUIREMENTS.—The English language proficiency assessment described in clause (i) shall—

(I) be aligned with the State's English language proficiency standards under paragraph (1)(E);

(II) be designed to measure, in a valid and reliable manner, student progress toward, and attainment of, English language proficiency; and

(III) reflect the academic language that is required for success on the State's academic assessments, consistent with paragraph (1)(E)(iv).

(E) ALTERNATE ASSESSMENTS FOR STUDENTS WITH THE MOST SIGNIFICANT COGNITIVE DISABILITIES.—A State may provide alternate assessments that are aligned with alternate academic achievement standards described in paragraph (1)(D) for students with the most significant cognitive disabilities, if the State—

(i) establishes and monitors implementation of clear and appropriate guidelines for individualized education program teams (as defined in section 614(d)(1)(B) of the Individuals with Disabilities Education Act) to apply in determining, on a subject-by-subject basis, when a child's significant cognitive disability justifies assessment based on alternate academic achievement standards;

(ii) ensures that parents of the students whom the State plans to assess using alternate assessments are involved in the decision that their child's academic achievement will be measured against alternate academic achievement standards, consistent with section 614(d)(1)(A)(i)(VI)(bb) of the Individuals with Disabilities Education Act, and are informed whether participation in such assessment may preclude the student from completing the requirements for a regular secondary school diploma, as determined by the State;

(iii) provides evidence that students with the most significant cognitive disabilities are, to the maximum extent practicable, included in the general curriculum and in assessments aligned with such curriculum, as described in section 601(c)(5)(A) of the Individuals with Disabilities Education Act;

(iv) certifies that, consistent with section 612(a)(16)(A) of the Individuals with Disabilities Education Act, the State's regular academic assessments described in subparagraphs (A), (C), and (D) are universally designed to be accessible to students, including students with sensory, physical, and intellectual disabilities, through the provision of reasonable adaptations and valid and reliable accommodations that produce valid results;

(v) develops, disseminates information about, makes available, and promotes the use of reasonable adaptations and valid and reliable accommodations to increase the number of students with the most significant cognitive disabilities participating in grade-level academic instruction and assessments that are aligned with grade-level academic standards, and promotes the use of appropriate accommodations to increase the number of students with the most significant cognitive disabilities who are tested against grade-level academic achievement standards;

(vi) takes steps to ensure that regular and special education teachers and other appropriate staff know how to administer assessments, including how to make appropriate use of reasonable adaptations and valid and reliable accommodations for such assessments, for students with the most significant cognitive disabilities; and

(vii) requires separate determinations about whether a student should be assessed using an alternate assessment for each subject assessed.

(F) ADAPTIVE ASSESSMENTS.—A State may develop and administer computer adaptive assessments as the assessments required under subparagraph (A). If a State develops and administers a computer adaptive assessment for such purposes, the assessment shall meet the requirements of this paragraph, except as follows:

(i) Notwithstanding subparagraph (A)(i)(I), the assessment shall measure, at a minimum, whether each student is meeting or exceeding the on-track level of performance for the State academic content standards for the student's grade level, and, if the State chooses—

(I) may measure the student's level of performance in the grades above or below the student's grade level; and

(II) may be used to measure student growth using assessment items above and below grade level, including for purposes of determining if a student is attaining growth in accordance with clauses (i) and (ii) of subsection (b)(1)(B), as applicable.

(ii) Subparagraph (B)(i) shall not be interpreted to require that all students taking the computer adaptive assessment be administered the same assessment items.

(G) REDUCING DUPLICATIVE ASSESSMENT.—The State shall include, in the State plan under subsection (b), a description of how the State will regularly analyze assessment and accommodations practice and use, and reduce duplicative assessment.

(3) STATE-DESIGNED ACCOUNTABILITY SYSTEMS.—

(A) ACCOUNTABILITY SYSTEM.—Each State plan shall, not later than the beginning of the 2013–2014 school year, demonstrate that the State educational agency has developed and is implementing a single, statewide accountability system that—

(i) annually measures and reports on—

(I) the achievement of students in all public elementary schools and secondary schools and local educational agencies in the State on the assessments described in paragraph (2); and

(II) for high schools in the State, graduation rates;

(ii) expects the continuous improvement of all public schools in the State in the academic achievement and outcomes of all students, including the subgroups of students described in section 1116(b)(1)(B);

(iii) annually identifies schools that need supports and interventions to prepare college and career ready students;

(iv) provides for the improvement, through supports and interventions that address student needs, of all schools that are not identified under section 1116(b) but are low-performing or have low-performing subgroups of the students described in section 1116(b)(1)(B);

(v) develops the capacity of local educational agencies and schools to effectively educate their students and continuously improve;

(vi) recognizes, and encourages other local educational agencies to replicate, the practices of local educational agencies and schools that are successful in effecting significant student achievement or student growth; and

(vii) meets the requirements of section 1116.

(B) SUBJECTS COVERED.—The State shall include in the accountability system the subjects of reading or language arts and mathematics and may include any other subject that the State chooses through its State plan, if the State has adopted academic content standards and student academic achievement standards under paragraph (1)(C) and assessments under paragraph (2)(B) for the subject.

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

(D) STUDENTS WITH THE MOST SIGNIFICANT COGNITIVE DISABILITIES.—In determining the percentage of students who are on track to college and career readiness or, if ap-

plicable, attaining growth in accordance with clauses (i) and (ii) of subsection (b)(1)(B), for a subject for any purpose under this section or section 1116 or 1117, a State educational agency may include, for all schools in the State, the performance of the State's students with the most significant cognitive disabilities on alternate assessments as described in paragraph (2)(E) in the subjects included in the State's accountability system, if the total number of those students in all grades assessed and for each subject in the accountability system who are on track to college and career readiness, according to those alternate assessments, does not exceed 1 percent of all students in the State in the grades assessed in each subject.

(4) TRANSITION PROVISIONS.—The Secretary shall take such steps as are necessary to provide for the orderly transition between the accountability systems required under section 1111(b)(2), as such section was in effect on the day before the date of enactment of the Elementary and Secondary Education Reauthorization Act of 2011, and the new accountability systems required under this subsection.

(5) VOLUNTARY PARTNERSHIPS.—A State may enter into a voluntary partnership with another State to develop and implement the academic assessments, academic content standards, and student academic achievement standards required under this section.

(b) STATE PLANS.—

(1) IN GENERAL.—For any State desiring to receive a grant under this part, the State educational agency shall submit to the Secretary a plan, developed by the State educational agency in consultation with local educational agencies, teachers, principals, specialized instructional support personnel, administrators, other staff, and parents, that—

(A) demonstrates the State's compliance with this section;

(B) if the State chooses to use student growth as a measure of academic progress and to determine if students are on track to college and career readiness, describes how the State will measure student growth to ensure that—

(i) a student performing below the on-track level of performance for the student's grade level under subsection (a)(1)(A)(iv) on the academic assessment for the subject under subsection (a)(2) is attaining a rate of academic growth in the subject that indicates that the student will be on track to college and career readiness in not more than a specified number of years; or

(ii) a student who is performing at or above the on-track level of performance for the student's grade level on the academic assessment for the subject is continuing to make academic growth;

(C) is coordinated with the State plans required by other programs under this Act, the Individuals with Disabilities Education Act, the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.), the Carl D. Perkins Career and Technical Education Act of 2006, the Head Start Act, the Child Care and

Development Block Grant Act of 1990, and the Adult Education and Family Literacy Act;

(D) provides an assurance that the State will continue to administer the academic assessments required under paragraphs (3)(A) and (7) of this subsection, as such paragraphs were in effect on the day before the date of enactment of the Elementary and Secondary Education Reauthorization Act of 2011, and to include the results of such assessments in the State's accountability system, until the State has implemented the assessments required under subsection (a)(2);

(E) provides an assurance that the State will participate in the biennial State academic assessments of grade 4 and grade 8 reading and mathematics under the National Assessment of Educational Progress carried out under section 303(b)(2) of the National Assessment of Educational Progress Authorization Act if the Secretary pays the costs of administering such assessments;

(F) describes the State accountability system under subsection (a)(3) and the State's plan for blue ribbon schools under section 1117 (if the State chooses to carry out such section);

(G) describes the process the State will utilize to review local educational agency plans submitted pursuant to section 1112, including the parent and family engagement plan described in section 1118 and other provisions related to parent and family engagement;

(H) describes the support the State will provide to local educational agencies for the education of homeless children and youths, and how such support is consistent with the requirements of subtitle B of title VII of the McKinney-Vento Homeless Assistance Act;

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

(J) describes how the State educational agency will coordinate with the State Advisory Council on Early Childhood Education and Care, as appropriate;

(K) describes how the State and State educational agency will comply with the requirements of section 1501, and the State's plan to ensure such compliance;

(L) describes how, beginning not later than 1 year after the date of enactment of the Elementary and Secondary Education Reauthorization Act of 2011, and for each subsequent year—

(i) the State educational agency will provide for the equitable distribution of teachers in the State within local educational agencies and the State using data on the percentage and distribution of more than 1, or an index that incorporates more than 1, of the categories of teachers described in subparagraph (M); and

(ii) the State will report to the Secretary the percentage and distribution of teachers in the State, based on

the measures used in the State, for each quartile of schools based on school poverty level, for high-minority schools, and for low-minority schools; and

(M) describes how the State will annually submit to the Secretary, for each quartile of schools in the State based on school poverty level and for high-minority schools and low-minority schools in the State, data regarding the percentage and distribution of the following categories of teachers:

(i) Teachers who are not classified as highly qualified teachers.

(ii) Teachers who are inexperienced.

(iii) Teachers who have not completed a teacher preparation program.

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

(v) Where applicable, teachers who are in the highest or lowest rating categories of a teacher evaluation system that is consistent with section 2301(b)(4).

(2) COMPREHENSIVE PLAN.—A State plan submitted under paragraph (1) may be submitted as part of the comprehensive plan under section 9302.

(3) DURATION OF THE PLAN.—

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

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

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

(B) ADDITIONAL INFORMATION.—

(i) REVISED PLANS.—If a State makes significant changes to its plan, such as adopting new State academic content standards, new State student achievement standards, or new academic assessments under subsection (a), the State shall submit a revised plan to the Secretary.

(ii) REVIEW OF REVISED PLANS.—The Secretary shall review the information submitted under clause (i) and may, notwithstanding paragraph (4), approve or disapprove changes to the State plan without undertaking the peer-review or hearing process described in such paragraph.

(4) PEER REVIEW AND SECRETARIAL APPROVAL.—

(A) SECRETARIAL DUTIES.—The Secretary shall—

(i) establish a peer-review process that maximizes collaboration with each State to assist in the review of State plans;

(ii) appoint expert individuals to the peer-review process who—

(I) represent a regionally diverse cross-section of States;

(II) are representative of parents, teachers, State educational agencies, and local educational agencies; and

(III) are familiar with educational standards, assessments, accountability, the needs of persistently low-achieving schools as described in section 1116(c)(2), and the needs of disadvantaged students and other educational needs of students;

(iii) ensure that the peer-review process provides timely feedback from the peer-review panel to the States, and that such feedback shall be made publicly available, including through electronic means;

(iv) not decline approval of a State plan before—

(I) offering the State an opportunity to revise the State plan;

(II) providing technical assistance to the State to meet the requirements of this subsection and subsections (a) and (c); and

(III) upon the request of a State, providing a hearing;

(v) have the authority to disapprove a State plan for not meeting the requirements of this part, and may deny approval to a State plan under this subsection that was recommended by the peer-review panel by making available written findings of the cause for such disapproval;

(vi) approve a State plan not later than 120 days after its submission unless the Secretary determines that the plan does not meet the requirements of this section;

(vii) if the Secretary determines that the State plan does not meet the requirements of this subsection and subsection (c), immediately notify the State in writing of such determination and the reasons for such determination; and

(viii) not have the authority to require a State, as a condition of approval of the State plan, to include in, or delete from, such plan 1 or more specific elements of the State's academic content standards or to use specific academic assessment instruments or items.

(B) STATE REVISIONS.—A State plan shall be revised by the State educational agency if necessary to satisfy the requirements of this section.

(c) PARENT AND FAMILY ENGAGEMENT.—Each State plan shall include a description of how the State will strengthen engagement of the parents and families in education (referred to in this subsection as the "parent and family engagement plan") in accordance with the following:

(1) STATEWIDE PARENT AND FAMILY ENGAGEMENT STRATEGY.—The parent and family engagement plan shall demonstrate how the State plans to increase and enhance the engagement of parents and family members in education throughout the State, through the implementation and replication of evidence-based or promising practices and strategies, in order to—

(A) increase student academic achievement and college and career readiness (as measured by the State academic content and student academic achievement standards);

(B) provide parents and family members with the skills and opportunities necessary to become full partners in their child's education;

(C) improve child development;

(D) strengthen relationships and partnerships among school personnel (including educators and administrators) and parents and family members, to support student achievement and college and career readiness;

(E) improve the ability of local educational agencies and schools to increase the participation of parents and family members in school improvement strategies; and

(F) focus the activities described in subparagraphs (A) through (E) in high-need local educational agencies and high-need schools.

(2) COORDINATION; COLLECTION; DISSEMINATION.—The parent and family engagement plan shall describe how the State will—

(A) ensure maximum coordination and minimum duplication of efforts (which may include the designation of a parent and family engagement coordinator) among, at a minimum—

(i) Federal, State, and local programs;

(ii) the State Advisory Councils on Early Childhood Education and Care;

(iii) the parent and family information and resource centers established under part G of title IV; and

(iv) appropriate non-Federal entities (such as community-based and philanthropic organizations); and

(B) collect and disseminate best practices and research on parent and family engagement strategies to—

(i) local educational agencies, including high-need local educational agencies, and high-need schools in the State, such as through parent and family engagement academies and other leadership development strategies; and

(ii) institutions of higher education and other organizations with a demonstrated record of success in increasing the engagement of parents and family members in education.

(3) TECHNICAL ASSISTANCE, TRAINING, AND CAPACITY-BUILDING.—The State parent and family engagement plan shall describe the evidence-based technical assistance, professional development, or other capacity-building strategies that the State will provide to, at a minimum, high-need local educational agencies and high-need schools, which—

(A) shall include the provision of technical assistance to local educational agencies that serve schools identified under subsection (b) or (c)(2) of section 1116;

(B) shall include partnering with the appropriate parent and family information and resource centers; and

(C) may include assistance in developing, revising, or implementing the local educational agency plans submitted

pursuant to section 1112, as such plans relate to supporting parent and family engagement.

(4) LEVERAGING RESOURCES.—Each State plan may include a description of how the State will leverage resources of employers, business leaders, philanthropic and non-profit organizations, and other community members committed to improving student achievement and development to increase and strengthen parent and family engagement.

(d) ANNUAL STATE REPORT CARDS.—

(1) IN GENERAL.—A State that receives a grant under this part shall prepare and disseminate an annual report card for each public elementary school and secondary school in the State, each local educational agency in the State, and the State as a whole.

(2) REQUIREMENTS FOR ALL REPORT CARDS.—The State shall ensure that the school, local educational agency, and State report cards required under this subsection shall—

(A) be uniform across the State;

(B) be concise;

(C) be presented in a format that is easily understandable and, to the extent practicable, provided in a language that parents can understand; and

(D) be accessible to the public, which shall include—

(i) making the State report card and all local educational agency and school report cards available on a single webpage of the State's website;

(ii) placing, on the website of each local educational agency and, where applicable, each school, a link that provides access to the report card for the local educational agency or school, respectively; and

(iii) providing a copy of a school's report card to the parents of each student enrolled in the school each year.

(3) REQUIRED STUDENT INFORMATION FOR SCHOOL REPORT CARDS.—Each school report card required under paragraph (1) shall include the following:

(A) A clear and concise description of the State's accountability system under subsection (a)(3), including a description of the criteria by which the State evaluates school performance, and the criteria that the State has established to determine the status of schools.

(B) Information on each of the following, in the aggregate and disaggregated and cross-tabulated by the subgroups described in subsection (a)(2)(B)(ix) (except that such disaggregation and cross-tabulation shall not be required in a case in which the results would reveal personally identifiable information about an individual student):

(i) Student achievement at each performance level on the State academic assessments that are included in the State's accountability system under subsection (a)(3).

(ii) The percentage of students who do not take the State academic assessments.

(iii) The most recent 3-year trend in student achievement in each subject area, and for each grade level, for such assessments.

(iv) A comparison of the school's student academic assessment data to the State average for each tested subject.

(v) In the case of a school in a State described in subsection (b)(1)(B)—

(I) the number and percentage of students who are attaining growth, in accordance with clauses (i) and (ii) of such subsection, for each subject area and grade level; and

(II) the most recent 3-year trend in student growth in each subject area, and for each grade level, for the State academic assessments.

(vi) The number and percentage of students with the most significant cognitive disabilities that take an alternate assessment under subsection (a)(2)(E), by grade and subject.

(vii) The number of students who are English learners, and the performance of such students, on the State's English language proficiency assessments under subsection (a)(2)(D), including the students' attainment of, and progress toward, higher levels of English language proficiency.

(viii) For each high school—

(I) student graduation rates, including—

(aa) the 4-year adjusted cohort graduation rate, as defined in section 9101(30)(A); and

(bb) the cumulative graduation rate, as defined in section 9101(30)(B); and

(II) not later than the beginning of the 2012–2013 school year, the rate at which students who graduated from the high school in the preceding year enrolled in institutions of higher education by the beginning of the next school year; and

(III) not later than the beginning of the 2013–2014 school year, the rate of student remediation, in the aggregate, for high school graduates who enroll in public institutions of higher education in the State or in other institutions of higher education (to the extent obtaining the data regarding remediation from other institutions is practicable).

(C) The school's categorization, if applicable, in the State school accountability and improvement system under section 1116.

(D) The most recently available academic achievement results in grades 4 and 8 of the State's students on the National Assessment of Educational Progress in reading and mathematics, including the percentage of students at each achievement level in the aggregate and by the groups described in section 303(b)(2)(G) of the National Assessment of Educational Progress Authorization Act (20 U.S.C. 9622(b)(2)(G)).

(4) OPTIONAL INFORMATION.—A State may include in each school report card such other information as the State believes will best provide parents, students, and other members of the public with information regarding the progress of each of the State's public elementary and secondary schools. Such information may include—

(A) the percentage of students passing examinations related to coursework acceptable for postsecondary credit at institutions of higher education, such as Advanced Placement or International Baccalaureate examinations;

(B) the average class size, by grade;

(C) the incidence of school violence, bullying, drug abuse, alcohol abuse, student suspensions, student detentions, and student expulsions;

(D) indicators of school climate;

(E) student attendance; and

(F) school readiness of students in kindergarten.

(5) LOCAL EDUCATIONAL AGENCY AND STATE REPORT CARDS.—Each local educational agency report card and State report card required under paragraph (1)—

(A) shall include the data described in clauses (i) through (viii) of paragraph (3)(B) for the local educational agency or State, respectively, as a whole and disaggregated by the subgroups described in subsection (a)(2)(B)(ix);

(B) may include any optional information described in paragraph (4) for the local educational agency or State, respectively; and

(C) in the case of a State report card, shall include the data described in paragraph (3)(B)(viii) disaggregated by status as a child in foster care, except that such disaggregation shall not be required in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student.

(6) DATA.—A State shall only include in a school report card or local educational agency report card, data that do not reveal personally identifiable information about an individual student.

(7) PREEXISTING REPORT CARDS.—A State educational agency or local educational agency that was providing public report cards on the performance of students, schools, local educational agencies, or the State prior to the date of enactment of the Elementary and Secondary Education Reauthorization Act of 2011, may use those report cards for the purpose of this subsection as long as any such report card is modified, as may be needed, to contain the information required by this subsection.

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

(9) CROSS-TABULATED DATA NOT USED FOR ACCOUNTABILITY.—Groups of students obtained by cross-tabulating data under this subsection shall not be considered to be subgroups under section 1116. Such cross-tabulated data shall not be used to determine whether a school is identified under subsection (b) or (c) of section 1116 or is a low-performing school under section 1116(e).

(e) REPORTING.—

(1) ANNUAL STATE REPORT.—Each State educational agency that receives assistance under this part shall report annually to the Secretary, and make widely available within the State—

(A) information on the State's progress in developing and implementing the academic assessments described in subsection (a)(2);

(B) information on the achievement of students, in terms of being on track to college and career readiness and, for States described in subsection (b)(1)(B), in terms of attaining growth in accordance with clauses (i) and (ii) of such subsection, on such academic assessments, including results disaggregated (except in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student) by the subgroups described in subsection (a)(2)(B)(ix) and by status as a child in foster care;

(C) in any year before the State begins to provide the information described in subparagraph (B), information on the results of student academic assessments (including results disaggregated by the subgroups described in subsection (a)(2)(B)(ix)) required under this section;

(D) information on the acquisition of English language proficiency by students who are English learners;

(E) the number of schools, and the name of each school, identified under section 1116(c)(2); and

(F) the number of schools, and the name of each school, identified under section 1117.

(2) SECRETARY'S REPORT CARD AND BIENNIAL EVALUATION REPORT.—

(A) SECRETARY'S REPORT CARD.—Not later than July 1, 2013, and annually thereafter, the Secretary shall prepare and submit to the authorizing committees a national report card on the status of elementary and secondary education in the United States. Such report shall—

(i) analyze existing data from State reports required under this Act, the Individuals with Disabilities Education Act, and the Carl D. Perkins Career and Technical Education Act of 2006, and summarize major findings from such reports;

(ii) analyze data from the National Assessment of Educational Progress and international assessments, including the Third International Mathematics and Science Survey;

(iii) identify trends in student achievement, student performance, and high school graduation rates, by

analyzing and reporting on the status and performance of subgroups of students, including subgroups based on race, ethnicity, and socioeconomic status and the subgroups of children with disabilities and English learners;

(iv) compare the performance of students, including the subgroups described in clause (iii), across States and local educational agencies across the United States;

(v) identify and report on promising practices, areas of greatest improvement in student achievement and educational attainment, and other examples worthy of national attention;

(vi) identify and report on areas of educational concern that warrant national attention; and

(vii)(I) analyze existing data, as of the time of the report, on Federal, State, and local expenditures on education, including per pupil spending, teacher salaries and pension obligations, school level spending, and other financial data publicly available; and

(II) report on current trends and major findings resulting from the analysis.

(B) SPECIAL RULE.—The information used to prepare the report described in subparagraph (A) shall be derived from existing State and local reporting requirements and data sources. Nothing in this paragraph shall be construed as authorizing, requiring, or allowing any additional reporting requirements, data elements, or information to be reported to the Secretary not otherwise explicitly authorized by any other Federal law.

(C) BIENNIAL REPORT.—The Secretary shall transmit biennially to the authorizing committees a report that provides national and State-level data on the information collected under paragraph (1).

(f) PENALTIES.—If a State that receives a grant under this part fails to meet any requirement of this part, the Secretary may withhold funds for State administration under this part until the Secretary determines that the State has fulfilled those requirements.

(g) PARENTS' RIGHT-TO-KNOW.—

(1) QUALIFICATIONS.—At the beginning of each school year, a local educational agency that receives funds under this part shall notify the parents of each student attending any school receiving funds under this part that the parents may request, and the agency will provide the parents on request (and in a timely manner), information regarding the professional qualifications of the student's classroom teachers, including, at a minimum, the following:

(A) Whether the teacher has met State qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction.

(B) Whether the teacher is teaching under emergency or other provisional status through which State qualification or licensing criteria have been waived.

(C) The baccalaureate degree major of the teacher and any other graduate certification or degree held by the teacher, and the field of discipline of the certification or degree.

(D) Whether the student is provided services by paraprofessionals and, if so, their qualifications.

(2) ADDITIONAL INFORMATION.—In addition to the information that parents of students may request under paragraph (1), a school that receives funds under this part shall provide to each individual parent, with respect to the student—

(A) information on the level of achievement of the student in each of the State academic assessments as required under this part; and

(B) timely notice that the student has been assigned, or has been taught for 4 or more consecutive weeks by, a teacher who is not a highly qualified teacher.

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

(h) PRIVACY.—Information collected under this section shall be collected and disseminated in a manner that protects the privacy of individuals.

(i) TECHNICAL ASSISTANCE.—The Secretary shall provide a State educational agency, at the State educational agency's request, technical assistance in meeting the requirements of this section, including the provision of advice by experts in the development of high-quality academic assessments, the setting of State standards, the development of State accountability systems, the minimum number of students in a subgroup needed to protect confidentiality, and other relevant areas.

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

(k) SPECIAL RULE WITH RESPECT TO BUREAU-FUNDED SCHOOLS.—In determining the assessments to be used by each school operated or funded by the Bureau of Indian Education of the Department of Interior that receives funds under this part, the following shall apply:

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

(2) REGIONALLY ACCREDITED SCHOOLS.—Each such school that is accredited by a regional accrediting organization shall adopt appropriate assessments, in consultation with and with the approval of, the Secretary of the Interior and consistent with assessments adopted by other schools in the same State or region, that meets the requirements of this section.

(3) TRIBALLY ACCREDITED SCHOOLS.—Each such school that is accredited by a tribal accrediting agency or tribal division of education shall use assessments developed by such agency or di-

vision, except that the Secretary of the Interior shall ensure that such assessments meet the requirements of this section.

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[SEC. 1112. [20 U.S.C. 6312] LOCAL EDUCATIONAL AGENCY PLANS.]

[(a) PLANS REQUIRED.—

[(1) SUBGRANTS.—A local educational agency may receive a subgrant under this part for any fiscal year only if such agency has on file with the State educational agency a plan, approved by the State educational agency, that is coordinated with other programs under this Act, the Individuals with Disabilities Education Act, the Carl D. Perkins Career and Technical Education Act of 2006, the McKinney-Vento Homeless Assistance Act, and other Acts, as appropriate.

[(2) CONSOLIDATED APPLICATION.—The plan may be submitted as part of a consolidated application under section 9305.

[(b) PLAN PROVISIONS.—

[(1) IN GENERAL.—In order to help low-achieving children meet challenging achievement academic standards, each local educational agency plan shall include—

[(A) a description of high-quality student academic assessments, if any, that are in addition to the academic assessments described in the State plan under section 1111(b)(3), that the local educational agency and schools served under this part will use—

[(i) to determine the success of children served under this part in meeting the State student academic achievement standards, and to provide information to teachers, parents, and students on the progress being made toward meeting the State student academic achievement standards described in section 1111(b)(1)(D)(ii);

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

[(iii) to determine what revisions are needed to projects under this part so that such children meet the State student academic achievement standards; and

[(iv) to identify effectively students who may be at risk for reading failure or who are having difficulty reading, through the use of screening, diagnostic, and classroom-based instructional reading assessments, as defined under section 1208;

[(B) at the local educational agency's discretion, a description of any other indicators that will be used in addition to the academic indicators described in section 1111 for the uses described in such section;

[(C) a description of how the local educational agency will provide additional educational assistance to individual students assessed as needing help in meeting the State's challenging student academic achievement standards;

[(D) a description of the strategy the local educational agency will use to coordinate programs under this part with programs under title II to provide professional development for teachers and principals, and, if appropriate, pupil services personnel, administrators, parents and other staff, including local educational agency level staff in accordance with sections 1118 and 1119;

[(E) a description of how the local educational agency will coordinate and integrate services provided under this part with other educational services at the local educational agency or individual school level, such as—

[(i) Even Start, Head Start, Reading First, Early Reading First, and other preschool programs, including plans for the transition of participants in such programs to local elementary school programs; and

[(ii) services for children with limited English proficiency, children with disabilities, migratory children, neglected or delinquent youth, Indian children served under part A of title VII, homeless children, and immigrant children in order to increase program effectiveness, eliminate duplication, and reduce fragmentation of the instructional program;

[(F) an assurance that the local educational agency will participate, if selected, in the State National Assessment of Educational Progress in 4th and 8th grade reading and mathematics carried out under section 303(b)(2) of the National Assessment of Educational Progress Authorization Act;

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

[(H) a description of how teachers, in consultation with parents, administrators, and pupil services personnel, in targeted assistance schools under section 1115, will identify the eligible children most in need of services under this part;

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

[(J) a description of how the local educational agency will ensure that migratory children and formerly migratory children who are eligible to receive services under this part are selected to receive such services on the same basis as other children who are selected to receive services under this part;

[(K) if appropriate, a description of how the local educational agency will use funds under this part to support preschool programs for children, particularly children participating in Early Reading First, or in a Head Start or Even Start program, which services may be provided directly by the local educational agency or through a sub-

contract with the local Head Start agency designated by the Secretary of Health and Human Services under section 641 of the Head Start Act, or an agency operating an Even Start program, an Early Reading First program, or another comparable public early childhood development program;

[(L) a description of the actions the local educational agency will take to assist its low-achieving schools identified under section 1116 as in need of improvement;

[(M) a description of the actions the local educational agency will take to implement public school choice and supplemental services, consistent with the requirements of section 1116;

[(N) a description of how the local educational agency will meet the requirements of section 1119;

[(O) a description of the services the local educational agency will provide homeless children, including services provided with funds reserved under section 1113(c)(3)(A);

[(P) a description of the strategy the local educational agency will use to implement effective parental involvement under section 1118; and

[(Q) where appropriate, a description of how the local educational agency will use funds under this part to support after school (including before school and summer school) and school-year extension programs.

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

[(A) in lieu of the academic assessments required under section 1111(b)(3) and other State academic indicators under section 1111(b)(2); or

[(B) to reduce the number of, or change which, schools would otherwise be subject to school improvement, corrective action, or restructuring under section 1116, if such additional assessments or indicators described in such subparagraphs were not used, but such assessments and indicators may be used to identify additional schools for school improvement or in need of corrective action or restructuring.

[(c) ASSURANCES.—

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

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

[(B) provide technical assistance and support to schoolwide programs;

[(C) work in consultation with schools as the schools develop the schools' plans pursuant to section 1114 and assist schools as the schools implement such plans or undertake activities pursuant to section 1115 so that each school can make adequate yearly progress toward meeting the State student academic achievement standards;

[(D) fulfill such agency's school improvement responsibilities under section 1116, including taking actions under paragraphs (7) and (8) of section 1116(b);

[(E) provide services to eligible children attending private elementary schools and secondary schools in accordance with section 1120, and timely and meaningful consultation with private school officials regarding such services;

[(F) take into account the experience of model programs for the educationally disadvantaged, and the findings of relevant scientifically based research indicating that services may be most effective if focused on students in the earliest grades at schools that receive funds under this part;

[(G) in the case of a local educational agency that chooses to use funds under this part to provide early childhood development services to low-income children below the age of compulsory school attendance, ensure that such services comply with the education performance standards in effect under section 641A(a)(1)(B) of the Head Start Act;

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

[(I) comply with the requirements of section 1119 regarding the qualifications of teachers and paraprofessionals and professional development;

[(J) inform eligible schools of the local educational agency's authority to obtain waivers on the school's behalf under title IX and, if the State is an Ed-Flex Partnership State, to obtain waivers under the Education Flexibility Partnership Act of 1999;

[(K) coordinate and collaborate, to the extent feasible and necessary as determined by the local educational agency, with the State educational agency and other agencies providing services to children, youth, and families with respect to a school in school improvement, corrective action, or restructuring under section 1116 if such a school requests assistance from the local educational agency in addressing major factors that have significantly affected student achievement at the school;

[(L) ensure, through incentives for voluntary transfers, the provision of professional development, recruitment programs, or other effective strategies, that low-income students and minority students are not taught at higher rates than other students by unqualified, out-of-field, or inexperienced teachers;

[(M) use the results of the student academic assessments required under section 1111(b)(3), and other measures or indicators available to the agency, to review annually the progress of each school served by the agency and receiving funds under this part to determine whether all of the schools are making the progress necessary to ensure that all students will meet the State's proficient level of achievement on the State academic assessments described

in section 1111(b)(3) within 12 years from the end of the 2001–2002 school year;

[(N) ensure that the results from the academic assessments required under section 1111(b)(3) will be provided to parents and teachers as soon as is practicably possible after the test is taken, in an understandable and uniform format and, to the extent practicable, provided in a language that the parents can understand; and

[(O) assist each school served by the agency and assisted under this part in developing or identifying examples of high-quality, effective curricula consistent with section 1111(b)(8)(D).

[(2) SPECIAL RULE.—In carrying out subparagraph (G) of paragraph (1), the Secretary—

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

[(B) shall disseminate to local educational agencies the education performance standards in effect under section 641A(a)(1)(B) of the Head Start Act, and such agencies affected by such subparagraph shall plan for the implementation of such subparagraph (taking into consideration existing State and local laws, and local teacher contracts), including pursuing the availability of other Federal, State, and local funding sources to assist in compliance with such subparagraph.

[(3) INAPPLICABILITY.—Paragraph (1)(G) of this subsection shall not apply to preschool programs using the Even Start model or to Even Start programs that are expanded through the use of funds under this part.

[(d) PLAN DEVELOPMENT AND DURATION.—

[(1) CONSULTATION.—Each local educational agency plan shall be developed in consultation with teachers, principals, administrators (including administrators of programs described in other parts of this title), and other appropriate school personnel, and with parents of children in schools served under this part.

[(2) DURATION.—Each such plan shall be submitted for the first year for which this part is in effect following the date of enactment of the No Child Left Behind Act of 2001 and shall remain in effect for the duration of the agency's participation under this part.

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

[(e) STATE APPROVAL.—

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

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

[(A) enables schools served under this part to substantially help children served under this part meet the academic standards expected of all children described in section 1111(b)(1); and

[(B) meets the requirements of this section.

[(3) REVIEW.—The State educational agency shall review the local educational agency's plan to determine if such agencies activities are in accordance with sections 1118 and 1119.

[(f) PROGRAM RESPONSIBILITY.—The local educational agency plan shall reflect the shared responsibility of schools, teachers, and the local educational agency in making decisions regarding activities under sections 1114 and 1115.

[(g) PARENTAL NOTIFICATION.—

[(1) IN GENERAL.—

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

[(i) the reasons for the identification of their child as limited English proficient and in need of placement in a language instruction educational program;

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

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

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

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

[(vi) the specific exit requirements for the program, including the expected rate of transition from such program into classrooms that are not tailored for limited English proficient children, and the expected rate of graduation from secondary school for such program if funds under this part are used for children in secondary schools;

[(vii) in the case of a child with a disability, how such program meets the objectives of the individualized education program of the child;

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

[(I) detailing—

[(aa) the right that parents have to have their child immediately removed from such program upon their request; and

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

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

[(B) SEPARATE NOTIFICATION.—In addition to providing the information required to be provided under paragraph (1), each eligible entity that is using funds provided under this part to provide a language instruction educational program, and that has failed to make progress on the annual measurable achievement objectives described in section 3122 for any fiscal year for which part A is in effect, shall separately inform a parent or the parents of a child identified for participation in such program, or participating in such program, of such failure not later than 30 days after such failure occurs.

[(2) NOTICE.—The notice and information provided in paragraph (1) to a parent or parents of a child identified for participation in a language instruction educational program for limited English proficient children shall be in an understandable and uniform format and, to the extent practicable, provided in a language that the parents can understand.

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

[(4) PARENTAL PARTICIPATION.—Each local educational agency receiving funds under this part shall implement an effective means of outreach to parents of limited English proficient students to inform the parents regarding how the parents can be involved in the education of their children, and be active participants in assisting their children to attain English proficiency, achieve at high levels in core academic subjects, and meet challenging State academic achievement standards and State academic content standards expected of all students, including holding, and sending notice of opportunities for, regular meetings for the purpose of formulating and responding to recommendations from parents of students assisted under this part.

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

SEC. 1112. LOCAL EDUCATIONAL AGENCY PLANS.

(a) PLANS REQUIRED.—

(1) SUBGRANTS.—A local educational agency may receive a subgrant under this part for any fiscal year only if such agency has on file with the State educational agency a plan, approved by the State educational agency, that is coordinated with other programs under this Act, the Individuals with Disabilities Education Act, the Carl D. Perkins Career and Technical Education Act of 2006, the McKinney-Vento Homeless Assistance Act, and other Acts, as appropriate.

(2) CONSOLIDATED APPLICATION.—The plan may be submitted as part of a consolidated application under section 9305.

(b) PLAN DEVELOPMENT AND DURATION.—

(1) CONSULTATION.—Each local educational agency plan shall be developed in consultation with—

(A) teachers, principals, administrators, and other appropriate school personnel;

(B) representatives of early childhood education and care programs in the geographic area served by the local educational agency, as appropriate; and

(C) parents and family members of children in schools served under this part.

(2) DURATION.—Each local educational agency plan shall be submitted pursuant to this section for the first year for which this part is in effect following the date of enactment of the Elementary and Secondary Education Reauthorization Act of 2011 and shall remain in effect for the duration of the agency's participation under this part.

(3) REVIEW.—Each local educational agency shall periodically review and, as necessary, revise its plan to reflect changes in the local educational agency's strategies and programs under this part.

(c) STATE APPROVAL.—

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

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

(A) enables schools served under this part to substantially help children served under this part meet the academic content and student academic achievement standards expected of all children described in section 1111(a)(1); and

(B) meets the requirements of this part.

(d) PLAN PROVISIONS.—In order to help low-achieving children meet college and career ready student academic achievement standards, and to close the achievement gap between high- and low-achieving children, especially achievement gaps between minority and nonminority students, and between disadvantaged children and their more advantaged peers, each local educational agency plan shall describe each of the following:

(1) How the local educational agency will work with each of the schools served by the agency to—

(A) develop and implement a comprehensive program of instruction to meet the academic needs of all students;

(B) identify quickly and effectively students who may be at risk for academic failure;

(C) provide additional educational assistance to individual students assessed as needing help in meeting the State's college and career ready student academic achievement standards;

(D) identify significant gaps in student achievement among subgroups of students identified under section 1111(a)(2)(B)(ix) and develop strategies to reduce such gaps in achievement; and

(E) identify and implement effective methods and instructional strategies that are based on scientifically valid research intended to strengthen the core academic programs of the schools, including multi-tiered systems of support, universal design for learning, and positive behavioral interventions and supports.

(2) How the local educational agency will monitor and evaluate the effectiveness of school programs in improving student academic achievement, especially for students not meeting college and career ready student academic achievement standards.

(3) The strategy the local educational agency will use to implement effective parent and family engagement under section 1118.

(4) How the local educational agency will coordinate and integrate services provided under this part with other early childhood education and care programs at the local educational agency or individual school level (including programs under section 619 of the Individuals with Disabilities Education Act) that include plans for the transition of participants in such programs to local elementary school programs and, if appropriate, a description of how the local educational agency will use funds under this part to support preschool programs for children, particularly children participating in a Head Start program, which may be provided directly by the local educational agency or through a subcontract with the Head Start agency designated by the Secretary of Health and Human Services under section 641 of the Head Start Act, or another comparable public early childhood education and care program.

(5) How activities under this part will be coordinated and integrated with Federal, State, and local services and programs, including programs supported under this Act, the Carl D. Perkins Career and Technical Education Act of 2006, the Individuals with Disabilities Education Act, the Rehabilitation Act of 1973, the Head Start Act, the Child Care and Development Block Grant Act of 1990, the Workforce Investment Act of 1998, violence prevention programs, nutrition programs, and housing programs.

(6) How the local educational agency will coordinate and integrate services provided under this part with local workforce development programs that serve disadvantaged or out-of-school youth, such as those providing workforce investment activities under chapter 4 of subtitle B of title I of the Workforce Investment Act of 1998, including a description of how the local

educational agency will use funds under this part to support such activities.

(7) The poverty criteria that will be used to select school attendance areas under section 1113.

(8) How teachers, in consultation with parents and family members, administrators, and specialized instructional support personnel, in targeted assistance schools under section 1115, will identify the eligible children most in need of services under this part.

(9) How the local educational agency will identify and address any disparities in the equitable distribution of teachers, consistent with the requirements of section 1111(b)(1)(L).

(10) Data on the percentage and distribution of more than 1, or an index that incorporates more than 1, of the categories of teachers described in subparagraphs (A) through (E) of subsection (e)(10).

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

(12) A description of—

(A) how the local educational agency will provide opportunities for the enrollment, attendance, and success of homeless children and youths; and

(B) the services the local educational agency will provide homeless children and youths, including services provided with funds reserved under section 1113(c)(3), and how those services may differ from those provided in prior years.

(13) A description of the support the local educational agency will provide for homeless children and youths, consistent with the requirements of the McKinney-Vento Homeless Assistance Act.

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

(1) use the results of the academic assessments required under section 1111(a)(2), and other measures or indicators available to the agency, to review annually the progress of each school served by the agency and receiving funds under this part to determine whether all of the schools are making the progress necessary to ensure that all students will meet the State's on-track or advanced level of achievement on the State academic assessments described in section 1111(a)(2);

(2) provide to parents and teachers the results from the academic assessments required under section 1111(a)(2) as soon as is practicably possible after the test is taken in an understandable and uniform format and, to the extent possible, provided in a language that the parents and, to the greatest extent practicable, family members, can understand;

(3) participate, if selected, in State academic assessments of student achievement in reading and mathematics in grades 4 and 8 carried out under section 303(b)(3) of the National Assessment of Educational Progress Authorization Act;

(4) fulfill such agency's school improvement responsibilities under section 1116;

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

(6) provide services to eligible children attending private elementary schools and secondary schools in accordance with section 1120, and timely and meaningful consultation with private school officials regarding such services;

(7) inform eligible schools of the local educational agency's authority to obtain waivers on the school's behalf under applicable Federal flexibility provisions;

(8) in the case of a local educational agency that chooses to use funds under this part to provide early childhood education and care services to low-income children below the age of compulsory school attendance, ensure that such services comply with the education performance standards in effect under section 641A(a)(1)(B) of the Head Start Act;

(9) comply with the requirements of section 1501 that relate to the local educational agency and describe the local educational agency's plan to ensure such compliance; and

(10) annually submit to the State educational agency, for each quartile of schools in the local educational agency based on school poverty level and for high-minority schools and low-minority schools in the local educational agency, data regarding the percentage and distribution of the following categories of teachers:

(A) Teachers who are not classified as highly qualified teachers.

(B) Teachers who are inexperienced.

(C) Teachers who have not completed a teacher preparation program.

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

(E) Where applicable, teachers who are in the highest or lowest categories of a teacher evaluation system that is consistent with section 2301(b)(4).

(f) PARENTAL NOTIFICATION REGARDING LANGUAGE INSTRUCTION PROGRAMS.—

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

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

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

(C) the methods of instruction used in the program in which their child is, or will be, participating, and

the methods of instruction used in other available programs, including how such programs differ in content, instructional goals, and the use of English and a native language in instruction;

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

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

(F) the specific exit requirements for the program, including the expected rate of transition from such program into classrooms that are not tailored for English learner children, and the expected rate of graduation from secondary school for such program if funds under this part are used for children in secondary schools;

(G) in the case of a child with a disability, how such program meets the objectives of the individualized education program of the child; and

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

(i) detailing—

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

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

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

(2) NOTICE.—The notice and information provided in paragraph (1) to a parent or parents of a child identified for participation in a language instruction educational program for English learners shall be in an understandable and uniform format and, to the extent practicable, provided in a language that the parents can understand.

(3) SPECIAL RULE APPLICABLE DURING THE SCHOOL YEAR.—For those children who have not been identified as English learners prior to the beginning of the school year and who are subsequently so identified, the local educational agency shall notify the parents of such children within the first 2 weeks of the child being placed in a language instruction educational program consistent with paragraphs (1) and (2).

(4) PARENTAL PARTICIPATION.—Each local educational agency receiving funds under this part shall implement an effective means of outreach to parents and, to the extent practicable, family members, of English learner students to inform the parents and family members regarding how the parents and family members can be involved in the education of their children, and be active participants in assisting their children to attain

English proficiency, achieve at high levels in core academic subjects, and meet college and career ready State student academic achievement standards and State academic content standards expected of all students, including holding, and sending notice of opportunities for, regular meetings for the purpose of formulating and responding to recommendations from parents and family members of students assisted under this part.

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

* * * * * * *

SEC. 1113. ELIGIBLE SCHOOL ATTENDANCE AREAS.

(a) DETERMINATION.—

(1) IN GENERAL.—* * *

* * * * * * *

[(3) RANKING ORDER.—If funds allocated in accordance with subsection (c) are insufficient to serve all eligible school attendance areas, a local educational agency shall—

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

[(B) serve such eligible school attendance areas in rank order.]

(3) RANKING ORDER.—

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

(i) annually rank, without regard to grade spans, such agency's eligible school attendance areas in which the concentration of children from low-income families exceeds 75 percent, or exceeds 50 percent in the case of the high schools served by such agency, from highest to lowest according to the percentage of children from low-income families; and

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

(B) APPLICABILITY.—A local educational agency shall not be required to reduce, in order to comply with subparagraph (A), the amount of funding provided under this part to elementary schools and middle schools from the amount of funding provided under this part to such schools for the fiscal year preceding the data of enactment of the Elementary and Secondary Education Reauthorization Act of 2011 in order to provide funding under this part to high schools pursuant to subparagraph (A).

(4) REMAINING FUNDS.—* * *

[(5) MEASURES.—The local educational agency shall use the same measure of poverty, which measure shall be the number of children ages 5 through 17 in poverty counted in the most

recent census data approved by the Secretary, the number of children eligible for free and reduced priced lunches under the Richard B. Russell National School Lunch Act, the number of children in families receiving assistance under the State program funded under part A of title IV of the Social Security Act, or the number of children eligible to receive medical assistance under the Medicaid program, or a composite of such indicators, with respect to all school attendance areas in the local educational agency—

[(A) to identify eligible school attendance areas;

[(B) to determine the ranking of each area; and

[(C) to determine allocations under subsection (c).]

(5) MEASURES.—

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

(i) to identify eligible school attendance areas;

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

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

(B) LOW-INCOME FAMILIES IN SECONDARY SCHOOLS.—For measuring the number of students in low-income families in secondary schools, the local educational agency shall use the same measure of poverty, which shall be the calculation producing the greater of the results from among the following 2 calculations:

(i) The calculation described under subparagraph (A).

(ii) A feeder pattern described in subparagraph (C).

(C) FEEDER PATTERN.—In this part, the term "feeder pattern" means an accurate estimate of the number of students in low-income families in a secondary school that is calculated by applying the average percentage of students in low-income families of the elementary school attendance areas as calculated under subparagraph (A) that feed into the secondary school to the number of students enrolled in such school.

(6) EXCEPTION.—* * *

* * * * * * *

(8) RESERVATION FOR EARLY CHILDHOOD EDUCATION AND CARE.—A local educational agency may reserve funds made available to carry out this section for early childhood education and care in eligible school attendance areas before making allocations to high schools in eligible school attendance areas pursuant to this section.

(c) ALLOCATIONS.—

(1) IN GENERAL.—* * *

* * * * * * *

[(3) RESERVATION.—A local educational agency shall reserve such funds as are necessary under this part to provide services comparable to those provided to children in schools funded under this part to serve—

[(A) homeless children who do not attend participating schools, including providing educationally related support services to children in shelters and other locations where children may live;

[(B) children in local institutions for neglected children; and

[(C) if appropriate, children in local institutions for delinquent children, and neglected or delinquent children in community day school programs.]

(3) RESERVATION FOR HOMELESS CHILDREN AND YOUTH AND OTHER AT-RISK CHILDREN.—

(A) FUNDS FOR HOMELESS CHILDREN AND YOUTH AND OTHER AT-RISK CHILDREN.—A local educational agency shall reserve such funds as are necessary under this part to serve—

(i) homeless children who do not attend participating schools, including providing educationally related support services to children in shelters and other locations where children may live;

(ii) children in local institutions for neglected children;

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

(iv) children in foster care (as defined in section 1502), including providing points of contact (as described in section 1501(d)) in local educational agencies for child welfare agencies and children in foster care.

(B) RESERVATION OF FUNDS.—Notwithstanding the requirements of subsections (b) and (c) of section 1120A, funds reserved under subparagraph (A) may be used to provide homeless children and youths with services not ordinarily provided to other students under this part, including—

(i) providing funding for the liaison designated pursuant to section 722(g)(1)(J)(ii) of the McKinney-Vento Homeless Assistance Act;

(ii) providing transportation pursuant to section 722(g)(1)(J)(iii) of such Act;

(iii) providing services to preschool-aged homeless children and homeless secondary school students;

(iv) providing support services to homeless children and youths in shelters and other locations where they may live; and

(v) removing barriers to homeless children and youths' enrollment, attendance, retention, and success in school.

(C) AMOUNT RESERVED.—The amount of funds reserved in accordance with subparagraph (A)(i) shall be determined by an assessment of the needs of homeless children and youths in the local educational agency. Such needs assessment shall include the following:

(i) Information related to child, youth, and family homelessness in the local educational agency obtained through the coordination and collaboration required under subsections (f)(4) and (g)(5) of section 722 of the McKinney-Vento Homeless Assistance Act.

(ii) The number of homeless children and youths reported by the local educational agency to the State educational agency under section 722(f)(3) of the McKinney-Vento Homeless Assistance Act for the previous school year.

(4) FINANCIAL INCENTIVES AND REWARDS RESERVATION.—A local educational agency may reserve such funds as are necessary from those funds received by the local educational agency under title II, and not more than 5 percent of those funds received by the local educational agency under subpart 2, to provide financial incentives and rewards to teachers who serve in schools [eligible under this section and identified for school improvement, corrective action, and restructuring under section 1116(b)]*identified under section 1116(c)(2)* for the purpose of attracting and retaining qualified and effective teachers.

* * * * * * *

SEC. 1114. SCHOOLWIDE PROGRAMS.

(a) USE OF FUNDS FOR SCHOOLWIDE PROGRAMS.—

(1) IN GENERAL.—A local educational agency may consolidate and use funds under this part, together with other Federal, State, and local funds, in order to upgrade the entire educational program of a school that serves an eligible school attendance area in which not less than 40 percent of the children are from low-income families, or not less than 40 percent of the children enrolled in the school are from such families. *Funds under this part may be used to support activities that address needs identified through the comprehensive needs assessment under subsection (b)(1)(A) and consistent with the schoolwide program.*

(2) IDENTIFICATION OF STUDENTS NOT REQUIRED.—

(A) IN GENERAL.—* * *

* * * * * * *

(ii) to [provide services to such children that are supplementary, as otherwise required by section 1120A(b).]*identify particular services as supplemental.*

[(B) SUPPLEMENTAL FUNDS.—A school participating in a schoolwide program shall use funds available to carry out this section only to supplement the amount of funds that would, in the absence of funds under this part, be made available from non-Federal sources for the school, includ-

ing funds needed to provide services that are required by law for children with disabilities and children with limited English proficiency.]

(B) SUPPLEMENTAL FUNDS.—

(i) IN GENERAL.—A local educational agency serving a school participating in a schoolwide program shall use funds available to carry out this section only to supplement the aggregate amount of funds that would, in the absence of funds under this part, be made available from State and local sources for the school, including funds needed to provide services that are required by law for children with disabilities and children who are English learners.

(ii) COMPLIANCE.—To demonstrate compliance with clause (i), a local educational agency shall demonstrate that the methodology it uses to allocate State and local funds to each school receiving funds under this part ensures the school receives all of the State and local funds the school would otherwise receive if it were not receiving funds under this part.

(iii) NONAPPLICABILITY.—Section 1120A(b) shall not apply to schools operating schoolwide programs under this section.

(3) EXEMPTION FROM STATUTORY AND REGULATORY REQUIREMENTS.—

(A) EXEMPTION.—* * *

(B) REQUIREMENTS.—A school that chooses to use funds from such other programs shall not be relieved of the requirements relating to health, safety, civil rights, *or* student and parental participation and involvement[, services to private school children, maintenance of effort, comparability of services, uses of Federal funds to supplement, not supplant non-Federal funds, or the distribution of funds to State educational agencies or local educational agencies] that apply to the receipt of funds from such programs.

* * * * * * *

[(4) PROFESSIONAL DEVELOPMENT.—Each school receiving funds under this part for any fiscal year shall devote sufficient resources to effectively carry out the activities described in subsection (b)(1)(D) in accordance with section 1119 for such fiscal year, except that a school may enter into a consortium with another school to carry out such activities.]

(b) COMPONENTS OF A SCHOOLWIDE PROGRAM.—

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

(A) A comprehensive needs assessment of the entire school (including taking into account the needs of migratory children as defined in [section 1309(2)]*section 1312*) that is based on information which includes the achievement of children in relation to the State academic content standards and the State student academic achievement standards described in [section 1111(b)(1)]*section 1111(a)(1)*.

(B) Schoolwide reform strategies that—

(i) provide opportunities for all children to meet the State's [proficient and advanced]*on-track and advanced* levels of student academic achievement described in [section 1111(b)(1)(D)]*section 1111(a)(1)(A)(iv)*;

(ii) use effective methods and instructional strategies that are based on [scientifically based research]*scientifically valid research* that—

(I) * * *

* * * * * * *

(iii)(I) * * *

(aa) counseling, [pupil services]*specialized instructional support services*, and mentoring services;

(bb) * * *

(cc) the integration of [vocational and technical education programs; and]*career and technical education programs;*

(II) address how the school will determine if such needs have been met; and

(III) a multi-tier system of supports and positive behavior supports; and

(iv) are consistent with, and are designed to implement, the State and local improvement plans, if any.

(C) Instruction by highly qualified *and highly rated* teachers.

[(D) In accordance with section 1119 and subsection (a)(4), high-quality and ongoing professional development for teachers, principals, and paraprofessionals and, if appropriate, pupil services personnel, parents, and other staff to enable all children in the school to meet the State's student academic achievement standards.]

[(E)]*(D)* Strategies to attract high-quality highly qualified *and highly rated* teachers to high-need schools.

[(F) Strategies to increase parental involvement in accordance with section 1118, such as family literary services.]

[(G)]*(E)* Plans for assisting preschool children in the transition from early childhood programs, such as Head Start[, Even Start, Early Reading First,]*, programs under part A of title IV,* or a State-run preschool program, to local elementary school programs.

[(H)]*(F)* Measures to include teachers in the decisions regarding the use of academic assessments described in [section 1111(b)(3)]*section 1111(a)(2)* in order to provide information on, and to improve, the achievement of individual students and the overall instructional program.

[(I)]*(G)* Activities to ensure that students who experience difficulty mastering the [proficient or advanced levels of academic achievement standards required by section 1111(b)(1)]*on-track and advanced levels of academic achievement standards required by section 1111(a)(1)(A)(iv)* shall be provided with effective, timely additional assist-

ance which shall include measures to ensure that students' difficulties are identified on a timely basis and to provide sufficient information on which to base effective assistance.

[(J)]*(H)* * * *

(2) PLAN.—

(A) IN GENERAL.—Any eligible school that desires to operate a schoolwide program shall first develop (or amend a plan for such a program that was in existence on the day before the date of enactment of the [No Child Left Behind Act of 2001), in consultation with the local educational agency and its school support team or other technical assistance provider under section 1117,]*Elementary and Secondary Education Reauthorization Act of 2011), in consultation with the local educational agency,* a comprehensive plan for reforming the total instructional program in the school that—

(i) * * *

* * * * * * *

(iv) describes how the school will provide individual student academic assessment results in a language the parents can understand, including an interpretation of those results, to the parents of a child who participates in the academic assessments required by [section 1111(b)(3)]*section 1111(a)(2)*.

(B) PLAN DEVELOPMENT.—The comprehensive plan shall be—

(i) developed during a one-year period, unless—

(I) the local educational agency[, after considering the recommendation of the technical assistance providers under section 1117,] determines that less time is needed to develop and implement the schoolwide program; or

(II) the school is operating a schoolwide program on the day preceding the date of enactment of [the No Child Left Behind Act of 2001]*the Elementary and Secondary Education Reauthorization Act of 2011*, in which case such school may continue to operate such program, but shall develop amendments to its existing plan during the first year of assistance after that date to reflect the provisions of this section;

(ii) developed with the involvement of parents and other members of the community to be served and individuals who will carry out such plan, including teachers, principals, and administrators (including administrators of programs described in other parts of this title), and, if appropriate, [pupil services personnel]*specialized instructional support personnel*, technical assistance providers, school staff, and, if the plan relates to a secondary school, students from such school;

(iii) * * *

* * * * * * *

(v) if appropriate, developed in coordination with programs under [Reading First, Early Reading First, Even Start,]*part A of title IV,* the Carl D. Perkins Career and Technical Education Act of 2006, and the Head Start Act.

(c) PREKINDERGARTEN PROGRAM.—A school that is eligible for a schoolwide program under this section may use funds made available under this part to establish or enhance prekindergarten programs for children below the age of 6, such as [Even Start programs or Early Reading First programs]*programs under part A of title IV*.

* * * * * * *

SEC. 1115. TARGETED ASSISTANCE SCHOOLS.

(a) IN GENERAL.—* * *

(b) ELIGIBLE CHILDREN.—

(1) ELIGIBLE POPULATION.—

(A) IN GENERAL.—The eligible population for services under this section is—

(i) * * *

* * * * * * *

(B) ELIGIBLE CHILDREN FROM ELIGIBLE POPULATION.—From the population described in subparagraph (A), eligible children are children identified by the school as failing, or most at risk of failing, to meet the State's [challenging]*college and career ready* student academic achievement standards on the basis of multiple, educationally related, objective criteria established by the local educational agency and supplemented by the school, [except that children from preschool through grade 2 shall be selected solely on the basis of such criteria as teacher judgment, interviews with parents, and developmentally appropriate measures.]*including children who are at risk of failing to be ready for elementary school.*

(2) CHILDREN INCLUDED.—

(A) IN GENERAL.—Children who are economically disadvantaged, children with disabilities, migrant children [or limited English proficient children]*, or English learners*, are eligible for services under this part on the same basis as other children selected to receive services under this part.

[(B) HEAD START, EVEN START, OR EARLY READING FIRST CHILDREN.—A child who, at any time in the 2 years preceding the year for which the determination is made, participated in a Head Start, Even Start, or Early Reading First program, or in preschool services under this title, is eligible for services under this part.]

(B) HEAD START OR LITERACY PROGRAMS.—A child who, at any time in the 2 years preceding the year for which the determination is made, participated in a Head Start program, a program under part A of title IV, or in preschool

services under this title, is eligible for services under this part.

* * * * * * *

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

(1) IN GENERAL.—To assist targeted assistance schools and local educational agencies to meet their responsibility to provide for all their students served under this part the opportunity to meet the State's [challenging]*college and career ready* student academic achievement standards in subjects as determined by the State, each targeted assistance program under this section shall—

(A) use such program's resources under this part to help participating children meet such State's [challenging]*college and career ready* student academic achievement standards expected for all children;

(B) * * *

(C) use effective methods and instructional strategies that are based on [scientifically based research]*scientifically valid research* that strengthens the core academic program of the school and that—

(i) * * *

(ii) help provide an accelerated, high-quality curriculum, including applied learning; [and]

(iii) minimize removing children from the regular classroom during regular school hours for instruction provided under this part; *and*

(iv) may include a multi-tier system of supports and positive behavioral supports;

(D) coordinate with and support the regular education program, which may include services to assist preschool children in the transition from early childhood programs such as Head Start, [Even Start, Early Reading First]*programs under part A of title IV,* or State-run preschool programs to elementary school programs;

(E) provide instruction by highly qualified *and highly rated* teachers;

(F) in accordance with [subsection (e)(3) and]section 1119, provide opportunities for professional development with resources provided under this part, and, to the extent practicable, from other sources, for teachers, principals, and paraprofessionals, including, if appropriate, [pupil services personnel]*specialized instructional support personnel*, parents, and other staff, who work with participating children in programs under this section or in the regular education program;

* * * * * * *

(2) REQUIREMENTS.—Each school conducting a program under this section shall assist participating children selected in accordance with subsection (b) to meet the State's [proficient and advanced]*on-track and advanced* levels of achievement by—

(A) * * *

(B) reviewing, on an ongoing basis, the progress of participating children and revising the targeted assistance program, if necessary, to provide additional assistance to enable such children to meet the State's [challenging]*college and career ready* student academic achievement standards, such as an extended school year, before- and after-school, and summer programs and opportunities, training for teachers regarding how to identify students who need additional assistance, and training for teachers regarding how to implement student academic achievement standards in the classroom.

(d) INTEGRATION OF PROFESSIONAL DEVELOPMENT.—* * *

(1) * * *

* * * * * * *

(e) SPECIAL RULES.—

(1) SIMULTANEOUS SERVICE.—* * *

(2) COMPREHENSIVE SERVICES.—If—

(A) * * *

(B) * * *

(i) * * *

* * * * * * *

(iii) professional development necessary to assist teachers, [pupil services personnel]*specialized instructional support personnel*, other staff, and parents in identifying and meeting the comprehensive needs of eligible children.

* * * * * * *

[SEC. 1116. [20 U.S.C. 6316] ACADEMIC ASSESSMENT AND LOCAL EDUCATIONAL AGENCY AND SCHOOL IMPROVEMENT.]

[(a) LOCAL REVIEW.—

[(1) IN GENERAL.—Each local educational agency receiving funds under this part shall—

[(A) use the State academic assessments and other indicators described in the State plan to review annually the progress of each school served under this part to determine whether the school is making adequate yearly progress as defined in section 1111(b)(2);

[(B) at the local educational agency's discretion, use any academic assessments or any other academic indicators described in the local educational agency's plan under section 1112(b)(1)(A) and (B) to review annually the progress of each school served under this part to determine whether the school is making adequate yearly progress as defined in section 1111(b)(2), except that the local educational agency may not use such indicators (other than as provided for in section 1111(b)(2)(I)) if the indicators reduce the number or change the schools that would otherwise be subject to school improvement, corrective action, or restructuring under section 1116 if such additional indicators were not used, but may identify additional schools for school improvement or in need of corrective action or restructuring;

[(C) publicize and disseminate the results of the local annual review described in paragraph (1) to parents, teachers, principals, schools, and the community so that the teachers, principals, other staff, and schools can continually refine, in an instructionally useful manner, the program of instruction to help all children served under this part meet the challenging State student academic achievement standards established under section 1111(b)(1); and

[(D) review the effectiveness of the actions and activities the schools are carrying out under this part with respect to parental involvement, professional development, and other activities assisted under this part.

[(2) AVAILABLE RESULTS.—The State educational agency shall ensure that the results of State academic assessments administered in that school year are available to the local educational agency before the beginning of the next school year.

[(b) SCHOOL IMPROVEMENT.—

[(1) GENERAL REQUIREMENTS.—

[(A) IDENTIFICATION.—Subject to subparagraph (C), a local educational agency shall identify for school improvement any elementary school or secondary school served under this part that fails, for 2 consecutive years, to make adequate yearly progress as defined in the State's plan under section 1111(b)(2).

[(B) DEADLINE.—The identification described in subparagraph (A) shall take place before the beginning of the school year following such failure to make adequate yearly progress.

[(C) APPLICATION.—Subparagraph (A) shall not apply to a school if almost every student in each group specified in section 1111(b)(2)(C)(v) enrolled in such school is meeting or exceeding the State's proficient level of academic achievement.

[(D) TARGETED ASSISTANCE SCHOOLS.—To determine if an elementary school or a secondary school that is conducting a targeted assistance program under section 1115 should be identified for school improvement, corrective action, or restructuring under this section, a local educational agency may choose to review the progress of only the students in the school who are served, or are eligible for services, under this part.

[(E) PUBLIC SCHOOL CHOICE.—

[(i) IN GENERAL.—In the case of a school identified for school improvement under this paragraph, the local educational agency shall, not later than the first day of the school year following such identification, provide all students enrolled in the school with the option to transfer to another public school served by the local educational agency, which may include a public charter school, that has not been identified for school improvement under this paragraph, unless such an option is prohibited by State law.

[(ii) RULE.—In providing students the option to transfer to another public school, the local educational agency shall give priority to the lowest achieving children from low-income families, as determined by the local educational agency for purposes of allocating funds to schools under section 1113(c)(1).

[(F) TRANSFER.—Students who use the option to transfer under subparagraph (E) and paragraph (5)(A), (7)(C)(i), or (8)(A)(i) or subsection (c)(10)(C)(vii) shall be enrolled in classes and other activities in the public school to which the students transfer in the same manner as all other children at the public school.

[(2) OPPORTUNITY TO REVIEW AND PRESENT EVIDENCE; TIME LIMIT.—

[(A) IDENTIFICATION.—Before identifying an elementary school or a secondary school for school improvement under paragraphs (1) or (5)(A), for corrective action under paragraph (7), or for restructuring under paragraph (8), the local educational agency shall provide the school with an opportunity to review the school-level data, including academic assessment data, on which the proposed identification is based.

[(B) EVIDENCE.—If the principal of a school proposed for identification under paragraph (1), (5)(A), (7), or (8) believes, or a majority of the parents of the students enrolled in such school believe, that the proposed identification is in error for statistical or other substantive reasons, the principal may provide supporting evidence to the local educational agency, which shall consider that evidence before making a final determination.

[(C) FINAL DETERMINATION.—Not later than 30 days after a local educational agency provides the school with the opportunity to review such school-level data, the local educational agency shall make public a final determination on the status of the school with respect to the identification.

[(3) SCHOOL PLAN.—

[(A) REVISED PLAN.—After the resolution of a review under paragraph (2), each school identified under paragraph (1) for school improvement shall, not later than 3 months after being so identified, develop or revise a school plan, in consultation with parents, school staff, the local educational agency serving the school, and outside experts, for approval by such local educational agency. The school plan shall cover a 2-year period and—

[(i) incorporate strategies based on scientifically based research that will strengthen the core academic subjects in the school and address the specific academic issues that caused the school to be identified for school improvement, and may include a strategy for the implementation of a comprehensive school reform model that includes each of the components described in part F;

[(ii) adopt policies and practices concerning the school's core academic subjects that have the greatest likelihood of ensuring that all groups of students specified in section 1111(b)(2)(C)(v) and enrolled in the school will meet the State's proficient level of achievement on the State academic assessment described in section 1111(b)(3) not later than 12 years after the end of the 2001–2002 school year;

[(iii) provide an assurance that the school will spend not less than 10 percent of the funds made available to the school under section 1113 for each fiscal year that the school is in school improvement status, for the purpose of providing to the school's teachers and principal high-quality professional development that—

[(I) directly addresses the academic achievement problem that caused the school to be identified for school improvement;

[(II) meets the requirements for professional development activities under section 1119; and

[(III) is provided in a manner that affords increased opportunity for participating in that professional development;

[(iv) specify how the funds described in clause (iii) will be used to remove the school from school improvement status;

[(v) establish specific annual, measurable objectives for continuous and substantial progress by each group of students specified in section 1111(b)(2)(C)(v) and enrolled in the school that will ensure that all such groups of students will, in accordance with adequate yearly progress as defined in section 1111(b)(2), meet the State's proficient level of achievement on the State academic assessment described in section 1111(b)(3) not later than 12 years after the end of the 2001–2002 school year;

[(vi) describe how the school will provide written notice about the identification to parents of each student enrolled in such school, in a format and, to the extent practicable, in a language that the parents can understand;

[(vii) specify the responsibilities of the school, the local educational agency, and the State educational agency serving the school under the plan, including the technical assistance to be provided by the local educational agency under paragraph (4) and the local educational agency's responsibilities under section 1120A;

[(viii) include strategies to promote effective parental involvement in the school;

[(ix) incorporate, as appropriate, activities before school, after school, during the summer, and during any extension of the school year; and

[(x) incorporate a teacher mentoring program.

[(B) CONDITIONAL APPROVAL.—The local educational agency may condition approval of a school plan under this paragraph on—

[(i) inclusion of one or more of the corrective actions specified in paragraph (7)(C)(iv); or

[(ii) feedback on the school improvement plan from parents and community leaders.

[(C) PLAN IMPLEMENTATION.—Except as provided in subparagraph (D), a school shall implement the school plan (including a revised plan) expeditiously, but not later than the beginning of the next full school year following the identification under paragraph (1).

[(D) PLAN APPROVED DURING SCHOOL YEAR.—Notwithstanding subparagraph (C), if a plan is not approved prior to the beginning of a school year, such plan shall be implemented immediately upon approval.

[(E) LOCAL EDUCATIONAL AGENCY APPROVAL.—The local educational agency, within 45 days of receiving a school plan, shall—

[(i) establish a peer review process to assist with review of the school plan; and

[(ii) promptly review the school plan, work with the school as necessary, and approve the school plan if the plan meets the requirements of this paragraph.

[(4) TECHNICAL ASSISTANCE.—

[(A) IN GENERAL.—For each school identified for school improvement under paragraph (1), the local educational agency serving the school shall ensure the provision of technical assistance as the school develops and implements the school plan under paragraph (3) throughout the plan's duration.

[(B) SPECIFIC ASSISTANCE.—Such technical assistance—

[(i) shall include assistance in analyzing data from the assessments required under section 1111(b)(3), and other examples of student work, to identify and address problems in instruction, and problems if any, in implementing the parental involvement requirements described in section 1118, the professional development requirements described in section 1119, and the responsibilities of the school and local educational agency under the school plan, and to identify and address solutions to such problems;

[(ii) shall include assistance in identifying and implementing professional development, instructional strategies, and methods of instruction that are based on scientifically based research and that have proven effective in addressing the specific instructional issues that caused the school to be identified for school improvement;

[(iii) shall include assistance in analyzing and revising the school's budget so that the school's resources are more effectively allocated to the activities most likely to increase student academic achievement and

to remove the school from school improvement status; and

[(iv) may be provided—

[(I) by the local educational agency, through mechanisms authorized under section 1117; or

[(II) by the State educational agency, an institution of higher education (that is in full compliance with all the reporting provisions of title II of the Higher Education Act of 1965), a private not-for-profit organization or for-profit organization, an educational service agency, or another entity with experience in helping schools improve academic achievement.

[(C) SCIENTIFICALLY BASED RESEARCH.—Technical assistance provided under this section by a local educational agency or an entity approved by that agency shall be based on scientifically based research.

[(5) FAILURE TO MAKE ADEQUATE YEARLY PROGRESS AFTER IDENTIFICATION.—In the case of any school served under this part that fails to make adequate yearly progress, as set out in the State's plan under section 1111(b)(2), by the end of the first full school year after identification under paragraph (1), the local educational agency serving such school—

[(A) shall continue to provide all students enrolled in the school with the option to transfer to another public school served by the local educational agency in accordance with subparagraphs (E) and (F);

[(B) shall make supplemental educational services available consistent with subsection (e)(1); and

[(C) shall continue to provide technical assistance.

[(6) NOTICE TO PARENTS.—A local educational agency shall promptly provide to a parent or parents (in an understandable and uniform format and, to the extent practicable, in a language the parents can understand) of each student enrolled in an elementary school or a secondary school identified for school improvement under paragraph (1), for corrective action under paragraph (7), or for restructuring under paragraph (8)—

[(A) an explanation of what the identification means, and how the school compares in terms of academic achievement to other elementary schools or secondary schools served by the local educational agency and the State educational agency involved;

[(B) the reasons for the identification;

[(C) an explanation of what the school identified for school improvement is doing to address the problem of low achievement;

[(D) an explanation of what the local educational agency or State educational agency is doing to help the school address the achievement problem;

[(E) an explanation of how the parents can become involved in addressing the academic issues that caused the school to be identified for school improvement; and

[(F) an explanation of the parents' option to transfer their child to another public school under paragraphs

(1)(E), (5)(A), (7)(C)(i), (8)(A)(i), and subsection (c)(10)(C)(vii) (with transportation provided by the agency when required by paragraph (9)) or to obtain supplemental educational services for the child, in accordance with subsection (e).

[(7) CORRECTIVE ACTION.—

[(A) IN GENERAL.—In this subsection, the term "corrective action" means action, consistent with State law, that—

[(i) substantially and directly responds to—

[(I) the consistent academic failure of a school that caused the local educational agency to take such action; and

[(II) any underlying staffing, curriculum, or other problems in the school; and

[(ii) is designed to increase substantially the likelihood that each group of students described in 1111(b)(2)(C) enrolled in the school identified for corrective action will meet or exceed the State's proficient levels of achievement on the State academic assessments described in section 1111(b)(3).

[(B) SYSTEM.—In order to help students served under this part meet challenging State student academic achievement standards, each local educational agency shall implement a system of corrective action in accordance with subparagraphs (C) through (E).

[(C) ROLE OF LOCAL EDUCATIONAL AGENCY.—In the case of any school served by a local educational agency under this part that fails to make adequate yearly progress, as defined by the State under section 1111(b)(2), by the end of the second full school year after the identification under paragraph (1), the local educational agency shall—

[(i) continue to provide all students enrolled in the school with the option to transfer to another public school served by the local educational agency, in accordance with paragraph (1)(E) and (F);

[(ii) continue to provide technical assistance consistent with paragraph (4) while instituting any corrective action under clause (iv);

[(iii) continue to make supplemental educational services available, in accordance with subsection (e), to children who remain in the school; and

[(iv) identify the school for corrective action and take at least one of the following corrective actions:

[(I) Replace the school staff who are relevant to the failure to make adequate yearly progress.

[(II) Institute and fully implement a new curriculum, including providing appropriate professional development for all relevant staff, that is based on scientifically based research and offers substantial promise of improving educational achievement for low-achieving students and enabling the school to make adequate yearly progress.

[(III) Significantly decrease management authority at the school level.

[(IV) Appoint an outside expert to advise the school on its progress toward making adequate yearly progress, based on its school plan under paragraph (3).

[(V) Extend the school year or school day for the school.

[(VI) Restructure the internal organizational structure of the school.

[(D) DELAY.—Notwithstanding any other provision of this paragraph, the local educational agency may delay, for a period not to exceed 1 year, implementation of the requirements under paragraph (5), corrective action under this paragraph, or restructuring under paragraph (8) if the school makes adequate yearly progress for 1 year or if its failure to make adequate yearly progress is due to exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the local educational agency or school. No such period shall be taken into account in determining the number of consecutive years of failure to make adequate yearly progress.

[(E) PUBLICATION AND DISSEMINATION.—The local educational agency shall publish and disseminate information regarding any corrective action the local educational agency takes under this paragraph at a school—

[(i) to the public and to the parents of each student enrolled in the school subject to corrective action;

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

[(iii) through such means as the Internet, the media, and public agencies.

[(8) RESTRUCTURING.—

[(A) FAILURE TO MAKE ADEQUATE YEARLY PROGRESS.—If, after 1 full school year of corrective action under paragraph (7), a school subject to such corrective action continues to fail to make adequate yearly progress, then the local educational agency shall—

[(i) continue to provide all students enrolled in the school with the option to transfer to another public school served by the local educational agency, in accordance with paragraph (1)(E) and (F);

[(ii) continue to make supplemental educational services available, in accordance with subsection (e), to children who remain in the school; and

[(iii) prepare a plan and make necessary arrangements to carry out subparagraph (B).

[(B) ALTERNATIVE GOVERNANCE.—Not later than the beginning of the school year following the year in which the local educational agency implements subparagraph (A), the local educational agency shall implement one of the fol-

lowing alternative governance arrangements for the school consistent with State law:

[(i) Reopening the school as a public charter school.

[(ii) Replacing all or most of the school staff (which may include the principal) who are relevant to the failure to make adequate yearly progress.

[(iii) Entering into a contract with an entity, such as a private management company, with a demonstrated record of effectiveness, to operate the public school.

[(iv) Turning the operation of the school over to the State educational agency, if permitted under State law and agreed to by the State.

[(v) Any other major restructuring of the school's governance arrangement that makes fundamental reforms, such as significant changes in the school's staffing and governance, to improve student academic achievement in the school and that has substantial promise of enabling the school to make adequate yearly progress as defined in the State plan under section 1111(b)(2). In the case of a rural local educational agency with a total of less than 600 students in average daily attendance at the schools that are served by the agency and all of whose schools have a School Locale Code of 7 or 8, as determined by the Secretary, the Secretary shall, at such agency's request, provide technical assistance to such agency for the purpose of implementing this clause.

[(C) PROMPT NOTICE.—The local educational agency shall—

[(i) provide prompt notice to teachers and parents whenever subparagraph (A) or (B) applies; and

[(ii) provide the teachers and parents with an adequate opportunity to—

[(I) comment before taking any action under those subparagraphs; and

[(II) participate in developing any plan under subparagraph (A)(iii).

[(9) TRANSPORTATION.—In any case described in paragraph (1)(E) for schools described in paragraphs (1)(A), (5), (7)(C)(i), and (8)(A), and subsection (c)(10)(C)(vii), the local educational agency shall provide, or shall pay for the provision of, transportation for the student to the public school the student attends.

[(10) FUNDS FOR TRANSPORTATION AND SUPPLEMENTAL EDUCATIONAL SERVICES.—

[(A) IN GENERAL.—Unless a lesser amount is needed to comply with paragraph (9) and to satisfy all requests for supplemental educational services under subsection (e), a local educational agency shall spend an amount equal to 20 percent of its allocation under subpart 2, from which the agency shall spend—

[(i) an amount equal to 5 percent of its allocation under subpart 2 to provide, or pay for, transportation under paragraph (9);

[(ii) an amount equal to 5 percent of its allocation under subpart 2 to provide supplemental educational services under subsection (e); and

[(iii) an amount equal to the remaining 10 percent of its allocation under subpart 2 for transportation under paragraph (9), supplemental educational services under subsection (e), or both, as the agency determines.

[(B) TOTAL AMOUNT.—The total amount described in subparagraph (A)(ii) is the maximum amount the local educational agency shall be required to spend under this part on supplemental educational services described in subsection (e).

[(C) INSUFFICIENT FUNDS.—If the amount of funds described in subparagraph (A)(ii) or (iii) and available to provide services under this subsection is insufficient to provide supplemental educational services to each child whose parents request the services, the local educational agency shall give priority to providing the services to the lowest-achieving children.

[(D) PROHIBITION.—A local educational agency shall not, as a result of the application of this paragraph, reduce by more than 15 percent the total amount made available under section 1113(c) to a school described in paragraph (7)(C) or (8)(A) of subsection (b).

[(11) COOPERATIVE AGREEMENT.—In any case described in paragraph (1)(E), (5)(A), (7)(C)(i), or (8)(A)(i), or subsection (c)(10)(C)(vii) if all public schools served by the local educational agency to which a child may transfer are identified for school improvement, corrective action or restructuring, the agency shall, to the extent practicable, establish a cooperative agreement with other local educational agencies in the area for a transfer.

[(12) DURATION.—If any school identified for school improvement, corrective action, or restructuring makes adequate yearly progress for two consecutive school years, the local educational agency shall no longer subject the school to the requirements of school improvement, corrective action, or restructuring or identify the school for school improvement for the succeeding school year.

[(13) SPECIAL RULE.—A local educational agency shall permit a child who transferred to another school under this subsection to remain in that school until the child has completed the highest grade in that school. The obligation of the local educational agency to provide, or to provide for, transportation for the child ends at the end of a school year if the local educational agency determines that the school from which the child transferred is no longer identified for school improvement or subject to corrective action or restructuring.

[(14) STATE EDUCATIONAL AGENCY RESPONSIBILITIES.—The State educational agency shall—

[(A) make technical assistance under section 1117 available to schools identified for school improvement, correc-

tive action, or restructuring under this subsection consistent with section 1117(a)(2);

[(B) if the State educational agency determines that a local educational agency failed to carry out its responsibilities under this subsection, take such corrective actions as the State educational agency determines to be appropriate and in compliance with State law;

[(C) ensure that academic assessment results under this part are provided to schools before any identification of a school may take place under this subsection; and

[(D) for local educational agencies or schools identified for improvement under this subsection, notify the Secretary of major factors that were brought to the attention of the State educational agency under section 1111(b)(9) that have significantly affected student academic achievement.

[(c) STATE REVIEW AND LOCAL EDUCATIONAL AGENCY IMPROVEMENT.—

[(1) IN GENERAL.—A State shall—

[(A) annually review the progress of each local educational agency receiving funds under this part to determine whether schools receiving assistance under this part are making adequate yearly progress as defined in section 1111(b)(2) toward meeting the State's student academic achievement standards and to determine if each local educational agency is carrying out its responsibilities under this section and sections 1117, 1118, and 1119; and

[(B) publicize and disseminate to local educational agencies, teachers and other staff, parents, students, and the community the results of the State review, including statistically sound disaggregated results, as required by section 1111(b)(2).

[(2) REWARDS.—In the case of a local educational agency that, for 2 consecutive years, has exceeded adequate yearly progress as defined in the State plan under section 1111(b)(2), the State may make rewards of the kinds described under section 1117 to the agency.

[(3) IDENTIFICATION OF LOCAL EDUCATIONAL AGENCY FOR IMPROVEMENT.—A State shall identify for improvement any local educational agency that, for 2 consecutive years, including the period immediately prior to the date of enactment of the No Child Left Behind Act of 2001, failed to make adequate yearly progress as defined in the State's plan under section 1111(b)(2).

[(4) TARGETED ASSISTANCE SCHOOLS.—When reviewing targeted assistance schools served by a local educational agency, a State educational agency may choose to review the progress of only the students in such schools who are served, or are eligible for services, under this part.

[(5) OPPORTUNITY TO REVIEW AND PRESENT EVIDENCE.—

[(A) REVIEW.—Before identifying a local educational agency for improvement under paragraph (3) or corrective action under paragraph (10), a State educational agency shall provide the local educational agency with an oppor-

tunity to review the data, including academic assessment data, on which the proposed identification is based.

[(B) EVIDENCE.—If the local educational agency believes that the proposed identification is in error for statistical or other substantive reasons, the agency may provide supporting evidence to the State educational agency, which shall consider the evidence before making a final determination not later than 30 days after the State educational agency provides the local educational agency with the opportunity to review such data under subparagraph (A).

[(6) NOTIFICATION TO PARENTS.—The State educational agency shall promptly provide to the parents (in a format and, to the extent practicable, in a language the parents can understand) of each student enrolled in a school served by a local educational agency identified for improvement, the results of the review under paragraph (1) and, if the agency is identified for improvement, the reasons for that identification and how parents can participate in upgrading the quality of the local educational agency.

[(7) LOCAL EDUCATIONAL AGENCY REVISIONS.—

[(A) PLAN.—Each local educational agency identified under paragraph (3) shall, not later than 3 months after being so identified, develop or revise a local educational agency plan, in consultation with parents, school staff, and others. Such plan shall—

[(i) incorporate scientifically based research strategies that strengthen the core academic program in schools served by the local educational agency;

[(ii) identify actions that have the greatest likelihood of improving the achievement of participating children in meeting the State's student academic achievement standards;

[(iii) address the professional development needs of the instructional staff serving the agency by committing to spend not less than 10 percent of the funds received by the local educational agency under subpart 2 for each fiscal year in which the agency is identified for improvement for professional development (including funds reserved for professional development under subsection (b)(3)(A)(iii)), but excluding funds reserved for professional development under section 1119;

[(iv) include specific measurable achievement goals and targets for each of the groups of students identified in the disaggregated data pursuant to section 1111(b)(2)(C)(v), consistent with adequate yearly progress as defined under section 1111(b)(2);

[(v) address the fundamental teaching and learning needs in the schools of that agency, and the specific academic problems of low-achieving students, including a determination of why the local educational agency's prior plan failed to bring about increased student academic achievement;

[(vi) incorporate, as appropriate, activities before school, after school, during the summer, and during an extension of the school year;

[(vii) specify the responsibilities of the State educational agency and the local educational agency under the plan, including specifying the technical assistance to be provided by the State educational agency under paragraph (9) and the local educational agency's responsibilities under section 1120A; and

[(viii) include strategies to promote effective parental involvement in the school.

[(B) IMPLEMENTATION.—The local educational agency shall implement the plan (including a revised plan) expeditiously, but not later than the beginning of the next school year after the school year in which the agency was identified for improvement.

[(9) STATE EDUCATIONAL AGENCY RESPONSIBILITY.—

[(A) TECHNICAL OR OTHER ASSISTANCE.—For each local educational agency identified under paragraph (3), the State educational agency shall provide technical or other assistance if requested, as authorized under section 1117, to better enable the local educational agency to—

[(i) develop and implement the local educational agency's plan; and

[(ii) work with schools needing improvement.

[(B) METHODS AND STRATEGIES.—Technical assistance provided under this section by the State educational agency or an entity authorized by such agency shall be supported by effective methods and instructional strategies based on scientifically based research. Such technical assistance shall address problems, if any, in implementing the parental involvement activities described in section 1118 and the professional development activities described in section 1119.

[(10) CORRECTIVE ACTION.—In order to help students served under this part meet challenging State student academic achievement standards, each State shall implement a system of corrective action in accordance with the following:

[(A) DEFINITION.—As used in this paragraph, the term "corrective action" means action, consistent with State law, that—

[(i) substantially and directly responds to the consistent academic failure that caused the State to take such action and to any underlying staffing, curricular, or other problems in the agency; and

[(ii) is designed to meet the goal of having all students served under this part achieve at the proficient and advanced student academic achievement levels.

[(B) GENERAL REQUIREMENTS.—After providing technical assistance under paragraph (9) and subject to subparagraph (E), the State—

[(i) may take corrective action at any time with respect to a local educational agency that has been identified under paragraph (3);

[(ii) shall take corrective action with respect to any local educational agency that fails to make adequate yearly progress, as defined by the State, by the end of the second full school year after the identification of the agency under paragraph (3); and

[(iii) shall continue to provide technical assistance while instituting any corrective action under clause (i) or (ii).

[(C) CERTAIN CORRECTIVE ACTIONS REQUIRED.—In the case of a local educational agency identified for corrective action, the State educational agency shall take at least one of the following corrective actions:

[(i) Deferring programmatic funds or reducing administrative funds.

[(ii) Instituting and fully implementing a new curriculum that is based on State and local academic content and achievement standards, including providing appropriate professional development based on scientifically based research for all relevant staff, that offers substantial promise of improving educational achievement for low-achieving students.

[(iii) Replacing the local educational agency personnel who are relevant to the failure to make adequate yearly progress.

[(iv) Removing particular schools from the jurisdiction of the local educational agency and establishing alternative arrangements for public governance and supervision of such schools.

[(v) Appointing, through the State educational agency, a receiver or trustee to administer the affairs of the local educational agency in place of the superintendent and school board.

[(vi) Abolishing or restructuring the local educational agency.

[(vii) Authorizing students to transfer from a school operated by the local educational agency to a higher-performing public school operated by another local educational agency in accordance with subsections (b)(1)(E) and (F), and providing to such students transportation (or the costs of transportation) to such schools consistent with subsection (b)(9), in conjunction with carrying out not less than one additional action described under this subparagraph.

[(D) HEARING.—Prior to implementing any corrective action under this paragraph, the State educational agency shall provide notice and a hearing to the affected local educational agency, if State law provides for such notice and hearing. The hearing shall take place not later than 45 days following the decision to implement corrective action.

[(E) NOTICE TO PARENTS.—The State educational agency shall publish, and disseminate to parents and the public, information on any corrective action the State educational agency takes under this paragraph through such means as the Internet, the media, and public agencies.

[(F) DELAY.—Notwithstanding subparagraph (B)(ii), a State educational agency may delay, for a period not to exceed 1 year, implementation of corrective action under this paragraph if the local educational agency makes adequate yearly progress for 1 year or its failure to make adequate yearly progress is due to exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the local educational agency. No such period shall be taken into account in determining the number of consecutive years of failure to make adequate yearly progress.

[(11) SPECIAL RULE.—If a local educational agency makes adequate yearly progress for two consecutive school years beginning after the date of identification of the agency under paragraph (3), the State educational agency need no longer identify the local educational agency for improvement or subject the local educational agency to corrective action for the succeeding school year.

[(d) CONSTRUCTION.—Nothing in this section shall be construed to alter or otherwise affect the rights, remedies, and procedures afforded school or school district employees under Federal, State, or local laws (including applicable regulations or court orders) or under the terms of collective bargaining agreements, memoranda of understanding, or other agreements between such employees and their employers.

[(e) SUPPLEMENTAL EDUCATIONAL SERVICES.—

[(1) SUPPLEMENTAL EDUCATIONAL SERVICES.—In the case of any school described in paragraph (5), (7), or (8) of subsection (b), the local educational agency serving such school shall, subject to this subsection, arrange for the provision of supplemental educational services to eligible children in the school from a provider with a demonstrated record of effectiveness, that is selected by the parents and approved for that purpose by the State educational agency in accordance with reasonable criteria, consistent with paragraph (5), that the State educational agency shall adopt.

[(2) LOCAL EDUCATIONAL AGENCY RESPONSIBILITIES.—Each local educational agency subject to this subsection shall—

[(A) provide, at a minimum, annual notice to parents (in an understandable and uniform format and, to the extent practicable, in a language the parents can understand) of—

[(i) the availability of services under this subsection;

[(ii) the identity of approved providers of those services that are within the local educational agency or whose services are reasonably available in neighboring local educational agencies; and

[(iii) a brief description of the services, qualifications, and demonstrated effectiveness of each such provider;

[(B) if requested, assist parents in choosing a provider from the list of approved providers maintained by the State;

[(C) apply fair and equitable procedures for serving students if the number of spaces at approved providers is not sufficient to serve all students; and

[(D) not disclose to the public the identity of any student who is eligible for, or receiving, supplemental educational services under this subsection without the written permission of the parents of the student.

[(3) AGREEMENT.—In the case of the selection of an approved provider by a parent, the local educational agency shall enter into an agreement with such provider. Such agreement shall—

[(A) require the local educational agency to develop, in consultation with parents (and the provider chosen by the parents), a statement of specific achievement goals for the student, how the student's progress will be measured, and a timetable for improving achievement that, in the case of a student with disabilities, is consistent with the student's individualized education program under section 614(d) of the Individuals with Disabilities Education Act;

[(B) describe how the student's parents and the student's teacher or teachers will be regularly informed of the student's progress;

[(C) provide for the termination of such agreement if the provider is unable to meet such goals and timetables;

[(D) contain provisions with respect to the making of payments to the provider by the local educational agency; and

[(E) prohibit the provider from disclosing to the public the identity of any student eligible for, or receiving, supplemental educational services under this subsection without the written permission of the parents of such student.

[(4) STATE EDUCATIONAL AGENCY RESPONSIBILITIES.—A State educational agency shall—

[(A) in consultation with local educational agencies, parents, teachers, and other interested members of the public, promote maximum participation by providers to ensure, to the extent practicable, that parents have as many choices as possible;

[(B) develop and apply objective criteria, consistent with paragraph (5), to potential providers that are based on a demonstrated record of effectiveness in increasing the academic proficiency of students in subjects relevant to meeting the State academic content and student achievement standards adopted under section 1111(b)(1);

[(C) maintain an updated list of approved providers across the State, by school district, from which parents may select;

[(D) develop, implement, and publicly report on standards and techniques for monitoring the quality and effectiveness of the services offered by approved providers under this subsection, and for withdrawing approval from providers that fail, for 2 consecutive years, to contribute to increasing the academic proficiency of students served under this subsection as described in subparagraph (B); and

[(E) provide annual notice to potential providers of supplemental educational services of the opportunity to provide services under this subsection and of the applicable procedures for obtaining approval from the State educational agency to be an approved provider of those services.

[(5) CRITERIA FOR PROVIDERS.—In order for a provider to be included on the State list under paragraph (4)(C), a provider shall agree to carry out the following:

[(A) Provide parents of children receiving supplemental educational services under this subsection and the appropriate local educational agency with information on the progress of the children in increasing achievement, in a format and, to the extent practicable, a language that such parents can understand.

[(B) Ensure that instruction provided and content used by the provider are consistent with the instruction provided and content used by the local educational agency and State, and are aligned with State student academic achievement standards.

[(C) Meet all applicable Federal, State, and local health, safety, and civil rights laws.

[(D) Ensure that all instruction and content under this subsection are secular, neutral, and nonideological.

[(6) AMOUNTS FOR SUPPLEMENTAL EDUCATIONAL SERVICES.—The amount that a local educational agency shall make available for supplemental educational services for each child receiving those services under this subsection shall be the lesser of—

[(A) the amount of the agency's allocation under subpart 2, divided by the number of children from families below the poverty level counted under section 1124(c)(1)(A); or

[(B) the actual costs of the supplemental educational services received by the child.

[(7) FUNDS PROVIDED BY STATE EDUCATIONAL AGENCY.—Each State educational agency may use funds that the agency reserves under this part, and part A of title V, to assist local educational agencies that do not have sufficient funds to provide services under this subsection for all eligible students requesting such services.

[(8) DURATION.—The local educational agency shall continue to provide supplemental educational services to a child receiving such services under this subsection until the end of the school year in which such services were first received.

[(9) PROHIBITION.—Nothing contained in this subsection shall permit the making of any payment for religious worship or instruction.

[(10) WAIVER.—

[(A) REQUIREMENT.—At the request of a local educational agency, a State educational agency may waive, in whole or in part, the requirement of this subsection to provide supplemental educational services if the State educational agency determines that—

[(i) none of the providers of those services on the list approved by the State educational agency under paragraph (4)(C) makes those services available in the area served by the local educational agency or within a reasonable distance of that area; and

[(ii) the local educational agency provides evidence that it is not able to provide those services.

[(B) NOTIFICATION.—The State educational agency shall notify the local educational agency, within 30 days of receiving the local educational agency's request for a waiver under subparagraph (A), whether the request is approved or disapproved and, if disapproved, the reasons for the disapproval, in writing.

[(11) SPECIAL RULE.—If State law prohibits a State educational agency from carrying out one or more of its responsibilities under paragraph (4) with respect to those who provide, or seek approval to provide, supplemental educational services, each local educational agency in the State shall carry out those responsibilities with respect to its students who are eligible for those services.

[(12) DEFINITIONS.—In this subsection—

[(A) the term "eligible child" means a child from a low-income family, as determined by the local educational agency for purposes of allocating funds to schools under section 1113(c)(1);

[(B) the term "provider" means a non-profit entity, a for-profit entity, or a local educational agency that—

[(i) has a demonstrated record of effectiveness in increasing student academic achievement;

[(ii) is capable of providing supplemental educational services that are consistent with the instructional program of the local educational agency and the academic standards described under section 1111; and

[(iii) is financially sound; and

[(C) the term "supplemental educational services" means tutoring and other supplemental academic enrichment services that are—

[(i) in addition to instruction provided during the school day; and

[(ii) are of high quality, research-based, and specifically designed to increase the academic achievement of eligible children on the academic assessments required under section 1111 and attain proficiency in meeting the State's academic achievement standards.

[(f) SCHOOLS AND LEAS PREVIOUSLY IDENTIFIED FOR IMPROVEMENT OR CORRECTIVE ACTION.—

[(1) SCHOOLS.—

[(A) SCHOOL IMPROVEMENT.—

[(i) SCHOOLS IN SCHOOL-IMPROVEMENT STATUS BEFORE DATE OF ENACTMENT.—Any school that was in the first year of school improvement status under this section on the day preceding the date of enactment of the No Child Left Behind Act of 2001 (as this section was in effect on such day) shall be treated by the local

educational agency as a school that is in the first year of school improvement status under paragraph (1).

[(ii) SCHOOLS IN SCHOOL-IMPROVEMENT STATUS FOR 2 OR MORE YEARS BEFORE DATE OF ENACTMENT.—Any school that was in school improvement status under this section for two or more consecutive school years preceding the date of enactment of the No Child Left Behind Act of 2001 (as this section was in effect on such day) shall be treated by the local educational agency as a school described in subsection (b)(5).

[(B) CORRECTIVE ACTION.—Any school that was in corrective action status under this section on the day preceding the date of enactment of the No Child Left Behind Act of 2001 (as this section was in effect on such day) shall be treated by the local educational agency as a school described in paragraph (7).

[(2) LEAS.—

[(A) LEA IMPROVEMENT.—A State shall identify for improvement under subsection (c)(3) any local educational agency that was in improvement status under this section as this section was in effect on the day preceding the date of enactment of the No Child Left Behind Act of 2001.

[(B) CORRECTIVE ACTION.—A State shall identify for corrective action under subsection (c)(10) any local educational agency that was in corrective action status under this section as this section was in effect on the day preceding the date of enactment of the No Child Left Behind Act of 2001.

[(C) SPECIAL RULE.—For the schools and other local educational agencies described under paragraphs (1) and (2), as required, the State shall ensure that public school choice in accordance with subparagraphs (b)(1)(E) and (F) and supplemental education services in accordance with subsection (e) are provided not later than the first day of the 2002–2003 school year.

[(D) TRANSITION.—With respect to a determination that a local educational agency has for 2 consecutive years failed to make adequate yearly progress as defined in the State plan under section 1111(b)(2), such determination shall include in such 2-year period any continuous period of time immediately preceding the date of enactment of the No Child Left Behind Act of 2001 during which the agency has failed to make such progress.

[(g) SCHOOLS FUNDED BY THE BUREAU OF INDIAN AFFAIRS.—

[(1) ADEQUATE YEARLY PROGRESS FOR BUREAU FUNDED SCHOOLS.—

[(A) DEVELOPMENT OF DEFINITION.—

[(i) DEFINITION.—The Secretary of the Interior, in consultation with the Secretary if the Secretary of Interior requests the consultation, using the process set out in section 1138(b) of the Education Amendments of 1978, shall define adequate yearly progress, consistent with section 1111(b), for the schools funded by the Bureau of Indian Affairs on a regional or tribal basis, as

appropriate, taking into account the unique circumstances and needs of such schools and the students served by such schools.

[(ii) USE OF DEFINITION.—The Secretary of the Interior, consistent with clause (i), may use the definition of adequate yearly progress that the State in which the school that is funded by the Bureau is located uses consistent with section 1111(b), or in the case of schools that are located in more than one State, the Secretary of the Interior may use whichever State definition of adequate yearly progress that best meets the unique circumstances and needs of such school or schools and the students the schools serve.

[(B) WAIVER.—The tribal governing body or school board of a school funded by the Bureau of Indian Affairs may waive, in part or in whole, the definition of adequate yearly progress established pursuant to paragraph (A) where such definition is determined by such body or school board to be inappropriate. If such definition is waived, the tribal governing body or school board shall, within 60 days thereafter, submit to the Secretary of Interior a proposal for an alternative definition of adequate yearly progress, consistent with section 1111(b), that takes into account the unique circumstances and needs of such school or schools and the students served. The Secretary of the Interior, in consultation with the Secretary if the Secretary of Interior requests the consultation, shall approve such alternative definition unless the Secretary determines that the definition does not meet the requirements of section 1111(b), taking into account the unique circumstances and needs of such school or schools and the students served.

[(C) TECHNICAL ASSISTANCE.—The Secretary of Interior shall, in consultation with the Secretary if the Secretary of Interior requests the consultation, either directly or through a contract, provide technical assistance, upon request, to a tribal governing body or school board of a school funded by the Bureau of Indian Affairs that seeks to develop an alternative definition of adequate yearly progress.

[(2) ACCOUNTABILITY FOR BIA SCHOOLS.—For the purposes of this section, schools funded by the Bureau of Indian Affairs shall be considered schools subject to subsection (b), as specifically provided for in this subsection, except that such schools shall not be subject to subsection (c), or the requirements to provide public school choice and supplemental educational services under subsections (b) and (e).

[(3) SCHOOL IMPROVEMENT FOR BUREAU SCHOOLS.—

[(A) CONTRACT AND GRANT SCHOOLS.—For a school funded by the Bureau of Indian Affairs which is operated under a contract issued by the Secretary of the Interior pursuant to the Indian Self-Determination Act (25 U.S.C. 450 et seq.) or under a grant issued by the Secretary of the Interior pursuant to the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), the school board of such

school shall be responsible for meeting the requirements of subsection (b) relating to development and implementation of any school improvement plan as described in subsections (b)(1) through (b)(3), and subsection (b)(5), other than subsection (b)(1)(E). The Bureau of Indian Affairs shall be responsible for meeting the requirements of subsection (b)(4) relating to technical assistance.

[(B) BUREAU OPERATED SCHOOLS.—For schools operated by the Bureau of Indian Affairs, the Bureau shall be responsible for meeting the requirements of subsection (b) relating to development and implementation of any school improvement plan as described in subsections (b)(1) through (b)(5), other than subsection (b)(1)(E).

[(4) CORRECTIVE ACTION AND RESTRUCTURING FOR BUREAU-FUNDED SCHOOLS.—

[(A) CONTRACT AND GRANT SCHOOLS.—For a school funded by the Bureau of Indian Affairs which is operated under a contract issued by the Secretary of the Interior pursuant to the Indian Self-Determination Act (25 U.S.C. 450 et seq.) or under a grant issued by the Secretary of the Interior pursuant to the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), the school board of such school shall be responsible for meeting the requirements of subsection (b) relating to corrective action and restructuring as described in subsection (b)(7) and (b)(8). Any action taken by such school board under subsection (b)(7) or (b)(8) shall take into account the unique circumstances and structure of the Bureau of Indian Affairs-funded school system and the laws governing that system.

[(B) BUREAU OPERATED SCHOOLS.—For schools operated by the Bureau of Indian Affairs, the Bureau shall be responsible for meeting the requirements of subsection (b) relating to corrective action and restructuring as described in subsection (b)(7) and (b)(8). Any action taken by the Bureau under subsection (b)(7) or (b)(8) shall take into account the unique circumstances and structure of the Bureau of Indian Affairs-funded school system and the laws governing that system.

[(5) ANNUAL REPORT.—On an annual basis, the Secretary of the Interior shall report to the Secretary of Education and to the appropriate committees of Congress regarding any schools funded by the Bureau of Indian Affairs which have been identified for school improvement. Such report shall include—

[(A) the identity of each school;

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

[(C) an analysis by the Secretary of the Interior, in consultation with the Secretary if the Secretary of Interior requests the consultation, as to whether sufficient resources were available to enable such school to achieve adequate yearly progress.

[(h) OTHER AGENCIES.—After receiving the notice described in subsection (b)(14)(D), the Secretary may notify, to the extent feasible and necessary as determined by the Secretary, other relevant

Federal agencies regarding the major factors that were determined by the State educational agency to have significantly affected student academic achievement.]

SEC. 1116. SCHOOL PERFORMANCE.

(a) SCHOOL ACCOUNTABILITY AND IMPROVEMENT SYSTEM.—

(1) IN GENERAL.—Each State receiving a grant under this part shall, as part of the accountability system required under section 1111(a)(3), establish a school accountability and improvement system to differentiate public elementary and secondary schools by levels of performance, in accordance with subsections (b) through (e), and to provide such schools with intervention, as needed.

(2) APPROVAL AND PEER REVIEW OF SYSTEM.—

(A) IN GENERAL.—Not later than the beginning of the 2013–2014 school year, a State receiving a grant under this part shall develop a school accountability and improvement system that includes—

(i) the identification of the public schools in the State that are achievement gap schools and persistently low-achieving schools, and the school improvement strategies or other consequences to be used for such schools in accordance with this section; and

(ii) the implementation of the State-designed accountability system, as described in section 1111(a)(3).

(B) REVIEW AND APPROVAL.—The State shall include information describing the school accountability and improvement system in the State plan under section 1111(b), which shall be subject to peer review and approval by the Secretary as part of the State plan, in accordance with such section.

(b) ACHIEVEMENT GAP SCHOOLS.—

(1) IDENTIFICATION OF ACHIEVEMENT GAP SCHOOLS.—

(A) IN GENERAL.—Each State receiving a grant under this part shall define the category of achievement gap schools for the State as part of its State plan, and shall identify annually, beginning in the 2013–2014 school year, the schools in the category. A State shall include in its achievement gap schools the 5 percent of public high schools in the State, and the 5 percent of public elementary schools and secondary schools in the State that are not high schools, that are not identified as persistently low-achieving under subsection (c)(2), and that have the largest achievement gap among any of the subgroups of students described in subparagraph (B) or have the lowest performance by students in such subgroups in the State, with respect to—

(i) being on track to career and college readiness in the subjects included in the State accountability system under section 1111(a)(3); and

(ii) in the case of high schools, the graduation rate.

(B) SUBGROUPS OF STUDENTS.—The subgroups described in this subparagraph shall be obtained by disaggregating students enrolled in a school by each major racial and ethnic group, by English proficiency status, by status as a

child with a disability, and by economically disadvantaged status.

(C) DATA RULE.—In identifying achievement gap schools under this paragraph, a State shall—

(i) use data for the most recent year for which data are available; or

(ii) average data for the most recent 2- to 3-year period for which data are available.

(D) PARENTAL NOTIFICATION.—Each year, a State shall provide timely notification to all parents of students enrolled in each school identified under subparagraph (A) that the school is one of the State's achievement gap schools for such year.

(2) STATE AND LOCAL STRATEGIES.—

(A) IMPROVEMENT STRATEGIES.—For each achievement gap school identified under paragraph (1), the local educational agency serving the school shall, in accordance with the State accountability system described in section 1111(a)(3), develop and implement a measurable and data-driven correction plan to improve the performance of low-achieving subgroups in the school in order to close achievement gaps.

(B) FAILURE TO IMPROVE PERFORMANCE AFTER 3 YEARS.—Notwithstanding any other provision of law, any local educational agency serving an achievement gap school that has been identified as such for a period of more than 3 consecutive years shall not be eligible for any priority, preference, or special consideration for any grant, subgrant, or other program funded under this Act.

(c) PERSISTENTLY LOW-ACHIEVING SCHOOLS.—

(1) LOWEST-ACHIEVING SCHOOLS IN THE STATE.—

(A) IN GENERAL.—Each State receiving a grant under this part shall, beginning in the 2013–2014 school year and every year thereafter, determine the lowest-achieving schools in the State, which shall include—

(i) the lowest-achieving 5 percent of public high schools, and the lowest-achieving 5 percent of public elementary schools and secondary schools that are not high schools, in the State, based on—

(I) student performance on the State academic assessments in reading or language arts, and mathematics, including student absolute performance and, for a State described in section 1111(b)(1)(B), growth (defined, for the purposes of this section, as the percentage of students who are on track to college and career readiness in a subject);

(II) in the case of high schools, graduation rates; and

(III) if the State so chooses—

(aa) schoolwide gains; and

(bb) absolute student performance and, in the case of a State described in section

1111(b)(1)(B), student growth, on other statewide assessments; and

(ii) the public high schools in the State that have less than a 60 percent graduation rate.

(B) DATA RULE.—In identifying the lowest-achieving schools under this paragraph, a State shall—

(i) use data for the most recent year for which data are available; or

(ii) average data for the most recent 2- to 3-year period for which data are available.

(C) PARENTAL NOTIFICATION.—Each year, a State shall provide timely notification to all parents of students enrolled in each school identified under subparagraph (A) that the school is one of the State's lowest-achieving schools for such year.

(D) LIST OF TARGETED LOW-ACHIEVING SCHOOLS.—Each year, the State shall—

(i) compile a list of the schools identified under subparagraph (A) that—

(I) receive assistance under this part;

(II) are public high schools for which not less than 50 percent of each school's students are from low-income families, as determined by the local educational agency under section 1113; or

(III) are public high schools that have less than a 60 percent graduation rate;

(ii) submit the list described in clause (i) to the Secretary;

(iii) distribute the list described in clause (i) to the local educational agencies, elementary schools, and secondary schools in the State; and

(iv) make such list publicly available, including through the Internet.

(2) IDENTIFICATION AS PERSISTENTLY LOW-ACHIEVING.—

(A) IDENTIFICATION.—For the 2013–2014 school year, each State receiving a grant under this part shall identify each school included on the list under paragraph (1)(D)(i) for the preceding school year as a persistently low-achieving school. For the 2014–2015 school year, and each subsequent school year, each such State shall identify each school that has been included on the list under such paragraph for the 2 preceding consecutive school years as a persistently low-achieving school.

(B) 5-YEAR PERIOD.—A school that is identified by the State under subparagraph (A) shall be a persistently low-achieving school for the 5-year period following the school's identification, except as provided in paragraph (7).

(3) STATE WAIVER.—If a State determines that all schools that would otherwise be considered to be in the lowest-achieving 5 percent of schools under paragraph (1)(A)(i) are actually performing at a satisfactory level of performance based on the measures used by the State to identify persistently low-achieving schools, the State may apply to the Secretary to waive the requirements of this subsection.

(4) NEEDS ANALYSIS.—Each local educational agency receiving assistance under this part shall conduct a data-driven needs analysis, which may involve an external partner with expertise in conducting such needs analysis, of each school identified under paragraph (2) by the State to determine the most appropriate school improvement strategies to improve student performance. Such needs analysis shall include—

(A) a diagnostic review of data related to students and instructional staff;

(B) an analysis of the school governance, curriculum, instruction, student supports, conditions for learning, and parent and family engagement practices relative to the needs of the student population; and

(C) the resources, which may include community-based supports and early childhood education and care, available at the school, local educational agency, and community levels to meet student needs and support improved student achievement and outcomes and the implementation of any school improvement strategy.

(5) STATE AND LOCAL RESPONSIBILITIES.—

(A) STATE RESPONSIBILITIES.—Each State receiving a grant under this part shall ensure that a local educational agency receiving assistance carries out the requirements of subparagraph (B) for each persistently low-achieving school in the State.

(B) LOCAL EDUCATIONAL AGENCY RESPONSIBILITIES.—Each local educational agency receiving assistance under this part shall, consistent with the State's accountability system under section 1111(a)(3), for each school identified under paragraph (2) that it serves—

(i) establish a process for selecting an appropriate school improvement strategy for the school that uses information from the needs analysis under paragraph (4);

(ii) select the school improvement strategy to be used in each identified school and the timeline for implementing the selected school improvement strategy in such school;

(iii) develop a detailed budget covering the 5-year identification period, including planned expenditures at the school level for activities supporting full and effective implementation of the selected school improvement strategy;

(iv) implement a school improvement strategy at the school in accordance with the requirements of paragraph (6);

(v) use appropriate measures to monitor the effectiveness of the implementation;

(vi) review and select turnaround partners to assist in implementing school improvement strategies;

(vii) align other Federal, State, and local resources with the school improvement strategy;

(viii) provide the school with the operational flexibility, including autonomy over staffing, time, and

budget, needed to enable full and effective implementation of the selected strategy, including through the modification of practices or policies, if necessary;

(ix) collect and use data on an ongoing basis to adjust implementation of the school improvement strategy to improve student achievement;

(x) provide an assurance that the implementation of the selected school improvement strategy addresses the needs of all the subgroups of students described in subsection (b)(1)(B) in the school;

(xi) take steps to sustain successful reforms and practices after the school is no longer identified under paragraph (2); and

(xii) provide technical assistance and other support to ensure effective implementation of the school improvement strategy in the school, which may include assistance in—

(I) data collection and analysis;

(II) recruiting and retaining staff;

(III) teacher and principal evaluation;

(IV) professional development;

(V) parent and family engagement;

(VI) coordination of services with early childhood education and care providers;

(VII) coordination of services to address students' social, emotional, and health needs; and

(VIII) monitoring the implementation of the school improvement strategy selected under paragraph (6).

(C) STATE AS LOCAL EDUCATIONAL AGENCY.—A State may take over a persistently low-achieving school and act as the local educational agency for purposes of this subsection, if permitted under State law.

(6) SCHOOL IMPROVEMENT STRATEGIES.—

(A) REQUIRED ACTIVITIES FOR ALL SCHOOL IMPROVEMENT STRATEGIES.—A local educational agency implementing any strategies under this paragraph for a school shall—

(i) provide staff at the school with ongoing professional development, consistent with the needs analysis described in paragraph (4);

(ii) conduct regular evaluations for the teachers and principals at the school that provide specific feedback on areas of strength and in need of improvement;

(iii) provide time for collaboration among instructional staff at the school to improve student achievement;

(iv) provide instructional staff at the school with timely access to student data to inform instruction and meet the academic needs of individual students, which may include, in elementary school, school readiness data;

(v) collaborate with parents, the community, teachers, and other school personnel at the school on the selection and implementation of the strategy;

(vi) use data to identify and implement a research-based instructional program that—

(I) analyzes student progress and performance and develops appropriate interventions for students who are not making adequate progress; and

(II) provides differentiated instruction and related instructional supports;

(vii) in the case of an elementary school with kindergarten entry, consider the issue of school readiness in such school by—

(I) examining factors that contribute to school readiness as part of the needs analysis conducted under paragraph (4); and

(II) if school readiness is identified in the needs analysis as an area in need of improvement—

(aa) coordinating with appropriate early childhood programs, such as programs under the Child Care Development and Block Grant Act of 1990, the Head Start Act, prekindergarten programs, and other similar Federal, State, and local programs, in order to align instruction to better prepare students for elementary school; and

(bb) developing a plan to improve or expand early childhood options which may include the use of funds under this part for such purposes;

(viii) provide ongoing mechanisms for parent and family engagement; and

(ix) provide appropriate services and supports for students as identified in the school's needs analysis.

(B) STRATEGIES.—A local educational agency shall identify a school improvement strategy for a school described in paragraph (5)(A) from among the following strategies:

(i) TRANSFORMATION STRATEGY.—A local educational agency implementing a transformation strategy in a school shall—

(I) replace the principal, if the principal has served in that role at the school for more than 2 years, with a principal who has—

(aa) a demonstrated record of success in increasing student achievement;

(bb) training or experience in raising student achievement; or

(cc) training or experience in turning around low-performing schools;

(II) require existing instructional staff and school leadership to reapply for their positions; and

(III) require that all instructional staff and school leadership hiring be done at the school through mutual consent.

(ii) STRATEGIC STAFFING STRATEGY.—A local educational agency implementing a strategic staffing initiative as a strategy for a school shall—

(I) replace the principal, if the principal has served in that role at the school for more than 2 years, with a principal who has the demonstrated record of success, training, or experience described in clause (i)(I);

(II) require that the principal be allowed to staff the school with a school turnaround team of the principal's choosing from among individuals with a demonstrated record of success in increasing student achievement, which team shall include key leadership positions in the school and—

(aa) in the case of a school that is an elementary school, not more than 5 teachers; or

(bb) in the case of a school that is a secondary school, not more than 20 teachers; and

(III) provide incentives to the principal and teachers to participate in the initiative.

(iii) TURNAROUND STRATEGY.—A local educational agency implementing a turnaround model as a strategy for a school shall—

(I) replace the principal, if the principal has served in that role at the school for more than 2 years, with a principal who has the demonstrated record of success, training, or experience described in clause (i)(I); and

(II) screen all teachers in the school and retain not more than 65 percent of them.

(iv) WHOLE SCHOOL REFORM STRATEGY.—A local educational agency implementing a whole school reform strategy for a school shall implement an evidence-based strategy that ensures whole school reform. The strategy shall be undertaken in partnership with a strategy developer offering a school reform program that is based on at least a moderate level of evidence that the program will have a statistically significant effect on student outcomes, including more than 1 well-designed or well-implemented experimental or quasi-experimental study.

(v) RESTART STRATEGY.—A local educational agency implementing a restart strategy in a school shall carry out the following:

(I)(aa) Convert the school into a public charter school, or close and reopen the school as a public charter school in partnership with a nonprofit charter school operator, a nonprofit charter management organization, or a nonprofit education management organization, that has a demonstrated record of improving student achievement for students similar to those served by the school; or

(bb) convert the school to a magnet school or create a new, innovative school, as defined by the State.

(II) Ensure that the new school—

(aa) serves the grade levels as the original school for which the strategy is being implemented; and

(bb) enrolls any former student of the original school who requests to attend the school and then, after all such students are enrolled, admits additional students, using a random lottery system if more students apply for admission than can be accommodated.

(vi) SCHOOL CLOSURE STRATEGY.—A local educational agency implementing a school closure strategy for a school—

(I) shall close the school and enroll the students who attended the school in other schools, including charter schools, served by the local educational agency that are within reasonable proximity to the closed school, as determined by the local educational agency, and that are higher-performing than the school that is being closed;

(II) shall provide transportation, or shall pay for the provision of transportation, for each such student to the student's new school, consistent with State law and local educational agency policy;

(III) shall provide information about high-quality educational options, as well as transition and support services to students, who attended the closed school and the students' parents; and

(IV) may use school improvement funds provided under subsection (d) to pay for the expenses of—

(aa) transitioning students from the school that is being closed to the new school;

(bb) supporting the new school; and

(cc) expanding and offering student supports and services within the new school, which may include high-quality prekindergarten programs and services.

(C) FLEXIBILITY.—

(i) FLEXIBILITY FOR CERTAIN LOCAL EDUCATIONAL AGENCIES.—Notwithstanding any other provision of this paragraph—

(I) a local educational agency that is eligible for services under subpart 1 or 2 of part B of title VI, as determined by the Secretary, may modify not more than 1 of the elements or activities required under subparagraph (A) of a school improvement strategy selected for a school described in paragraph (5)(A), in order to better meet the needs of students in such school; and

(II) a State educational agency may apply to the Secretary for a waiver of clauses (i)(I), (ii)(I), and (iii)(I) of subparagraph (B).

(ii) STATE FLEXIBILITY.—

(I) IN GENERAL.—Notwithstanding any other provision of this paragraph, a State educational

agency may, with the approval of the Secretary, establish an alternative State-determined school improvement strategy that may be used by local educational agencies in addition to the strategies described in subparagraph (B).

(II) EXCEPTION FOR REQUIRED ACTIVITIES.—A local educational agency implementing an approved alternative State-determined school improvement strategy in accordance with this subparagraph shall not be required to implement the activities described in subparagraph (A).

(D) PUBLIC SCHOOL CHOICE.—

(i) IN GENERAL.—In addition to the requirements of subparagraph (A) and the school improvement strategy determined under subparagraph (B) or (C)(ii), a local educational agency shall, not later than 3 months before the first day of the school year following identification under paragraph (2), provide all students enrolled in the identified school with the option to transfer to another public school served by the local educational agency that has not been identified under such paragraph, unless such an option is prohibited by State law.

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

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

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

(7) IMPROVEMENT.—If, at any time during the 5-year period for which a school is identified as a persistently low-achieving school under paragraph (2), the State determines, based on the most current data, that the school has improved and is no longer one of the State's persistently low-achieving schools, then—

(A) the State educational agency shall no longer identify the school as a persistently low-achieving school for any remainder of the 5-year period; and

(B) if an eligible entity, as defined in subsection (d)(1), was receiving school improvement funds under subsection (d) for such school, the eligible entity shall continue to receive such grant funds as are necessary, and use such funds to carry out the grant activities in such school, for the full period of such grant.

(8) REPEATED CLASSIFICATION AS PERSISTENTLY LOW-ACHIEVING.—For each public school that is identified under paragraph (2) for any portion of a 5-year period and that is re-identified under such paragraph for the subsequent time period, the local educational agency shall carry out the requirements of this subsection for such subsequent period by implementing, with respect to such school, the restart strategy or school closure strategy under clause (v) or (vi) of paragraph (6)(B).

(d) SCHOOL IMPROVEMENT FUNDS.—

(1) DEFINITIONS.—In this subsection:

(A) ELIGIBLE ENTITY.—the term "eligible entity" means—

(i) a State educational agency;

(ii) a local educational agency that receives funds under this part and serves at least 1 eligible school;

(iii) a consortium of such local educational agencies; or

(iv) an educational service agency that serves at least 1 local educational agency described in clause (ii).

(B) ELIGIBLE SCHOOL.—The term "eligible school" means a school identified under subsection (b) or paragraph (1) or (2) of subsection (c).

(2) ALLOTMENTS TO STATES.—

(A) IN GENERAL.—From the funds made available to carry out this subsection under section 3(a)(2) for a fiscal year, the Secretary shall provide States that submit an application described in paragraph (3) with school improvement funds through an allotment, as determined under subparagraph (B) and in addition to the amounts made available to States under subpart 2, to enable the States to award subgrants and carry out the activities described in this subsection to assist eligible schools.

(B) ALLOTMENTS TO STATES.—From the funds made available to carry out this subsection under section 3(a)(2) for a fiscal year, the Secretary shall allot to each State with an approved application an amount that bears the same relation to such funds as the amount that the State received under subpart 2 for the preceding fiscal year bears to the amount that all States receive under such subpart for such fiscal year.

(3) STATE APPLICATION.—A State that desires to receive school improvement funds under this subsection shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each application shall include a description of—

(A) the process and the criteria that the State will use to award subgrants under paragraph (5)(A)(i);

(B) the process and the criteria the State will use to determine whether the eligible entity's proposal for each eligible school meets the requirements of subparagraphs (B) and (C) of paragraph (5), and paragraphs (4) and (6), of subsection (c);

(C) how the State will ensure geographic diversity in making subgrants;

(D) how the State will set priorities in awarding subgrants to eligible entities approved to serve schools identified under subsection (b), if funds are available to do so;

(E) how the State will monitor and evaluate the implementation of school improvement strategies by eligible entities, including how the State will use the results of the evaluation to improve State strategies for supporting schools identified under subsection (b) or (c); and

(F) how the State will reduce barriers for schools in the implementation of school improvement strategies, including operational flexibility that would enable complete implementation of the selected school improvement strategy.

(4) STATE ADMINISTRATION AND TECHNICAL ASSISTANCE.—A State that receives an allotment under this subsection may reserve not more than a total of 5 percent of such allotment for the administration of this subsection, which may include activities aimed at building State capacity to support the local educational agency and school improvement, such as providing technical assistance and other support (including regular site visits to monitor implementation of selected school improvement strategies to eligible entities serving schools identified under subsection (c)(2)), either directly or through educational service agencies or other public or private organizations.

(5) SCHOOL IMPROVEMENT ACTIVITIES.—

(A) IN GENERAL.—A State that receives school improvement funds under this subsection shall use not less than 95 percent of such allotment to carry out school improvement activities for eligible schools by—

(i) awarding subgrants, on a competitive basis, to eligible entities to enable the eligible entities to carry out the activities described in subparagraph (D) for eligible schools; or

(ii) if the State chooses and the local educational agency serving an eligible school agrees, directly providing the activities described in clauses (i) through (iii) of subparagraph (D) to the eligible school and the local educational agency, or arranging for other entities, such as school support teams or educational service agencies, to provide such activities to the school.

(B) PRIORITY.—In distributing grant funds under this paragraph, a State shall assist the schools identified under paragraph (1) or (2) of subsection (c), including such schools that have improved as provided for in subsection (c)(7), in the State before assisting eligible schools that are identified under subsection (b).

(C) SUBGRANTS.—

(i) APPLICATIONS.—An eligible entity that desires a subgrant under this paragraph shall submit an application to the State at such time, in such manner, and including such information as the State shall require. The application shall include a description of how the eligible entity will carry out the requirements of subparagraphs (B) and (C) of paragraph (5), and para-

graphs (4) and (6), for each eligible school to be served by the grant.

(ii) DEMONSTRATION OF ADDITIONAL RESPONSIBILITIES.—Each eligible entity that desires a subgrant under this paragraph shall demonstrate in its application that the eligible entity has—

(I) adopted human resource policies that prioritize the recruitment, retention, and placement of effective staff in eligible schools;

(II) ensured that eligible schools have access to resources to implement the school improvement strategies described in subsection (c)(6), such as facilities, professional development, and technology;

(III) identified opportunities to reduce duplication, increase efficiency, and assist eligible schools in complying with reporting requirements of State and Federal programs;

(IV) developed an early warning indicator system that monitors school-level data, and alerts the eligible school when a student indicates slowed progress toward high school graduation, so that the school can provide appropriate student interventions; and

(V) facilitated alignment and coordination between early childhood education and care programs and services serving students who will attend eligible schools that are elementary schools, and teachers and principals of such eligible schools.

(iii) SUBGRANT SIZE.—A State shall award subgrants under this paragraph of sufficient size to enable subgrant recipients to fully and effectively implement the selected school improvement strategies.

(iv) SUBGRANT PERIOD.—Each subgrant awarded under this paragraph shall be for a 5-year period.

(v) WITHHOLDING FINAL FUNDING.—In order for a State to award subgrant funds to an eligible entity for the final 2 years of the subgrant cycle, the eligible entity shall demonstrate that the schools receiving funds under this paragraph have made significant progress on the leading indicators.

(D) USE OF SUBGRANT FUNDS.—An eligible entity that receives a subgrant under this paragraph shall use the subgrant funds to—

(i) carry out the requirements of subparagraphs (B) and (C) of paragraph (5), and paragraphs (4) and (6), in an eligible school that has been identified under subsection (c)(2) as of the date of the grant award, which may include a maximum 1-year planning period;

(ii) if all eligible schools identified under subsection (c)(2) in the State have received funds under this subsection, apply, and carry out, the requirements of subparagraphs (B) and (C) of paragraph (5), and para-

graphs (4) and (6), at other eligible schools as if such schools had been identified under subsection (c)(2);

(iii) carry out activities at the local educational agency level that directly support such implementation, such as—

(I) assistance in data collection and analysis;

(II) recruiting and retaining staff;

(III) teacher and principal evaluation;

(IV) professional development;

(V) coordination of services to address students' social, emotional, and health needs; and

(VI) progress monitoring.

(E) SUPPLEMENT, NOT SUPPLANT.—An eligible entity or State shall use Federal funds received under this subsection only to supplement the funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the education of pupils participating in programs funded under this subsection.

(F) INTERVENTION BY STATE.—In the case of a State educational agency that has taken over a school or local educational agency, the State may use an amount of funds under this subsection similar to the amount that the school or local educational agency would receive, under this subsection, in order to carry out the activities described in clauses (i) through (iii) of subparagraph (D) for the school and local educational agency, either directly or through an eligible entity designated by the State educational agency.

(6) NATIONAL ACTIVITIES.—From amounts appropriated and reserved for this paragraph under section 3(a)(2)(B), the Secretary shall carry out the following national activities:

(A) Activities focused on building State and local educational agency capacity to turn around schools identified under subsection (c)(2) and schools in rural areas through activities such as—

(i) identifying and disseminating effective school improvement strategies, including in rural areas;

(ii) making available targeted technical assistance, including planning and implementation tools; and

(iii) expanding the availability of turnaround partners capable of assisting in turning around schools identified under subsection (c)(2), including in rural areas.

(B) Activities focused on building capacity to turn around schools identified under subsection (c)(2), including in rural areas.

(C) The use of data, research, and evaluation to—

(i) identify schools that are implementing school improvement strategies effectively;

(ii) identify effective school improvement strategies; and

(iii) collect and disseminate that information to States and local educational agencies in a manner that facilitates replication of effective practices.

(D) Other activities designed to support State and local efforts to improve eligible schools.

(7) EVALUATION.—The Director of the Institute of Education Sciences shall conduct an evaluation of the programs carried out under this subsection.

(e) STATE RESPONSIBILITIES.—Consistent with section 1111(a)(3)(A)(iv), a State educational agency receiving assistance under this part shall provide support for the improvement of all schools that are not identified under subsection (b) or (c)(2) but are low-performing or have low-performing subgroups of students described in subsection (b)(1)(B).

(f) CONSTRUCTION.—Nothing in this section shall be construed to alter or otherwise affect the rights, remedies, and procedures afforded school or school district employees under Federal, State, or local laws (including applicable regulations or court orders) or under the terms of collective bargaining agreements, memoranda of understanding, or other agreements between such employees and their employers.

[SEC. 1117. [20 U.S.C. 6317] SCHOOL SUPPORT AND RECOGNITION.]

[(a) SYSTEM FOR SUPPORT.—

[(1) IN GENERAL.—Each State shall establish a statewide system of intensive and sustained support and improvement for local educational agencies and schools receiving funds under this part, in order to increase the opportunity for all students served by those agencies and schools to meet the State's academic content standards and student academic achievement standards.

[(2) PRIORITIES.—In carrying out this subsection, a State shall—

[(A) first, provide support and assistance to local educational agencies with schools subject to corrective action under section 1116 and assist those schools, in accordance with section 1116(b)(11), for which a local educational agency has failed to carry out its responsibilities under paragraphs (7) and (8) of section 1116(b);

[(B) second, provide support and assistance to other local educational agencies with schools identified as in need of improvement under section 1116(b); and

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

[(3) REGIONAL CENTERS.—Such a statewide system shall, to the extent practicable, work with and receive support and assistance from regional educational laboratories established under part D of the Education Sciences Reform Act of 2002 and comprehensive centers established under the Educational Technical Assistance Act of 2002 and the comprehensive regional technical assistance centers and the regional educational laboratories under section 941(h) of the Educational Research, Development, Dissemination, and Improvement Act of 1994 (as such section existed on the day before the date of enactment of the Education Sciences Reform Act of 2002), or other providers of technical assistance.

[(4) STATEWIDE SYSTEM.—

[(A) In order to achieve the purpose described in paragraph (1), the statewide system shall include, at a minimum, the following approaches:

[(i) Establishing school support teams in accordance with subparagraph (C) for assignment to, and working in, schools in the State that are described in paragraph (2).

[(ii) Providing such support as the State educational agency determines necessary and available in order to ensure the effectiveness of such teams.

[(iii) Designating and using distinguished teachers and principals who are chosen from schools served under this part that have been especially successful in improving academic achievement.

[(iv) Devising additional approaches to providing the assistance described in paragraph (1), such as providing assistance through institutions of higher education and educational service agencies or other local consortia, and private providers of scientifically based technical assistance.

[(B) PRIORITY.—The State educational agency shall give priority to the approach described in clause (i) of subparagraph (A).

[(5) SCHOOL SUPPORT TEAMS.—

[(A) COMPOSITION.—Each school support team established under this section shall be composed of persons knowledgeable about scientifically based research and practice on teaching and learning and about successful schoolwide projects, school reform, and improving educational opportunities for low-achieving students, including—

[(i) highly qualified or distinguished teachers and principals;

[(ii) pupil services personnel;

[(iii) parents;

[(iv) representatives of institutions of higher education;

[(v) representatives of regional educational laboratories or comprehensive regional technical assistance centers;

[(vi) representatives of outside consultant groups; or

[(vii) other individuals as the State educational agency, in consultation with the local educational agency, may determine appropriate.

[(B) FUNCTIONS.—Each school support team assigned to a school under this section shall—

[(i) review and analyze all facets of the school's operation, including the design and operation of the instructional program, and assist the school in developing recommendations for improving student performance in that school;

[(ii) collaborate with parents and school staff and the local educational agency serving the school in the

design, implementation, and monitoring of a plan that, if fully implemented, can reasonably be expected to improve student performance and help the school meet its goals for improvement, including adequate yearly progress under section 1111(b)(2)(B);

[(iii) evaluate, at least semiannually, the effectiveness of school personnel assigned to the school, including identifying outstanding teachers and principals, and make findings and recommendations to the school, the local educational agency, and, where appropriate, the State educational agency; and

[(iv) make additional recommendations as the school implements the plan described in clause (ii) to the local educational agency and the State educational agency concerning additional assistance that is needed by the school or the school support team.

[(C) CONTINUATION OF ASSISTANCE.—After one school year, from the beginning of the activities, such school support team, in consultation with the local educational agency, may recommend that the school support team continue to provide assistance to the school, or that the local educational agency or the State educational agency, as appropriate, take alternative actions with regard to the school.

[(b) STATE RECOGNITION.—

[(1) ACADEMIC ACHIEVEMENT AWARDS PROGRAM.—

[(A) IN GENERAL.—Each State receiving a grant under this part—

[(i) shall establish a program for making academic achievement awards to recognize schools that meet the criteria described in subparagraph (B); and

[(ii) as appropriate and as funds are available under subsection (c)(2)(A), may financially reward schools served under this part that meet the criteria described in clause (ii).

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

[(i) significantly closed the achievement gap between the groups of students described in section 1111(b)(2); or

[(ii) exceeded their adequate yearly progress, consistent with section 1111(b)(2), for 2 or more consecutive years.

[(2) DISTINGUISHED SCHOOLS.—Of those schools meeting the criteria described in paragraph (2), each State shall designate as distinguished schools those schools that have made the greatest gains in closing the achievement gap as described in subparagraph (B)(i) or exceeding adequate yearly progress as described in subparagraph (B)(ii). Such distinguished schools may serve as models for and provide support to other schools, especially schools identified for improvement under section 1116, to assist such schools in meeting the State's academic content standards and student academic achievement standards.

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

[(c) FUNDING.—

[(1) IN GENERAL.—Each State—

[(A) shall use funds reserved under section 1003(a) and may use funds made available under section 1003(g) for the approaches described under subsection (a)(4)(A); and

[(B) shall use State administrative funds authorized under section 1004(a) to establish the statewide system of support described under subsection (a).

[(2) RESERVATIONS OF FUNDS BY STATE.—

[(A) AWARDS PROGRAM.—For the purpose of carrying out subsection (b)(1), each State receiving a grant under this part may reserve, from the amount (if any) by which the funds received by the State under subpart 2 for a fiscal year exceed the amount received by the State under that subpart for the preceding fiscal year, not more than 5 percent of such excess amount.

[(B) TEACHER AWARDS.—For the purpose of carrying out subsection (b)(3), a State educational agency may reserve such funds as necessary from funds made available under section 2113.

[(3) USE WITHIN 3 YEARS.—Notwithstanding any other provision of law, the amount reserved under subparagraph (A) by a State for each fiscal year shall remain available to the State until expended for a period not exceeding 3 years receipt of funds.

[(4) SPECIAL ALLOCATION RULE FOR SCHOOLS IN HIGH-POVERTY AREAS.—

[(A) IN GENERAL.—Each State shall distribute not less than 75 percent of any amount reserved under paragraph (2)(A) for each fiscal year to schools described in subparagraph (B), or to teachers in those schools consistent with subsection (b)(3).

[(B) SCHOOL DESCRIBED.—A school described in subparagraph (A) is a school whose student population is in the highest quartile of schools statewide in terms of the percentage of children from low income families.]

SEC. 1117. BLUE RIBBON SCHOOLS.

(a) PROGRAM PURPOSE.—It is the purpose of this section to assist States and local educational agencies in identifying and rewarding high-performing public schools.

(b) BLUE RIBBON SCHOOLS.—

(1) IDENTIFICATION OF BLUE RIBBON SCHOOLS.—Each State receiving a grant under this part may—

(A) define the category of blue ribbon schools, consistent with paragraph (2), for the State as part of its State plan in section 1111(b); and

(B) identify, for each school year, the schools in the State that are blue ribbon schools for such year.

(2) BLUE RIBBON SCHOOL CRITERIA.—

(A) IN GENERAL.—If a State elects to carry out this subsection, the State's blue ribbon schools shall consist of the top 5 percent of the State's public elementary schools and secondary schools, as designated by the State based on—

(i) the percentage of students who are on track to college and career readiness for English or language arts, and mathematics;

(ii) in the case of high schools, the school's graduation rates;

(iii) the performance of each category of students described in section 1116(b)(1)(B);

(iv) if the State chooses to measure student growth in accordance with section 1111(b)(1)(B), the percentage of students attaining growth in accordance with clauses (i) and (ii) of such section; and

(v) school gains.

(B) NONELIGIBILITY FOR BLUE RIBBON STATUS.—A school identified under subsection (b) or (c)(2) of section 1116 for a year shall not be eligible for blue ribbon school status for the same year.

(c) REWARDS FOR BLUE RIBBON SCHOOLS.—

(1) IN GENERAL.—Each State that defines and identifies blue ribbon schools under subsection (b)(1) for a school year may—

(A) provide each blue ribbon school in the State with increased autonomy over the school's budget, staffing, and time;

(B) allow each blue ribbon school to have flexibility in the use of any funds provided to the school under this Act for any purpose allowed under this Act (notwithstanding any other provision of this Act), as long as such use is consistent with the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 (42 U.S.C. 12101), and part B of the Individuals with Disabilities Education Act; and

(C) reserve not more than .5 percent of the funds allotted to the State under subpart 2 and use such reserved amounts to distribute rewards, on a competitive basis, to local educational agencies that serve 1 or more blue ribbon schools identified under subsection (b) that receive funds under subpart 2 to enable the local educational agencies to provide awards to such blue ribbon schools that receive funds under such subpart.

(2) USE OF REWARDS.—As a condition of receiving an award from a local educational agency under this subsection, a blue ribbon school shall agree to use the award funds to—

(A) improve student achievement; and

(B) provide technical assistance to the lowest-achieving schools in the State that have characteristics similar to the blue ribbon school, in accordance with the State plan under section 1111(b)(1)(F).

[SEC. 1118. [20 U.S.C. 6318] PARENTAL INVOLVEMENT.]

[(a) LOCAL EDUCATIONAL AGENCY POLICY.—

[(1) IN GENERAL.—A local educational agency may receive funds under this part only if such agency implements programs, activities, and procedures for the involvement of parents in programs assisted under this part consistent with this section. Such programs, activities, and procedures shall be planned and implemented with meaningful consultation with parents of participating children.

[(2) WRITTEN POLICY.—Each local educational agency that receives funds under this part shall develop jointly with, agree on with, and distribute to, parents of participating children a written parent involvement policy. The policy shall be incorporated into the local educational agency's plan developed under section 1112, establish the agency's expectations for parent involvement, and describe how the agency will—

[(A) involve parents in the joint development of the plan under section 1112, and the process of school review and improvement under section 1116;

[(B) provide the coordination, technical assistance, and other support necessary to assist participating schools in planning and implementing effective parent involvement activities to improve student academic achievement and school performance;

[(C) build the schools' and parents' capacity for strong parental involvement as described in subsection (e);

[(D) coordinate and integrate parental involvement strategies under this part with parental involvement strategies under other programs, such as the Head Start program, Reading First program, Early Reading First program, Even Start program, Parents as Teachers program, and Home Instruction Program for Preschool Youngsters, and State-run preschool programs;

[(E) conduct, with the involvement of parents, an annual evaluation of the content and effectiveness of the parental involvement policy in improving the academic quality of the schools served under this part, including identifying barriers to greater participation by parents in activities authorized by this section (with particular attention to parents who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority background), and use the findings of such evaluation to design strategies for more effective parental involvement, and to revise, if necessary, the parental involvement policies described in this section; and

[(F) involve parents in the activities of the schools served under this part.

[(3) RESERVATION.—

[(A) IN GENERAL.—Each local educational agency shall reserve not less than 1 percent of such agency's allocation under subpart 2 of this part to carry out this section, including promoting family literacy and parenting skills, except that this paragraph shall not apply if 1 percent of

such agency's allocation under subpart 2 of this part for the fiscal year for which the determination is made is $5,000 or less.

[(B) PARENTAL INPUT.—Parents of children receiving services under this part shall be involved in the decisions regarding how funds reserved under subparagraph (A) are allotted for parental involvement activities.

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

[(b) SCHOOL PARENTAL INVOLVEMENT POLICY.—

[(1) IN GENERAL.—Each school served under this part shall jointly develop with, and distribute to, parents of participating children a written parental involvement policy, agreed on by such parents, that shall describe the means for carrying out the requirements of subsections (c) through (f). Parents shall be notified of the policy in an understandable and uniform format and, to the extent practicable, provided in a language the parents can understand. Such policy shall be made available to the local community and updated periodically to meet the changing needs of parents and the school.

[(2) SPECIAL RULE.—If the school has a parental involvement policy that applies to all parents, such school may amend that policy, if necessary, to meet the requirements of this subsection.

[(3) AMENDMENT.—If the local educational agency involved has a school district-level parental involvement policy that applies to all parents, such agency may amend that policy, if necessary, to meet the requirements of this subsection.

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

[(c) POLICY INVOLVEMENT.—Each school served under this part shall—

[(1) convene an annual meeting, at a convenient time, to which all parents of participating children shall be invited and encouraged to attend, to inform parents of their school's participation under this part and to explain the requirements of this part, and the right of the parents to be involved;

[(2) offer a flexible number of meetings, such as meetings in the morning or evening, and may provide, with funds provided under this part, transportation, child care, or home visits, as such services relate to parental involvement;

[(3) involve parents, in an organized, ongoing, and timely way, in the planning, review, and improvement of programs under this part, including the planning, review, and improvement of the school parental involvement policy and the joint development of the schoolwide program plan under section 1114(b)(2), except that if a school has in place a process for involving parents in the joint planning and design of the school's programs, the school may use that process, if such process in-

cludes an adequate representation of parents of participating children;

[(4) provide parents of participating children—

[(A) timely information about programs under this part;

[(B) a description and explanation of the curriculum in use at the school, the forms of academic assessment used to measure student progress, and the proficiency levels students are expected to meet; and

[(C) if requested by parents, opportunities for regular meetings to formulate suggestions and to participate, as appropriate, in decisions relating to the education of their children, and respond to any such suggestions as soon as practicably possible; and

[(5) if the schoolwide program plan under section 1114(b)(2) is not satisfactory to the parents of participating children, submit any parent comments on the plan when the school makes the plan available to the local educational agency.

[(d) SHARED RESPONSIBILITIES FOR HIGH STUDENT ACADEMIC ACHIEVEMENT.—As a component of the school-level parental involvement policy developed under subsection (b), each school served under this part shall jointly develop with parents for all children served under this part a school-parent compact that outlines how parents, the entire school staff, and students will share the responsibility for improved student academic achievement and the means by which the school and parents will build and develop a partnership to help children achieve the State's high standards. Such compact shall—

[(1) describe the school's responsibility to provide high-quality curriculum and instruction in a supportive and effective learning environment that enables the children served under this part to meet the State's student academic achievement standards, and the ways in which each parent will be responsible for supporting their children's learning, such as monitoring attendance, homework completion, and television watching; volunteering in their child's classroom; and participating, as appropriate, in decisions relating to the education of their children and positive use of extracurricular time; and

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

[(A) parent-teacher conferences in elementary schools, at least annually, during which the compact shall be discussed as the compact relates to the individual child's achievement;

[(B) frequent reports to parents on their children's progress; and

[(C) reasonable access to staff, opportunities to volunteer and participate in their child's class, and observation of classroom activities.

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

[(1) shall provide assistance to parents of children served by the school or local educational agency, as appropriate, in understanding such topics as the State's academic content standards and State student academic achievement standards, State and local academic assessments, the requirements of this part, and how to monitor a child's progress and work with educators to improve the achievement of their children;

[(2) shall provide materials and training to help parents to work with their children to improve their children's achievement, such as literacy training and using technology, as appropriate, to foster parental involvement;

[(3) shall educate teachers, pupil services personnel, principals, and other staff, with the assistance of parents, in the value and utility of contributions of parents, and in how to reach out to, communicate with, and work with parents as equal partners, implement and coordinate parent programs, and build ties between parents and the school;

[(4) shall, to the extent feasible and appropriate, coordinate and integrate parent involvement programs and activities with Head Start, Reading First, Early Reading First, Even Start, the Home Instruction Programs for Preschool Youngsters, the Parents as Teachers Program, and public preschool and other programs, and conduct other activities, such as parent resource centers, that encourage and support parents in more fully participating in the education of their children;

[(5) shall ensure that information related to school and parent programs, meetings, and other activities is sent to the parents of participating children in a format and, to the extent practicable, in a language the parents can understand;

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

[(7) may provide necessary literacy training from funds received under this part if the local educational agency has exhausted all other reasonably available sources of funding for such training;

[(8) may pay reasonable and necessary expenses associated with local parental involvement activities, including transportation and child care costs, to enable parents to participate in school-related meetings and training sessions;

[(9) may train parents to enhance the involvement of other parents;

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

[(11) may adopt and implement model approaches to improving parental involvement;

[(12) may establish a districtwide parent advisory council to provide advice on all matters related to parental involvement in programs supported under this section;

[(13) may develop appropriate roles for community-based organizations and businesses in parent involvement activities; and

[(14) shall provide such other reasonable support for parental involvement activities under this section as parents may request.

[(f) ACCESSIBILITY.—In carrying out the parental involvement requirements of this part, local educational agencies and schools, to the extent practicable, shall provide full opportunities for the participation of parents with limited English proficiency, parents with disabilities, and parents of migratory children, including providing information and school reports required under section 1111 in a format and, to the extent practicable, in a language such parents understand.

[(g) INFORMATION FROM PARENTAL INFORMATION AND RESOURCE CENTERS.—In a State where a parental information and resource center is established to provide training, information, and support to parents and individuals who work with local parents, local educational agencies, and schools receiving assistance under this part, each local educational agency or school that receives assistance under this part and is located in the State shall assist parents and parental organizations by informing such parents and organizations of the existence and purpose of such centers.

[(h) REVIEW.—The State educational agency shall review the local educational agency's parental involvement policies and practices to determine if the policies and practices meet the requirements of this section.]

SEC. 1118. PARENT AND FAMILY ENGAGEMENT.

(a) LOCAL EDUCATIONAL AGENCY PARENT AND FAMILY ENGAGEMENT PLAN.—

(1) IN GENERAL.—A local educational agency may receive funds under this part only if such agency develops and implements a strategic, evidence-based plan to support meaningful engagement of parents and family members in education (referred to in this section as the "parent and family engagement plan"). Such plan shall be aligned through incorporation into the local educational agency's plan developed under section 1112 and shall include strategies (especially in high-need schools) that are planned and implemented in meaningful consultation with—

(A) parents and family members of participating children, including districtwide parent advisory committees, where applicable;

(B) to the greatest extent practicable, individuals with expertise in effectively engaging parents and family members in education; and

(C) organizations that have a demonstrated record of effectiveness in assisting students in becoming college and career ready.

(2) CONSULTATION AND DISSEMINATION.—Each local educational agency that receives funds under this part shall—

(A) develop and implement the parent and family engagement plan jointly with parents and family members of par-

ticipating children and, where applicable, with a districtwide parent advisory committee; and

(B) develop a template for schools to use in communicating—

(i) parent and family engagement strategies; and

(ii) the content of the compact described in subsection (e).

(3) CONTENTS OF THE LOCAL EDUCATIONAL AGENCY PARENT AND FAMILY ENGAGEMENT PLAN.—

(A) REQUIRED ELEMENTS.—The parent and family engagement plan shall—

(i) establish the local educational agency's expectations for, and commitment to support, meaningful engagement strategies;

(ii) describe the process through which the local educational agency will equip parents and family members, with particular attention to economically disadvantaged parents and family members, to—

(I) act in partnership with school personnel to improve the academic achievement and development of their children;

(II) participate in school improvement strategies; and

(III) communicate effectively with educators and administrators, such as through the establishment of a districtwide parent advisory committee, if such committee does not already exist;

(iii) describe how the local educational agency will provide the coordination, technical assistance, and other support necessary to assist participating schools in planning and implementing effective parent and family engagement strategies, such as—

(I) making facilities of the local educational agency available, as appropriate; and

(II) utilizing the expertise of, and developing strategies with, organizations that have a demonstrated record of success in supporting parent and family engagement;

(iv) describe how the local educational agency will use data (including data collected through the evaluation described in subsection (b), a conditions for learning measurement system as described in section 4404(g), and surveys of parent and family engagement) to continuously improve and increase engagement strategies; and

(v) describe how the local educational agency will involve parents in the development of the plan described in section 1112.

(B) OPTIONAL ELEMENTS.—The parent and family engagement plan may include, in addition to the requirements described in subparagraph (A), a description of how the local educational agency plans to involve employers, business leaders, philanthropic and nonprofit organizations, and other community members committed to improv-

ing student achievement and development in order to increase and strengthen parent and family engagement, as well as how the local educational agency will coordinate with parent and family information and resource centers established under part G of title IV.

(b) EVALUATION.—The local educational agency shall conduct, with the involvement of parents and family members, an annual evaluation of the effectiveness of the parent and family engagement plan in—

(1) improving student academic achievement and development;

(2) improving the college and career readiness of children; and

(3) reducing barriers to greater participation in the activities described in this section by parents and family members, with particular attention to parents and family members who are economically disadvantaged.

(c) RESERVATION AND USE OF FUNDS.—

(1) IN GENERAL.—Each local educational agency shall reserve not less than 1 percent of such agency's allocation under subpart 2 to carry out the activities described in this section.

(2) EXCEPTION.—The reservation requirement under paragraph (1) shall not apply if 1 percent of the local educational agency's allocation under subpart 2 for the fiscal year for which the determination is made is equal to or less than $5,000.

(3) USE OF FUNDS.—Funds reserved under paragraph (1) may be used to carry out systemic, evidence-based parent and family engagement strategies, consistent with the local educational agency parent and family engagement plan described in subsection (a), such as the following:

(A) Designating or establishing a dedicated office or dedicated personnel for parent and family engagement.

(B) Providing subgrants to schools working in partnership with an organization with a demonstrated record of success in improving and increasing parent and family engagement.

(C) Professional development for school personnel regarding parent and family engagement strategies, which may be provided jointly to teachers, school leaders, and parents and family members.

(D) Districtwide or school-based leadership training for parents and family members and other evidence-based leadership development strategies.

(E) Adult education and literacy activities, as defined in section 203 of the Adult Education and Family Literacy Act.

(F) Home visitation programs.

(G) Volunteerism programs.

(H) Other evidence-based or promising strategies for improving and increasing parent and family engagement, which may include family and student supports, as defined in section 4603.

(I) Conducting the evaluation described in subsection (b).

(J) Disseminating information on best practices (such as implementation, replication, impact studies, and evaluations) focused on parent and family engagement, especially best practices for increasing the engagement of economically disadvantaged parents and family members.

(K) Coordinating parent and family engagement strategies conducted by the local educational agency and schools within the local educational agency with local early learning programs, career and technical education programs, and postsecondary education programs.

(4) DISTRIBUTION OF FUNDS.—

(A) IN GENERAL.—Not less than 95 percent of the funds reserved under this subsection shall be distributed to schools served under this part.

(B) PRIORITY.—In allocating the funds described in subparagraph (A), each local educational agency shall give priority to high-need schools.

(C) DISTRICTWIDE ACTIVITIES.—Funds used to implement leadership training for parents and family members or other districtwide parent and family engagement initiatives with a demonstrated record of effectiveness that may be cost effective and that directly benefit parents and family members, may be considered funds distributed to schools.

(d) FAMILY MEMBER ENGAGEMENT.—Each school served under this part shall—

(1) regularly convene, at not less than 1 time during each academic year, a meeting at a convenient time, to which parents and family members of participating children shall be invited and encouraged to attend, in order to—

(A) review the parent and family engagement compact described in subsection (e);

(B) inform parents and family members of opportunities for engagement in their child's education; and

(C) explain to parents and family members the right of the parents and family members to be involved, and the benefits of meaningful engagement;

(2) use multiple methods to involve and collaborate with parents and family members (in an organized, ongoing, and timely way, including through electronic means) in the planning, development, review, implementation, and improvement of school improvement plans and strategies, including in developing the schoolwide program plan under section 1114(b)(2) or a similar school improvement plan;

(3) at a minimum, provide parents and family members with—

(A) opportunities to develop the knowledge and skills to engage as full partners in supporting academic achievement, child development, and school improvement;

(B) a description and explanation of the forms of academic assessment used to measure student progress, the proficiency levels students are expected to meet, and opportunities to promote learning and college and career readiness during out-of-school time;

(C) opportunities to develop leadership skills and to engage school and local educational agency staff in decisions relative to the education of their children; and

(D) opportunities to increase their ability to engage effectively with educators and administrators in formal and structured settings, such as parent-teacher conferences, individualized education program team meetings, local educational agency meetings, disciplinary hearings, and the school budgeting process;

(4) make the school safe and welcoming to parents and family members;

(5) provide professional development and other evidence-based support to school staff regarding effective parent and family engagement;

(6) collaborate with community-based organizations, employers, or other entities to accomplish the purposes of this section;

(7) to the extent feasible and appropriate, coordinate and integrate parent and family engagement programs and strategies with other Federal, State, and local programs; and

(8) provide such other support for parent and family engagement strategies under this section as parents and family members may request, to the extent practicable.

(e) SHARED RESPONSIBILITIES FOR COLLEGE AND CAREER READINESS.—Each school served under this part shall jointly develop with parents and family members, for all children served under this part, a parent and family engagement compact. Such compact shall—

(1) describe the activities the school will take in accordance with subsection (d);

(2) describe the school's responsibility to—

(A) provide a rigorous curriculum and effective instruction in a supportive, safe, and healthy learning environment;

(B) inform parents and family members (with attention to economically disadvantaged parents and family members) of opportunities to participate in school improvement or governance councils, engage in the development of discipline and suspension and other school policies, and access the parent and family information and resource centers established under part G of title IV; and

(C) to the greatest extent practicable—

(i) communicate with parents and family members when children are chronically absent from school, when children are suspended or expelled, or when children drop out of school, which may include through home visits;

(ii) refer parents and family members to adult education and literacy activities, social services, or other programs and services designed to support parent and family engagement; and

(iii) offer evidence-based mentoring programs to students;

(3) describe the responsibilities of parents and family members to be full partners in the education of their child, which may include—

(A) communicating high expectations for their child's academic achievement and college and career readiness;

(B) reading to their child, promoting the use of libraries, facilitating access to cultural events, parks, and recreational services, encouraging community service and leadership, and planning for entry and success in institutions of higher education and careers;

(C) monitoring their child's school attendance, homework, course completion, academic achievement, and progress toward college and career readiness; and

(D) participating, as appropriate, in decisions relating to school improvement, decisions regarding the education of their children, and positive use of out-of-school time; and

(4) address the importance of communication between teachers, parents, and family members on an ongoing basis through, at a minimum—

(A) regular parent-teacher conferences;

(B) frequent reports to family members on—

(i) their children's progress; and

(ii) opportunities to be involved at school, including opportunities to support school improvement; and

(C) providing parents and family members with—

(i) reasonable access to staff;

(ii) opportunities to volunteer and participate at school; and

(iii) as appropriate, observation of classroom activities and school-based activities; and

(D) to the extent practicable, providing information required under this section, and conducting any consultations required under this section, in a language that parents can understand; and

(5) describe the process through which school personnel communicate effectively with parents and family members and ensure that other community stakeholders are engaged, as appropriate, in supporting school improvement.

(f) ACCESSIBILITY.—In carrying out the parent and family engagement requirements of this part, local educational agencies and schools, to the greatest extent practicable, shall provide opportunities for the full and informed participation of parents and family members (including parents and family members with disabilities), including providing information and school reports in a format and, to the greatest extent practicable, in a language such parents can understand.

SEC. 1119. QUALIFICATIONS FOR TEACHERS AND PARAPROFESSIONALS.

[(a) TEACHER QUALIFICATIONS AND MEASURABLE OBJECTIVES.—

[(1) IN GENERAL.—Beginning with the first day of the first school year after the date of enactment of the No Child Left Behind Act of 2001, each local educational agency receiving assistance under this part shall ensure that all teachers hired

after such day and teaching in a program supported with funds under this part are highly qualified.

[(2) STATE PLAN.—As part of the plan described in section 1111, each State educational agency receiving assistance under this part shall develop a plan to ensure that all teachers teaching in core academic subjects within the State are highly qualified not later than the end of the 2005–2006 school year. Such plan shall establish annual measurable objectives for each local educational agency and school that, at a minimum—

[(A) shall include an annual increase in the percentage of highly qualified teachers at each local educational agency and school, to ensure that all teachers teaching in core academic subjects in each public elementary school and secondary school are highly qualified not later than the end of the 2005–2006 school year;

[(B) shall include an annual increase in the percentage of teachers who are receiving high-quality professional development to enable such teachers to become highly qualified and successful classroom teachers; and

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

[(3) LOCAL PLAN.—As part of the plan described in section 1112, each local educational agency receiving assistance under this part shall develop a plan to ensure that all teachers teaching within the school district served by the local educational agency are highly qualified not later than the end of the 2005–2006 school year.

[(b) REPORTS.—

[(1) ANNUAL STATE AND LOCAL REPORTS.—

[(A) LOCAL REPORTS.—Each State educational agency described in subsection (a)(2) shall require each local educational agency receiving funds under this part to publicly report, each year, beginning with the 2002–2003 school year, the annual progress of the local educational agency as a whole and of each of the schools served by the agency, in meeting the measurable objectives described in subsection (a)(2).

[(B) STATE REPORTS.—Each State educational agency receiving assistance under this part shall prepare and submit each year, beginning with the 2002–2003 school year, a report to the Secretary, describing the State educational agency's progress in meeting the measurable objectives described in subsection (a)(2).

[(C) INFORMATION FROM OTHER REPORTS.—A State educational agency or local educational agency may submit information from the reports described in section 1111(h) for the purposes of this subsection, if such report is modified, as may be necessary, to contain the information required by this subsection, and may submit such information as a part of the reports required under section 1111(h).

[(2) ANNUAL REPORTS BY THE SECRETARY.—Each year, beginning with the 2002–2003 school year, the Secretary shall publicly report the annual progress of State educational agencies,

local educational agencies, and schools, in meeting the measurable objectives described in subsection (a)(2).]

(a) TEACHER QUALIFICATIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), each local educational agency receiving assistance under this part shall ensure that all teachers teaching a core academic subject in a program supported with funds under this part are highly qualified teachers.

(2) EXCEPTION.—Each local educational agency located in a State in which the State has fully implemented a teacher and principal evaluation system that is consistent with section 2301(b)(4) shall only be required to comply with the requirements under paragraph (1) as they relate to new teachers.

(3) SPECIAL RULE FOR SMALL, RURAL, OR REMOTE SCHOOLS.—In the case of a local educational agency that is unable to provide a highly qualified teacher to serve as an on-site classroom teacher for a core academic subject in a small, rural, or remote school, the local educational agency may meet the requirements of this section by using distance learning to provide such instruction by a teacher who is a highly qualified teacher for purposes of the core academic subject, as long as—

(A) the teacher who is a highly qualified teacher in the core academic subject—

(i) is responsible for providing at least 50 percent of the direct instruction in the core academic subject through distance learning;

(ii) is responsible for monitoring student progress; and

(iii) is the teacher who assigns the students their grades; and

(B) an on-site teacher who is a highly qualified teacher for a subject other the core academic subject taught through distance learning is present in the classroom throughout the period of distance learning and provides supporting instruction and assistance to the students.

(b) QUALIFICATIONS FOR AMERICAN INDIAN, ALASKA NATIVE, OR NATIVE HAWAIIAN LANGUAGE, CULTURE, OR HISTORY TEACHERS.—

(1) LANGUAGE OR CULTURE.—

(A) IN GENERAL.—Notwithstanding any other provision of law, the requirements of subsection (a) on local educational agencies with respect to highly qualified teachers shall not apply to a teacher of American Indian, Alaska Native, or Native Hawaiian language or culture, whether the teacher is teaching on a permanent, part-time, or occasional basis.

(B) COMPETENCY.—A State may require that a local tribe or tribal organization, as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b), verify the competency of a public school teacher of American Indian, Alaska Native, or Native Hawaiian language or culture to teach such subject, to the chief administrative officer of the local educational agency or the chief State school officer.

(2) HISTORY.—

(A) IN GENERAL.—Notwithstanding any other provision of law, the requirements of subsection (a) on local educational agencies with respect to highly qualified teachers shall not apply to a teacher who is a Native elder or other authority on American Indian, Alaska Native, or Native Hawaiian history and who provides instruction in such subject, whether on a part-time or occasional basis.

(B) COMPETENCY.—A State may require that a local tribe or tribal organization, as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b), verify the competency of the instructor described in subparagraph (A) of American Indian, Alaska Native, or Native Hawaiian history to teach such subject, to the chief administrative officer of the local educational agency or the chief State school officer.

(c) NEW PARAPROFESSIONALS.—

(1) IN GENERAL.—Each local educational agency receiving assistance under this part shall ensure that all paraprofessionals **[**hired after the date of enactment of the No Child Left Behind Act of 2001 and**]**working in a program supported with funds under this part shall have—

(A) * * *

* * * * * * *

[(d) EXISTING PARAPROFESSIONALS.—Each local educational agency receiving assistance under this part shall ensure that all paraprofessionals hired before the date of enactment of the No Child Left Behind Act of 2001, and working in a program supported with funds under this part shall, not later than 4 years after the date of enactment satisfy the requirements of subsection (c).**]**

[(e)**]***(d)* EXCEPTIONS FOR TRANSLATION AND PARENTAL INVOLVEMENT ACTIVITIES.—**[**Subsections (c) and (d)**]***Subsection (c)* shall not apply to a paraprofessional—

(1) * * *

* * * * * * *

[(f)**]***(e)* GENERAL REQUIREMENT FOR ALL PARAPROFESSIONALS.—* * *

[(g)**]***(f)* DUTIES OF PARAPROFESSIONALS.—

(1) IN GENERAL.—* * *

* * * * * * *

[(h)**]***(g)* USE OF FUNDS.—* * *

[(i)**]***(h)* VERIFICATION OF COMPLIANCE.—

(1) IN GENERAL.—* * *

* * * * * * *

[(j)**]***(i)* COMBINATIONS OF FUNDS.—Funds provided under this part that are used for professional development purposes may be combined with funds provided under title II of this Act, other Acts, and other sources.**]**

(i) SPECIAL RULE.—A State educational agency may not require a school or a local educational agency to expend a specific amount of funds for professional development activities under this part.

[(k)**]***(j)* SPECIAL RULE.—* * *

[(l) MINIMUM EXPENDITURES.—Each local educational agency that receives funds under this part shall use not less than 5 percent, or more than 10 percent, of such funds for each of fiscal years 2002 and 2003, and not less than 5 percent of the funds for each subsequent fiscal year, for professional development activities to ensure that teachers who are not highly qualified become highly qualified not later than the end of the 2005–2006 school year.]

* * * * * * *

SEC. 1120. PARTICIPATION OF CHILDREN ENROLLED IN PRIVATE SCHOOLS.

(a) GENERAL REQUIREMENT.—

(1) IN GENERAL.—* * *

* * * * * * *

(c) ALLOCATION FOR EQUITABLE SERVICE TO PRIVATE SCHOOL STUDENTS.—

(1) CALCULATION.—* * *

* * * * * * *

(2) COMPLAINT PROCESS.—Any dispute regarding low-income data for private school students shall be subject to the complaint process authorized in section [9505]*9503*.

* * * * * * *

SEC. 1120A. FISCAL REQUIREMENTS.

(a) MAINTENANCE OF EFFORT.—A local educational agency may receive funds under this part for any fiscal year only if the State educational agency [involved]finds that the local educational agency has maintained the agency's fiscal effort in accordance with section 9521.

* * * * * * *

[(c) COMPARABILITY OF SERVICES.—

[(1) IN GENERAL.—

[(A) COMPARABLE SERVICES.—Except as provided in paragraphs (4) and (5), a local educational agency may receive funds under this part only if State and local funds will be used in schools served under this part to provide services that, taken as a whole, are at least comparable to services in schools that are not receiving funds under this part.

[(B) SUBSTANTIALLY COMPARABLE SERVICES.—If the local educational agency is serving all of such agency's schools under this part, such agency may receive funds under this part only if such agency will use State and local funds to provide services that, taken as a whole, are substantially comparable in each school.

[(C) BASIS.—A local educational agency may meet the requirements of subparagraphs (A) and (B) on a grade-span by grade-span basis or a school-by-school basis.

[(2) WRITTEN ASSURANCE.—

[(A) EQUIVALENCE.—A local educational agency shall be considered to have met the requirements of paragraph (1) if such agency has filed with the State educational agency

a written assurance that such agency has established and implemented—

[(i) a local educational agency-wide salary schedule;

[(ii) a policy to ensure equivalence among schools in teachers, administrators, and other staff; and

[(iii) a policy to ensure equivalence among schools in the provision of curriculum materials and instructional supplies.

[(B) DETERMINATIONS.—For the purpose of this subsection, in the determination of expenditures per pupil from State and local funds, or instructional salaries per pupil from State and local funds, staff salary differentials for years of employment shall not be included in such determinations.

[(C) EXCLUSIONS.—A local educational agency need not include unpredictable changes in student enrollment or personnel assignments that occur after the beginning of a school year in determining comparability of services under this subsection.

[(3) PROCEDURES AND RECORDS.—Each local educational agency assisted under this part shall—

[(A) develop procedures for compliance with this subsection; and

[(B) maintain records that are updated biennially documenting such agency's compliance with this subsection.

[(4) INAPPLICABILITY.—This subsection shall not apply to a local educational agency that does not have more than one building for each grade span.

[(5) COMPLIANCE.—For the purpose of determining compliance with paragraph (1), a local educational agency may exclude State and local funds expended for—

[(A) language instruction educational programs; and

[(B) the excess costs of providing services to children with disabilities as determined by the local educational agency.]

(c) COMPARABILITY.—

(1) IN GENERAL.—

(A) COMPARABILITY.—Beginning for the 2015–2016 school year, a local educational agency may receive funds under this part only if the local educational agency demonstrates to the State educational agency that the combined State and local per-pupil expenditures (including actual personnel and actual non-personnel expenditures) in each school served under this part, in the most recent year for which such data were available, are not less than the average combined State and local per-pupil expenditures for those schools that are not served under this part.

(B) ALTERNATIVE COMPARABILITY.—If the local educational agency is serving all of the schools under its jurisdiction under this part, the agency shall demonstrate to the State educational agency that the average combined State and local per-pupil expenditures (including actual personnel and actual non-personnel expenditures) for its high-poverty schools, in the most recent year for which such data

are available, were not less than the average combined State and local per-pupil expenditures for its low-poverty schools.

(C) BASIS.—A local educational agency may meet the requirements of subparagraphs (A) and (B) on a local educational agency-wide basis or a grade-span by grade-span basis.

(D) EXCLUSION OF FUNDS.—

(i) IN GENERAL.—For the purpose of complying with this paragraph, a local educational agency shall exclude any State or local funds expended in any school for—

(I) excess costs of providing services to English learners;

(II) excess costs of providing services to children with disabilities;

(III) capital expenditures; and

(IV) such other expenditures as the Secretary determines appropriate.

(ii) CHANGES AFTER THE BEGINNING OF THE SCHOOL YEAR.—A local educational agency need not include unpredictable changes in student enrollment or personnel assignments that occur after the beginning of a school year in determining compliance under this subsection.

(2) DOCUMENTATION.—A local educational agency shall demonstrate that it is meeting the requirements of paragraph (1) by submitting to the State educational agency the per-pupil expenditures, personnel expenditures, non-personnel expenditures, and total expenditures for each school served by the local educational agency.

(3) INAPPLICABILITY.—This subsection shall not apply to a local educational agency that does not have more than 1 building for each grade span.

(4) PROCESS AND PROCEDURES.—

(A) LOCAL EDUCATIONAL AGENCY RESPONSIBILITIES.—Each local educational agency assisted under this part shall, by October 31, 2016, report to the State educational agency on its compliance with the requirements of this subsection for the preceding school year, including a listing, by school, of actual combined per-pupil State and local personnel and non-personnel expenditures.

(B) STATE EDUCATIONAL AGENCY RESPONSIBILITIES.—Each State educational agency assisted under this part shall ensure that such information is made publicly available by the State or the local educational agency, including the school by school listing described in subparagraph (A).

(C) PLAN.—A local educational agency that does not meet the requirements of this subsection in any year shall develop and implement a plan to ensure compliance for the subsequent school year and may be required by the State educational agency to report on its progress in implementing such plan.

(5) TRANSITION PROVISIONS.—

(A) SCHOOL YEARS PRECEDING THE 2015-2016 SCHOOL YEAR.—For school years preceding the 2015-2016 school year, a local educational agency may receive funds under this part only if the local educational agency demonstrates to the State educational agency that the local educational agency meets the requirements of this subsection, as in effect on the day before the date of enactment of the Elementary and Secondary Education Reauthorization Act of 2011.

(B) TRANSITION BETWEEN REQUIREMENTS.—The Secretary shall take such steps as are necessary to provide for the orderly transition between the requirements under this section, as in effect on the day before the date of enactment of the Elementary and Secondary Education Reauthorization Act of 2011, and the new requirements under this section, as amended by such Act.

(6) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to require a local educational agency to transfer school personnel in order to comply with this subsection.

[SEC. 1120B. [20 U.S.C. 6322] COORDINATION REQUIREMENTS.]

[(a) IN GENERAL.—Each local educational agency receiving assistance under this part shall carry out the activities described in subsection (b) with Head Start agencies and, if feasible, other entities carrying out early childhood development programs such as the Early Reading First program.

[(b) ACTIVITIES.—The activities referred to in subsection (a) are activities that increase coordination between the local educational agency and a Head Start agency and, if feasible, other entities carrying out early childhood development programs, such as the Early Reading First program, serving children who will attend the schools of the local educational agency, including—

[(1) developing and implementing a systematic procedure for receiving records regarding such children, transferred with parental consent from a Head Start program or, where applicable, another early childhood development program such as the Early Reading First program;

[(2) establishing channels of communication between school staff and their counterparts (including teachers, social workers, and health staff) in such Head Start agencies or other entities carrying out early childhood development programs such as the Early Reading First program, as appropriate, to facilitate coordination of programs;

[(3) conducting meetings involving parents, kindergarten or elementary school teachers, and Head Start teachers or, if appropriate, teachers from other early childhood development programs such as the Early Reading First program, to discuss the developmental and other needs of individual children;

[(4) organizing and participating in joint transition-related training of school staff, Head Start program staff, Early Reading First program staff, and, where appropriate, other early childhood development program staff; and

[(5) linking the educational services provided by such local educational agency with the services provided by local Head

Start agencies and entities carrying out Early Reading First programs.

[(c) COORDINATION OF REGULATIONS.—The Secretary shall work with the Secretary of Health and Human Services to coordinate regulations promulgated under this part with regulations promulgated under the Head Start Act.]

SEC. 1120B. COORDINATION REQUIREMENTS.

(a) IN GENERAL.—Each local educational agency receiving assistance under this part shall carry out the activities described in subsection (b) with Head Start agencies (consistent with section 642(e)(5) of the Head Start Act (42 U.S.C. 9801(e)(5)), providers of services under part C of the Individuals with Disabilities Education Act, programs carried out under section 619 of such Act, and, if feasible, other entities carrying out early childhood education and care programs and services.

(b) ACTIVITIES.—The activities and services referred to in subsection (a) include—

(1) developing and implementing a systematic procedure for transferring, with parental consent, early childhood education and care program records for each participating child to the school in which such child will enroll;

(2) establishing ongoing communication between early childhood education and care program staff and their counterparts in the schools (including teachers, principals, social workers, local educational agency liaisons designated under section 722(g)(1)(J)(ii) of the McKinney-Vento Homeless Assistance Act, and health staff) to facilitate the coordination and alignment of programs;

(3) establishing ongoing communications between the early childhood education and care program and the local educational agency for developing continuity of developmentally appropriate instructional programs and shared expectations for children's learning and development as children transition to school;

(4) organizing and participating in joint training, including transition-related training for school staff and early childhood education and care programs;

(5) establishing comprehensive transition policies and procedures that support the school readiness of children transitioning to school;

(6) conducting outreach to parents, families, and elementary school teachers to discuss the educational, developmental, and other needs of children entering school;

(7) helping parents of children who are English learners understand—

(A) the instructional and other services provided by the school in which such child will enroll after participation in a Head Start program or other Federal early childhood care and education program; and

(B) as appropriate, the information provided to parents of English learners under section 3202;

(8) helping parents understand the instructional and other services provided by the school in which their child will enroll

after participation in a Head Start program or other Federal early childhood care and education program; and

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

Subpart 2—Allocations

SEC. 1121. GRANTS FOR THE OUTLYING AREAS AND THE SECRETARY OF THE INTERIOR.

(a) RESERVATION OF FUNDS.—From the amount appropriated for payments to States for any fiscal year under [section 1002(a) and 1125A(f)]*paragraphs (1) and (3) of section 3(a)*, the Secretary shall reserve a total of 1 percent to provide assistance to—

(1) * * *

* * * * * * *

(b) ASSISTANCE TO OUTLYING AREAS.—

(1) FUNDS RESERVED.—* * *

* * * * * * *

(3) LIMITATION FOR COMPETITIVE GRANTS.—

(A) COMPETITIVE GRANTS.—The Secretary shall use funds described in paragraph (2) to award grants to the outlying areas [and freely associated States]to carry out the purposes of this part.

(B) AWARD BASIS.—* * *

(C) USES.—* * *

(i) * * *

(ii) to provide direct educational services that assist all students with meeting [challenging State academic content standards]*college and career ready State academic content standards under section 1111(a)(1)*.

(D) ADMINISTRATIVE COSTS.—* * *

* * * * * * *

[(c) DEFINITIONS.—For the purpose of subsections (a) and (b)—

[(1) the term "freely associated states" means the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau; and

[(2) the term "outlying area" means the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.]

(c) DEFINITION OF OUTLYING AREA.—As used in subsections (a) and (b), the term "outlying area" has the meaning given that term in subparagraphs (A) and (B) of section 9101(42).

* * * * * * *

SEC. 1122. ALLOCATIONS TO STATES.

(a) ALLOCATION FORMULA.—Of the amount appropriated under [section 1002(a) to carry out this part for each of fiscal years 2002–2007]*section 3(a)(1) to carry out this part for each of fiscal years*

2012–2016 (referred to in this subsection as the current fiscal year)—

(1) * * *

* * * * * * *

SEC. 1125A. EDUCATION FINANCE INCENTIVE GRANT PROGRAM.

(a) GRANTS.—From funds appropriated under **[**subsection (f)**]***section 3(a)(3),* the Secretary is authorized to make grants to States, from allotments under subsection (b), to carry out the programs and activities of this part.

(b) DISTRIBUTION BASED UPON FISCAL EFFORT AND EQUITY.—

(1) IN GENERAL.—

(A) IN GENERAL.—Except as provided in subparagraph (B), funds appropriated pursuant to **[**subsection (f)**]***section 3(a)(3)* shall be allotted to each State based upon the number of children counted under section 1124(c) in such State multiplied by the product of—

(i) * * *

* * * * * * *

[(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2002 and for each of the 5 succeeding fiscal years.**]**

[(g)**]***(f)* * * *

* * * * * * *

SEC. 1127. CARRYOVER AND WAIVER.

(a) LIMITATION ON CARRYOVER.—* * *

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Subpart 3—Grants for State Assessments and Related Activities

SEC. 1131. GRANTS FOR STATE ASSESSMENTS AND RELATED ACTIVITIES.

(a) GRANTS FOR STATE ASSESSMENTS.—From amounts made available under subsection (c)(1) to carry out this subsection, the Secretary shall make grants to States—

(1) to enable States to pay the costs of developing, improving, or administering State assessments and standards consistent with section 1111(a), which may include the cost of working in voluntary partnerships with other States, at the sole discretion of each such State; and

(2) in the case of States that have developed the assessments and standards consistent with the requirements of section 1111(a), to enable each such State—

(A) to administer such assessments; or

(B) to carry out other activities described in this section, which may include—

(i) developing college and career ready State academic content and student academic achievement standards and aligned assessments in academic sub-

jects for which standards and assessments are not required under section 1111(a);

(ii) developing or improving assessments of English language proficiency necessary to comply with section 1111(a)(2)(D);

(iii) developing multiple measures of student academic achievement, including measures that assess higher-order thinking skills and understanding, to increase the reliability and validity of State assessment systems;

(iv) developing, enhancing, or administering, in publicly funded early childhood care and education programs and elementary schools, early learning assessments (including accommodations to provide access for young children with disabilities) to improve instruction for young children;

(v) strengthening the capacity of local educational agencies and schools to provide all students with the opportunity to increase educational achievement, including carrying out professional development activities aligned with State student academic achievement standards and assessments;

(vi) expanding the range, and improving the quality, of accommodations available to English learners and students with disabilities to improve the use of such accommodations, including professional development activities;

(vii) improving the dissemination of information about student achievement and school performance to parents and families, including the development of information and reporting systems designed to—

(I) identify best educational practices based on scientifically valid research; or

(II) assist in linking records of student achievement, length of enrollment, and graduation over time;

(viii) providing instructional supports, which may include formative assessments;

(ix) developing computer adaptive assessments that meet the requirements of section 1111(a); and

(x) developing alternate assessments, as described in section 1111(a)(2)(E), aligned to alternate achievement standards.

(b) GRANTS FOR ENHANCED ASSESSMENT SYSTEMS.—

(1) GRANT PROGRAM AUTHORIZED.—From amounts made available under subsection (c)(2) to carry out this subsection, the Secretary shall award, on a competitive basis, grants to State educational agencies to enable the State educational agencies to carry out the activities described in paragraph (3).

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

(3) AUTHORIZED ACTIVITIES.—Each State educational agency that receives a grant under this section shall use the grant funds to—

(A) enable States, or a consortia of States, to collaborate with institutions of higher education or other organizations or agencies to improve the quality, validity, and reliability of State academic assessments beyond the requirements for such assessments described in section 1111(a)(2);

(B) measure student academic achievement using multiple measures of student academic achievement from multiple sources, including measures that assess higher-order thinking skills and understanding;

(C) chart student progress over time; or

(D) evaluate student academic achievement through the development of comprehensive academic assessment instruments.

(c) ALLOTMENT OF APPROPRIATED FUNDS.—

(1) IN GENERAL.—For each fiscal year, the Secretary shall use the amount of funds made available for this section for such year or $400,000,000 of such funds, whichever is less, to—

(A) reserve one-half of 1 percent for the Bureau of Indian Affairs;

(B) reserve one-half of 1 percent for the outlying areas; and

(C) from the amounts remaining after the application of subparagraphs (A) and (B), allocate to each State, for the purposes of carrying out the activities under subsection (a), an amount equal to—

(i) $3,000,000; and

(ii) with respect to any amounts remaining after the allocation is made under clause (i), an amount that bears the same relationship to such total remaining amounts as the number of students ages 5 through 17 in the State (as determined by the Secretary on the basis of the most recent satisfactory data) bears to the total number of such students in all States.

(2) REMAINDER.—Any amounts remaining for a fiscal year after the Secretary carries out paragraph (1) shall be made available to award funds under subsection (b) to States according to the quality, needs, and scope of the State application under this section. In determining the grant amount, the Secretary shall ensure that a State's grant shall include an amount that bears the same relationship to the total funds available under this paragraph for the fiscal year as the number of students ages 5 through 17 in the State (as determined by the Secretary on the basis of the most recent satisfactory data) bears to the total number of such students in all States.

(3) DEFINITION OF STATE.—In this section, the term "State" means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

[PART B—STUDENT READING SKILLS IMPROVEMENT GRANTS]*PART B—PATHWAYS TO COLLEGE*

[Subpart 1—Reading First]

[SEC. 1201. [20 U.S.C. 6361] PURPOSES.]

[The purposes of this subpart are as follows:

[(1) To provide assistance to State educational agencies and local educational agencies in establishing reading programs for students in kindergarten through grade 3 that are based on scientifically based reading research, to ensure that every student can read at grade level or above not later than the end of grade 3.

[(2) To provide assistance to State educational agencies and local educational agencies in preparing teachers, including special education teachers, through professional development and other support, so the teachers can identify specific reading barriers facing their students and so the teachers have the tools to effectively help their students learn to read.

[(3) To provide assistance to State educational agencies and local educational agencies in selecting or administering screening, diagnostic, and classroom-based instructional reading assessments.

[(4) To provide assistance to State educational agencies and local educational agencies in selecting or developing effective instructional materials (including classroom-based materials to assist teachers in implementing the essential components of reading instruction), programs, learning systems, and strategies to implement methods that have been proven to prevent or remediate reading failure within a State.

[(5) To strengthen coordination among schools, early literacy programs, and family literacy programs to improve reading achievement for all children.]

[SEC. 1202. [20 U.S.C. 6362]FORMULA GRANTS TO STATE EDUCATIONAL AGENCIES.]

[(a) IN GENERAL.—

[(1) AUTHORIZATION TO MAKE GRANTS.—In the case of each State educational agency that in accordance with section 1203 submits to the Secretary an application for a 6-year period, the Secretary, from amounts appropriated under section 1002(b)(1) and subject to the application's approval, shall make a grant to the State educational agency for the uses specified in subsections (c) and (d). For each fiscal year, the funds provided under the grant shall equal the allotment determined for the State educational agency under subsection (b).

[(2) DURATION OF GRANTS.—Subject to subsection (e)(3), a grant under this section shall be awarded for a period of not more than 6 years.

[(b) DETERMINATION OF AMOUNT OF ALLOTMENTS.—

[(1) RESERVATIONS FROM APPROPRIATIONS.—From the total amount made available to carry out this subpart for a fiscal year, the Secretary—

[(A) shall reserve one-half of 1 percent for allotments for the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, to be distributed among these outlying areas on the basis of their relative need, as determined by the Secretary in accordance with the purposes of this subpart;

[(B) shall reserve one-half of 1 percent for the Secretary of the Interior for programs under this subpart in schools operated or funded by the Bureau of Indian Affairs;

[(C) may reserve not more than 2½ percent or $25,000,000, whichever is less, to carry out section 1205 (relating to external evaluation) and section 1206 (relating to national activities);

[(D) shall reserve $5,000,000 to carry out sections 1207 and 1224 (relating to information dissemination); and

[(E) for any fiscal year, beginning with fiscal year 2004, for which the amount appropriated to carry out this subpart exceeds the amount appropriated for fiscal year 2003, shall reserve, to carry out section 1204, the lesser of—

[(i) $90,000,000; or

[(ii) 10 percent of such excess amount.

[(2) STATE ALLOTMENTS.—In accordance with paragraph (3), the Secretary shall allot among each of the States the total amount made available to carry out this subpart for any fiscal year and not reserved under paragraph (1).

[(3) DETERMINATION OF STATE ALLOTMENT AMOUNTS.—

[(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall allot the amount made available under paragraph (2) for a fiscal year among the States in proportion to the number of children, aged 5 to 17, who reside within the State and are from families with incomes below the poverty line for the most recent fiscal year for which satisfactory data are available, compared to the number of such individuals who reside in all such States for that fiscal year.

[(B) EXCEPTIONS.—

[(i) MINIMUM GRANT AMOUNT.—Subject to clause (ii), no State receiving an allotment under subparagraph (A) may receive less than one-fourth of 1 percent of the total amount allotted under such subparagraph.

[(ii) PUERTO RICO.—The percentage of the amount allotted under subparagraph (A) that is allotted to the Commonwealth of Puerto Rico for a fiscal year may not exceed the percentage that was received by the Commonwealth of Puerto Rico of the funds allocated to all States under subpart 2 of part A for the preceding fiscal year.

[(4) DISTRIBUTION OF SUBGRANTS.—The Secretary may make a grant to a State educational agency only if the State educational agency agrees to expend at least 80 percent of the amount of the funds provided under the grant for the purpose of making, in accordance with subsection (c), competitive subgrants to eligible local educational agencies.

[(5) REALLOTMENT.—If a State educational agency described in paragraph (2) does not apply for an allotment under this section for any fiscal year, or if the State educational agency's application is not approved, the Secretary shall reallot such amount to the remaining State educational agencies in accordance with paragraph (3).

[(6) DEFINITION OF STATE.—For purposes of this subsection, the term "State" means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

[(c) SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.—

[(1) AUTHORIZATION TO MAKE SUBGRANTS.—In accordance with paragraph (2), a State educational agency that receives a grant under this section shall make competitive subgrants to eligible local educational agencies.

[(2) ALLOCATION.—

[(A) MINIMUM SUBGRANT AMOUNT.—In making subgrants under paragraph (1), a State educational agency shall allocate to each eligible local educational agency that receives such a subgrant, at a minimum, an amount that bears the same relation to the funds made available under subsection (b)(4) as the amount the eligible local educational agency received under part A for the preceding fiscal year bears to the amount all the local educational agencies in the State received under part A for the preceding fiscal year.

[(B) PRIORITY.—In making subgrants under paragraph (1), a State educational agency shall give priority to eligible local educational agencies in which at least—

[(i) 15 percent of the children served by the eligible local educational agency are from families with incomes below the poverty line; or

[(ii) 6,500 children served by the eligible local educational agency are from families with incomes below the poverty line.

[(3) NOTICE.—A State educational agency receiving a grant under this section shall provide notice to all eligible local educational agencies in the State of the availability of competitive subgrants under this subsection and of the requirements for applying for the subgrants.

[(4) LOCAL APPLICATION.—To be eligible to receive a subgrant under this subsection, an eligible local educational agency shall submit an application to the State educational agency at such time, in such manner, and containing such information as the State educational agency may reasonably require.

[(5) STATE REQUIREMENT.—In distributing subgrant funds to eligible local educational agencies under this subsection, a State educational agency shall—

[(A) provide funds in sufficient size and scope to enable the eligible local educational agencies to improve reading instruction; and

[(B) provide the funds in amounts related to the number or percentage of students in kindergarten through grade 3 who are reading below grade level.

[(6) LIMITATION TO CERTAIN SCHOOLS.—In distributing subgrant funds under this subsection, an eligible local educational agency shall provide funds only to schools that both—

[(A) are among the schools served by that eligible local educational agency with the highest percentages or numbers of students in kindergarten through grade 3 reading below grade level, based on the most currently available data; and

[(B)(i) are identified for school improvement under section 1116(b); or

[(ii) have the highest percentages or numbers of children counted under section 1124(c).

[(7) LOCAL USES OF FUNDS.—

[(A) REQUIRED USES.—Subject to paragraph (8), an eligible local educational agency that receives a subgrant under this subsection shall use the funds provided under the subgrant to carry out the following activities:

[(i) Selecting and administering screening, diagnostic, and classroom-based instructional reading assessments.

[(ii) Selecting and implementing a learning system or program of reading instruction based on scientifically based reading research that—

[(I) includes the essential components of reading instruction; and

[(II) provides such instruction to the children in kindergarten through grade 3 in the schools served by the eligible local educational agency, including children who—

[(aa) may have reading difficulties;

[(bb) are at risk of being referred to special education based on these difficulties;

[(cc) have been evaluated under section 614 of the Individuals with Disabilities Education Act but, in accordance with section 614(b)(5) of that Act, have not been identified as being a child with a disability (as defined in section 602 of that Act);

[(dd) are being served under such Act primarily due to being identified as being a child with a specific learning disability (as defined in section 602 of that Act) related to reading;

[(ee) are deficient in the essential components of reading skills, as listed in subparagraphs (A) through (E) of section 1208(3); or

[(ff) are identified as having limited English proficiency.

[(iii) Procuring and implementing instructional materials, including education technology such as software and other digital curricula, that are based on scientifically based reading research.

[(iv) Providing professional development for teachers of kindergarten through grade 3, and special edu-

cation teachers of kindergarten through grade 12, that—

[(I) will prepare these teachers in all of the essential components of reading instruction;

[(II) shall include—

[(aa) information on instructional materials, programs, strategies, and approaches based on scientifically based reading research, including early intervention, classroom reading materials, and remedial programs and approaches; and

[(bb) instruction in the use of screening, diagnostic, and classroom-based instructional reading assessments and other procedures that effectively identify students who may be at risk for reading failure or who are having difficulty reading;

[(III) shall be provided by eligible professional development providers; and

[(IV) will assist teachers in becoming highly qualified in reading instruction in accordance with the requirements of section 1119.

[(v) Collecting and summarizing data—

[(I) to document the effectiveness of activities carried out under this subpart in individual schools and in the local educational agency as a whole; and

[(II) to stimulate and accelerate improvement by identifying the schools that produce significant gains in reading achievement.

[(vi) Reporting data for all students and categories of students described in section 1111(b)(2)(C)(v)(II).

[(vii) Promoting reading and library programs that provide access to engaging reading material, including coordination with programs funded through grants received under subpart 4, where applicable.

[(B) ADDITIONAL USES.—Subject to paragraph (8), an eligible local educational agency that receives a subgrant under this subsection may use the funds provided under the subgrant to carry out the following activities:

[(i) Humanities-based family literacy programs (which may be referred to as "Prime Time Family Reading Time") that bond families around the acts of reading and using public libraries.

[(ii) Providing training in the essential components of reading instruction to a parent or other individual who volunteers to be a student's reading tutor, to enable such parent or individual to support instructional practices that are based on scientifically based reading research and are being used by the student's teacher.

[(iii) Assisting parents, through the use of materials and reading programs, strategies, and approaches (including family literacy services) that are based on sci-

entifically based reading research, to encourage reading and support their child's reading development.

[(8) LOCAL PLANNING AND ADMINISTRATION.—An eligible local educational agency that receives a subgrant under this subsection may use not more than 3.5 percent of the funds provided under the subgrant for planning and administration.

[(d) STATE USES OF FUNDS.—

[(1) IN GENERAL.—A State educational agency that receives a grant under this section may expend not more than a total of 20 percent of the grant funds to carry out the activities described in paragraphs (3), (4), and (5).

[(2) PRIORITY.—A State educational agency shall give priority to carrying out the activities described in paragraphs (3), (4), and (5) for schools described in subsection (c)(6).

[(3) PROFESSIONAL INSERVICE AND PRESERVICE DEVELOPMENT AND REVIEW.—A State educational agency may expend not more than 65 percent of the amount of the funds made available under paragraph (1)—

[(A) to develop and implement a program of professional development for teachers, including special education teachers, of kindergarten through grade 3 that—

[(i) will prepare these teachers in all the essential components of reading instruction;

[(ii) shall include—

[(I) information on instructional materials, programs, strategies, and approaches based on scientifically based reading research, including early intervention and reading remediation materials, programs, and approaches; and

[(II) instruction in the use of screening, diagnostic, and classroom-based instructional reading assessments and other scientifically based procedures that effectively identify students who may be at risk for reading failure or who are having difficulty reading; and

[(iii) shall be provided by eligible professional development providers;

[(B) to strengthen and enhance preservice courses for students preparing, at all public institutions of higher education in the State, to teach kindergarten through grade 3 by—

[(i) reviewing such courses to determine whether the courses' content is consistent with the findings of the most current scientifically based reading research, including findings on the essential components of reading instruction;

[(ii) following up such reviews with recommendations to ensure that such institutions offer courses that meet the highest standards; and

[(iii) preparing a report on the results of such reviews, submitting the report to the reading and literacy partnership for the State established under section 1203(d), and making the report available for public review by means of the Internet; and

[(C) to make recommendations on how the State licensure and certification standards in the area of reading might be improved.

[(4) TECHNICAL ASSISTANCE FOR LOCAL EDUCATIONAL AGENCIES AND SCHOOLS.—A State educational agency may expend not more than 25 percent of the amount of the funds made available under paragraph (1) for one or more of the following:

[(A) Assisting local educational agencies in accomplishing the tasks required to design and implement a program under this subpart, including—

[(i) selecting and implementing a program or programs of reading instruction based on scientifically based reading research;

[(ii) selecting screening, diagnostic, and classroom-based instructional reading assessments; and

[(iii) identifying eligible professional development providers to help prepare reading teachers to teach students using the programs and assessments described in clauses (i) and (ii).

[(B) Providing expanded opportunities to students in kindergarten through grade 3 who are served by eligible local educational agencies for receiving reading assistance from alternative providers that includes—

[(i) screening, diagnostic, and classroom-based instructional reading assessments; and

[(ii) as need is indicated by the assessments under clause (i), instruction based on scientifically based reading research that includes the essential components of reading instruction.

[(5) PLANNING, ADMINISTRATION, AND REPORTING.—

[(A) EXPENDITURE OF FUNDS.—A State educational agency may expend not more than 10 percent of the amount of funds made available under paragraph (1) for the activities described in this paragraph.

[(B) PLANNING AND ADMINISTRATION.—A State educational agency that receives a grant under this section may expend funds made available under subparagraph (A) for planning and administration relating to the State uses of funds authorized under this subpart, including the following:

[(i) Administering the distribution of competitive subgrants to eligible local educational agencies under subsection (c) and section 1204(d).

[(ii) Assessing and evaluating, on a regular basis, eligible local educational agency activities assisted under this subpart, with respect to whether they have been effective in increasing the number of children in grades 1, 2, and 3 served under this subpart who can read at or above grade level.

[(C) ANNUAL REPORTING.—

[(i) IN GENERAL.—A State educational agency that receives a grant under this section shall expend funds made available under subparagraph (A) to provide the

Secretary annually with a report on the implementation of this subpart.

[(ii) INFORMATION INCLUDED.—Each report under this subparagraph shall include information on the following:

[(I) Evidence that the State educational agency is fulfilling its obligations under this subpart.

[(II) Specific identification of those schools and local educational agencies that report the largest gains in reading achievement.

[(III) The progress the State educational agency and local educational agencies within the State are making in reducing the number of students served under this subpart in grades 1, 2, and 3 who are reading below grade level, as demonstrated by such information as teacher reports and school evaluations of mastery of the essential components of reading instruction.

[(IV) Evidence on whether the State educational agency and local educational agencies within the State have significantly increased the number of students reading at grade level or above, significantly increased the percentages of students described in section 1111(b)(2)(C)(v)(II) who are reading at grade level or above, and successfully implemented this subpart.

[(iii) PRIVACY PROTECTION.—Data in the report shall be reported in a manner that protects the privacy of individuals.

[(iv) CONTRACT.—To the extent practicable, a State educational agency shall enter into a contract with an entity that conducts scientifically based reading research, under which contract the entity will assist the State educational agency in producing the reports required to be submitted under this subparagraph.

[(e) REVIEW.—

[(1) PROGRESS REPORT.—

[(A) SUBMISSION.—Not later than 60 days after the termination of the third year of the grant period, each State educational agency receiving a grant under this section shall submit a progress report to the Secretary.

[(B) INFORMATION INCLUDED.—The progress report shall include information on the progress the State educational agency and local educational agencies within the State are making in reducing the number of students served under this subpart in grades 1, 2, and 3 who are reading below grade level (as demonstrated by such information as teacher reports and school evaluations of mastery of the essential components of reading instruction). The report shall also include evidence from the State educational agency and local educational agencies within the State that the State educational agency and the local educational agencies have significantly increased the number of students reading at grade level or above, significantly increased the

percentages of students described in section 1111(b)(2)(C)(v)(II) who are reading at grade level or above, and successfully implemented this subpart.

[(2) PEER REVIEW.—The progress report described in paragraph (1) shall be reviewed by the peer review panel convened under section 1203(c)(2).

[(3) CONSEQUENCES OF INSUFFICIENT PROGRESS.—After submission of the progress report described in paragraph (1), if the Secretary determines that the State educational agency is not making significant progress in meeting the purposes of this subpart, the Secretary may withhold from the State educational agency, in whole or in part, further payments under this section in accordance with section 455 of the General Education Provisions Act or take such other action authorized by law as the Secretary determines necessary, including providing technical assistance upon request of the State educational agency.

[(f) FUNDS NOT USED FOR STATE LEVEL ACTIVITIES.—Any portion of funds described in subsection (d)(1) that a State educational agency does not expend in accordance with subsection (d)(1) shall be expended for the purpose of making subgrants in accordance with subsection (c).

[(g) SUPPLEMENT, NOT SUPPLANT.—A State or local educational agency shall use funds received under this subpart only to supplement the level of non-Federal funds that, in the absence of funds under this subpart, would be expended for activities authorized under this subpart, and not to supplant those non-Federal funds.]

[SEC. 1203. [20 U.S.C. 6363] STATE FORMULA GRANT APPLICATIONS.]

[(a) APPLICATIONS.—

[(1) IN GENERAL.—A State educational agency that desires to receive a grant under section 1202 shall submit an application to the Secretary at such time and in such form as the Secretary may require. The application shall contain the information described in subsection (b).

[(2) SPECIAL APPLICATION PROVISIONS.—For those State educational agencies that have received a grant under part C of title II (as such part was in effect on the day before the date of enactment of the No Child Left Behind Act of 2001), the Secretary shall establish a modified set of requirements for an application under this section that takes into account the information already submitted and approved under that program and minimizes the duplication of effort on the part of such State educational agencies.

[(b) CONTENTS.—An application under this section shall contain the following:

[(1) An assurance that the Governor of the State, in consultation with the State educational agency, has established a reading and literacy partnership described in subsection (d), and a description of how such partnership—

[(A) coordinated the development of the application; and

[(B) will assist in the oversight and evaluation of the State educational agency's activities under this subpart.

[(2) A description, if applicable, of the State's strategy to expand, continue, or modify activities authorized under part C of

title II (as such part was in effect on the day before the date of enactment of the No Child Left Behind Act of 2001).

[(3) An assurance that the State educational agency, and any local educational agencies receiving a subgrant from that State educational agency under section 1202, will, if requested, participate in the external evaluation under section 1205.

[(4) A State educational agency plan containing a description of the following:

[(A) How the State educational agency will assist local educational agencies in identifying screening, diagnostic, and classroom-based instructional reading assessments.

[(B) How the State educational agency will assist local educational agencies in identifying instructional materials, programs, strategies, and approaches, based on scientifically based reading research, including early intervention and reading remediation materials, programs, and approaches.

[(C) How the State educational agency will ensure that professional development activities related to reading instruction and provided under section 1202 are—

[(i) coordinated with other Federal, State, and local level funds, and used effectively to improve instructional practices for reading; and

[(ii) based on scientifically based reading research.

[(D) How the activities assisted under section 1202 will address the needs of teachers and other instructional staff in implementing the essential components of reading instruction.

[(E) How subgrants made by the State educational agency under section 1202 will meet the requirements of section 1202, including how the State educational agency will ensure that eligible local educational agencies receiving subgrants under section 1202 will use practices based on scientifically based reading research.

[(F) How the State educational agency will, to the extent practicable, make grants to eligible local educational agencies in both rural and urban areas.

[(G) How the State educational agency will build on, and promote coordination among literacy programs in the State (including federally funded programs such as programs under the Adult Education and Family Literacy Act, the Individuals with Disabilities Education Act, and subpart 2), to increase the effectiveness of the programs in improving reading for adults and children and to avoid duplication of the efforts of the program.

[(H) How the State educational agency will assess and evaluate, on a regular basis, eligible local educational agency activities assisted under section 1202, with respect to whether the activities have been effective in achieving the purposes of section 1202.

[(I) Any other information that the Secretary may reasonably require.

[(c) APPROVAL OF APPLICATIONS.—

[(1) IN GENERAL.—The Secretary shall approve an application of a State educational agency under this section only if such application meets the requirements of this section.

[(2) PEER REVIEW.—

[(A) IN GENERAL.—The Secretary, in consultation with the National Institute for Literacy, shall convene a panel to evaluate applications under this section. At a minimum, the panel shall include—

[(i) three individuals selected by the Secretary;

[(ii) three individuals selected by the National Institute for Literacy;

[(iii) three individuals selected by the National Research Council of the National Academy of Sciences; and

[(iv) three individuals selected by the Eunice Kennedy Shriver National Institute of Child Health and Human Development.

[(B) EXPERTS.—The panel shall include—

[(i) experts who are competent, by virtue of their training, expertise, or experience, to evaluate applications under this section;

[(ii) experts who provide professional development to individuals who teach reading to children and adults based on scientifically based reading research;

[(iii) experts who provide professional development to other instructional staff based on scientifically based reading research; and

[(iv) an individual who has expertise in screening, diagnostic, and classroom-based instructional reading assessments.

[(C) RECOMMENDATIONS.—The panel shall recommend grant applications from State educational agencies under this section to the Secretary for funding or for disapproval.

[(d) READING AND LITERACY PARTNERSHIPS.—

[(1) IN GENERAL.—For a State educational agency to receive a grant under section 1202, the Governor of the State, in consultation with the State educational agency, shall establish a reading and literacy partnership.

[(2) REQUIRED PARTICIPANTS.—The reading and literacy partnership shall include the following participants:

[(A) The Governor of the State.

[(B) The chief State school officer.

[(C) The chairman and the ranking member of each committee of the State legislature that is responsible for education policy.

[(D) A representative, selected jointly by the Governor and the chief State school officer, of at least one eligible local educational agency.

[(E) A representative, selected jointly by the Governor and the chief State school officer, of a community-based organization working with children to improve their reading skills, particularly a community-based organization using tutors and scientifically based reading research.

[(F) State directors of appropriate Federal or State programs with a strong reading component, selected jointly by the Governor and the chief State school officer.

[(G) A parent of a public or private school student or a parent who educates the parent's child in the parent's home, selected jointly by the Governor and the chief State school officer.

[(H) A teacher, who may be a special education teacher, who successfully teaches reading, and another instructional staff member, selected jointly by the Governor and the chief State school officer.

[(I) A family literacy service provider selected jointly by the Governor and the chief State school officer.

[(3) OPTIONAL PARTICIPANTS.—The reading and literacy partnership may include additional participants, who shall be selected jointly by the Governor and the chief State school officer, and who may include a representative of—

[(A) an institution of higher education operating a program of teacher preparation in the State that is based on scientifically based reading research;

[(B) a local educational agency;

[(C) a private nonprofit or for-profit eligible professional development provider providing instruction based on scientifically based reading research;

[(D) an adult education provider;

[(E) a volunteer organization that is involved in reading programs; or

[(F) a school library or a public library that offers reading or literacy programs for children or families.

[(4) PREEXISTING PARTNERSHIP.—If, before the date of enactment of the No Child Left Behind Act of 2001, a State educational agency established a consortium, partnership, or any other similar body that was considered a reading and literacy partnership for purposes of part C of title II of this Act (as such part was in effect on the day before the date of enactment of No Child Left Behind Act of 2001), that consortium, partnership, or body may be considered a reading and literacy partnership for purposes of this subsection consistent with the provisions of this subpart.]

[SEC. 1204. [20 U.S.C. 6364] TARGETED ASSISTANCE GRANTS.]

[(a) ELIGIBILITY CRITERIA FOR AWARDING TARGETED ASSISTANCE GRANTS TO STATES.—Beginning with fiscal year 2004, from funds appropriated under section 1202(b)(1)(E), the Secretary shall make grants, on a competitive basis, to those State educational agencies that—

[(1) for each of 2 consecutive years, demonstrate that an increasing percentage of third graders in each of the groups described in section 1111(b)(2)(C)(v)(II) in the schools served by the local educational agencies receiving funds under section 1202 are reaching the proficient level in reading; and

[(2) for each of the same such consecutive 2 years, demonstrate that schools receiving funds under section 1202 are improving the reading skills of students in grades 1, 2, and 3

based on screening, diagnostic, and classroom-based instructional reading assessments.

[(b) CONTINUATION OF PERFORMANCE AWARDS.—For any State educational agency that receives a competitive grant under this section, the Secretary shall make an award for each of the succeeding years that the State educational agency demonstrates it is continuing to meet the criteria described in subsection (a).

[(c) DISTRIBUTION OF TARGETED ASSISTANCE GRANTS.—

[(1) IN GENERAL.—The Secretary shall make a grant to each State educational agency with an application approved under this section in an amount that bears the same relation to the amount made available to carry out this section for a fiscal year as the number of children counted under section 1124(c) for the State bears to the number of such children so counted for all States with applications approved for that year.

[(2) PEER REVIEW.—The peer review panel convened under section 1203(c)(2) shall review the applications submitted under this subsection. The panel shall recommend such applications to the Secretary for funding or for disapproval.

[(3) APPLICATION CONTENTS.—A State educational agency that desires to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each such application shall include the following:

[(A) Evidence that the State educational agency has carried out its obligations under section 1203.

[(B) Evidence that the State educational agency has met the criteria described in subsection (a).

[(C) The amount of funds requested by the State educational agency and a description of the criteria the State educational agency intends to use in distributing subgrants to eligible local educational agencies under this section to continue or expand activities under subsection (d)(5).

[(D) Evidence that the State educational agency has increased significantly the percentage of students reading at grade level or above.

[(E) Any additional evidence that demonstrates success in the implementation of this section.

[(d) SUBGRANTS TO ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—

[(1) IN GENERAL.—The Secretary may make a grant to a State educational agency under this section only if the State educational agency agrees to expend 100 percent of the amount of the funds provided under the grant for the purpose of making competitive subgrants in accordance with this subsection to eligible local educational agencies.

[(2) NOTICE.—A State educational agency receiving a grant under this section shall provide notice to all local educational agencies in the State of the availability of competitive subgrants under this subsection and of the requirements for applying for the subgrants.

[(3) APPLICATION.—To be eligible to receive a subgrant under this subsection, an eligible local educational agency shall submit an application to the State educational agency at such

time, in such manner, and containing such information as the State educational agency may reasonably require.

[(4) DISTRIBUTION.—

[(A) IN GENERAL.—A State educational agency shall distribute subgrants under this section through a competitive process based on relative need of eligible local educational agencies and the evidence described in this paragraph.

[(B) EVIDENCE USED IN ALL YEARS.—For all fiscal years, a State educational agency shall distribute subgrants under this section based on evidence that an eligible local educational agency—

[(i) satisfies the requirements of section 1202(c)(4);

[(ii) will carry out its obligations under this subpart;

[(iii) will work with other local educational agencies in the State that have not received a subgrant under this subsection to assist such nonreceiving agencies in increasing the reading achievement of students; and

[(iv) is meeting the criteria described in subsection (a).

[(5) LOCAL USES OF FUNDS.—An eligible local educational agency that receives a subgrant under this subsection—

[(A) shall use the funds provided under the subgrant to carry out the activities described in section 1202(c)(7)(A); and

[(B) may use such funds to carry out the activities described in section 1202(c)(7)(B).]

[SEC. 1205. [20 U.S.C. 6365] EXTERNAL EVALUATION.]

[(a) IN GENERAL.—From funds reserved under section 1202(b)(1)(C), the Secretary shall contract with an independent organization outside of the Department for a 5-year, rigorous, scientifically valid, quantitative evaluation of this subpart.

[(b) PROCESS.—The evaluation under subsection (a) shall be conducted by an organization that is capable of designing and carrying out an independent evaluation that identifies the effects of specific activities carried out by State educational agencies and local educational agencies under this subpart on improving reading instruction. Such evaluation shall take into account factors influencing student performance that are not controlled by teachers or education administrators.

[(c) ANALYSIS.—The evaluation under subsection (a) shall include the following:

[(1) An analysis of the relationship between each of the essential components of reading instruction and overall reading proficiency.

[(2) An analysis of whether assessment tools used by State educational agencies and local educational agencies measure the essential components of reading.

[(3) An analysis of how State reading standards correlate with the essential components of reading instruction.

[(4) An analysis of whether the receipt of a targeted assistance grant under section 1204 results in an increase in the number of children who read proficiently.

[(5) A measurement of the extent to which specific instructional materials improve reading proficiency.

[(6) A measurement of the extent to which specific screening, diagnostic, and classroom-based instructional reading assessments assist teachers in identifying specific reading deficiencies.

[(7) A measurement of the extent to which professional development programs implemented by State educational agencies using funds received under this subpart improve reading instruction.

[(8) A measurement of how well students preparing to enter the teaching profession are prepared to teach the essential components of reading instruction.

[(9) An analysis of changes in students' interest in reading and time spent reading outside of school.

[(10) Any other analysis or measurement pertinent to this subpart that is determined to be appropriate by the Secretary.

[(d) PROGRAM IMPROVEMENT.—The findings of the evaluation conducted under this section shall be provided to State educational agencies and local educational agencies on a periodic basis for use in program improvement.]

[SEC. 1206. [20 U.S.C. 6366] NATIONAL ACTIVITIES.]

[From funds reserved under section 1202(b)(1)(C), the Secretary—

[(1) may provide technical assistance in achieving the purposes of this subpart to State educational agencies, local educational agencies, and schools requesting such assistance;

[(2) shall, at a minimum, evaluate the impact of services provided to children under this subpart with respect to their referral to, and eligibility for, special education services under the Individuals with Disabilities Education Act (based on their difficulties learning to read); and

[(3) shall carry out the external evaluation as described in section 1205.]

[SEC. 1207. [20 U.S.C. 6367] INFORMATION DISSEMINATION.]

[(a) IN GENERAL.—From funds reserved under section 1202(b)(1)(D), the National Institute for Literacy, in collaboration with the Secretary of Education, the Secretary of Health and Human Services, and the Director of the Eunice Kennedy Shriver National Institute of Child Health and Human Development shall—

[(1) disseminate information on scientifically based reading research pertaining to children, youth, and adults;

[(2) identify and disseminate information about schools, local educational agencies, and State educational agencies that have effectively developed and implemented classroom reading programs that meet the requirements of this subpart, including those State educational agencies, local educational agencies, and schools that have been identified as effective through the evaluation and peer review provisions of this subpart; and

[(3) support the continued identification and dissemination of information on reading programs that contain the essential components of reading instruction as supported by scientifically based reading research, that can lead to improved reading outcomes for children, youth, and adults.

[(b) DISSEMINATION AND COORDINATION.—At a minimum, the National Institute for Literacy shall disseminate the information described in subsection (a) to—

[(1) recipients of Federal financial assistance under this title, title III, the Head Start Act, the Individuals with Disabilities Education Act, and the Adult Education and Family Literacy Act; and

[(2) each Bureau funded school (as defined in section 1141 of the Education Amendments of 1978).

[(c) USE OF EXISTING NETWORKS.—In carrying out this section, the National Institute for Literacy shall, to the extent practicable, use existing information and dissemination networks developed and maintained through other public and private entities including through the Department and the National Center for Family Literacy.

[(d) NATIONAL INSTITUTE FOR LITERACY.—For purposes of funds reserved under section 1202(b)(1)(D) to carry out this section, the National Institute for Literacy shall administer such funds in accordance with section 242(b) of Public Law 105–220 (relating to the establishment and administration of the National Institute for Literacy).]

[SEC. 1208. [20 U.S.C. 6368] DEFINITIONS.]

[In this subpart:

[(1) ELIGIBLE LOCAL EDUCATIONAL AGENCY.—The term "eligible local educational agency" means a local educational agency that—

[(A) is among the local educational agencies in the State with the highest numbers or percentages of students in kindergarten through grade 3 reading below grade level, based on the most currently available data; and

[(B) has—

[(i) jurisdiction over a geographic area that includes an area designated as an empowerment zone, or an enterprise community, under part I of subchapter U of chapter 1 of the Internal Revenue Code of 1986;

[(ii) jurisdiction over a significant number or percentage of schools that are identified for school improvement under section 1116(b); or

[(iii) the highest numbers or percentages of children who are counted under section 1124(c), in comparison to other local educational agencies in the State.

[(2) ELIGIBLE PROFESSIONAL DEVELOPMENT PROVIDER.—The term "eligible professional development provider" means a provider of professional development in reading instruction to teachers, including special education teachers, that is based on scientifically based reading research.

[(3) ESSENTIAL COMPONENTS OF READING INSTRUCTION.—The term "essential components of reading instruction" means explicit and systematic instruction in—

[(A) phonemic awareness;

[(B) phonics;

[(C) vocabulary development;

[(D) reading fluency, including oral reading skills; and

[(E) reading comprehension strategies.

[(4) INSTRUCTIONAL STAFF.—The term "instructional staff"—

[(A) means individuals who have responsibility for teaching children to read; and

[(B) includes principals, teachers, supervisors of instruction, librarians, library school media specialists, teachers of academic subjects other than reading, and other individuals who have responsibility for assisting children to learn to read.

[(5) READING.—The term "reading" means a complex system of deriving meaning from print that requires all of the following:

[(A) The skills and knowledge to understand how phonemes, or speech sounds, are connected to print.

[(B) The ability to decode unfamiliar words.

[(C) The ability to read fluently.

[(D) Sufficient background information and vocabulary to foster reading comprehension.

[(E) The development of appropriate active strategies to construct meaning from print.

[(F) The development and maintenance of a motivation to read.

[(6) SCIENTIFICALLY BASED READING RESEARCH.—The term "scientifically based reading research" means research that—

[(A) applies rigorous, systematic, and objective procedures to obtain valid knowledge relevant to reading development, reading instruction, and reading difficulties; and

[(B) includes research that—

[(i) employs systematic, empirical methods that draw on observation or experiment;

[(ii) involves rigorous data analyses that are adequate to test the stated hypotheses and justify the general conclusions drawn;

[(iii) relies on measurements or observational methods that provide valid data across evaluators and observers and across multiple measurements and observations; and

[(iv) has been accepted by a peer-reviewed journal or approved by a panel of independent experts through a comparably rigorous, objective, and scientific review.

[(7) SCREENING, DIAGNOSTIC, AND CLASSROOM-BASED INSTRUCTIONAL READING ASSESSMENTS.—

[(A) IN GENERAL.—The term "screening, diagnostic, and classroom-based instructional reading assessments" means—

[(i) screening reading assessments;

[(ii) diagnostic reading assessments; and

[(iii) classroom-based instructional reading assessments.

[(B) SCREENING READING ASSESSMENT.—The term "screening reading assessment" means an assessment that is—

[(i) valid, reliable, and based on scientifically based reading research; and

[(ii) a brief procedure designed as a first step in identifying children who may be at high risk for delayed development or academic failure and in need of further diagnosis of their need for special services or additional reading instruction.

[(C) DIAGNOSTIC READING ASSESSMENT.—The term "diagnostic reading assessment" means an assessment that is—

[(i) valid, reliable, and based on scientifically based reading research; and

[(ii) used for the purpose of—

[(I) identifying a child's specific areas of strengths and weaknesses so that the child has learned to read by the end of grade 3;

[(II) determining any difficulties that a child may have in learning to read and the potential cause of such difficulties; and

[(III) helping to determine possible reading intervention strategies and related special needs.

[(D) CLASSROOM-BASED INSTRUCTIONAL READING ASSESSMENT.—The term "classroom-based instructional reading assessment" means an assessment that—

[(i) evaluates children's learning based on systematic observations by teachers of children performing academic tasks that are part of their daily classroom experience; and

[(ii) is used to improve instruction in reading, including classroom instruction.]

Subpart 1—Improving Secondary Schools

SEC. 1201. SECONDARY SCHOOL REFORM.

(a) PURPOSES.—The purposes of this section are to ensure students graduate from secondary school on track to college and career readiness and to increase graduation rates by providing grants to eligible entities to provide schools with the necessary resources to implement innovative and effective secondary school reform strategies.

(b) DEFINITIONS.—In this section:

(1) COMPETENCY-BASED LEARNING MODEL.—The term "competency-based learning model" means an education model in which educators use explicit measurable learning objectives to assist students to advance upon mastery of the objectives as determined through relevant assessments.

(2) EFFECTIVE SECONDARY SCHOOL REFORM STRATEGIES.—The term "effective secondary school reform strategies" means a set of programs, interventions, and activities with demonstrated effectiveness in improving the academic achievement of struggling students or dropouts.

(3) ELIGIBLE ENTITY.—The term "eligible entity" means a high-need local educational agency in partnership with 1 or more external partners.

(4) ELIGIBLE SECONDARY SCHOOL.—The term "eligible secondary school" means a high school that—

(A) is eligible for funds under part A;

(B) has a graduation rate below 75 percent;

(C) does not receive grant funds under section 1116(d); and

(D) is identified as low performing based on the State's accountability system.

(5) EXTERNAL PARTNER.—The term "external partner" means a public or private nonprofit organization, public or private nonprofit institution of higher education, or nonprofit charter management organization, with a demonstrated record of successful secondary school reform.

(6) FEEDER MIDDLE SCHOOL.—The term "feeder middle school" means an elementary school or secondary school from which a majority of students go on to attend an eligible secondary school.

(7) SECRETARY.—The term "Secretary" means the Secretary of Education.

(8) STRUGGLING STUDENT.—The term "struggling student" means a student who is at an increased risk for low academic achievement and is unlikely to graduate secondary school on track to college and career readiness.

(c) GRANTS AUTHORIZED.—

(1) IN GENERAL.—

(A) RESERVATION.—From the total amount of funds appropriated to carry out this section for a fiscal year, the Secretary may reserve not more than 2.5 percent for national activities, which the Secretary shall use for technical assistance, data collection and dissemination, and reporting activities.

(B) GRANTS.—From the total amount of funds appropriated to carry out this section for a fiscal year and not reserved under subparagraph (A), the Secretary shall award grants, on a competitive basis, to eligible entities, based on the quality of the applications submitted, of which—

(i) not more than 25 percent of grant funds shall be used for activities described in subsection (e)(1); and

(ii) not less than 75 percent of grant funds shall be used for activities described in paragraphs (2) and (3) of subsection (e) and subsection (f).

(2) GRANT DURATION.—Grants awarded under this section shall be for a period of 5 years, conditional after 3 years on satisfactory progress on the performance indicators described in subsection (d)(2)(E), as determined by the Secretary.

(3) ANNUAL REPORT.—Each eligible entity that receives a grant under this section shall submit to the Secretary an annual report including data on the entity's progress on the performance indicators described in subsection (d)(2)(E).

(d) APPLICATION.—

(1) IN GENERAL.—An eligible entity that desires a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

(2) CONTENTS.—Each application submitted under paragraph (1) shall include, at a minimum, a description of the following:

(A) How the eligible entity will use funds awarded under this section to carry out the activities described in subsection (e)(1).

(B) The external partner's capacity and record of success in secondary school reform and how the eligible entity will sustain the activities proposed, including the availability of funds from non-Federal sources and coordination with other Federal, State, and local funds.

(C) How the eligible entity conducted a comprehensive needs analysis and capacity assessment of the eligible secondary schools served by the eligible entity to identify secondary schools proposed to be served by the grant. The needs analysis and capacity assessment shall include the following:

(i) An examination of each secondary school's data in the aggregate, and disaggregated by each of the subgroups of students described in section 1111(a)(2)(B)(ix), on the following:

(I) Graduation rates and characteristics of those students who are not graduating, including such students' attendance, behavior, expulsion rates, suspension rates, course performance, and credit accumulation rates.

(II) Rates of dropout recovery (re-entry).

(III) Rates of enrollment and remediation in institutions of higher education, in accordance with section 1111(d)(3)(B)(viii).

(IV) The percentage of students who are 2 or more years over-aged or under-credited for their grade level.

(ii) An examination of each eligible secondary school and feeder middle school's data in the aggregate, and disaggregated by each of the subgroups of students described in section 1111(a)(2)(B)(ix), as applicable, on the following:

(I) Student academic achievement, including the percentage of students who have on-time credit accumulation at the end of each grade and the percent of students failing a core, credit-bearing, reading or language arts, science, or mathematics course, or failing 2 or more of any courses.

(II) Percentage of students who have an attendance rate lower than 90 percent.

(III) Annual rates of expulsions, suspensions, school violence, harassment, and bullying, as defined under State or local laws or policies.

(IV) Annual, average credit accumulation.

(V) Annual, average attendance rates.

(VI) Annual rates of students who move in and out of the school within a school year

(VII) Curriculum alignment with college and career ready standards across all grade levels.

(VIII) Support services to address the nonacademic barriers that impact student achievement.

(IX) The number and percentage of students who do not transition from grade 8 to grade 9 and who have not transferred to and enrolled in a school outside of the local educational agency within the State.

(iii) An examination, including a description, of each eligible secondary school's capacity to implement the school reform activities under subsection (e)(3), including—

(I) the capacity and experience levels of administrative, instructional, and noninstructional staff; and

(II) the budget, including how Federal, State, and local funds are being spent (as of the time of the assessment) and can be better spent; and

(III) the technical assistance, additional resources, and staff necessary to implement the activities identified in subsection (e).

(iv) An assessment of the external partner capacity to provide technical assistance and resources to implement the activities described in subsection (e).

(D) The strategies chosen to be implemented at the eligible secondary schools, including a rationale for reform strategies, as described in subsection (e)(3)(F), selected for each of the eligible secondary schools, including how the chosen strategy will most effectively address the needs identified through the needs analysis.

(E) The performance indicators and targets the eligible entity will use to assess the effectiveness of the activities implemented under this section including—

(i) graduation rates;

(ii) dropout recovery (re-entry) rates;

(iii) percentage of students with less than a 90 percent attendance rate;

(iv) percentage of students who have on-time credit accumulation at the end of each grade and the percentage of students failing a core subject course;

(v) rates of expulsions, suspensions, school violence, harassment, and bullying, as defined under State or local laws or policies;

(vi) annual, average attendance rates;

(vii) annual rates of student mobility;

(viii) college remediation, enrollment, persistence, and completion rates; and

(ix) percentage of students successfully—

(I) completing Advanced Placement or International Baccalaureate courses;

(II) completing rigorous postsecondary education courses while attending a secondary school; or

(III) enrolling in and completing, career and technical education, as defined in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006, and registered apprenticeship pro-

grams, as defined in section 173A(b) of the Workforce Investment Act of 1998.

(e) REQUIRED USES OF FUNDS.—

(1) IN GENERAL.—An eligible entity that receives a grant under this section shall use the grant funds to—

(A) implement an early warning indicator system to help high schools, and their feeder middle schools, served by the eligible entity's local educational agency, to identify struggling students and create a system of evidence-based interventions, by—

(i) identifying and analyzing indicators that most reliably predict dropping out of secondary school;

(ii) analyzing the distribution of struggling students in secondary schools across all grades;

(iii) analyzing student progress and performance on the indicators identified under clause (i);

(iv) analyzing academic indicators to determine—

(I) whether students will graduate on track to college and career readiness; and

(II) which students are 2 or more years over-aged or under-credited for on-time secondary school graduation;

(v) analyzing student data to assist students in grade and school transitions; and

(vi) developing a mechanism for regularly collecting, reporting, and making accessible to each school served by the eligible entity for each such school's students—

(I) student-level data on the indicators identified under clause (i);

(II) student-level progress and performance, as described in clause (iii);

(III) student-level data on the indicators described in clause (iv); and

(IV) information about the impact of interventions on student outcomes and progress;

(B) provide support and credit recovery opportunities for struggling students, including those who are over-aged and under-credited, at secondary schools served by the eligible entity by offering activities, such as—

(i) a flexible school schedule;

(ii) competency-based learning models and performance-based assessments; and

(iii) the provision of support services;

(C) provide dropout recovery or re-entry programs to secondary schools that are designed to encourage and support dropouts returning to an educational system, program, or institution following an extended absence in order to graduate on track to college and career readiness;

(D) provide evidence-based grade and school transition programs and supports, including through curricula alignment; and

(E) provide school leaders, instructional staff, noninstructional staff, students, and families with high-quality, easily accessible information about—

(i) secondary school graduation requirements;

(ii) postsecondary education application processes;

(iii) postsecondary admissions processes and requirements, including public financial aid and other available private scholarship and grant aid opportunities; and

(iv) other programs and services for increasing rates of college access and success for students from low-income families.

(2) REQUIRED USE OF FUNDS IN FEEDER MIDDLE SCHOOLS.—An eligible entity that receives a grant under this section shall use the grant funds in feeder middle schools to improve the academic achievement of their students and prepare them to graduate on track to college and career readiness by—

(A) using early warning indicator and intervention systems described in paragraph (1)(A);

(B) creating a personalized learning environment;

(C) providing high-quality professional development opportunities to school leaders, teachers, and other school staff to prepare staff to—

(i) address the academic challenges of students in middle grades;

(ii) understand the developmental needs of students in the middle grades and how to address them in an educational setting;

(iii) implement data-driven interventions; and

(iv) provide academic guidance to students so that students can graduate on track to college and career readiness; and

(D) implementing organizational practices and school schedules that allow for collaborative staff participation, team teaching, and common instructional planning time.

(3) REQUIRED USE OF FUNDS IN ELIGIBLE SECONDARY SCHOOLS.—An eligible entity that receives a grant under this section shall use the grant funds in eligible secondary schools to implement a comprehensive approach that will—

(A) personalize the school experience by taking steps such as—

(i) creating opportunities for struggling students to receive personalized instruction and opportunities for credit recovery;

(ii) implementing competency-based models; and

(iii) providing ongoing evaluation of student academic achievement and the necessary supports so that students graduate on track to college and career readiness;

(B) increase student engagement by providing service-learning, experiential, work-based, and other learning opportunities, such as—

(i) contextual learning opportunities;

(ii) internship opportunities;

(iii) community service, learning apprenticeships, and job shadowing;

(iv) college campus visits, and postsecondary and career counseling; and

(v) developing an individual graduation plan for each student that defines each student's career and postsecondary education goals, and provides the individualized evidence-based interventions necessary to meet the goals;

(C) provide school leaders with autonomy through a flexible budget and staffing authority;

(D) implement high-quality professional development for teachers and school leaders, provide increased opportunities for teachers to work collaboratively, and improve instruction;

(E) improve curriculum and instruction, by—

(i) adopting effective, evidence-based curricula and instructional materials aligned to high academic standards for all students; and

(ii) increasing rigor through the use of Advanced Placement or International Baccalaureate courses; and

(F) implement at least 1 of the following effective secondary school reform strategies to prepare students for college and a career, and to improve graduation rates:

(i) Graduation Promise Academies, which include—

(I) 9th grade academies taught by teams of teachers who work with small groups of students;

(II) Career Academies for upper grades;

(III) extended learning periods, such as block scheduling, to reduce the number of students for whom teachers are responsible and the number of courses students are taking at any one time;

(IV) an after-hours credit recovery program;

(V) curriculum coaches who provide high-quality professional development and support;

(VI) partnerships among parents, teachers, administrators, community-based organizations, and community members focused on improving student achievement; and

(VII) a college-going culture, including student supports and guidance.

(ii) Career Academies, which—

(I) establish career pathways by implementing a college and career ready curriculum that integrates rigorous academics, career and technical education, and experiential learning for high school students in high-skill, high-demand industries in collaboration with local and regional employers;

(II) provide counseling to advance students' college and career goals;

(III) collaborate with local employers to develop and provide work-based experiences for high school students;

(IV) modernize career-related equipment utilized by students; and

(V) provide dual enrollment opportunities with college credit-bearing courses, including accelerated certificate programs with community colleges or other recognized postsecondary credentials.

(iii) Early College Schools, which—

(I) partner with 1 or more public or nonprofit institutions of higher education;

(II) conduct outreach programs to ensure that middle school and high school students and their families are aware of the Early College Schools;

(III) design curricula and sequences of courses in collaboration with teachers from the eligible secondary school and faculty from the partner institution of higher education so that students may simultaneously earn credits towards a high school diploma and either an associate degree or transferable postsecondary education credits toward a postsecondary degree at no cost to students or their families;

(IV) coordinate secondary and postsecondary support services, and academic calendars to allow students to visit and take courses at the institutions of higher education; and

(V) provide academic and support services, including financial aid counseling for postsecondary education.

(f) ALLOWABLE USES OF FUNDS.—An eligible entity that receives a grant under this section may use grant funds to—

(1) improve parent and family engagement in the educational attainment and achievement of struggling students and dropouts to be on track to college and career readiness by—

(A) leveraging community-based services and opportunities; and

(B) providing parents and families with the necessary information, including data on their child's academic achievement and how to navigate the public school system;

(2) provide extended learning opportunities, by extending the school day, week, or year to increase the total number of school hours to include additional time for instruction in academic subjects and enrichment activities that contribute to a well-rounded education;

(3) increase student supports through activities such as student advisories, school counseling opportunities, and one-to-one mentoring; and

(4) create smaller learning communities.

(g) MATCHING FUNDS.—

(1) IN GENERAL.—An eligible entity that receives a grant under this section shall provide matching funds, from non-Federal sources, in an amount equal to not less than 20 percent of the amount of grant funds awarded in the first 3 years of the grant, not less than 50 percent of the amount awarded in the fourth year of the grant, and not less than 75 percent of the amount awarded in the fifth year of the grant, as applicable.

(2) WAIVER.—The Secretary may waive all or part of the matching requirement described in paragraph (1) for a fiscal year for an eligible entity, on a case-by-case basis, if the Secretary determines that applying the matching requirement to such eligible entity would result in serious hardship or an inability to carry out the authorized activities described in subsection (e).

(h) SUPPLEMENT NOT SUPPLANT.—An eligible entity shall use Federal funds received under this section only to supplement the funds that would, in the absence of such Federal funds, be made available from other Federal and non-Federal sources for the activities described in this section, and not to supplant such funds.

[Subpart 2—Early Reading First]

[SEC. 1221. [20 U.S.C. 6371] PURPOSES; DEFINITIONS.]

[(a) PURPOSES.—The purposes of this subpart are as follows:

[(1) To support local efforts to enhance the early language, literacy, and prereading development of preschool age children, particularly those from low-income families, through strategies and professional development that are based on scientifically based reading research.

[(2) To provide preschool age children with cognitive learning opportunities in high-quality language and literature-rich environments, so that the children can attain the fundamental knowledge and skills necessary for optimal reading development in kindergarten and beyond.

[(3) To demonstrate language and literacy activities based on scientifically based reading research that supports the age-appropriate development of—

[(A) recognition, leading to automatic recognition, of letters of the alphabet;

[(B) knowledge of letter sounds, the blending of sounds, and the use of increasingly complex vocabulary;

[(C) an understanding that written language is composed of phonemes and letters each representing one or more speech sounds that in combination make up syllables, words, and sentences;

[(D) spoken language, including vocabulary and oral comprehension abilities; and

[(E) knowledge of the purposes and conventions of print.

[(4) To use screening assessments to effectively identify preschool age children who may be at risk for reading failure.

[(5) To integrate such scientific reading research-based instructional materials and literacy activities with existing programs of preschools, child care agencies and programs, Head Start centers, and family literacy services.

[(b) DEFINITIONS.—For purposes of this subpart:

[(1) ELIGIBLE APPLICANT.—The term "eligible applicant" means—

[(A) one or more local educational agencies that are eligible to receive a subgrant under subpart 1;

[(B) one or more public or private organizations or agencies, acting on behalf of one or more programs that serve

preschool age children (such as a program at a Head Start center, a child care program, or a family literacy program), which organizations or agencies shall be located in a community served by a local educational agency described in subparagraph (A); or

[(C) one or more local educational agencies described in subparagraph (A) in collaboration with one or more organizations or agencies described in subparagraph (B).

[(2) SCIENTIFICALLY BASED READING RESEARCH.—The term "scientifically based reading research" has the same meaning given to that term in section 1208.

[(3) SCREENING READING ASSESSMENT.—The term "screening reading assessment" has the same meaning given to that term in section 1208.]

[SEC. 1222. [20 U.S.C. 6372] LOCAL EARLY READING FIRST GRANTS.]

[(a) PROGRAM AUTHORIZED.—From amounts appropriated under section 1002(b)(2), the Secretary shall award grants, on a competitive basis, for periods of not more than 6 years, to eligible applicants to enable the eligible applicants to carry out the authorized activities described in subsection (d).

[(b) APPLICATIONS.—An eligible applicant that desires to receive a grant under this section shall submit an application to the Secretary, which shall include a description of—

[(1) the programs to be served by the proposed project, including demographic and socioeconomic information on the preschool age children enrolled in the programs;

[(2) how the proposed project will enhance the school readiness of preschool age children in high-quality oral language and literature-rich environments;

[(3) how the proposed project will prepare and provide ongoing assistance to staff in the programs, through professional development and other support, to provide high-quality language, literacy, and prereading activities using scientifically based reading research, for preschool age children;

[(4) how the proposed project will provide services and use instructional materials that are based on scientifically based reading research on early language acquisition, prereading activities, and the development of spoken vocabulary skills;

[(5) how the proposed project will help staff in the programs to meet more effectively the diverse needs of preschool age children in the community, including such children with limited English proficiency, disabilities, or other special needs;

[(6) how the proposed project will integrate such instructional materials and literacy activities with existing preschool programs and family literacy services;

[(7) how the proposed project will help children, particularly children experiencing difficulty with spoken language, prereading, and early reading skills, to make the transition from preschool to formal classroom instruction in school;

[(8) if the eligible applicant has received a subgrant under subpart 1, how the activities conducted under this subpart will be coordinated with the eligible applicant's activities under subpart 1 at the kindergarten through grade 3 level;

[(9) how the proposed project will evaluate the success of the activities supported under this subpart in enhancing the early language, literacy, and prereading development of preschool age children served by the project; and

[(10) such other information as the Secretary may require.

[(c) APPROVAL OF LOCAL APPLICATIONS.—The Secretary shall select applicants for funding under this subpart based on the quality of the applications and the recommendations of a peer review panel convened under section 1203(c)(2), that includes, at a minimum, three individuals, selected from the entities described in clauses (ii), (iii), and (iv) of section 1203(c)(2)(A), who are experts in early reading development and early childhood development.

[(d) AUTHORIZED ACTIVITIES.—An eligible applicant that receives a grant under this subpart shall use the funds provided under the grant to carry out the following activities:

[(1) Providing preschool age children with high-quality oral language and literature-rich environments in which to acquire language and prereading skills.

[(2) Providing professional development that is based on scientifically based reading research knowledge of early language and reading development for the staff of the eligible applicant and that will assist in developing the preschool age children's—

[(A) recognition, leading to automatic recognition, of letters of the alphabet, knowledge of letters, sounds, blending of letter sounds, and increasingly complex vocabulary;

[(B) understanding that written language is composed of phonemes and letters each representing one or more speech sounds that in combination make up syllables, words, and sentences;

[(C) spoken language, including vocabulary and oral comprehension abilities; and

[(D) knowledge of the purposes and conventions of print.

[(3) Identifying and providing activities and instructional materials that are based on scientifically based reading research for use in developing the skills and abilities described in paragraph (2).

[(4) Acquiring, providing training for, and implementing screening reading assessments or other appropriate measures that are based on scientifically based reading research to determine whether preschool age children are developing the skills described in this subsection.

[(5) Integrating such instructional materials, activities, tools, and measures into the programs offered by the eligible applicant.

[(e) AWARD AMOUNTS.—The Secretary may establish a maximum award amount, or ranges of award amounts, for grants under this subpart.]

[SEC. 1223. FEDERAL ADMINISTRATION.]

[The Secretary shall consult with the Secretary of Health and Human Services to coordinate the activities under this subpart with preschool age programs administered by the Department of Health and Human Services.]

[SEC. 1224. INFORMATION DISSEMINATION.]

[From the funds the National Institute for Literacy receives under section 1202(b)(1)(D), the National Institute for Literacy, in consultation with the Secretary, shall disseminate information regarding projects assisted under this subpart that have proven effective.]

[SEC. 1225. [20 U.S.C. 6375] REPORTING REQUIREMENTS.]

[Each eligible applicant receiving a grant under this subpart shall report annually to the Secretary regarding the eligible applicant's progress in addressing the purposes of this subpart. Such report shall include, at a minimum, a description of—

[(1) the research-based instruction, materials, and activities being used in the programs funded under the grant;

[(2) the types of programs funded under the grant and the ages of children served by such programs;

[(3) the qualifications of the program staff who provide early literacy instruction under such programs and the type of ongoing professional development provided to such staff; and

[(4) the results of the evaluation described in section 1222(b)(9).]

[SEC. 1226. [20 U.S.C. 6376] EVALUATION.]

[(a) IN GENERAL.—From the total amount made available under section 1002(b)(2) for the period beginning October 1, 2002, and ending September 30, 2006, the Secretary shall reserve not more than $3,000,000 to conduct an independent evaluation of the effectiveness of this subpart.

[(b) REPORTS.—

[(1) INTERIM REPORT.—Not later than October 1, 2004, the Secretary shall submit an interim report to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.

[(2) FINAL REPORT.—Not later than September 30, 2006, the Secretary shall submit a final report to the committees described in paragraph (1).

[(c) CONTENTS.—The reports submitted under subsection (b) shall include information on the following:

[(1) How the grant recipients under this subpart are improving the prereading skills of preschool children.

[(2) The effectiveness of the professional development program assisted under this subpart.

[(3) How early childhood teachers are being prepared with scientifically based reading research on early reading development.

[(4) What activities and instructional practices are most effective.

[(5) How prereading instructional materials and literacy activities based on scientifically based reading research are being integrated into preschools, child care agencies and programs, programs carried out under the Head Start Act, and family literacy programs.

[(6) Any recommendations on strengthening or modifying this subpart.]

Subpart 2—Accelerated Learning

SEC. 1221. PURPOSES.

The purposes of this subpart are—

(1) to raise student academic achievement by—

(A) increasing the number of teachers serving high-need schools who are qualified to teach Advanced Placement or International Baccalaureate courses; and

(B) increasing the number of students attending high-need schools who—

(i) enroll and succeed in Advanced Placement or International Baccalaureate courses; and

(ii) take Advanced Placement or International Baccalaureate examinations;

(2) to increase, and to support statewide and, as applicable, districtwide, efforts to increase the availability of, and enrollment in, Advanced Placement or International Baccalaureate courses, and pre-Advanced Placement or pre-International Baccalaureate courses, in high-need schools; and

(3) to provide high-quality professional development for teachers of Advanced Placement or International Baccalaureate courses, and pre-Advanced Placement or pre-International Baccalaureate courses, in high-need schools.

SEC. 1222. FUNDING DISTRIBUTION RULE.

From amounts appropriated to carry out this subpart for a fiscal year, the Secretary shall give priority to funding activities under section 1223 and shall distribute any remaining funds under section 1224.

SEC. 1223. ADVANCED PLACEMENT AND INTERNATIONAL BACCALAUREATE EXAMINATION FEE PROGRAM.

(a) GRANTS AUTHORIZED.—From amounts made available to carry out this subpart for a fiscal year, the Secretary shall award grants to State educational agencies having applications approved under this section to enable the State educational agencies to pay, on behalf of low-income students, part or all of the costs of Advanced Placement or International Baccalaureate examination fees, if the low-income students—

(1) are enrolled in an Advanced Placement or International Baccalaureate course; and

(2) plan to take an Advanced Placement or International Baccalaureate examination.

(b) AWARD BASIS.—In determining the amount of the grant awarded to a State educational agency under this section for a fiscal year, the Secretary shall consider the number of children eligible to be counted under section 1124(c) in the State in relation to the number of such children so counted in all States.

(c) INFORMATION DISSEMINATION.—A State educational agency that is awarded a grant under this section shall make publicly available information regarding the availability of Advanced Placement or International Baccalaureate examination fee payments under this section, and shall disseminate such information to eligible secondary school students and parents, including through secondary school teachers and counselors.

(d) APPLICATIONS.—Each State educational agency desiring to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. At a minimum, each State educational agency application shall—

(1) describe the Advanced Placement or International Baccalaureate examination fees the State educational agency will pay on behalf of low-income students in the State from grant funds awarded under this section;

(2) provide an assurance that any grant funds awarded under this section shall be used only to pay for Advanced Placement or International Baccalaureate examination fees; and

(3) contain such information as the Secretary may require to demonstrate that the State educational agency will ensure that a student is eligible for payments authorized under this section, including ensuring that the student is a low-income student.

(e) REGULATIONS.—The Secretary shall prescribe such regulations as are necessary to carry out this section.

(f) REPORT.—

(1) IN GENERAL.—Each State educational agency awarded a grant under this section shall, with respect to each Advanced Placement or International Baccalaureate course subject, annually report to the Secretary the following data for the preceding year:

(A) The number of students in the State who are taking an Advanced Placement or International Baccalaureate course in such subject.

(B) The number of Advanced Placement or International Baccalaureate examinations taken by students in the State who have taken an Advanced Placement or International Baccalaureate course in such subject.

(C) The number of students in the State scoring at each level on Advanced Placement or International Baccalaureate examinations in such subject.

(D) Demographic information regarding students in the State taking Advanced Placement or International Baccalaureate courses and Advanced Placement or International Baccalaureate examinations in that subject, disaggregated by race, ethnicity, sex, English proficiency status, and socioeconomic status.

(2) REPORT TO CONGRESS.—The Secretary shall annually compile the information received from each State educational agency under paragraph (1) and report to the authorizing committees regarding the information.

(g) BIA AS SEA.—For purposes of this section, the Bureau of Indian Affairs shall be treated as a State educational agency.

SEC. 1224. ADVANCED PLACEMENT AND INTERNATIONAL BACCALAUREATE INCENTIVE PROGRAM GRANTS.

(a) GRANTS AUTHORIZED.—

(1) IN GENERAL.—From amounts made available to carry out this subpart for a fiscal year, the Secretary shall award grants, on a competitive basis, to eligible entities to enable such entities to carry out the authorized activities described in subsection (e).

(2) DURATION, RENEWAL, AND PAYMENTS.—

(A) DURATION.—The Secretary shall award a grant under this section for a period of not more than 3 years.

(B) RENEWAL.—The Secretary may renew a grant awarded under this section for an additional period of not more than 2 years, if an eligible entity—

(i) is achieving the objectives of the grant; and

(ii) has shown improvement against baseline data on the performance measures described in subparagraphs (A) through (E) of subsection (g)(1).

(C) PAYMENTS.—The Secretary shall make grant payments under this section on an annual basis.

(b) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term "eligible entity" means—

(1) a State educational agency;

(2) a high-need local educational agency; or

(3) a partnership consisting of—

(A) a national, regional, or statewide public or nonprofit organization with expertise and experience in providing Advanced Placement or International Baccalaureate course services; and

(B) a State educational agency or a high-need local educational agency.

(c) APPLICATION.—

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

(2) CONTENTS.—The application shall, at a minimum, include a description of—

(A) the goals and objectives for the project supported by the grant under this section, including—

(i) increasing the number of teachers serving high-need schools who are qualified to teach Advanced Placement or International Baccalaureate courses;

(ii) increasing the number of Advanced Placement or International Baccalaureate courses that are offered at high-need schools; and

(iii) increasing the number of students attending a high-need school, particularly low-income students, who succeed in—

(I) Advanced Placement or International Baccalaureate courses; and

(II) if offered by the school, pre-Advanced Placement or pre-International Baccalaureate courses;

(B) how the eligible entity will ensure that students have access to courses, including pre-Advanced Placement or pre-International Baccalaureate courses, that will prepare students to succeed in Advanced Placement or International Baccalaureate courses;

(C) how the eligible entity will provide professional development for teachers that will further the goals and objectives of the grant project;

(D) how the eligible entity will ensure that teachers serving high-need schools are qualified to teach Advanced Placement or International Baccalaureate courses;

(E) how the eligible entity will provide for the involvement of business and community organizations and other entities, including institutions of higher education, in carrying out the activities described in subsection (e);

(F) how the eligible entity will use funds received under this section; and

(G) how the eligible entity will evaluate the outcome of the grant project.

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

(1) are part of a statewide or districtwide strategy, as applicable, for increasing the availability of Advanced Placement or International Baccalaureate courses, and pre-Advanced Placement or pre-International Baccalaureate courses, in high-need schools;

(2) demonstrate a focus on increasing the availability of Advanced Placement or International Baccalaureate courses in core academic subjects; and

(3) propose to carry out activities that target high-need schools.

(e) AUTHORIZED ACTIVITIES.—

(1) IN GENERAL.—Each eligible entity that receives a grant under this section shall use the grant funds to carry out activities designed to increase—

(A) the number of teachers serving high-need schools who are qualified to teach Advanced Placement or International Baccalaureate courses; and

(B) the number of students attending high-need schools who succeed in the examinations for such courses, including through reimbursing low-income students attending high-need schools for part or all of the cost of Advanced Placement or International Baccalaureate examination fees.

(2) ALLOWABLE ACTIVITIES.—In addition to the activities described in paragraph (1), an eligible entity that receives a grant under this section may use grant funds for—

(A) high-quality teacher professional development, in order to expand the pool of teachers in the participating State, high-need local educational agency, or high-need school who are qualified to teach Advanced Placement or International Baccalaureate courses, including through innovative models, such as online academies and training institutes;

(B) pre-Advanced Placement or pre-International Baccalaureate teacher and counselor high-quality professional development in secondary school to prepare students for success in Advanced Placement or International Baccalaureate courses and in institutions of higher education;

(C) coordination and articulation between grade levels to prepare students to succeed in Advanced Placement or International Baccalaureate courses;

(D) purchase of instructional materials for Advanced Placement or International Baccalaureate courses;

(E) activities to increase the availability of, and participation in, online Advanced Placement or International Baccalaureate courses;

(F) carrying out the requirements of subsection (g); and

(G) in the case of an eligible entity described in subsection (b)(1), awarding subgrants to high-need local educational agencies to enable the high-need local educational agencies to carry out authorized activities described in subparagraphs (A) through (F).

(f) CONTRACTS.—An eligible entity that is awarded a grant to provide online Advanced Placement or International Baccalaureate courses under this subpart may enter into a contract with an organization to provide the online Advanced Placement or International Baccalaureate courses, including contracting for necessary support services.

(g) COLLECTING AND REPORTING REQUIREMENTS.—

(1) REPORT.—Each eligible entity receiving a grant under this section shall collect and report to the Secretary annually such data regarding the results of the grant as the Secretary may reasonably require, including—

(A) the number of students served by the eligible entity enrolling in Advanced Placement or International Baccalaureate courses, and pre-Advanced Placement or pre-International Baccalaureate courses, disaggregated by grade level of the student, and the grades received by such students in the courses;

(B) the number of students taking an Advanced Placement or International Baccalaureate examination and the distribution of scores on those examinations, disaggregated by the grade level of the student at the time of examination;

(C) the number of teachers who are currently, as of the date of the report, receiving training to teach Advanced Placement or International Baccalaureate courses and will teach such courses in the next school year;

(D) the number of teachers becoming qualified to teach Advanced Placement or International Baccalaureate courses; and

(E) the number of qualified teachers who are teaching Advanced Placement or International Baccalaureate courses in high-need schools served by the eligible entity.

(2) REPORTING OF DATA.—Each eligible entity receiving a grant under this section shall report the data required under paragraph (1)—

(A) disaggregated by subject area;

(B) in the case of student data, disaggregated in the same manner as information is disaggregated under section 1111(a)(2)(B)(ix); and

(C) in a manner that allows for an assessment of the effectiveness of the grant program.

(h) EVALUATION.—From the amount appropriated for this subpart and reserved for evaluation activities in accordance with section 9601(a), the Secretary, acting through the Director of the Institute

of Education Sciences, shall, in consultation with the relevant program office at the Department, evaluate the implementation and impact of the activities supported under this section, consistent with section 9601, including progress as measured by the performance measures established under subparagraphs (A) through (E) of subsection (g)(1).

(i) MATCHING REQUIREMENT.—

(1) IN GENERAL.—Subject to paragraph (3), each eligible entity that receives a grant under this section shall provide toward the cost of the activities assisted under the grant, from non-Federal sources, an amount equal to 100 percent of the amount of the grant, except that an eligible entity that is a high-need local educational agency shall provide an amount equal to not more than 50 percent of the amount of the grant.

(2) MATCHING FUNDS.—The eligible entity may provide the matching funds described in paragraph (1) in cash or in-kind, fairly evaluated, but may not provide more than 50 percent of the matching funds in-kind. The eligible entity may provide the matching funds from State, local, or private sources.

(3) WAIVER.—The Secretary may waive all or part of the matching requirement described in paragraph (1) for any fiscal year for an eligible entity described in paragraph (1) or (2) of subsection (b), if the Secretary determines that applying the matching requirement to such eligible entity would result in serious hardship or an inability to carry out the authorized activities described in subsection (e).

SEC. 1225. SUPPLEMENT, NOT SUPPLANT.

Grant funds provided under this subpart shall supplement, and not supplant, other non-Federal funds that are available to assist low-income students to pay for the cost of Advanced Placement or International Baccalaureate examination fees or to expand access to Advanced Placement or International Baccalaureate courses, and pre-Advanced Placement or pre-International Baccalaureate courses.

SEC. 1226. DEFINITIONS.

In this subpart:

(1) HIGH-NEED SCHOOL.—The term "high-need school" means a secondary school—

(A) with a demonstrated need for Advanced Placement or International Baccalaureate courses; and

(B) that—

(i) has a high concentration of low-income students; or

(ii) is designated with a school locale code of 33, 41, 42, or 43, as determined by the Secretary.

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

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[Subpart 3—William F. Goodling Even Start Family Literacy Programs]

[SEC. 1231. [20 U.S.C. 6381] STATEMENT OF PURPOSE.]

[It is the purpose of this subpart to help break the cycle of poverty and illiteracy by—

[(1) improving the educational opportunities of the Nation's low-income families by integrating early childhood education, adult literacy or adult basic education, and parenting education into a unified family literacy program, to be referred to as "Even Start"; and

[(2) establishing a program that shall—

[(A) be implemented through cooperative projects that build on high-quality existing community resources to create a new range of services;

[(B) promote the academic achievement of children and adults;

[(C) assist children and adults from low-income families to achieve to challenging State content standards and challenging State student achievement standards; and

[(D) use instructional programs based on scientifically based reading research and addressing the prevention of reading difficulties for children and adults, to the extent such research is available.]

[SEC. 1232. [20 U.S.C. 6381a] PROGRAM AUTHORIZED.]

[(a) RESERVATION FOR MIGRANT PROGRAMS, OUTLYING AREAS, AND INDIAN TRIBES.—

[(1) IN GENERAL.—For each fiscal year, the Secretary shall reserve 5 percent of the amount appropriated under section 1002(b)(3) (or, if such appropriated amount exceeds $200,000,000, 6 percent of such amount) for programs, under such terms and conditions as the Secretary shall establish, that are consistent with the purpose of this subpart, and according to their relative needs, for—

[(A) children of migratory workers;

[(B) the outlying areas; and

[(C) Indian tribes and tribal organizations.

[(2) SPECIAL RULE.—After December 21, 2000, the Secretary shall award a grant, on a competitive basis, of sufficient size and for a period of sufficient duration to demonstrate the effectiveness of a family literacy program in a prison that houses women and their preschool age children and that has the capability of developing a program of high quality.

[(3) COORDINATION OF PROGRAMS FOR AMERICAN INDIANS.—The Secretary shall ensure that programs under paragraph (1)(C) are coordinated with family literacy programs operated by the Bureau of Indian Affairs in order to avoid duplication and to encourage the dissemination of information on high-quality family literacy programs serving American Indians.

[(b) RESERVATION FOR FEDERAL ACTIVITIES.—

[(1) EVALUATION, TECHNICAL ASSISTANCE, PROGRAM IMPROVEMENT, AND REPLICATION ACTIVITIES.—Subject to paragraph (2), from amounts appropriated under section 1002(b)(3), the Sec-

retary may reserve not more than 3 percent of such amounts for purposes of—

[(A) carrying out the evaluation required by section 1239; and

[(B) providing, through grants or contracts with eligible organizations, technical assistance, program improvement, and replication activities.

[(2) RESEARCH.—In any fiscal year, if the amount appropriated under section 1002(b)(3) for such year—

[(A) is equal to or less than the amount appropriated for the preceding fiscal year, the Secretary may reserve from such amount only the amount necessary to continue multiyear activities carried out pursuant to section 1241(b) that began during or prior to the fiscal year preceding the fiscal year for which the determination is made; or

[(B) exceeds the amount appropriated for the preceding fiscal year, then the Secretary shall reserve from such excess amount $2,000,000 or 50 percent, whichever is less, to carry out section 1241(b).

[(c) RESERVATION FOR GRANTS.—

[(1) GRANTS AUTHORIZED.—

[(A) IN GENERAL.—For any fiscal year for which at least one State educational agency applies and submits an application that meets the requirements and goals of this subsection and for which the amount appropriated under section 1002(b)(3) exceeds the amount appropriated under that section for the preceding fiscal year, the Secretary shall reserve, from the amount of the excess remaining after the application of subsection (b)(2), the amount of the remainder or $1,000,000, whichever is less, to award grants, on a competitive basis, to State educational agencies to enable them to plan and implement statewide family literacy initiatives to coordinate and, where appropriate, integrate existing Federal, State, and local literacy resources consistent with the purposes of this subpart.

[(B) COORDINATION AND INTEGRATION.—The coordination and integration described in subparagraph (A) shall include coordination and integration of funds available under the Adult Education and Family Literacy Act, the Head Start Act, this subpart, part A of this title, and part A of title IV of the Social Security Act.

[(C) RESTRICTION.—No State educational agency may receive more than one grant under this subsection.

[(2) CONSORTIA.—

[(A) ESTABLISHMENT.—To receive a grant under this subsection, a State educational agency shall establish a consortium of State-level programs under the following provisions of laws:

[(i) This title (other than part D).

[(ii) The Head Start Act.

[(iii) The Adult Education and Family Literacy Act.

[(iv) All other State-funded preschool programs and programs providing literacy services to adults.

[(B) PLAN.—To receive a grant under this subsection, the consortium established by a State educational agency shall create a plan to use a portion of the State educational agency's resources, derived from the programs referred to in subparagraph (A), to strengthen and expand family literacy services in the State.

[(C) COORDINATION WITH SUBPART 1.—The consortium shall coordinate its activities under this paragraph with the activities of the reading and literacy partnership for the State educational agency established under section 1203(d), if the State educational agency receives a grant under section 1202.

[(3) READING INSTRUCTION.—Statewide family literacy initiatives implemented under this subsection shall base reading instruction on scientifically based reading research.

[(4) TECHNICAL ASSISTANCE.—The Secretary shall provide, directly or through a grant or contract with an organization with experience in the development and operation of successful family literacy services, technical assistance to State educational agencies receiving a grant under this subsection.

[(5) MATCHING REQUIREMENT.—The Secretary shall not make a grant to a State educational agency under this subsection unless the State educational agency agrees that, with respect to the costs to be incurred by the eligible consortium in carrying out the activities for which the grant was awarded, the State educational agency will make available non-Federal contributions in an amount equal to not less than the Federal funds provided under the grant.

[(d) STATE EDUCATIONAL AGENCY ALLOCATION.—

[(1) IN GENERAL.—From amounts appropriated under section 1002(b)(3) and not reserved under subsection (a), (b), or (c), the Secretary shall make grants to State educational agencies from allocations under paragraph (2).

[(2) ALLOCATIONS.—Except as provided in paragraph (3), from the total amount available under paragraph (1) for allocation to State educational agencies in any fiscal year, each State educational agency shall be eligible to receive a grant under paragraph (1) in an amount that bears the same ratio to the total amount as the amount allocated under part A to that State educational agency bears to the total amount allocated under that part to all State educational agencies.

[(3) MINIMUM.—No State educational agency shall receive a grant under paragraph (1) in any fiscal year in an amount that is less than $250,000, or one-half of 1 percent of the amount appropriated under section 1002(b)(3) and not reserved under subsections (a), (b), and (c) for such year, whichever is greater.

[(e) DEFINITIONS.—For the purpose of this subpart—

[(1) the term "eligible entity" means a partnership composed of—

[(A) a local educational agency; and

[(B) a nonprofit community-based organization, a public agency other than a local educational agency, an institution of higher education, or a public or private nonprofit

organization other than a local educational agency, of demonstrated quality;

[(2) the term "eligible organization" means any public or private nonprofit organization with a record of providing effective services to family literacy providers, such as the National Center for Family Literacy, Parents as Teachers, Inc., the Home Instruction Program for Preschool Youngsters, and the Home and School Institute, Inc.;

[(3) the terms "Indian tribe" and "tribal organization" have the meanings given those terms in section 4 of the Indian Self-Determination and Education Assistance Act;

[(4) the term "scientifically based reading research" has the meaning given that term in section 1208; and

[(5) the term "State" means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.]

[SEC. 1233. [20 U.S.C. 6381b] STATE EDUCATIONAL AGENCY PROGRAMS.]

[(a) STATE EDUCATIONAL AGENCY LEVEL ACTIVITIES.—Each State educational agency that receives a grant under section 1232(d)(1) may use not more than a total of 6 percent of the grant funds for the costs of—

[(1) administration, which amount shall not exceed half of the total;

[(2) providing, through one or more subgrants or contracts, technical assistance for program improvement and replication, to eligible entities that receive subgrants under subsection (b); and

[(3) carrying out sections 1240 and 1234(c).

[(b) SUBGRANTS FOR LOCAL PROGRAMS.—

[(1) IN GENERAL.—Each State educational agency shall use the grant funds received under section 1232(d)(1) and not reserved under subsection (a) to award subgrants to eligible entities to carry out Even Start programs.

[(2) MINIMUM SUBGRANT AMOUNTS.—

[(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), no State educational agency shall award a subgrant under paragraph (1) in an amount less than $75,000.

[(B) SUBGRANTEES IN NINTH AND SUCCEEDING YEARS.—No State educational agency shall award a subgrant under paragraph (1) in an amount less than $52,500 to an eligible entity for a fiscal year to carry out an Even Start program that is receiving assistance under this subpart or its predecessor authority for the ninth (or any subsequent) fiscal year.

[(C) EXCEPTION FOR SINGLE SUBGRANT.—A State educational agency may award one subgrant in each fiscal year of sufficient size, scope, and quality to be effective in an amount less than $75,000 if, after awarding subgrants under paragraph (1) for that fiscal year in accordance with subparagraphs (A) and (B), less than $75,000 is available to the State educational agency to award those subgrants.]

[SEC. 1234. [20 U.S.C. 6381c] USES OF FUNDS.]

[(a) IN GENERAL.—In carrying out an Even Start program under this subpart, a recipient of funds under this subpart shall use those funds to pay the Federal share of the cost of providing intensive family literacy services that involve parents and children, from birth through age 7, in a cooperative effort to help parents become full partners in the education of their children and to assist children in reaching their full potential as learners.

[(b) FEDERAL SHARE LIMITATION.—

[(1) IN GENERAL.—

[(A) FEDERAL SHARE.—Except as provided in paragraph (2), the Federal share under this subpart may not exceed—

[(i) 90 percent of the total cost of the program in the first year that the program receives assistance under this subpart or its predecessor authority;

[(ii) 80 percent in the second year;

[(iii) 70 percent in the third year;

[(iv) 60 percent in the fourth year;

[(v) 50 percent in the fifth, sixth, seventh, and eighth such years; and

[(vi) 35 percent in any subsequent year.

[(B) REMAINING COST.—The remaining cost of a program assisted under this subpart may be provided in cash or in kind, fairly evaluated, and may be obtained from any source, including other Federal funds under this Act.

[(2) WAIVER.—The State educational agency may waive, in whole or in part, the Federal share described in paragraph (1) for an eligible entity if the entity—

[(A) demonstrates that it otherwise would not be able to participate in the program assisted under this subpart; and

[(B) negotiates an agreement with the State educational agency with respect to the amount of the remaining cost to which the waiver will be applicable.

[(3) PROHIBITION.—Federal funds provided under this subpart may not be used for the indirect costs of a program assisted under this subpart, except that the Secretary may waive this paragraph if an eligible recipient of funds reserved under section 1232(a)(1)(C) demonstrates to the Secretary's satisfaction that the recipient otherwise would not be able to participate in the program assisted under this subpart.

[(c) USE OF FUNDS FOR FAMILY LITERACY SERVICES.—

[(1) IN GENERAL.—A State educational agency may use a portion of funds reserved under section 1233(a), to assist eligible entities receiving a subgrant under section 1233(b) in improving the quality of family literacy services provided under Even Start programs under this subpart, except that in no case may a State educational agency's use of funds for this purpose for a fiscal year result in a decrease from the level of activities and services provided to program participants in the preceding year.

[(2) PRIORITY.—In carrying out paragraph (1), a State educational agency shall give priority to programs that were of low quality, as evaluated based on the indicators of program qual-

ity developed by the State educational agency under section 1240.

[(3) TECHNICAL ASSISTANCE TO HELP LOCAL PROGRAMS RAISE ADDITIONAL FUNDS.—In carrying out paragraph (1), a State educational agency may use the funds referred to in that paragraph to provide technical assistance to help local programs of demonstrated effectiveness to access and leverage additional funds for the purpose of expanding services and reducing waiting lists, including requesting and applying for non-Federal resources.

[(4) TECHNICAL ASSISTANCE AND TRAINING.—Assistance under paragraph (1) shall be in the form of technical assistance and training, provided by a State educational agency through a grant, contract, or cooperative agreement with an entity that has experience in offering high-quality training and technical assistance to family literacy providers.]

[SEC. 1235. [20 U.S.C. 6381d] PROGRAM ELEMENTS.]

[Each program assisted under this subpart shall—

[(1) include the identification and recruitment of families most in need of services provided under this subpart, as indicated by a low level of income, a low level of adult literacy or English language proficiency of the eligible parent or parents, and other need-related indicators;

[(2) include screening and preparation of parents, including teenage parents, and children to enable those parents and children to participate fully in the activities and services provided under this subpart, including testing, referral to necessary counselling, other developmental and support services, and related services;

[(3) be designed to accommodate the participants' work schedule and other responsibilities, including the provision of support services, when those services are unavailable from other sources, necessary for participation in the activities assisted under this subpart, such as—

[(A) scheduling and locating of services to allow joint participation by parents and children;

[(B) child care for the period that parents are involved in the program provided under this subpart; and

[(C) transportation for the purpose of enabling parents and their children to participate in programs authorized by this subpart;

[(4) include high-quality, intensive instructional programs that promote adult literacy and empower parents to support the educational growth of their children, developmentally appropriate early childhood educational services, and preparation of children for success in regular school programs;

[(5) with respect to the qualifications of staff the cost of whose salaries are paid, in whole or in part, with Federal funds provided under this subpart, ensure that—

[(A) not later than December 21, 2004—

[(i) a majority of the individuals providing academic instruction—

[(I) shall have obtained an associate's, bachelor's, or graduate degree in a field related to

early childhood education, elementary school or secondary school education, or adult education; and

[(II) if applicable, shall meet qualifications established by the State for early childhood education, elementary school or secondary school education, or adult education provided as part of an Even Start program or another family literacy program;

[(ii) the individual responsible for administration of family literacy services under this subpart has received training in the operation of a family literacy program; and

[(iii) paraprofessionals who provide support for academic instruction have a secondary school diploma or its recognized equivalent; and

[(B) all new personnel hired to provide academic instruction—

[(i) have obtained an associate's, bachelor's, or graduate degree in a field related to early childhood education, elementary school or secondary school education, or adult education; and

[(ii) if applicable, meet qualifications established by the State for early childhood education, elementary school or secondary school education, or adult education provided as part of an Even Start program or another family literacy program;

[(6) include special training of staff, including child-care staff, to develop the skills necessary to work with parents and young children in the full range of instructional services offered through this subpart;

[(7) provide and monitor integrated instructional services to participating parents and children through home-based programs;

[(8) operate on a year-round basis, including the provision of some program services, including instructional and enrichment services, during the summer months;

[(9) be coordinated with—

[(A) other programs assisted under this Act;

[(B) any relevant programs under the Adult Education and Family Literacy Act, the Individuals with Disabilities Education Act, and title I of the Workforce Investment Act of 1998; and

[(C) the Head Start program, volunteer literacy programs, and other relevant programs;

[(10) use instructional programs based on scientifically based reading research for children and adults, to the extent that research is available;

[(11) encourage participating families to attend regularly and to remain in the program a sufficient time to meet their program goals;

[(12) include reading-readiness activities for preschool children based on scientifically based reading research, to the ex-

tent available, to ensure that children enter school ready to learn to read;

[(13) if applicable, promote the continuity of family literacy to ensure that individuals retain and improve their educational outcomes;

[(14) ensure that the programs will serve those families most in need of the activities and services provided by this subpart; and

[(15) provide for an independent evaluation of the program, to be used for program improvement.]

[SEC. 1236. [20 U.S.C. 6381e] ELIGIBLE PARTICIPANTS.]

[(a) IN GENERAL.—Except as provided in subsection (b), eligible participants in an Even Start program are—

[(1) a parent or parents—

[(A) who are eligible for participation in adult education and literacy activities under the Adult Education and Family Literacy Act; or

[(B) who are within the State's compulsory school attendance age range, so long as a local educational agency provides (or ensures the availability of) the basic education component required under this subpart, or who are attending secondary school; and

[(2) the child or children, from birth through age 7, of any individual described in paragraph (1).

[(b) ELIGIBILITY FOR CERTAIN OTHER PARTICIPANTS.—

[(1) IN GENERAL.—Family members of eligible participants described in subsection (a) may participate in activities and services provided under this subpart, when appropriate to serve the purpose of this subpart.

[(2) SPECIAL RULE.—Any family participating in a program assisted under this subpart that becomes ineligible to participate as a result of one or more members of the family becoming ineligible to participate may continue to participate in the program until all members of the family become ineligible to participate, which—

[(A) in the case of a family in which ineligibility was due to the child or children of the family attaining the age of 8, shall be in 2 years or when the parent or parents become ineligible due to educational advancement, whichever occurs first; and

[(B) in the case of a family in which ineligibility was due to the educational advancement of the parent or parents of the family, shall be when all children in the family attain the age of 8.

[(3) CHILDREN 8 YEARS OF AGE OR OLDER.—If an Even Start program assisted under this subpart collaborates with a program under part A, and funds received under the part A program contribute to paying the cost of providing programs under this subpart to children 8 years of age or older, the Even Start program may, notwithstanding subsection (a)(2), permit the participation of children 8 years of age or older if the focus of the program continues to remain on families with young children.]

[SEC. 1237. [20 U.S.C. 6381f] APPLICATIONS.]

[(a) SUBMISSION.—To be eligible to receive a subgrant under this subpart, an eligible entity shall submit an application to the State educational agency in such form and containing or accompanied by such information as the State educational agency shall require.

[(b) REQUIRED DOCUMENTATION.—Each application shall include documentation, satisfactory to the State educational agency, that the eligible entity has the qualified personnel needed—

[(1) to develop, administer, and implement an Even Start program under this subpart; and

[(2) to provide access to the special training necessary to prepare staff for the program, which may be offered by an eligible organization.

[(c) PLAN.—

[(1) IN GENERAL.—The application shall also include a plan of operation and continuous improvement for the program, that includes—

[(A) a description of the program objectives, strategies to meet those objectives, and how those strategies and objectives are consistent with the program indicators established by the State;

[(B) a description of the activities and services that will be provided under the program, including a description of how the program will incorporate the program elements required by section 1235;

[(C) a description of the population to be served and an estimate of the number of participants to be served;

[(D) as appropriate, a description of the applicant's collaborative efforts with institutions of higher education, community-based organizations, the State educational agency, private elementary schools, or other eligible organizations in carrying out the program for which assistance is sought;

[(E) a statement of the methods that will be used—

[(i) to ensure that the programs will serve families most in need of the activities and services provided by this subpart;

[(ii) to provide services under this subpart to individuals with special needs, such as individuals with limited English proficiency and individuals with disabilities; and

[(iii) to encourage participants to remain in the program for a time sufficient to meet the program's purpose;

[(F) a description of how the plan is integrated with other programs under this Act or other Acts, as appropriate; and

[(G) a description of how the plan provides for rigorous and objective evaluation of progress toward the program objectives described in subparagraph (A) and for continuing use of evaluation data for program improvement.

[(2) DURATION OF THE PLAN.—Each plan submitted under paragraph (1) shall—

[(A) remain in effect for the duration of the eligible entity's participation under this subpart; and

[(B) be periodically reviewed and revised by the eligible entity as necessary.

[(d) CONSOLIDATED APPLICATION.—The plan described in subsection (c)(1) may be submitted as part of a consolidated application under section 9305.]

[SEC. 1238. [20 U.S.C. 6381g] AWARD OF SUBGRANTS.]

[(a) SELECTION PROCESS.—

[(1) IN GENERAL.—The State educational agency shall establish a review panel in accordance with paragraph (3) that will approve applications that—

[(A) are most likely to be successful in—

[(i) meeting the purpose of this subpart; and

[(ii) effectively implementing the program elements required under section 1235;

[(B) demonstrate that the area to be served by the program has a high percentage or a large number of children and families who are in need of those services as indicated by high levels of poverty, illiteracy, unemployment, limited English proficiency, or other need-related indicators, such as a high percentage of children to be served by the program who reside in a school attendance area served by a local educational agency eligible for participation in programs under part A, a high number or percentage of parents who have been victims of domestic violence, or a high number or percentage of parents who are receiving assistance under a State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.);

[(C) provide services for at least a 3-year age range, which may begin at birth;

[(D) demonstrate the greatest possible cooperation and coordination between a variety of relevant service providers in all phases of the program;

[(E) include cost-effective budgets, given the scope of the application;

[(F) demonstrate the applicant's ability to provide the non-Federal share required by section 1234(b);

[(G) are representative of urban and rural regions of the State; and

[(H) show the greatest promise for providing models that may be adopted by other family literacy projects and other local educational agencies.

[(2) PRIORITY FOR SUBGRANTS.—The State educational agency shall give priority for subgrants under this subsection to applications that—

[(A) target services primarily to families described in paragraph (1)(B); or

[(B) are located in areas designated as empowerment zones or enterprise communities.

[(3) REVIEW PANEL.—A review panel shall consist of at least three members, including one early childhood professional, one adult education professional, and one individual with expertise

in family literacy programs, and may include other individuals, such as one or more of the following:

[(A) A representative of a parent-child education organization.

[(B) A representative of a community-based literacy organization.

[(C) A member of a local board of education.

[(D) A representative of business and industry with a commitment to education.

[(E) An individual who has been involved in the implementation of programs under this title in the State.

[(b) DURATION.—

[(1) IN GENERAL.—Subgrants under this subpart may be awarded for a period not to exceed 4 years.

[(2) STARTUP PERIOD.—The State educational agency may provide subgrant funds to an eligible recipient, at the recipient's request, for a 3- to 6-month start-up period during the first year of the 4-year grant period, which may include staff recruitment and training, and the coordination of services, before requiring full implementation of the program.

[(3) CONTINUING ELIGIBILITY.—In awarding subgrant funds to continue a program under this subpart after the first year, the State educational agency shall review the progress of each eligible entity in meeting the objectives of the program referred to in section 1237(c)(1)(A) and shall evaluate the program based on the indicators of program quality developed by the State under section 1240.

[(4) INSUFFICIENT PROGRESS.—The State educational agency may refuse to award subgrant funds to an eligible entity if the agency finds that the eligible entity has not sufficiently improved the performance of the program, as evaluated based on the indicators of program quality developed by the State under section 1240, after—

[(A) providing technical assistance to the eligible entity; and

[(B) affording the eligible entity notice and an opportunity for a hearing.

[(5) GRANT RENEWAL.—(A) An eligible entity that has previously received a subgrant under this subpart may reapply under this subpart for additional subgrants.

[(B) The Federal share of any subgrant renewed under subparagraph (A) shall be limited in accordance with section 1234(b).]

[SEC. 1239. [20 U.S.C. 6381h] EVALUATION.]

[From funds reserved under section 1232(b)(1), the Secretary shall provide for an independent evaluation of programs assisted under this subpart—

[(1) to determine the performance and effectiveness of programs assisted under this subpart;

[(2) to identify effective Even Start programs assisted under this subpart that can be duplicated and used in providing technical assistance to Federal, State, and local programs; and

[(3) to provide State educational agencies and eligible entities receiving a subgrant under this subpart, directly or

through a grant or contract with an organization with experience in the development and operation of successful family literacy services, technical assistance to ensure that local evaluations undertaken under section 1235(15) provide accurate information on the effectiveness of programs assisted under this subpart.]

[SEC. 1240. [20 U.S.C. 6381i] INDICATORS OF PROGRAM QUALITY.]

[Each State educational agency receiving funds under this subpart shall develop, based on the best available research and evaluation data, indicators of program quality for programs assisted under this subpart. The indicators shall be used to monitor, evaluate, and improve those programs within the State. The indicators shall include the following:

[(1) With respect to eligible participants in a program who are adults—

[(A) achievement in the areas of reading, writing, English-language acquisition, problem solving, and numeracy;

[(B) receipt of a secondary school diploma or a general equivalency diploma (GED);

[(C) entry into a postsecondary school, job retraining program, or employment or career advancement, including the military; and

[(D) such other indicators as the State may develop.

[(2) With respect to eligible participants in a program who are children—

[(A) improvement in ability to read on grade level or reading readiness;

[(B) school attendance;

[(C) grade retention and promotion; and

[(D) such other indicators as the State may develop.]

[SEC. 1241. [20 U.S.C. 6381j] RESEARCH.]

[(a) IN GENERAL.—The Secretary shall carry out, through grant or contract, research into the components of successful family literacy services, in order to—

[(1) improve the quality of existing programs assisted under this subpart or other family literacy programs carried out under this Act or the Adult Education and Family Literacy Act; and

[(2) develop models for new programs to be carried out under this Act or the Adult Education and Family Literacy Act.

[(b) SCIENTIFICALLY BASED RESEARCH ON FAMILY LITERACY.—

[(1) IN GENERAL.—From amounts reserved under section 1232(b)(2), the National Institute for Literacy, in consultation with the Secretary, shall carry out research that—

[(A) is scientifically based reading research; and

[(B) determines—

[(i) the most effective ways of improving the literacy skills of adults with reading difficulties; and

[(ii) how family literacy services can best provide parents with the knowledge and skills the parents need to support their children's literacy development.

[(2) USE OF EXPERT ENTITY.—The National Institute for Literacy, in consultation with the Secretary, shall carry out the research under paragraph (1) through an entity, including a Federal agency, that has expertise in carrying out longitudinal studies of the development of literacy skills in children and has developed effective interventions to help children with reading difficulties.

[(c) DISSEMINATION.—The National Institute for Literacy shall disseminate, pursuant to section 1207, the results of the research described in subsections (a) and (b) to State educational agencies and recipients of subgrants under this subpart.]

[SEC. 1242. [20 U.S.C. 6381k] CONSTRUCTION.]

[Nothing in this subpart shall be construed to prohibit a recipient of funds under this subpart from serving students participating in Even Start simultaneously with students with similar educational needs, in the same educational settings where appropriate.]

[Subpart 4—Improving Literacy Through School Libraries]

[SEC. 1251. [20 U.S.C. 6383] IMPROVING LITERACY THROUGH SCHOOL LIBRARIES.]

[(a) PURPOSES.—The purpose of this subpart is to improve literacy skills and academic achievement of students by providing students with increased access to up-to-date school library materials, a well-equipped, technologically advanced school library media center, and well-trained, professionally certified school library media specialists.

[(b) RESERVATION.—From the funds appropriated under section 1002(b)(4) for a fiscal year, the Secretary shall reserve—

[(1) one-half of 1 percent to award assistance under this section to the Bureau of Indian Affairs to carry out activities consistent with the purpose of this subpart; and

[(2) one-half of 1 percent to award assistance under this section to the outlying areas according to their respective needs for assistance under this subpart.

[(c) GRANTS.—

[(1) COMPETITIVE GRANTS TO ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—If the amount of funds appropriated under section 1002(b)(4) for a fiscal year is less than $100,000,000, then the Secretary shall award grants, on a competitive basis, to eligible local educational agencies under subsection (e).

[(2) FORMULA GRANTS TO STATES.—If the amount of funds appropriated under section 1002(b)(4) for a fiscal year equals or exceeds $100,000,000, then the Secretary shall award grants to State educational agencies from allotments under subsection (d).

[(3) DEFINITION OF ELIGIBLE LOCAL EDUCATIONAL AGENCY.—In this section the term "eligible local educational agency" means—

[(A) in the case of a local educational agency receiving assistance made available under paragraph (1), a local

educational agency in which 20 percent of the students served by the local educational agency are from families with incomes below the poverty line; and

[(B) in the case of a local educational agency receiving assistance from State allocations made available under paragraph (2), a local educational agency in which—

[(i) 15 percent of the students who are served by the local educational agency are from such families; or

[(ii) the percentage of students from such families who are served by the local educational agency is greater than the statewide percentage of children from such families.

[(d) STATE GRANTS.—

[(1) ALLOTMENTS.—From funds made available under subsection (c)(2) and not reserved under subsections (b) and (j) for a fiscal year, the Secretary shall allot to each State educational agency having an application approved under subsection (f)(1) an amount that bears the same relation to the funds as the amount the State educational agency received under part A for the preceding fiscal year bears to the amount all such State educational agencies received under part A for the preceding fiscal year, to increase literacy and reading skills by improving school libraries.

[(2) COMPETITIVE GRANTS TO ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—Each State educational agency receiving an allotment under paragraph (1) for a fiscal year—

[(A) may reserve not more than 3 percent of the allotted funds to provide technical assistance, disseminate information about school library media programs that are effective and based on scientifically based research, and pay administrative costs related to activities under this section; and

[(B) shall use the allotted funds that remain after making the reservation under subparagraph (A) to award grants, for a period of 1 year, on a competitive basis, to eligible local educational agencies in the State that have an application approved under subsection (f)(2) for activities described in subsection (g).

[(3) REALLOTMENT.—If a State educational agency does not apply for an allotment under this section for any fiscal year, or if the State educational agency's application is not approved, the Secretary shall reallot the amount of the State educational agency's allotment to the remaining State educational agencies in accordance with paragraph (1).

[(e) DIRECT COMPETITIVE GRANTS TO ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—

[(1) IN GENERAL.—From amounts made available under subsection (c)(1) and not reserved under subsections (b) and (j) for a fiscal year, the Secretary shall award grants, on a competitive basis, to eligible local educational agencies that have applications approved under subsection (f)(2) for activities described in subsection (g).

[(2) DURATION.—The Secretary shall award grants under this subsection for a period of 1 year.

[(3) DISTRIBUTION.—The Secretary shall ensure that grants under this subsection are equitably distributed among the different geographic regions of the United States, and among local educational agencies serving urban and rural areas.

[(f) APPLICATIONS.—

[(1) STATE EDUCATIONAL AGENCY.—Each State educational agency desiring assistance under this section shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary shall require. The application shall contain a description of—

[(A) how the State educational agency will assist eligible local educational agencies in meeting the requirements of this section and in using scientifically based research to implement effective school library media programs; and

[(B) the standards and techniques the State educational agency will use to evaluate the quality and impact of activities carried out under this section by eligible local educational agencies to determine the need for technical assistance and whether to continue to provide additional funding to the agencies under this section.

[(2) ELIGIBLE LOCAL EDUCATIONAL AGENCY.—Each eligible local educational agency desiring assistance under this section shall submit to the Secretary or State educational agency, as appropriate, an application at such time, in such manner, and containing such information as the Secretary or State educational agency, respectively, shall require. The application shall contain a description of—

[(A) a needs assessment relating to the need for school library media improvement, based on the age and condition of school library media resources, including book collections, access of school library media centers to advanced technology, and the availability of well-trained, professionally certified school library media specialists, in schools served by the eligible local educational agency;

[(B) the manner in which the eligible local educational agency will use the funds made available through the grant to carry out the activities described in subsection (g);

[(C) how the eligible local educational agency will extensively involve school library media specialists, teachers, administrators, and parents in the activities assisted under this section, and the manner in which the eligible local educational agency will carry out the activities described in subsection (g) using programs and materials that are grounded in scientifically based research;

[(D) the manner in which the eligible local educational agency will effectively coordinate the funds and activities provided under this section with Federal, State, and local funds and activities under this subpart and other literacy, library, technology, and professional development funds and activities; and

[(E) the manner in which the eligible local educational agency will collect and analyze data on the quality and impact of activities carried out under this section by schools served by the eligible local educational agency.

[(g) LOCAL ACTIVITIES.—Funds under this section may be used to—

[(1) acquire up-to-date school library media resources, including books;

[(2) acquire and use advanced technology, incorporated into the curricula of the school, to develop and enhance the information literacy, information retrieval, and critical thinking skills of students;

[(3) facilitate Internet links and other resource-sharing networks among schools and school library media centers, and public and academic libraries, where possible;

[(4) provide professional development described in section 1222(d)(2) for school library media specialists, and activities that foster increased collaboration between school library media specialists, teachers, and administrators; and

[(5) provide students with access to school libraries during nonschool hours, including the hours before and after school, during weekends, and during summer vacation periods.

[(h) ACCOUNTABILITY AND REPORTING.—

[(1) LOCAL REPORTS.—Each eligible local educational agency that receives funds under this section for a fiscal year shall report to the Secretary or State educational agency, as appropriate, on how the funding was used and the extent to which the availability of, the access to, and the use of, up-to-date school library media resources in the elementary schools and secondary schools served by the eligible local educational agency was increased.

[(2) STATE REPORT.—Each State educational agency that receives funds under this section shall compile the reports received under paragraph (1) and submit the compiled reports to the Secretary.

[(i) SUPPLEMENT, NOT SUPPLANT.—Funds made available under this section shall be used to supplement, and not supplant, other Federal, State, and local funds expended to carry out activities relating to library, technology, or professional development activities.

[(j) NATIONAL ACTIVITIES.—

[(1) EVALUATIONS.—From the funds appropriated under section 1002(b)(4) for each fiscal year, the Secretary shall reserve not more than 1 percent for annual, independent, national evaluations of the activities assisted under this section and their impact on improving the reading skills of students. The evaluations shall be conducted not later than 3 years after the date of enactment of the No Child Left Behind Act of 2001, and biennially thereafter.

[(2) REPORT TO CONGRESS.—The Secretary shall transmit the State reports received under subsection (h)(2) and the evaluations conducted under paragraph (1) to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives.]

* * * * * * *

PART C—EDUCATION OF MIGRATORY CHILDREN

[SEC. 1301. [20 U.S.C. 6391] PROGRAM PURPOSE.]

[It is the purpose of this part to assist States to—

[(1) support high-quality and comprehensive educational programs for migratory children to help reduce the educational disruptions and other problems that result from repeated moves;

[(2) ensure that migratory children who move among the States are not penalized in any manner by disparities among the States in curriculum, graduation requirements, and State academic content and student academic achievement standards;

[(3) ensure that migratory children are provided with appropriate educational services (including supportive services) that address their special needs in a coordinated and efficient manner;

[(4) ensure that migratory children receive full and appropriate opportunities to meet the same challenging State academic content and student academic achievement standards that all children are expected to meet;

[(5) design programs to help migratory children overcome educational disruption, cultural and language barriers, social isolation, various health-related problems, and other factors that inhibit the ability of such children to do well in school, and to prepare such children to make a successful transition to postsecondary education or employment; and

[(6) ensure that migratory children benefit from State and local systemic reforms.]

SEC. 1301. PROGRAM PURPOSE.

It is the purpose of this part to assist States in providing high-quality and comprehensive educational programs (including, as appropriate, instructional and educationally related support services), during the regular school year and summer or intersession periods, that address the unique educational needs of migratory children arising from their migratory lifestyle, in order to help such children—

(1) succeed in school;

(2) meet the same State college and career ready academic content and student academic achievement standards under section 1111(a)(1) that all children are expected to meet;

(3) graduate high school ready for higher education and careers; and

(4) overcome educational disruption, cultural and language barriers, social isolation, various health-related problems, and other factors that inhibit the ability of such children to succeed in school.

* * * * * * *

SEC. 1302. PROGRAM AUTHORIZED.

[In order to carry out the purpose of this part]*From the amounts made available under section 3(d) for a fiscal year to carry out this*

part, the Secretary shall make grants to State educational agencies, or [combinations]*consortia* of such agencies, [to establish]*to enable such agencies or consortia to establish* or improve, directly or through local operating agencies, programs of education for migratory children in accordance with this part.

* * * * * * *

SEC. 1303. STATE ALLOCATIONS.

[(a) STATE ALLOCATIONS.—

[(1) FISCAL YEAR 2002.—For fiscal year 2002, each State (other than the Commonwealth of Puerto Rico) is entitled to receive under this part an amount equal to—

[(A) the sum of the estimated number of migratory children aged 3 through 21 who reside in the State full time and the full-time equivalent of the estimated number of migratory children aged 3 through 21 who reside in the State part time, as determined in accordance with subsection (e); multiplied by

[(B) 40 percent of the average per-pupil expenditure in the State, except that the amount determined under this paragraph shall not be less than 32 percent, nor more than 48 percent, of the average per-pupil expenditure in the United States.

[(2) SUBSEQUENT YEARS.—

[(A) BASE AMOUNT.—

[(i) IN GENERAL.—Except as provided in subsection (b) and clause (ii), each State (other than the Commonwealth of Puerto Rico) is entitled to receive under this part, for fiscal year 2003 and succeeding fiscal years, an amount equal to—

[(I) the amount that such State received under this part for fiscal year 2002; plus

[(II) the amount allocated to the State under subparagraph (B).

[(ii) NONPARTICIPATING STATES.—In the case of a State (other than the Commonwealth of Puerto Rico) that did not receive any funds for fiscal year 2002 under this part, the State shall receive, for fiscal year 2003 and succeeding fiscal years, an amount equal to—

[(I) the amount that such State would have received under this part for fiscal year 2002 if its application under section 1304 for the year had been approved; plus

[(II) the amount allocated to the State under subparagraph (B).

[(B) ALLOCATION OF ADDITIONAL AMOUNT.—For fiscal year 2003 and succeeding fiscal years, the amount (if any) by which the funds appropriated to carry out this part for the year exceed such funds for fiscal year 2002 shall be allocated to a State (other than the Commonwealth of Puerto Rico) so that the State receives an amount equal to—

[(i) the sum of—

[(I) the number of identified eligible migratory children, aged 3 through 21, residing in the State during the previous year; and

[(II) the number of identified eligible migratory children, aged 3 through 21, who received services under this part in summer or intersession programs provided by the State during such year; multiplied by

[(ii) 40 percent of the average per-pupil expenditure in the State, except that the amount determined under this clause may not be less than 32 percent, or more than 48 percent, of the average per-pupil expenditure in the United States.]

(a) STATE ALLOCATIONS.—Except as provided in subsection (b), the amount awarded to each State (other than the Commonwealth of Puerto Rico) under this part for each fiscal year shall be an amount equal to the product of—

(1) the sum of—

(A) the average number of identified eligible migratory children aged 3 through 21, residing in the State, based on data for the preceding 3 years; and

(B) the number of identified eligible migratory children, aged 3 through 21, who received services under this part in summer or intersession programs provided by the State during the previous year; multiplied by

(2) 40 percent of the average per-pupil expenditure in the State, except that the amount calculated under this paragraph shall not be less than 32 percent, or more than 48 percent, of the average per-pupil expenditure in the United States.

(b) HOLD HARMLESS.—Notwithstanding subsection (a), for each of fiscal years 2011 through 2013, no State receiving an allocation under this section shall receive less than 90 percent of the State's allocation under this section for the previous year.

[(b)]*(c)* ALLOCATION TO [PUERTO RICO.—

(1) IN GENERAL.—For each]*PUERTO RICO.—For each* fiscal year, the grant [which]*that* the Commonwealth of Puerto Rico shall be eligible to receive under this part shall be the amount determined by multiplying the number of children who would be counted under [subsection (a)(1)(A)]*subsection (g)* if such subsection applied to the Commonwealth of Puerto Rico by the product of—

[(A)]

(1) the percentage [which]*that* the average per-pupil expenditure in the Commonwealth of Puerto Rico is of the lowest average per-pupil expenditure of any of the 50 States*, except that the percentage calculated under this paragraph shall not be less than 85 percent*; and

[(B)]

(2) 32 percent of the average per-pupil expenditure in the United States.

[(2) MINIMUM PERCENTAGE.—The percentage in paragraph (1)(A) shall not be less than—

[(A) for fiscal year 2002, 77.5 percent;

[(B) for fiscal year 2003, 80.0 percent;

[(C) for fiscal year 2004, 82.5 percent; and

[(D) for fiscal year 2005 and succeeding fiscal years, 85.0 percent.

[(3) LIMITATION.—If the application of paragraph (2) for any fiscal year would result in any of the 50 States or the District of Columbia receiving less under this part than it received under this part for the preceding fiscal year, then the percentage described in paragraph (1)(A) that is used for the Commonwealth of Puerto Rico for the fiscal year for which the determination is made shall be the greater of the percentage in paragraph (1)(A) for such fiscal year or the percentage used for the preceding fiscal year.]

[(c)]*(d)* RATABLE REDUCTIONS; REALLOCATIONS.—

(1) [IN GENERAL.—(A) If, after the Secretary reserves funds under section 1308(c), the amount appropriated to carry out this part]*IN GENERAL.—*

(A) RATABLE REDUCTIONS.—If the amount available for allocations to States under this part for any fiscal year is insufficient to pay in full the amounts for which all States are eligible, the Secretary shall ratably reduce each such amount.

(B) [If additional]*REALLOCATION.—If additional* funds become available for making such payments for any fiscal year, the Secretary shall allocate such funds to States in amounts that the Secretary determines will best carry out the purpose of this part.

(2) [SPECIAL RULE.—(A) The]*SPECIAL RULE.—*

(A) FURTHER REDUCTIONS.—The Secretary shall further reduce the amount of any grant to a State under this part for any fiscal year if the Secretary determines, based on available information on the numbers and needs of migratory children in the State and the program proposed by the State to address such needs, that such amount exceeds the amount [required under section 1304]*needed to carry out the approved activities in the application under section 1304*.

(B) [The Secretary shall]*REALLOCATION.—The Secretary shall* reallocate such excess funds to other States whose grants under this part would otherwise be insufficient to provide an appropriate level of services to migratory children, in such amounts as the Secretary determines are appropriate.

(C) ADDITIONAL REQUIREMENTS.—The Secretary—

(i) shall—

(I) develop and implement a procedure for monitoring the accuracy of the information described in subparagraph (A); and

(II) issue, through regulations or guidance, criteria for a system of State quality control for the accuracy of State counts of eligible migratory children; and

(ii) may not reduce the amount of a State allocation under this paragraph on the basis of unintentional errors in such counts for States implementing a system

of State quality control that meets the criteria described in clause (i)(II), if the discrepancy between the initial State count and any subsequent revisions is minimal.

[(d)]*(e)* * * *

* * * * * * *

[(e)]*(f)* DETERMINING NUMBERS OF ELIGIBLE CHILDREN.—In order to *best serve migratory children under this part and* determine the estimated number of migratory children residing in each State for purposes of this section, the Secretary shall—

(1) use [such information as the Secretary finds]*the most recent information that* most accurately reflects the actual number of migratory children;

(2) develop and implement a procedure for monitoring the accuracy of such information, if such a procedure does not create barriers to the families of migratory children who are eligible for services under this part;

[(2)]*(3)* [develop and implement a procedure for more accurately reflecting]*update such procedure, and implement the updated procedure, to more accurately reflect the* cost factors for different types of summer and intersession program designs;

[(3)]*(4)* adjust the full-time equivalent number of migratory children who reside in each State to take into account—

(A) the special needs of those children participating in special programs *of high-quality, sustained, and intensive education services* provided under this part that operate during the summer and intersession periods; and

* * * * * * *

[(4)]*(5)* conduct an analysis of the options for adjusting the formula so as to better direct services to [the child whose education has been interrupted]*migratory children*.

(g) NONPARTICIPATING STATES.—In the case of a State desiring to receive an allocation under this part for a fiscal year that did not receive an allocation for the previous fiscal year or that has been participating for less than 3 consecutive years, the Secretary shall calculate the State's number of identified migratory children aged 3 through 21 for purposes of subsection (a)(1)(A) by using the most recent data available that identifies the migratory children residing in the State until data is available to calculate the 3-year average number of such children in accordance with such subsection.

* * * * * * *

SEC. 1304. STATE APPLICATIONS; SERVICES.

(a) APPLICATION REQUIRED.—* * *

(b) PROGRAM INFORMATION.—Each such application shall include—

(1) a description of how, in planning, implementing, and evaluating programs and projects assisted under this part, the State and its local operating agencies will ensure that the [special]*unique* educational needs of migratory children, including preschool migratory children *and out of school migratory children*, are identified and addressed through—

(A) * * *

(B) joint planning among local, State, and Federal educational programs serving [migrant]*migratory* children, including language instruction educational programs under [part A or B of title III]*part A of title III;*

* * * * * * *

(2) a description of the steps the State is taking to provide all [migratory students]*migratory children* with the opportunity to meet the [same challenging State academic content standards and challenging State student academic achievement standards that]*same State college and career ready academic content and student academic achievement standards adopted under section 1111(a)(1) that* all children are expected to meet;

(3) a description of how the State will meet the requirements of section 1308(b) for the timely electronic transfer of student records and how the State will use such records transfer to meet the unique educational needs of migratory students and remove barriers to the proper enrollment and retention of migratory children in schools;

[(3)]*(4)* a description of how the State will use funds received under this part to promote interstate and intrastate coordination of services for migratory children, including how, consistent with procedures the Secretary may [require, the State]*require and using the linkage system described in section 1308(b), the State and each of its local operating agencies* will provide for educational continuity through the timely transfer of pertinent school records, including information on health, when children move from one school to [another]*another or from 1 school district to another*, whether or not [such move]*such a move* occurs during the regular school year;

[(4)]*(5)* * * *

[(5)]*(6)* * * *

[(6) such budgetary and other information as the Secretary may require; and]

(7) a description of how the State will encourage programs and projects assisted under this part to offer [family literacy services]*family literacy activities* if the [program or project serves]*programs and projects serve* a substantial number of migratory children [who have parents who]*whose parents* do not have a high school diploma or its recognized equivalent or who have low levels of literacy[.]*; and*

(8) such budgetary and other information as the Secretary may require.

(c) ASSURANCES.* * *

* * * * * * *

(2) such programs and projects will be carried out in a manner consistent with the objectives of section 1114, subsections (b) and (d) of section 1115, subsections (b) and (c) of section 1120A, and [part I]*part F*;

[(3) in the planning and operation of programs and projects at both the State and local agency operating level, there is consultation with parent advisory councils for programs of 1

school year in duration, and that all such programs and projects are carried out—

[(A) in a manner that provides for the same parental involvement as is required for programs and projects under section 1118, unless extraordinary circumstances make such provision impractical; and

[(B) in a format and language understandable to the parents;]

(3) in the planning and operation of programs and projects at both the State and local agency operating levels, there is consultation with parent advisory councils for programs of not less than 1 school year in duration, and that all such programs and projects are—

(A) conducted in a manner that provides for the same parental involvement as is required for programs and projects under section 1118, including, to the extent practicable, descriptions required for parental involvement under section 1118(a)(3)(A), unless extraordinary circumstances make such provision impractical; and

(B) are developed in a format and language understandable to the parents;

(4) in planning and carrying out such programs and projects, there has been, and will be, adequate provision for addressing the unmet education needs of preschool migratory children *and migratory children who are not attending school*;

* * * * * * *

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

(A) * * *

* * * * * * *

[(C) family literacy programs, including such programs that use models developed under Even Start;]

(C) family literacy programs that are determined to be high quality;

* * * * * * *

[(7) the State will assist the Secretary in determining the number of migratory children under paragraphs (1)(A) and (2)(B)(i) of section 1303(a), through such procedures as the Secretary may require.]

(7) the State has procedures in place to verify the accuracy and completeness of any data regarding the counting of migratory children that is submitted to the Secretary under this part.

* * * * * * *

(d) PRIORITY FOR SERVICES.—In providing services with funds received under this part, each recipient of such funds shall give priority to migratory children [who are failing, or most at risk of failing, to meet the State's challenging State academic content standards and challenging State student academic achievement standards, and whose education has been interrupted during the regular school year.]*who have made a move within the previous 1-year period and who—*

(1) are failing, or most at risk of failing, to meet the State college and career ready academic content standards and student academic achievement standards adopted under section 1111(a)(1); or

(2) have dropped out of school.

(e) CONTINUATION OF SERVICES.—Notwithstanding any other provision of this part—

(1) * * *

(2) a child who is no longer a migratory child may continue to receive services for [1]*one* additional school year, but only if comparable services are not available through other programs; and

(3) [secondary school students]*students* who were eligible for services in secondary school may continue to be served through credit accrual programs until graduation.

* * * * * * *

SEC. 1305. SECRETARIAL APPROVAL; PEER REVIEW.

* * * * * * *

(b) PEER REVIEW.—The Secretary [may]*shall, to the extent practicable,* review any such application with the assistance and advice of State officials and other individuals with relevant expertise.

* * * * * * *

SEC. 1306. COMPREHENSIVE NEEDS ASSESSMENT AND SERVICE-DELIVERY PLAN; AUTHORIZED ACTIVITIES.

(a) COMPREHENSIVE PLAN.—

(1) IN GENERAL.—Each State that receives assistance under this part shall ensure that the State and its local operating agencies identify and address the [special]*unique* educational needs of migratory children*, consistent with the purposes of this part,* in accordance with a comprehensive State plan that—

(A) * * *

[(B) may be submitted as a part of a consolidated application under section 9302, if—

[(i) the special needs of migratory children are specifically addressed in the comprehensive State plan;

[(ii) the comprehensive State plan is developed in collaboration with parents of migratory children; and

[(iii) the comprehensive State plan is not used to supplant State efforts regarding, or administrative funding for, this part;]

(B) addresses the unique educational needs of migratory children;

(C) is developed in collaboration with parents of migratory children;

(D) is not used to supplant State efforts regarding, or administrative funding for, this part;

[(C)]*(E)* provides that migratory children will have an opportunity to meet the [same challenging State academic content standards and challenging State student academic achievement standards that]*same State college and career ready academic content and student academic achievement*

standards adopted under section 1111(a)(1) that all children are expected to meet;

[(D)]*(F)* * * *

[(E)]*(G)* * * *

[(F)]*(H)* is the product of joint planning among such local, State, and Federal programs, including programs under part A, [early childhood programs,]*early childhood care and education programs,* and language instruction educational programs under [part A or B of title III]*part A of title III*; and

[(G)]*(I)* * * *

* * * * * * *

(b) AUTHORIZED ACTIVITIES.—

(1) FLEXIBILITY.—In implementing the comprehensive plan described in subsection (a), each State educational agency, where applicable through its [local educational]*local operating* agencies, shall have the flexibility to determine the activities to be provided with funds made available under this part, except that such funds first shall be used to meet the identified needs of migratory children that result from their migratory lifestyle, and to permit these children to participate effectively in school.

[(2) UNADDRESSED NEEDS.—Funds provided under this part shall be used to address the needs of migratory children that are not addressed by services available from other Federal or non-Federal programs, except that migratory children who are eligible to receive services under part A may receive those services through funds provided under that part, or through funds under this part that remain after the agency addresses the needs described in paragraph (1).]

(2) UNMET NEEDS.—Funds provided under this part shall be used to meet the needs of migratory children that are not met by services available from other Federal or non-Federal programs, except that migratory children who are eligible to receive services under part A may receive those services through funds provided under that part or through funds under this part that remain after the agency meets the needs described in paragraph (1).

* * * * * * *

(4) SPECIAL RULE.—Notwithstanding section 1114, a school that receives funds under this part shall continue to address the identified needs described in paragraph (1), and shall meet the [special educational]*unique educational* needs of migratory children before using funds under this part for schoolwide programs under section 1114.

* * * * * * *

SEC. 1307. BYPASS.

The Secretary may use all or part of any State's allocation under this part to [make arrangements with]*award grants to, or enter into contracts with,* any public or private nonprofit agency to carry out the purpose of this part in such State if the Secretary determines that—

(1) * * *

* * * * * * *

SEC. 1308. [COORDINATION OF MIGRANT EDUCATION ACTIVITIES.] *NATIONAL ACTIVITIES.*

(a) IMPROVEMENT OF COORDINATION.—

(1) IN GENERAL.—The Secretary, in consultation with the States, may make grants to, or enter into contracts with, State educational agencies, local educational agencies, institutions of higher education, and other public and private [nonprofit entities to improve]*entities to*—

(A) improve the interstate and intrastate coordination among such agencies' educational programs, including *through* the establishment or improvement of programs for credit accrual and exchange, available to migratory students[.]*; and*

(B) improve the coordination between State educational agencies, local operating agencies, and their counterparts in other nations in educating migratory children who move between the United States and such nations.

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

(b) STUDENT RECORDS.—

[(1) ASSISTANCE.—The Secretary shall assist States in developing effective methods for the electronic transfer of student records and in determining the number of migratory children in each State.]

(1) ASSISTANCE.—In order to determine the number of migratory children in each State, the Secretary shall assist each State in maintaining an effective system for the electronic transfer of student records.

(2) INFORMATION SYSTEM.—

(A) IN GENERAL.—[The Secretary, in consultation with the States, shall ensure the linkage of migrant student record systems for the purpose of electronically exchanging, among the States, health and educational information regarding all migratory students. The Secretary shall ensure such linkage occurs in a cost-effective manner, utilizing systems used by the States prior to, or developed after, the date of enactment of the No Child Left Behind Act of 2001, and shall determine the minimum data elements that each State receiving funds under this part shall collect and maintain. Such elements may include—] *The Secretary, in consultation with the States, shall continue to ensure the linkage of migratory child record systems for the purpose of electronically exchanging, within and among the States, health and educational information regarding all migratory children eligible under this part. The Secretary shall ensure such linkage occurs in a cost-effective manner, utilizing systems used by the State prior to, or developed after, the date of enactment of the Elementary and Secondary Education Reauthorization Act of 2011. The Secretary shall determine the minimum data elements that each State receiving funds under this part shall collect,*

maintain, and exchange, and the requirements of the linkage system that States shall meet for the timely submission of access to such information. Such minimum data elements may include—

(i) * * *

(ii) elementary and secondary academic history (including partial credit), credit accrual, and results from State assessments required under [section 1111(b)]*section 1111(a)(2)*;

* * * * * * *

[(B) NOTICE AND COMMENT.—After consulting with the States under subparagraph (A), the Secretary shall publish a notice in the Federal Register seeking public comment on the proposed data elements that each State receiving funds under this part shall be required to collect for purposes of electronic transfer of migratory student information and the requirements that States shall meet for immediate electronic access to such information. Such publication shall occur not later than 120 days after the date of enactment of the No Child Left Behind Act of 2001.]

(B) CONSULTATION.—The Secretary shall maintain ongoing consultation with the States, local educational agencies, and other migratory student service providers on—

(i) the effectiveness of the system of electronic records transfer described in subparagraph (A); and

(ii) the ongoing improvement of such system.

* * * * * * *

(4) REPORT TO CONGRESS.—

(A) IN GENERAL.—Not later than April 30, [2003]*2012, and every 2 years thereafter,* the Secretary shall report to [the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives]*the authorizing committees* the Secretary's findings and recommendations regarding the maintenance and transfer of health and educational information for migratory students by the States.

(B) REQUIRED CONTENTS.—The Secretary shall include in such report—

(i) * * *

(ii) recommendations for [the development and linkage of]*maintaining* such systems; and

(iii) recommendations for [measures that may be taken to ensure]*improving* the continuity of services provided for migratory students.

(c) TECHNICAL ASSISTANCE.—The Secretary may provide technical assistance designed to support State efforts to meet the needs of migratory children, which may include supporting the attendance of State and local operating agency staff, and other appropriate individuals, at special meetings convened by the Secretary in order to carry out activities consistent with this section.

(d) INCENTIVE GRANTS.—From the amounts made available to carry out this section for any fiscal year, the Secretary may reserve

not more than $3,000,000 to award grants of not more than $250,000 on a competitive basis to State educational agencies that propose a consortium arrangement with another State or other appropriate entity that the Secretary determines[, pursuant to criteria that the Secretary shall establish,] will improve the delivery of services to migratory children [whose education is interrupted]*described in section 1304(d)*.

[(e) DATA COLLECTION.—The Secretary shall direct the National Center for Education Statistics to collect data on migratory children.]

(e) IMPROVEMENTS AND COORDINATION.—From any funds made available under this section and remaining after carrying out the requirements under subsections (b) and (d), the Secretary, in consultation with the States, may make grants to, or enter into contracts with, State educational agencies, local educational agencies, institutions of higher education, and other public and private nonprofit entities to improve the interstate and intrastate coordination among such agencies' and entities' programs available to migratory students consistent with this section, including the establishment or improvement of programs for academic credit accrual and exchange.

[(c)]*(f)* * * *

* * * * * * *

SEC. 1309. PERFORMANCE DATA.

Consistent with section 1111(d)(3)(B), and in a manner prescribed by the Secretary, each State that receives a grant under this part shall annually submit to the Secretary, and make public, data on—

(1) the academic achievement of migratory students, as measured by the State assessments required under section 1111(a)(2);

(2) such students' high school graduation rates and rates of enrollment and persistence in, and completion of a program of study at, institutions of higher education; and

(3) the results of such other performance measures and targets as the Secretary may prescribe.

SEC. 1310. EVALUATION AND STUDY.

(a) PROGRAM EVALUATION.—From the amount reserved for evaluation activities in accordance with section 9601(a), the Secretary, acting through the Director of the Institute of Education Sciences, shall, in consultation with the relevant program office at the Department, evaluate the implementation and impact of the activities supported under this part, consistent with section 9601.

(b) STUDY.—The Secretary shall conduct a pilot study, funded as part of the 2012 National Assessment of Educational Progress, on the feasibility of using the National Assessment of Educational Progress for assessing and reporting on the academic achievement of migratory children in grades 4 and 8 in reading and mathematics.

SEC. 1311. STATE ASSISTANCE IN DETERMINING NUMBER OF MIGRATORY CHILDREN.

Each State that desires to receive assistance under this part shall assist the Secretary in determining the number of migratory children in such State under paragraphs (1) and (2) of subsection (a),

and subsection (g), of section 1303 through such procedures as the Secretary may require, except that the Secretary shall not require additional information that is not directly related to determining the migratory status of the child or the administration of this part.

SEC. [1309]*1312*. DEFINITIONS.

As used in this part:

(1) FOOD PROCESSOR.—The term "food processor" means a position working with a raw agricultural, dairy, or fishing product and transforming the product into a more refined product up to the point of an initial commercial sale.

(2) INITIAL COMMERCIAL SALE.—The term "initial commercial sale" means the first point of sale of an agricultural, dairy, or fishing product—

(A) for refining to the next-stage processor;

(B) to the wholesaler;

(C) to the retailer; or

(D) directly to the consumer.

[(1)]*(3)* LOCAL OPERATING AGENCY.—The term "local operating agency" means—

(A) a local educational agency to which a State educational agency makes a subgrant under this part;

(B) a public or nonprofit private agency with which a State educational agency or the Secretary makes an arrangement to carry out a project under this part; or

(C) a State educational agency, if the State educational agency operates the State's migrant education program or projects directly.

(4) MIGRATORY AGRICULTURAL WORKER.—The term "migratory agricultural worker" means an individual who—

(A) made a qualifying move in the preceding 36-month period; and

(B) after making such move, sought or engaged in employment in agricultural work, which may be dairy work or the initial processing of raw agricultural products.

[(2)]*(5)* MIGRATORY CHILD.—The term "migratory child" means a child who is, or whose parent or spouse is, a migratory agricultural worker, including a migratory dairy worker, or a migratory fisher, and who, in the preceding 36 months, in order to obtain, or accompany such parent or spouse, in order to obtain, temporary or seasonal employment in agricultural or fishing work—

[(A) has moved from one school district to another;

[(B) in a State that is comprised of a single school district, has moved from one administrative area to another within such district; or

[(C) resides in a school district of more than 15,000 square miles, and migrates a distance of 20 miles or more to a temporary residence to engage in a fishing activity.]

(5) MIGRATORY CHILD.—The term "migratory child" means a child who—

(A) is, or whose parent or spouse is, a migratory agricultural worker or migratory fisher who is currently engaged in, or seeking to obtain, temporary or seasonal employment, usually for not longer than 15 months, in agricultural or

fishing work until the point of the initial commercial sale (including employment as a migratory dairy worker, a food processor, or a migratory fisher); and

(B) in the preceding 36 months—

(i) has moved from 1 school district to another;

(ii) in a State that is comprised of a single school district, has moved from 1 administrative area to another within such district; or

(iii) resides in a school district of more than 15,000 square miles, and migrates a distance of 20 miles or more to a temporary residence to engage in, or to accompany a parent or spouse engaging in, a fishing activity.

(6) MIGRATORY FISHER.—The term "migratory fisher" means an individual who made a qualifying move in the preceding 36 months and, after doing so, sought or engaged in employment in fishing work.

(7) QUALIFYING MOVE.—The term "qualifying move"—

(A) means—

(i) a move from 1 school district to another, or from 1 administrative area to another within a State that is comprised of a single school district; and

(ii) in the case of a migratory fisher who resides in a school district of more than 15,000 square miles, includes migrating a distance of 20 miles or more to a temporary residence; and

(B) with respect to a qualifying move for a parent or spouse of a migratory child, means a move described in subparagraph (A) that is separated by not more than 1 year from the move or migration described in paragraph (5)(B) of the migratory child.

* * * * * * *

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

SEC. 1401. PURPOSE AND PROGRAM AUTHORIZATION.

(a) PURPOSE.—It is the purpose of this part—

(1) to improve educational services for children and youth in local and State institutions for neglected or delinquent children and youth so that such children and youth have the opportunity to meet the same [challenging State academic content standards and challenging State student academic achievement standards]*college and career ready academic content standards and student academic achievement standards under section 1111(a)(1)* that all children in the State are expected to meet;

* * * * * * *

(3) [to prevent at-risk youth from dropping out of school, and] to provide dropouts, and children and youth returning

from correctional facilities or institutions for neglected or delinquent children and youth, with a support system to ensure their continued education.

(b) PROGRAM AUTHORIZED.—In order to carry out the purpose of this part and from amounts appropriated under section [1002(d)]*3(e)*, the Secretary shall make grants to State educational agencies to enable such agencies to award subgrants to State agencies and local educational agencies to establish or improve programs of education for neglected, delinquent, or at-risk children and youth.

* * * * * * *

SEC. 1412. ALLOCATION OF FUNDS.

* * * * * * *

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

(1) IN GENERAL.—* * *

* * * * * * *

[(2) MINIMUM PERCENTAGE.—The percentage in paragraph (1)(A) shall not be less than—

[(A) for fiscal year 2002, 77.5 percent;

[(B) for fiscal year 2003, 80.0 percent;

[(C) for fiscal year 2004, 82.5 percent; and

[(D) for fiscal year 2005 and succeeding fiscal years, 85.0 percent.]

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

* * * * * * *

SEC. 1414. STATE PLAN AND STATE AGENCY APPLICATIONS.

(a) STATE PLAN.—

(1) IN GENERAL.—* * *

* * * * * * *

(B) for assisting in the transition of children and youth [from]*between* correctional facilities [to]*and* locally operated programs; and

* * * * * * *

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

(A) describe the program goals, objectives, and performance measures established by the State that will be used to assess the effectiveness of the program in improving the [academic, vocational, and technical skills]*college and career readiness (as determined based on the State college and career ready academic content and student academic achievement standards under section 1111(a)(1))* of children in the program;

(B) provide that, to the extent feasible, such children will have the same opportunities to achieve as such children would have if such children were in the schools of local educational agencies in the State; [and]

(C) contain an assurance that the State educational agency will—

(i) * * *

* * * * * * *

(iv) provide such other information as the Secretary may reasonably require[.]*; and*

(D) provide assurances that the State educational agency has established—

(i) procedures to ensure that each student who has been placed in the juvenile justice system is promptly re-enrolled in secondary school or placed in a re-entry program that best meets the educational and social needs of the student;

(ii) procedures for facilitating the transfer of credits that such students earned during placement; and

(iii) opportunities for such students to participate in higher education or career pathways.

* * * * * * *

(c) STATE AGENCY APPLICATIONS.—Any State agency that desires to receive funds to carry out a program under this subpart shall submit an application to the State educational agency that—

(1) describes the procedures to be used, consistent with the State plan under section 1111, to assess *and respond to* the educational needs of the children to be served under this subpart*, including an assessment upon entry into a correctional facility*;

* * * * * * *

(8) describes how the programs will be coordinated with other appropriate State and Federal programs, such as programs under title I of Public Law 105–220, [vocational]*career* and technical education programs, State and local dropout prevention programs, and special education programs;

(9) describes how the State agency will [encourage]*require, to the extent practicable,* correctional facilities receiving funds under this subpart to coordinate with local educational agencies or alternative education programs attended by incarcerated children and youth prior to *and after* their incarceration to ensure that student assessments and appropriate academic records are shared jointly between the correctional facility and the local educational agency or alternative education program *and that transition plans are in place*;

* * * * * * *

(11) designates an individual in each affected correctional facility or institution for neglected or delinquent children and youth to be responsible for issues relating to the transition of *such* children and youth [from]*between* such facility or [institution to locally operated]*institution and locally operated education* programs;

* * * * * * *

(16) provides an assurance that the State agency will work with children and youth who dropped out of school before entering the correctional facility or institution for neglected or delinquent children and youth to encourage the children and

youth to reenter school *and obtain a secondary school diploma* once the term of the incarceration is completed or provide the child or youth with the skills necessary to gain employment *that leads to economic self-sufficiency*, continue the education of the child or youth, or achieve a secondary school diploma or its recognized equivalent if the child or youth does not intend to return to school;

(17) provides an assurance that *certified or licensed* teachers and other qualified staff are trained to work with children and youth with disabilities and other students with special needs taking into consideration the unique needs of such students;

* * * * * * *

SEC. 1415. USE OF FUNDS.

(a) USES.—

(1) IN GENERAL.—* * *

* * * * * * *

(B) concentrate on providing participants with the knowledge and skills needed to make a successful transition to secondary school completion, [vocational]*career* or technical training, further education, or employment.

(2) PROGRAMS AND PROJECTS.—* * *

* * * * * * *

(B) * * *

(i) except for institution-wide projects under section 1416, are provided to children and youth identified by the State agency as failing, or most at-risk of failing, to meet the State's [challenging academic content standards and student academic achievement standards]*college and career ready academic content standards and student academic achievement standards under section 1111(a)(1)*;

* * * * * * *

(iii) afford such children and youth an opportunity to meet [challenging]*such* State academic achievement standards;

(C) shall be carried out in a manner consistent with section 1120A and [part I]*part F* (as applied to programs and projects under this part); [and]

(D) may include the costs of meeting the evaluation requirements of section 9601[.]*; and*

(E) may include the costs of testing for such children and youth for a recognized equivalent of a secondary school diploma.

* * * * * * *

SEC. 1416. INSTITUTION-WIDE PROJECTS.

* * * * * * *

(3) describes the steps the State agency has taken, or will take, to provide all children and youth under age 21 with the opportunity to meet [challenging State academic content standards and student academic achievement stand-

ards]*college and career ready academic content standards and student academic achievement standards under section 1111(a)(1)* in order to improve the likelihood that the children and youth will complete secondary school, attain a secondary diploma or its recognized equivalent, or find employment after leaving the institution;

(4) describes the instructional program, [pupil services]*specialized instructional support services*, and procedures that will be used to meet the needs described in paragraph (1), including, to the extent feasible, the provision of mentors for the children and youth described in paragraph (1) *and the development and implementation of transition plans*;

* * * * * * *

(6) describes the measures and procedures that will be used to assess *and improve* student progress;

* * * * * * *

SEC. 1418. TRANSITION SERVICES.

(a) TRANSITION SERVICES.—Each State agency shall reserve not less than 15 percent and not more than 30 percent of the amount such agency receives under this subpart for any fiscal year to support—

(1) projects that facilitate the transition of children and youth [from]*between* State-operated institutions [to schools]*and schools* served by local educational agencies; or

(2) the successful reentry of youth offenders, who are age 20 or younger and have received a secondary school diploma or its recognized equivalent, into postsecondary education, or [vocational]*career* and technical training programs, through strategies designed to expose the youth to, and prepare the youth for, postsecondary education, or [vocational]*career* and technical training programs, such as—

(A) * * *

* * * * * * *

(C) essential support services to ensure the success of the youth, such as—

(i) personal, [vocational]*career* and technical, and academic, counseling;

* * * * * * *

[SEC. 1419. EVALUATION; TECHNICAL ASSISTANCE; ANNUAL MODEL PROGRAM.]

[The Secretary may reserve not more than 2.5 percent of the amount made available to carry out this subpart for a fiscal year—

[(1) to develop a uniform model to evaluate the effectiveness of programs assisted under this subpart; and

[(2) to provide technical assistance to and support the capacity building of State agency programs assisted under this subpart.]

SEC. 1419. PROGRAM EVALUATION.

From the amount reserved for evaluation activities in accordance with section 9601(a), the Secretary, acting through the Director of the Institute for Education Sciences, shall, in consultation with the

relevant program office of the Department, evaluate the implementation and impact of the activities supported under this part, consistent with section 9601.

* * * * * * *

Subpart 2—Local Agency Programs

SEC. 1421. PURPOSE.

* * * * * * *

(1) to carry out high quality education programs to prepare children and youth for secondary school completion**[**, training, employment, or further education**]** *and college and career readiness (as determined based on the State college and career ready academic content and student academic achievement standards under section 1111(a)(1))*;

* * * * * * *

SEC. 1422. PROGRAMS OPERATED BY LOCAL EDUCATIONAL AGENCIES.

* * * * * * *

(d) TRANSITIONAL AND ACADEMIC SERVICES.—Transitional and supportive programs operated in local educational agencies under this subpart shall be designed primarily to **[**meet the transitional**]***meet the transitional needs (including the social and emotional needs)* and academic needs of students returning to local educational agencies or alternative education programs from correctional facilities. Services to students at-risk of dropping out of school shall not have a negative impact on **[**meeting the transitional**]***meeting such transitional* and academic needs of the students returning from correctional facilities.

* * * * * * *

SEC. 1423. LOCAL EDUCATIONAL AGENCY APPLICATIONS.

* * * * * * *

(1) * * *

* * * * * * *

(6) as appropriate, a description of how schools will coordinate with existing social, health, and other services to meet the needs of students returning from correctional facilities**[**, at-risk children or youth, and other participating children or youth,**]***and at-risk children or youth,* including prenatal health care and nutrition services related to the health of the parent and the child or youth, parenting and child development classes, child care, targeted reentry and outreach programs, referrals to community resources, and scheduling flexibility;

* * * * * * *

(8) as appropriate, a description of how the program will involve parents *and family members* in efforts to improve the educational achievement of their children, assist in dropout prevention activities, and prevent the involvement of their children in delinquent activities;

(9) a description of how the program under this subpart will be coordinated with other Federal, State, and local programs, such as programs under title I of Public Law 105–220 and [vocational]*career* and technical education programs serving at-risk children and youth;

* * * * * * *

SEC. 1424. USES OF FUNDS.

* * * * * * *

(2) dropout prevention programs which serve at-risk children and youth[, including pregnant and parenting teens, children and youth who have come in contact with the juvenile justice system, children and youth at least 1 year behind their expected grade level, migrant youth, immigrant youth, students with limited English proficiency, and gang members]*;*

* * * * * * *

(4) special programs to meet the unique academic needs of participating children and youth, including [vocational and technical education]*career and technical education, costs associated with testing for a recognized equivalent of a secondary school diploma*, special education, career counseling, curriculum-based youth entrepreneurship education, and assistance in securing student loans or grants for postsecondary education; and

* * * * * * *

SEC. 1425. PROGRAM REQUIREMENTS FOR CORRECTIONAL FACILITIES RECEIVING FUNDS UNDER THIS SECTION.

* * * * * * *

(9) coordinate funds received under this subpart with other local, State, and Federal funds available to provide services to participating children and youth, such as funds made available under title I of Public Law 105–220, and [vocational]*career* and technical education funds;

(10) coordinate programs operated under this subpart with activities funded under the Juvenile Justice and Delinquency Prevention Act of 1974 and other comparable programs, if applicable; [and]

(11) if appropriate, work with local businesses to develop training, curriculum-based youth entrepreneurship education, and mentoring programs for children and youth[.]*;*

(12) develop an initial educational services and transition plan for each child or youth served under this subpart upon entry into the correctional facility, in partnership with the child or youth's family members and the local educational agency that most recently provided services to the child or youth (if applicable), consistent with section 1414(a)(1); and

(13) consult with the local educational agency for a period jointly determined necessary by the correctional facility and local educational agency upon discharge from that facility, to

coordinate educational services so as to minimize disruption to the child's or youth's achievement.

* * * * * * *

[SEC. 1426. ACCOUNTABILITY.]

[The State educational agency may—

[(1) reduce or terminate funding for projects under this subpart if a local educational agency does not show progress in reducing dropout rates for male students and for female students over a 3-year period; and

[(2) require correctional facilities or institutions for neglected or delinquent children and youth to demonstrate, after receiving assistance under this subpart for 3 years, that there has been an increase in the number of children and youth returning to school, obtaining a secondary school diploma or its recognized equivalent, or obtaining employment after such children and youth are released.]

SEC. 1426. ACCOUNTABILITY.

The State educational agency—

(1) shall require correctional facilities or institutions for delinquent children and youth to annually report on the number of children and youth released from the correctional facility or institution who returned or did not return to school, the number of children and youth obtaining a secondary school diploma or its recognized equivalent, and the number of children and youth obtaining employment; and

(2) may require correctional facilities or institutions for delinquent children and youth to demonstrate, after receiving assistance under this subpart for 3 years, that there has been an increase in the number of children and youth returning to school, obtaining a secondary school diploma or its recognized equivalent, or obtaining employment after such children and youth are released.

Subpart 3—General Provisions

SEC. 1431. PROGRAM EVALUATIONS.

(a) SCOPE OF EVALUATION.—* * *

(1) to maintain and improve educational achievement*, including the ability to become college and career ready, as determined under the State academic content and student academic achievement standards under section 1111(a)(1), and to graduate high school in the standard number of years*;

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SEC. 1432. DEFINITIONS.

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[(2) AT-RISK.—The term "at-risk", when used with respect to a child, youth, or student, means a school aged individual who is at-risk of academic failure, has a drug or alcohol problem, is pregnant or is a parent, has come into contact with the juvenile justice system in the past, is at least 1 year behind the expected grade level for the age of the individual, has limited

English proficiency, is a gang member, has dropped out of school in the past, or has a high absenteeism rate at school.]

(2) AT-RISK.—The term "at-risk", when used with respect to a child, youth, or student, means a school-aged individual who—

(A) is at risk of academic failure; and

(B) has a drug or alcohol problem, is pregnant or is a parent, has come into contact with the juvenile justice system or has been determined to be neglected in the past, is a gang member, or has dropped out of school in the past.

* * * * * * *

[PART E—NATIONAL ASSESSMENT OF TITLE I]

[SEC. 1501. [20 U.S.C. 6491] EVALUATIONS.]

[(a) NATIONAL ASSESSMENT OF TITLE I.—

[(1) IN GENERAL.—The Secretary shall conduct a national assessment of the programs assisted under this title and the impact of this title on States, local educational agencies, schools, and students.

[(2) ISSUES TO BE EXAMINED.—In conducting the assessment under this subsection, the Secretary shall examine, at a minimum, the following:

[(A) The implementation of programs assisted under this title and the impact of such implementation on increasing student academic achievement (particularly in schools with high concentrations of children living in poverty), relative to the goal of all students reaching the proficient level of achievement based on State academic assessments, challenging State academic content standards, and challenging State student academic achievement standards under section 1111.

[(B) The types of programs and services that have demonstrated the greatest likelihood of helping students reach the proficient and advanced levels of achievement based on State student academic achievement standards and State academic content standards.

[(C) The implementation of State academic standards, assessments, and accountability systems developed under this title, including—

[(i) the time and cost required for the development of academic assessments for students in grades 3 through 8;

[(ii) how well such State assessments meet the requirements for assessments described in this title; and

[(iii) the impact of such standards, assessments, and accountability systems on educational programs and instruction at the local level.

[(D) Each State's definition of adequate yearly progress, including—

[(i) the impact of applying this definition to schools, local educational agencies, and the State;

[(ii) the number of schools and local educational agencies not meeting this definition; and

[(iii) the changes in the identification of schools in need of improvement as a result of such definition.

[(E) How schools, local educational agencies, and States have—

[(i) publicized and disseminated the local educational agency report cards required under section 1111(h)(2) to teachers, school staff, students, parents, and the community;

[(ii) used funds made available under this title to provide preschool and family literacy services and the impact of these services on students' school readiness;

[(iii) implemented the provisions of section 1118 and afforded parents meaningful opportunities to be involved in the education of their children;

[(iv) used Federal, State, and local educational agency funds and resources to support schools and provide technical assistance to improve the achievement of students in low-performing schools, including the impact of the technical assistance on such achievement; and

[(v) used State educational agency and local educational agency funds and resources to help schools in which 50 percent or more of the students are from families with incomes below the poverty line meet the requirement described in section 1119 of having all teachers highly qualified not later than the end of the 2005–2006 school year.

[(F) The implementation of schoolwide programs and targeted assistance programs under this title and the impact of such programs on improving student academic achievement, including the extent to which schools meet the requirements of such programs.

[(G) The extent to which varying models of comprehensive school reform are funded and implemented under this title, and the effect of the implementation of such models on improving achievement of disadvantaged students.

[(H) The costs as compared to the benefits of the activities assisted under this title.

[(I) The extent to which actions authorized under section 1116 are implemented by State educational agencies and local educational agencies to improve the academic achievement of students in low-performing schools, and the effectiveness of the implementation of such actions, including the following:

[(i) The number of schools identified for school improvement and how many years the schools remain in this status.

[(ii) The types of support provided by the State educational agencies and local educational agencies to schools and local educational agencies respectively identified as in need of improvement, and the impact of such support on student achievement.

[(iii) The number of parents who take advantage of the public school choice provisions of this title, the

costs (including transportation costs) associated with implementing these provisions, the implementation of these provisions, and the impact of these provisions (including the impact of attending another school) on student achievement.

[(iv) The number of parents who choose to take advantage of the supplemental educational services option, the criteria used by the States to determine the quality of providers, the kinds of services that are available and utilized, the costs associated with implementing this option, and the impact of receiving supplemental educational services on student achievement.

[(v) The implementation and impact of actions that are taken with regard to schools and local educational agencies identified for corrective action and restructuring.

[(J) The extent to which State and local fiscal accounting requirements under this title affect the flexibility of schoolwide programs.

[(K) The implementation and impact of the professional development activities assisted under this title and title II on instruction, student academic achievement, and teacher qualifications.

[(L) The extent to which the assistance made available under this title, including funds under section 1002, is targeted to disadvantaged students, schools, and local educational agencies with the greatest need.

[(M) The effectiveness of Federal administration assistance made available under this title, including monitoring and technical assistance.

[(N) The academic achievement of the groups of students described in section 1111(b)(2)(C)(v)(II).

[(O) Such other issues as the Secretary considers appropriate.

[(3) SOURCES OF INFORMATION.—In conducting the assessment under this subsection, the Secretary shall use information from a variety of sources, including the National Assessment of Educational Progress (carried out under section 303 of the National Assessment of Educational Progress Authorization Act), State evaluations, and other research studies.

[(4) COORDINATION.—In carrying out this subsection, the Secretary shall—

[(A) coordinate the national assessment under this subsection with the longitudinal study described in subsection (c); and

[(B) ensure that the independent review panel described in subsection (d) participates in conducting the national assessment under this subsection, including planning for and reviewing the assessment.

[(5) DEVELOPMENTALLY APPROPRIATE MEASURES.—In conducting the national assessment under this subsection, the Secretary shall use developmentally appropriate measures to assess student academic achievement.

[(6) REPORTS.—

[(A) INTERIM REPORT.—Not later than 3 years after the date of enactment of the No Child Left Behind Act of 2001, the Secretary shall transmit to the President, the Committee on Education and the Workforce of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions of the Senate an interim report on the national assessment conducted under this subsection.

[(B) FINAL REPORT.—Not later than 5 years after the date of enactment of the No Child Left Behind Act of 2001, the Secretary shall transmit to the President, the Committee on Education and the Workforce of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions of the Senate a final report on the national assessment conducted under this subsection.

[(b) STUDIES AND DATA COLLECTION.—

[(1) IN GENERAL.—In addition to other activities described in this section, the Secretary may, directly or through awarding grants to or entering into contracts with appropriate entities—

[(A) assess the implementation and effectiveness of programs under this title;

[(B) collect the data necessary to comply with the Government Performance and Results Act of 1993; and

[(C) provide guidance and technical assistance to State educational agencies and local educational agencies in developing and maintaining management information systems through which such agencies may develop program performance indicators to improve services and performance.

[(2) MINIMUM INFORMATION.—In carrying out this subsection, the Secretary shall collect, at a minimum, trend information on the effect of each program authorized under this title, which shall complement the data collected and reported under subsections (a) and (c).

[(c) NATIONAL LONGITUDINAL STUDY.—

[(1) IN GENERAL.—The Secretary shall conduct a longitudinal study of schools receiving assistance under part A.

[(2) ISSUES TO BE EXAMINED.—In carrying out this subsection, the Secretary shall ensure that the study referred to in paragraph (1) provides Congress and educators with each of the following:

[(A) An accurate description and analysis of the short- and long-term effect of the assistance made available under this title on academic achievement.

[(B) Information that can be used to improve the effectiveness of the assistance made available under this title in enabling students to meet challenging academic achievement standards.

[(C) An analysis of educational practices or model programs that are effective in improving the achievement of disadvantaged children.

[(D) An analysis of the costs as compared to the benefits of the assistance made available under this title in improving the achievement of disadvantaged children.

[(E) An analysis of the effects of the availability of school choice options under section 1116 on the academic achievement of disadvantaged students, on schools in school improvement, and on schools from which students have transferred under such options.

[(F) Such other information as the Secretary considers appropriate.

[(3) SCOPE.—In conducting the study referred to in paragraph (1), the Secretary shall ensure that the study—

[(A) bases its analysis on a nationally representative sample of schools participating in programs under this title;

[(B) to the extent practicable, includes in its analysis students who transfer to different schools during the course of the study; and

[(C) analyzes varying models or strategies for delivering school services, including—

[(i) schoolwide and targeted services; and

[(ii) comprehensive school reform models.

[(d) INDEPENDENT REVIEW PANEL.—

[(1) IN GENERAL.—The Secretary shall establish an independent review panel (in this subsection referred to as the "Review Panel") to advise the Secretary on methodological and other issues that arise in carrying out subsections (a) and (c).

[(2) APPOINTMENT OF MEMBERS.—

[(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall appoint members of the Review Panel from among qualified individuals who are—

[(i) specialists in statistics, evaluation, research, and assessment;

[(ii) education practitioners, including teachers, principals, and local and State superintendents;

[(iii) parents and members of local school boards or other organizations involved with the implementation and operation of programs under this title; and

[(iv) other individuals with technical expertise who will contribute to the overall rigor and quality of the program evaluation.

[(B) LIMITATIONS.—In appointing members of the Review Panel, the Secretary shall ensure that—

[(i) in order to ensure diversity, the Review Panel includes individuals appointed under subparagraph (A)(i) who represent disciplines or programs outside the field of education; and

[(ii) the total number of the individuals appointed under subparagraph (A)(ii) or (A)(iv) does not exceed one-fourth of the total number of the individuals appointed under this paragraph.

[(3) FUNCTIONS.—The Review Panel shall consult with and advise the Secretary—

[(A) to ensure that the assessment conducted under subsection (a) and the study conducted under subsection (c)—

[(i) adhere to the highest possible standards of quality with respect to research design, statistical analysis, and the dissemination of findings; and

[(ii) use valid and reliable measures to document program implementation and impacts; and

[(B) to ensure—

[(i) that the final report described in subsection (a)(6)(B) is reviewed not later than 120 days after its completion by not less than two independent experts in program evaluation (who may be from among the members of the Review Panel appointed under paragraph (2));

[(ii) that such experts evaluate and comment on the degree to which the report complies with subsection (a); and

[(iii) that the comments of such experts are transmitted with the report under subsection (a)(6)(B).]

[SEC. 1502. [20 U.S.C. 6492] DEMONSTRATIONS OF INNOVATIVE PRACTICES.]

[(a) IN GENERAL.—From the funds appropriated for any fiscal year under section 1002(e)(1), the Secretary may award grants to State educational agencies, local educational agencies, other public agencies, nonprofit organizations, public or private partnerships involving business and industry organizations, and consortia of such entities to carry out demonstration projects that show the most promise of enabling children served under this title to meet challenging State academic content standards and challenging State student academic achievement standards.

[(b) EVALUATION.—The Secretary shall evaluate the demonstration projects supported under this title, using rigorous methodological designs and techniques, including control groups and random assignment, to the extent feasible, to produce reliable evidence of effectiveness.

[(c) PARTNERSHIPS.—From funds appropriated under section 1002(e)(1) for any fiscal year, the Secretary may, directly or through grants or contracts, work in partnership with State educational agencies, local educational agencies, other public agencies, and nonprofit organizations to disseminate and use the highest quality research and knowledge about effective practices to improve the quality of teaching and learning in schools assisted under this title.]

[SEC. 1503. [20 U.S.C. 6493] ASSESSMENT EVALUATION.]

[(a) IN GENERAL.—The Secretary shall conduct an independent study of assessments used for State accountability purposes and for making decisions about the promotion and graduation of students. Such research shall be conducted over a period not to exceed 5 years and shall address the components described in subsection (d).

[(b) CONTRACT AUTHORIZED.—The Secretary is authorized to award a contract, through a peer review process, to an organization or entity capable of conducting rigorous, independent research. The Assistant Secretary of Educational Research and Improvement shall appoint peer reviewers to evaluate the applications for this contract.

[(c) STUDY.—The study shall—

[(1) synthesize and analyze existing research that meets standards of quality and scientific rigor; and

[(2) evaluate academic assessment and accountability systems in State educational agencies, local educational agencies, and schools; and

[(3) make recommendations to the Department and to the Committee on Education and the Workforce of the United States House of Representatives and the Committee on Health, Education, Labor, and Pensions of the United States Senate, based on the findings of the study.

[(d) COMPONENTS OF THE RESEARCH PROGRAM.—The study described in subsection (a) shall examine—

[(1) the effect of the assessment and accountability systems described in section (c) on students, teachers, parents, families, schools, school districts, and States, including correlations between such systems and—

[(A) student academic achievement, progress to the State-defined level of proficiency, and progress toward closing achievement gaps, based on independent measures;

[(B) changes in course offerings, teaching practices, course content, and instructional material;

[(C) changes in turnover rates among teachers, principals, and pupil-services personnel;

[(D) changes in dropout, grade-retention, and graduation rates for students; and

[(E) such other effects as may be appropriate;

[(2) the effect of the academic assessments on students with disabilities;

[(3) the effect of the academic assessments on low, middle, and high socioeconomic status students, limited and nonlimited English proficient students, racial and ethnic minority students, and nonracial or nonethnic minority students;

[(4) guidelines for assessing the validity, reliability, and consistency of those systems using nationally recognized professional and technical standards;

[(5) the relationship between accountability systems and the inclusion or exclusion of students from the assessment system; and

[(6) such other factors as the Secretary finds appropriate.

[(e) REPORTING.—Not later than 3 years after the contract described in subsection (b) is awarded, the organization or entity conducting the study shall submit an interim report to the Committee on Education and the Workforce of the United States House of Representatives and the Committee on Health, Education, Labor and Pensions of the United States Senate, and to the President and the States, and shall make the report widely available to the public. The organization or entity shall submit a final report to the same recipients as soon as possible after the completion of the study. Additional reports may be periodically prepared and released as necessary.

[(f) RESERVATION OF FUNDS.—The Secretary may reserve up to 15 percent of the funds authorized to be appropriated for this part

to carry out the study, except such reservation of funds shall not exceed $1,500,000.]

[SEC. 1504. [20 U.S.C. 6494] CLOSE UP FELLOWSHIP PROGRAM.]

[(a) PROGRAM FOR MIDDLE SCHOOL AND SECONDARY SCHOOL STUDENTS.—

[(1) ESTABLISHMENT.—

[(A) GENERAL AUTHORITY.—In accordance with this subsection, the Secretary may make grants to the Close Up Foundation of Washington, District of Columbia, a nonpartisan, nonprofit foundation, for the purpose of assisting the Close Up Foundation in carrying out its programs of increasing civic responsibility and understanding of the Federal Government among middle school and secondary school students.

[(B) USE OF FUNDS.—Grants under this subsection shall be used only to provide financial assistance to economically disadvantaged students who participate in the programs described in subparagraph (A).

[(C) NAME OF FELLOWSHIPS.—Financial assistance received by students pursuant to this subsection shall be known as Close Up fellowships.

[(2) APPLICATIONS.—

[(A) APPLICATION REQUIRED.—No grant under this subsection may be made except upon an application at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

[(B) CONTENTS OF APPLICATION.—Each application submitted under this paragraph shall contain assurances that—

[(i) Close Up fellowships provided under this subsection shall be made to economically disadvantaged middle school and secondary school students;

[(ii) every effort shall be made to ensure the participation of students from rural, small town, and urban areas;

[(iii) in awarding the fellowships to economically disadvantaged students, special consideration shall be given to the participation of those students with special educational needs, including students with disabilities, ethnic minority students, and students with migrant parents; and

[(iv) the funds received under this subsection shall be properly disbursed.

[(b) PROGRAM FOR MIDDLE SCHOOL AND SECONDARY SCHOOL TEACHERS.—

[(1) ESTABLISHMENT.—

[(A) GENERAL AUTHORITY.—In accordance with this subsection, the Secretary may make grants to the Close Up Foundation of Washington, District of Columbia, a nonpartisan, nonprofit foundation, for the purpose of assisting the Close Up Foundation in carrying out its programs of professional development for middle school and secondary school teachers and its programs to increase civic responsi-

bility and understanding of the Federal Government among the teachers' students.

[(B) USE OF FUNDS.—Grants under this subsection shall be used only to provide financial assistance to teachers who participate in the programs described in subparagraph (A).

[(C) NAME OF FELLOWSHIPS.—Financial assistance received by teachers pursuant to this subsection shall be known as Close Up fellowships.

[(2) APPLICATIONS.—

[(A) APPLICATION REQUIRED.—No grant under this subsection may be made except upon an application at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

[(B) CONTENTS OF APPLICATION.—Each application submitted under this paragraph shall contain assurances that—

[(i) Close Up fellowships provided under this subsection shall be made only to a teacher who has worked with at least one student from such teacher's school who participates in a program described in subsection (a)(1)(A);

[(ii) no teacher shall receive more than one such fellowship in any fiscal year; and

[(iii) the funds received under this subsection shall be properly disbursed.

[(c) PROGRAMS FOR NEW AMERICANS.—

[(1) ESTABLISHMENT.—

[(A) GENERAL AUTHORITY.—In accordance with this subsection, the Secretary may make grants to the Close Up Foundation of Washington, District of Columbia, a nonpartisan, nonprofit foundation, for the purpose of assisting the Close Up Foundation in carrying out its programs of increasing civic responsibility and understanding of the Federal Government among economically disadvantaged middle school and secondary school recent immigrant students.

[(B) DEFINITION.—In this subsection, the term "recent immigrant student" means a student who is a member of a family that immigrated to the United States within 5 years of the student's participation in such a program.

[(C) USE OF FUNDS.—Grants under this subsection shall be used only to provide financial assistance to economically disadvantaged recent immigrant students and their teachers who participate in the programs described in subparagraph (A).

[(D) NAME OF FELLOWSHIPS.—Financial assistance received by students and teachers pursuant to this subsection shall be known as Close Up Fellowships for New Americans.

[(2) APPLICATIONS.—

[(A) APPLICATION REQUIRED.—No grant under this subsection may be made except upon an application at such

time, in such manner, and accompanied by such information as the Secretary may reasonably require.

[(B) CONTENTS OF APPLICATION.—Each application submitted under this paragraph shall contain assurances that—

[(i) Close Up Fellowships for New Americans shall be made to economically disadvantaged middle school and secondary school recent immigrant students;

[(ii) every effort shall be made to ensure the participation of recent immigrant students from rural, small town, and urban areas;

[(iii) in awarding the fellowships to economically disadvantaged recent immigrant students, special consideration shall be given to the participation of those students with special educational needs, including students with disabilities, students with migrant parents, and ethnic minority students;

[(iv) fully describe the activities to be carried out with the proceeds of the grant made under paragraph (1); and

[(v) the funds received under this subsection shall be properly disbursed.

[(d) GENERAL PROVISIONS.—

[(1) ADMINISTRATIVE PROVISIONS.—

[(A) ACCOUNTABILITY.—In consultation with the Secretary, the Close Up Foundation shall devise and implement procedures to measure the efficacy of the programs authorized in subsections (a), (b), and (c) in attaining objectives that include the following:

[(i) Providing young people with an increased understanding of the Federal Government.

[(ii) Heightening a sense of civic responsibility among young people.

[(iii) Enhancing the skills of educators in teaching young people about civic responsibility, the Federal Government, and attaining citizenship competencies.

[(B) GENERAL RULE.—Payments under this section may be made in installments, in advance, or by way of reimbursement, with necessary adjustments on account of underpayments or overpayments.

[(C) AUDIT RULE.—The Comptroller General of the United States or any of the Comptroller General's duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to any grant under this section.

[(2) CONTINUATION OF AWARDS.—Notwithstanding any other provision of this Act, any person or entity that was awarded a grant under part G of title X before the date of enactment of the No Child Left Behind Act of 2001 shall continue to receive funds in accordance with the terms of such award until the date on which the award period terminates under such terms.]

PART E—EDUCATIONAL STABILITY OF CHILDREN IN FOSTER CARE

SEC. 1501. EDUCATIONAL STABILITY OF CHILDREN IN FOSTER CARE.

(a) OBLIGATIONS TO COLLABORATE WITH CHILD WELFARE AGENCIES.—

(1) IN GENERAL.—Each State educational agency receiving assistance under part A shall collaborate with the State agency responsible for administering the State plans under parts B and E of title IV of the Social Security Act (42 U.S.C. 621 et seq., 670 et seq.) to develop and implement a plan to ensure that the following occurs, for each child in the State, when the child moves to a new school attendance area as a result of being placed in foster care (as described in section 1502(1)), changing foster care placements, or leaving foster care:

(A) ATTENDANCE AT A SCHOOL OF ORIGIN.—

(i) IN GENERAL.—The child enrolls or remains in the child's school of origin, unless a determination is made that it is in the child's best interest to attend a different school.

(ii) LIMITATION.—A child who leaves foster care shall only be entitled to remain in the child's school of origin for the remainder of the school year.

(B) IMMEDIATE ENROLLMENT.—When a determination is made regarding the school that it is in the best interest of a child in foster care to attend, the child shall be immediately enrolled in such school, even if the child is unable to produce records normally required for enrollment, such as previous academic records, immunization and medical records, a birth certificate, guardianship records, proof of residency, or other documentation.

(C) RECORDS TRANSFER.—Any records ordinarily kept by a school, including records of immunizations, health screenings, and other required health records, academic records, birth certificates, evaluations for special services or programs, and any individualized education programs (as defined in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401)), regarding a child in foster care shall be—

(i) maintained so that the records involved are available, in a timely fashion, when a child in foster care enters a new school; and

(ii) immediately transferred to the enrolling school, even if the child owes fees or fines or was not withdrawn from previous schools in conformance with local withdrawal procedures.

(2) IMPLEMENTATION.—Each State educational agency receiving assistance under part A shall ensure that the plan described in paragraph (1) is implemented by the local educational agencies in the State.

(b) CREDIT TRANSFER AND DIPLOMAS.—Each State that receives assistance under part A shall have policies for ensuring that—

(1) a child in foster care who is changing schools can transfer school credits and receive partial credits for coursework satis-

factorily completed while attending a prior school or educational program;

(2) a child in foster care is afforded opportunities to recover school credits lost due to placement instability while in foster care; and

(3) a child in foster care who has changed secondary schools can receive a secondary school diploma either from one of the schools in which the child was enrolled or through a State-issued secondary school diploma system, consistent with State graduation requirements.

(c) TRANSPORTATION.—Not later than 1 year after the date of enactment of the Elementary and Secondary Education Reauthorization Act of 2011, the State educational agency shall enter into an agreement with the State agency responsible for administering the State plans under parts B and E of title IV of the Social Security Act to ensure that children in foster care, and children leaving foster care, who are attending their schools of origin receive transportation to and from those schools, in accordance with subsection (a)(1) and with section 475(1)(G) of the Social Security Act (42 U.S.C. 675(1)(G)). The agreement shall include a description of the following:

(1) How foster care maintenance payments will be used to help fund the transportation of children in foster care to their schools of origin.

(2) How children who leave foster care will receive transportation to maintain their enrollment in their schools of origin for the remainder of the academic year, if remaining in their schools of origin is in their best interests.

(d) POINTS OF CONTACT.—

(1) LOCAL EDUCATIONAL AGENCIES.—A State that receives assistance under part A shall ensure that each local educational agency in the State designates an individual employed by the agency to serve as a point of contact for the child welfare agencies responsible for children in foster care enrolled in the local educational agency and to oversee the implementation of the local educational agency requirements under this section. A local educational agency's point of contact shall not be the individual designated as its local educational agency liaison under section 722(g)(1)(J)(ii) of the McKinney-Vento Homeless Assistance Act, unless such individual has the capacity, resources, and time to perform both roles.

(2) STATE EDUCATIONAL AGENCIES.—Each State educational agency receiving assistance under part A shall designate an individual to serve as a point of contact for child welfare agencies and to oversee the implementation of the State educational agency requirements under this section. A State educational agency's point of contact shall not be the individual designated as the State's Coordinator for Education of Homeless Children and Youths under section 722(d)(3) of the McKinney-Vento Homeless Assistance Act, unless such individual has the capacity, resources, and time to perform both roles.

SEC. 1502. DEFINITIONS.

In this part:

(1) CHILD IN FOSTER CARE.—The term "child in foster care" means a child whose care and placement is the responsibility of the agency that administers a State plan under part B or E of title IV of the Social Security Act (42 U.S.C. 621 et seq., 670 et seq.), without regard to whether foster care maintenance payments are made under section 472 of the Social Security Act (42 U.S.C. 672) on behalf of the child.

(2) SCHOOL ATTENDANCE AREA.—The term "school attendance area" has the meaning given the term in section 1113(a)(2).

(3) SCHOOL OF ORIGIN.—The term "school of origin" means, with respect to a child in foster care, any of the following:

(A) The public school in which the child was enrolled prior to entry into foster care.

(B) The public school in which the child is enrolled when a change in foster care placement occurs.

(C) The public school the child attended when last permanently housed, as such term is used in section 722(g)(3)(G) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11432(g)(3)(G)), if such child was eligible for assistance under such Act before the child became a child in foster care.

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[PART F—COMPREHENSIVE SCHOOL REFORM]

[SEC. 1601. [20 U.S.C. 6511] PURPOSE.]

[The purpose of this part is to provide financial incentives for schools to develop comprehensive school reforms, based upon scientifically based research and effective practices that include an emphasis on basic academics and parental involvement so that all children can meet challenging State academic content and academic achievement standards.]

[SEC. 1602. [20 U.S.C. 6512] PROGRAM AUTHORIZATION.]

[(a) PROGRAM AUTHORIZED.—]

[(1) IN GENERAL.—The Secretary is authorized to award grants to State educational agencies, from allotments under paragraph (2), to enable the State educational agencies to award subgrants to local educational agencies to carry out the purpose described in section 1601.

[(2) ALLOTMENTS.—

[(A) RESERVATIONS.—Of the amount appropriated under section 1002(f), the Secretary may reserve—

[(i) not more than 1 percent for each fiscal year to provide assistance to schools supported by the Bureau of Indian Affairs and in the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands according to their respective needs for assistance under this part;

[(ii) not more than 1 percent for each fiscal year to conduct national evaluation activities described in section 1607; and

[(iii) not more than 3 percent of the amount appropriated in fiscal year 2002 to carry out this part, for quality initiatives described in section 1608.

[(B) IN GENERAL.—Of the amount appropriated under section 1002(f) that remains after making the reservation under subparagraph (A) for a fiscal year, the Secretary shall allot to each State for the fiscal year an amount that bears the same ratio to the remainder for that fiscal year as the amount made available under section 1124 to the State for the preceding fiscal year bears to the total amount made available under section 1124 to all States for that year.

[(C) REALLOTMENT.—If a State does not apply for funds under this section, the Secretary shall reallot such funds to other States that do apply in proportion to the amount allotted to such other States under subparagraph (B).]

[SEC. 1603. [20 U.S.C. 6513] STATE APPLICATIONS.]

[(a) IN GENERAL.—Each State educational agency that desires to receive a grant under this part shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

[(b) CONTENTS.—Each such application shall describe—

[(1) the process and selection criteria by which the State educational agency, using expert review, will select local educational agencies to receive subgrants under this part;

[(2) how the State educational agency will ensure that funds under this part are limited to comprehensive school reform programs that—

[(A) include each of the components described in section 1606(a);

[(B) have the capacity to improve the academic achievement of all students in core academic subjects within participating schools; and

[(C) are supported by technical assistance providers that have a successful track record, financial stability, and the capacity to deliver high quality materials, professional development for school personnel, and on-site support during the full implementation period of the reforms;

[(3) how the State educational agency will disseminate materials and information on comprehensive school reforms that are based on scientifically based research and effective practices;

[(4) how the State educational agency will evaluate annually the implementation of such reforms and measure the extent to which the reforms have resulted in increased student academic achievement; and

[(5) how the State educational agency will provide technical assistance to the local educational agency or consortia of local educational agencies, and to participating schools, in evaluating, developing, and implementing comprehensive school reform.]

[SEC. 1604. [20 U.S.C. 6514] STATE USE OF FUNDS.]

[(a) IN GENERAL.—Except as provided in subsection (e), a State educational agency that receives a grant under this part shall use

the grant funds to award subgrants, on a competitive basis, to local educational agencies or consortia of local educational agencies in the State that receive funds under part A, to support comprehensive school reforms in schools that are eligible for funds under part A.

[(b) SUBGRANT REQUIREMENTS.—A subgrant to a local educational agency or consortium shall be—

[(1) of sufficient size and scope to support the initial costs of comprehensive school reforms selected or designed by each school identified in the application of the local educational agency or consortium;

[(2) in an amount not less than $50,000—

[(A) for each participating school; or

[(B) for each participating consortium of small schools (which for purposes of this subparagraph means a consortium of small schools serving a total of not more than 500 students); and

[(3) renewable for two additional 1-year subgrant periods after the initial 1-year subgrant is made if the school is or the schools are making substantial progress in the implementation of reforms.

[(c) PRIORITY.—A State educational agency, in awarding subgrants under this part, shall give priority to local educational agencies or consortia that—

[(1) plan to use the funds in schools identified as being in need of improvement or corrective action under section 1116(c); and

[(2) demonstrate a commitment to assist schools with budget allocation, professional development, and other strategies necessary to ensure the comprehensive school reforms are properly implemented and are sustained in the future.

[(d) GRANT CONSIDERATION.—In awarding subgrants under this part, the State educational agency shall take into consideration the equitable distribution of subgrants to different geographic regions within the State, including urban and rural areas, and to schools serving elementary and secondary students.

[(e) ADMINISTRATIVE COSTS.—A State educational agency that receives a grant under this part may reserve not more than 5 percent of the grant funds for administrative, evaluation, and technical assistance expenses.

[(f) SUPPLEMENT.—Funds made available under this part shall be used to supplement, and not supplant, any other Federal, State, or local funds that would otherwise be available to carry out the activities assisted under this part.

[(g) REPORTING.—Each State educational agency that receives a grant under this part shall provide to the Secretary such information as the Secretary may require, including the names of local educational agencies and schools receiving assistance under this part, the amount of the assistance, a description of the comprehensive school reforms selected and used, and a copy of the State's annual evaluation of the implementation of comprehensive school reforms supported under this part and the student achievement results.]

[SEC. 1605. [20 U.S.C. 6515] LOCAL APPLICATIONS.]

[(a) IN GENERAL.—Each local educational agency or consortium of local educational agencies desiring a subgrant under this part shall submit an application to the State educational agency at such time, in such manner, and containing such information as the State educational agency may reasonably require.

[(b) CONTENTS.—Each such application shall—

[(1) identify the schools that are eligible for assistance under part A and plan to implement a comprehensive school reform program, including the projected costs of such a program;

[(2) describe the comprehensive school reforms based on scientifically based research and effective practices that such schools will implement;

[(3) describe how the local educational agency or consortium will provide technical assistance and support for the effective implementation of the comprehensive school reforms based on scientifically based research and effective practices selected by such schools; and

[(4) describe how the local educational agency or consortium will evaluate the implementation of such comprehensive school reforms and measure the results achieved in improving student academic achievement.]

[SEC. 1606. [20 U.S.C. 6516] LOCAL USE OF FUNDS.]

[(a) USES OF FUNDS.—A local educational agency or consortium that receives a subgrant under this part shall provide the subgrant funds to schools that are eligible for assistance under part A and served by the agency, to enable the schools to implement a comprehensive school reform program that—

[(1) employs proven strategies and proven methods for student learning, teaching, and school management that are based on scientifically based research and effective practices and have been replicated successfully in schools;

[(2) integrates a comprehensive design for effective school functioning, including instruction, assessment, classroom management, professional development, parental involvement, and school management, that aligns the school's curriculum, technology, and professional development into a comprehensive school reform plan for schoolwide change designed to enable all students to meet challenging State content and student academic achievement standards and addresses needs identified through a school needs assessment;

[(3) provides high quality and continuous teacher and staff professional development;

[(4) includes measurable goals for student academic achievement and benchmarks for meeting such goals;

[(5) is supported by teachers, principals, administrators, school personnel staff, and other professional staff;

[(6) provides support for teachers, principals, administrators, and other school staff;

[(7) provides for the meaningful involvement of parents and the local community in planning, implementing, and evaluating school improvement activities consistent with section 1118;

[(8) uses high quality external technical support and assistance from an entity that has experience and expertise in schoolwide reform and improvement, which may include an institution of higher education;

[(9) includes a plan for the annual evaluation of the implementation of school reforms and the student results achieved;

[(10) identifies other resources, including Federal, State, local, and private resources, that shall be used to coordinate services that will support and sustain the comprehensive school reform effort; and

[(11)(A) has been found, through scientifically based research to significantly improve the academic achievement of students participating in such program as compared to students in schools who have not participated in such program; or

[(B) has been found to have strong evidence that such program will significantly improve the academic achievement of participating children.

[(b) SPECIAL RULE.—A school that receives funds to develop a comprehensive school reform program shall not be limited to using nationally available approaches, but may develop the school's own comprehensive school reform program for schoolwide change as described in subsection (a).]

[SEC. 1607. [20 U.S.C. 6517] EVALUATION AND REPORTS.]

[(a) IN GENERAL.—The Secretary shall develop a plan for a national evaluation of the programs assisted under this part.

[(b) EVALUATION.—The national evaluation shall—

[(1) evaluate the implementation and results achieved by schools after 3 years of implementing comprehensive school reforms; and

[(2) assess the effectiveness of comprehensive school reforms in schools with diverse characteristics.

[(c) REPORTS.—The Secretary shall submit a report describing the results of the evaluation under subsection (b) for the Comprehensive School Reform Program to the Committee on Education and the Workforce, and the Committee on Appropriations of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions, and the Committee on Appropriations of the Senate.]

[SEC. 1608. [20 U.S.C. 6518] QUALITY INITIATIVES.]

[The Secretary, through grants or contracts, shall provide funds for—

[(1) a public-private effort, in which funds are matched by private organizations, to assist States, local educational agencies, and schools, in making informed decisions regarding approving or selecting providers of comprehensive school reform, consistent with the requirements described in section 1606(a); and

[(2) activities to foster the development of comprehensive school reform models and to provide effective capacity building for comprehensive school reform providers to expand their work in more schools, assure quality, and promote financial stability.]

[PART G—ADVANCED PLACEMENT PROGRAMS]

[SEC. 1701. [20 U.S.C. 6531] SHORT TITLE.]

[This part may be cited as the "Access to High Standards Act".]

[SEC. 1702. [20 U.S.C. 6532] PURPOSES.]

[The purposes of this part are—

[(1) to support State and local efforts to raise academic standards through advanced placement programs, and thus further increase the number of students who participate and succeed in advanced placement programs;

[(2) to encourage more of the 600,000 students who take advanced placement courses each year but do not take advanced placement exams each year, to demonstrate their achievements through taking the exams;

[(3) to build on the many benefits of advanced placement programs for students, which benefits may include the acquisition of skills that are important to many employers, Scholastic Aptitude Test (SAT) scores that are 100 points above the national averages, and the achievement of better grades in secondary school and in college than the grades of students who have not participated in the programs;

[(4) to increase the availability and broaden the range of schools, including middle schools, that have advanced placement and pre-advanced placement programs;

[(5) to demonstrate that larger and more diverse groups of students can participate and succeed in advanced placement programs;

[(6) to provide greater access to advanced placement and pre-advanced placement courses and highly trained teachers for low-income and other disadvantaged students;

[(7) to provide access to advanced placement courses for secondary school students at schools that do not offer advanced placement programs, increase the rate at which secondary school students participate in advanced placement courses, and increase the numbers of students who receive advanced placement test scores for which college academic credit is awarded;

[(8) to increase the participation of low-income individuals in taking advanced placement tests through the payment or partial payment of the costs of the advanced placement test fees; and

[(9) to increase the number of individuals that achieve a baccalaureate or advanced degree, and to decrease the amount of time such individuals require to attain such degrees.]

[SEC. 1703. [20 U.S.C. 6533] FUNDING DISTRIBUTION RULE.]

[From amounts appropriated under section 1002(g) for a fiscal year, the Secretary shall give priority to funding activities under section 1704 and shall distribute any remaining funds under section 1705.]

[SEC. 1704. [20 U.S.C. 6534] ADVANCED PLACEMENT TEST FEE PROGRAM.]

[(a) GRANTS AUTHORIZED.—From amounts made available under section 1703 for a fiscal year, the Secretary shall award grants to

State educational agencies having applications approved under this section to enable the State educational agencies to reimburse low-income individuals to cover part or all of the costs of advanced placement test fees, if the low-income individuals—

[(1) are enrolled in an advanced placement course; and

[(2) plan to take an advanced placement test.

[(b) AWARD BASIS.—In determining the amount of the grant awarded to a State educational agency under this section for a fiscal year, the Secretary shall consider the number of children eligible to be counted under section 1124(c) in the State in relation to the number of such children so counted in all the States.

[(c) INFORMATION DISSEMINATION.—A State educational agency awarded a grant under this section shall disseminate information regarding the availability of advanced placement test fee payments under this section to eligible individuals through secondary school teachers and guidance counselors.

[(d) APPLICATIONS.—Each State educational agency desiring to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. At a minimum, each State educational agency application shall—

[(1) describe the advanced placement test fees the State educational agency will pay on behalf of low-income individuals in the State from grant funds awarded under this section;

[(2) provide an assurance that any grant funds awarded under this section shall be used only to pay for advanced placement test fees; and

[(3) contain such information as the Secretary may require to demonstrate that the State educational agency will ensure that a student is eligible for payments authorized under this section, including documentation required under chapter 1 of subpart 2 of part A of title IV of the Higher Education Act of 1965.

[(e) REGULATIONS.—The Secretary shall prescribe such regulations as are necessary to carry out this section.

[(f) REPORT.—

[(1) IN GENERAL.—Each State educational agency awarded a grant under this section shall, with respect to each advanced placement subject, annually report to the Secretary on—

[(A) the number of students in the State who are taking an advanced placement course in that subject;

[(B) the number of advanced placement tests taken by students in the State who have taken an advanced placement course in that subject;

[(C) the number of students in the State scoring at different levels on advanced placement tests in that subject; and

[(D) demographic information regarding individuals in the State taking advanced placement courses and tests in that subject disaggregated by race, ethnicity, sex, English proficiency status, and socioeconomic status.

[(2) REPORT TO CONGRESS.—The Secretary shall annually compile the information received from each State educational

agency under paragraph (1) and report to the appropriate committees of Congress regarding the information.

[(g) BIA AS SEA.—For purposes of this section the Bureau of Indian Affairs shall be treated as a State educational agency.]

[SEC. 1705. [20 U.S.C. 6535] ADVANCED PLACEMENT INCENTIVE PROGRAM GRANTS.]

[(a) GRANTS AUTHORIZED.—

[(1) IN GENERAL.—From amounts made available under section 1703 for a fiscal year, the Secretary shall award grants, on a competitive basis, to eligible entities to enable those entities to carry out the authorized activities described in subsection (d).

[(2) DURATION AND PAYMENTS.—

[(A) DURATION.—The Secretary shall award a grant under this section for a period of not more than 3 years.

[(B) PAYMENTS.—The Secretary shall make grant payments under this section on an annual basis.

[(3) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term "eligible entity" means a State educational agency, local educational agency, or national nonprofit educational entity with expertise in advanced placement services.

[(b) APPLICATION.—Each eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

[(c) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to an eligible entity that submits an application under subsection (b) that—

[(1) demonstrates a pervasive need for access to advanced placement incentive programs;

[(2) provides for the involvement of business and community organizations in the activities to be assisted;

[(3) assures the availability of matching funds from State, local, or other sources to pay for the cost of activities to be assisted;

[(4) demonstrates a focus on developing or expanding advanced placement programs and participation in the core academic areas of English, mathematics, and science;

[(5) demonstrates an intent to carry out activities that target—

[(A) local educational agencies serving schools with a high concentration of low-income students; or

[(B) schools with a high concentration of low-income students; and

[(6) in the case of a local educational agency, assures that the local educational agency serves schools with a high concentration of low-income students; or

[(7) demonstrates an intent to carry out activities to increase the availability of, and participation in, on-line advanced placement courses.

[(d) AUTHORIZED ACTIVITIES.—

[(1) IN GENERAL.—Subject to paragraph (2), an eligible entity shall use grant funds made available under this section to ex-

pand access for low-income individuals to advanced placement incentive programs that involve—

[(A) teacher training;

[(B) pre-advanced placement course development;

[(C) coordination and articulation between grade levels to prepare students for academic achievement in advanced placement courses;

[(D) books and supplies; or

[(E) activities to increase the availability of, and participation in, on-line advanced placement courses; or

[(F) any other activity directly related to expanding access to and participation in advanced placement incentive programs, particularly for low-income individuals.

[(2) STATE EDUCATIONAL AGENCY.—In the case of an eligible entity that is a State educational agency, the entity may use grant funds made available under this section to award subgrants to local educational agencies to enable the local educational agencies to carry out the activities under paragraph (1).

[(e) CONTRACTS.—An eligible entity awarded a grant to provide online advanced placement courses under this part may enter into a contract with a nonprofit or for profit organization to provide the online advanced placement courses, including contracting for necessary support services.

[(f) DATA COLLECTION AND REPORTING.—

[(1) DATA COLLECTION.—Each eligible entity awarded a grant under this section shall, with respect to each advanced placement subject, annually report to the Secretary on—

[(A) the number of students served by the eligible entity who are taking an advanced placement course in that subject;

[(B) the number of advanced placement tests taken by students served by the eligible entity in that subject;

[(C) the number of students served by the eligible entity scoring at different levels on advanced placement tests in that subject; and

[(D) demographic information regarding individuals served by such agency who taking advanced placement courses and tests in that subject disaggregated by race, ethnicity, sex, English proficiency status, and socioeconomic status.

[(2) REPORT.—The Secretary shall annually compile the information received from each eligible entity under paragraph (1) and report to the appropriate committees of Congress regarding the information.]

[SEC. 1706. [20 U.S.C. 6536] SUPPLEMENT, NOT SUPPLANT.]

[Grant funds provided under this part shall supplement, and not supplant, other non-Federal funds that are available to assist low-income individuals to pay for the cost of advanced placement test fees or to expand access to advanced placement and pre-advanced placement courses.]

[SEC. 1707. [20 U.S.C. 6537] DEFINITIONS.]

[In this part:

[(1) ADVANCED PLACEMENT TEST.—The term "advanced placement test" means an advanced placement test administered by the College Board or approved by the Secretary.

[(2) HIGH CONCENTRATION OF LOW-INCOME STUDENTS.—The term "high concentration of low-income students", used with respect to a school, means a school that serves a student population 40 percent or more of whom are low-income individuals.

[(3) LOW-INCOME INDIVIDUAL.—The term "low-income individual" means an individual who is determined by a State educational agency or local educational agency to be a child, ages 5 through 19, from a low-income family, on the basis of data used by the Secretary to determine allocations under section 1124 of this Act, data on children eligible for free or reduced-price lunches under the National School Lunch Act, data on children in families receiving assistance under part A of title IV of the Social Security Act, or data on children eligible to receive medical assistance under the medicaid program under title XIX of the Social Security Act, or through an alternate method that combines or extrapolates from those data.]

[PART H—SCHOOL DROPOUT PREVENTION]

[SEC. 1801. [20 U.S.C. 6551] SHORT TITLE.]

[This part may be cited as the "Dropout Prevention Act".]

[SEC. 1802. [20 U.S.C. 6552] PURPOSE.]

[The purpose of this part is to provide for school dropout prevention and reentry and to raise academic achievement levels by providing grants that—

[(1) challenge all children to attain their highest academic potential; and

[(2) ensure that all students have substantial and ongoing opportunities to attain their highest academic potential through schoolwide programs proven effective in school dropout prevention and reentry.]

[SEC. 1803. [20 U.S.C. 6553] AUTHORIZATION OF APPROPRIATIONS.]

[For the purpose of carrying out this part, there are authorized to be appropriated $125,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years, of which—

[(1) 10 percent shall be available to carry out subpart 1 for each fiscal year; and

[(2) 90 percent shall be available to carry out subpart 2 for each fiscal year.]

[Subpart 1—Coordinated National Strategy]

[SEC. 1811. [20 U.S.C. 6555] NATIONAL ACTIVITIES.]

[(a) IN GENERAL.—The Secretary is authorized—

[(1) to collect systematic data on the effectiveness of the programs assisted under this part in reducing school dropout rates and increasing school reentry and secondary school graduation rates;

[(2) to establish a national clearinghouse of information on effective school dropout prevention and reentry programs that shall disseminate to State educational agencies, local educational agencies, and schools—

[(A) the results of research on school dropout prevention and reentry; and

[(B) information on effective programs, best practices, and Federal resources to—

[(i) reduce annual school dropout rates;

[(ii) increase school reentry; and

[(iii) increase secondary school graduation rates;

[(3) to provide technical assistance to State educational agencies, local educational agencies, and schools in designing and implementing programs and securing resources to implement effective school dropout prevention and reentry programs;

[(4) to establish and consult with an interagency working group that shall—

[(A) address inter- and intra-agency program coordination issues at the Federal level with respect to school dropout prevention and reentry, and assess the targeting of existing Federal services to students who are most at risk of dropping out of school, and the cost-effectiveness of various programs and approaches used to address school dropout prevention and reentry;

[(B) describe the ways in which State educational agencies and local educational agencies can implement effective school dropout prevention and reentry programs using funds from a variety of Federal programs, including the programs under this part; and

[(C) examine Federal programs that may have a positive impact on secondary school graduation or school reentry;

[(5) to carry out a national recognition program in accordance with subsection (b) that recognizes schools that have made extraordinary progress in lowering school dropout rates; and

[(6) to use funds made available for this subpart to carry out the evaluation required under section 1830(c).

[(b) RECOGNITION PROGRAM.—

[(1) ESTABLISHMENT.—The Secretary shall—

[(A) establish a national recognition program; and

[(B) develop uniform national guidelines for the recognition program that shall be used to recognize eligible schools from nominations submitted by State educational agencies.

[(2) RECOGNITION.—The Secretary shall recognize, under the recognition program established under paragraph (1), eligible schools.

[(3) SUPPORT.—The Secretary may make monetary awards to an eligible school recognized under this subsection in amounts determined appropriate by the Secretary that shall be used for dissemination activities within the eligible school district or nationally.

[(4) DEFINITION OF ELIGIBLE SCHOOL.—In this subsection, the term "eligible school" means a public middle school or sec-

ondary school, including a charter school, that has implemented comprehensive reforms that have been effective in lowering school dropout rates for all students—

[(A) in that secondary school or charter school; or

[(B) in the case of a middle school, in the secondary school that the middle school feeds students into.

[(c) CAPACITY BUILDING.—

[(1) IN GENERAL.—The Secretary, through a contract with one or more non-Federal entities, may conduct a capacity building and design initiative in order to increase the types of proven strategies for school dropout prevention and reentry that address the needs of an entire school population rather than a subset of students.

[(2) NUMBER AND DURATION.—

[(A) NUMBER.—The Secretary may award not more than five contracts under this subsection.

[(B) DURATION.—The Secretary may award a contract under this subsection for a period of not more than 5 years.

[(d) SUPPORT FOR EXISTING REFORM NETWORKS.—

[(1) IN GENERAL.—The Secretary may provide appropriate support to eligible entities to enable the eligible entities to provide training, materials, development, and staff assistance to schools assisted under this part.

[(2) DEFINITION OF ELIGIBLE ENTITY.—In this subsection, the term "eligible entity" means an entity that, prior to the date of enactment of the Dropout Prevention Act—

[(A) provided training, technical assistance, and materials related to school dropout prevention or reentry to 100 or more elementary schools or secondary schools; and

[(B) developed and published a specific educational program or design related to school dropout prevention or reentry for use by the schools.]

[Subpart 2—School Dropout Prevention Initiative]

[SEC. 1821. [20 U.S.C. 6561] DEFINITIONS.]

[In this subpart:

[(1) LOW-INCOME STUDENT.—The term "low-income student" means a student who is determined by a local educational agency to be from a low-income family using the measures described in section 1113(c).

[(2) STATE.—The term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Bureau of Indian Affairs for purposes of serving schools funded by the Bureau.]

[SEC. 1822. [20 U.S.C. 6561a] PROGRAM AUTHORIZED.]

[(a) GRANTS TO STATE EDUCATIONAL AGENCIES AND LOCAL EDUCATIONAL AGENCIES.—

[(1) AMOUNT LESS THAN $75,000,000.—

[(A) IN GENERAL.—If the amount appropriated under section 1803 for a fiscal year equals or is less than $75,000,000, then the Secretary shall use such amount to award grants, on a competitive basis, to—

[(i) State educational agencies to support activities—

[(I) in schools that—

[(aa) serve students in grades 6 through 12; and

[(bb) have annual school dropout rates that are above the State average annual school dropout rate; or

[(II) in the middle schools that feed students into the schools described in subclause (I); or

[(ii) local educational agencies that operate—

[(I) schools that—

[(aa) serve students in grades 6 through 12; and

[(bb) have annual school dropout rates that are above the State average annual school dropout rate; or

[(II) middle schools that feed students into the schools described in subclause (I).

[(B) USE OF GRANT FUNDS.—Grant funds awarded under this paragraph shall be used to fund effective, sustainable, and coordinated school dropout prevention and reentry programs that may include the activities described in subsection (b)(2), in—

[(i) schools serving students in grades 6 through 12 that have annual school dropout rates that are above the State average annual school dropout rate; or

[(ii) the middle schools that feed students into the schools described in clause (i).

[(2) AMOUNT LESS THAN $250,000,000 BUT MORE THAN $75,000,000.—If the amount appropriated under section 1803 for a fiscal year is less than $250,000,000 but more than $75,000,000, then the Secretary shall use such amount to award grants, on a competitive basis, to State educational agencies to enable the State educational agencies to award subgrants under subsection (b).

[(3) AMOUNT EQUAL TO OR EXCEEDS $250,000,000.—If the amount appropriated under section 1803 for a fiscal year equals or exceeds $250,000,000, then the Secretary shall use such amount to award a grant to each State educational agency in an amount that bears the same relation to such appropriated amount as the amount the State educational agency received under part A for the preceding fiscal year bears to the amount received by all State educational agencies under such part for the preceding fiscal year, to enable the State educational agency to award subgrants under subsection (b).

[(b) SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.—

[(1) IN GENERAL.—From amounts made available to a State educational agency under paragraph (2) or (3) of subsection (a), the State educational agency shall award subgrants, on a com-

petitive basis, to local educational agencies that operate public schools that serve students in grades 6 through 12 and that have annual school dropout rates that are above the State average annual school dropout rate, to enable those schools, or the middle schools that feed students into those schools, to implement effective, sustainable, and coordinated school dropout prevention and reentry programs that involve activities such as—

[(A) professional development;

[(B) obtaining curricular materials;

[(C) release time for professional staff to obtain professional development;

[(D) planning and research;

[(E) remedial education;

[(F) reduction in pupil-to-teacher ratios;

[(G) efforts to meet State student academic achievement standards;

[(H) counseling and mentoring for at-risk students;

[(I) implementing comprehensive school reform models, such as creating smaller learning communities; and

[(J) school reentry activities.

[(2) AMOUNT.—Subject to paragraph (3), a subgrant under this subpart shall be awarded—

[(A) in the first year that a local educational agency receives a subgrant payment under this subpart, in an amount that is based on factors such as—

[(i) the size of schools operated by the local educational agency;

[(ii) costs of the model or set of prevention and reentry strategies being implemented; and

[(iii) local cost factors such as poverty rates;

[(B) in the second year, in an amount that is not less than 75 percent of the amount the local educational agency received under this subpart in the first such year;

[(C) in the third year, in an amount that is not less than 50 percent of the amount the local educational agency received under this subpart in the first such year; and

[(D) in each succeeding year, in an amount that is not less than 30 percent of the amount the local educational agency received under this subpart in the first year.

[(3) DURATION.—A subgrant under this subpart shall be awarded for a period of 3 years, and may be continued for a period of 2 additional years if the State educational agency determines, based on the annual reports described in section 1830(a), that significant progress has been made in lowering the annual school dropout rate for secondary schools participating in the program assisted under this subpart.]

[SEC. 1823. [20 U.S.C. 6561b] APPLICATIONS.]

[(a) IN GENERAL.—To receive—

[(1) a grant under this subpart, a State educational agency or local educational agency shall submit an application and plan to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require; and

[(2) a subgrant under this subpart, a local educational agency shall submit an application and plan to the State educational agency at such time, in such manner, and accompanied by such information as the State educational agency may reasonably require.

[(b) CONTENTS.—

[(1) STATE EDUCATIONAL AGENCY AND LOCAL EDUCATIONAL AGENCY.—Each application and plan submitted under subsection (a) shall—

[(A) include an outline—

[(i) of the State educational agency's or local educational agency's strategy for reducing the State educational agency or local educational agency's annual school dropout rate;

[(ii) for targeting secondary schools, and the middle schools that feed students into those secondary schools, that have the highest annual school dropout rates; and

[(iii) for assessing the effectiveness of the efforts described in the plan;

[(B) contain an identification of the schools in the State or operated by the local educational agency that have annual school dropout rates that are greater than the average annual school dropout rate for the State;

[(C) describe the instructional strategies to be implemented, how the strategies will serve all students, and the effectiveness of the strategies;

[(D) describe a budget and timeline for implementing the strategies;

[(E) contain evidence of coordination with existing resources;

[(F) provide an assurance that funds provided under this subpart will supplement, and not supplant, other State and local funds available for school dropout prevention and reentry programs; and

[(G) describe how the activities to be assisted conform with research knowledge about school dropout prevention and reentry.

[(2) LOCAL EDUCATIONAL AGENCY.—Each application and plan submitted under subsection (a) by a local educational agency shall contain, in addition to the requirements of paragraph (1)—

[(A) an assurance that the local educational agency is committed to providing ongoing operational support for such schools to address the problem of school dropouts for a period of 5 years; and

[(B) an assurance that the local educational agency will support the plan, including—

[(i) provision of release time for teacher training;

[(ii) efforts to coordinate activities for secondary schools and the middle schools that feed students into those secondary schools; and

[(iii) encouraging other schools served by the local educational agency to participate in the plan.]

[SEC. 1824. [20 U.S.C. 6561c] STATE RESERVATION.]

[A State educational agency that receives a grant under paragraph (2) or (3) of section 1822(a) may reserve not more than 5 percent of the grant funds for administrative costs and State activities related to school dropout prevention and reentry activities, of which not more than 2 percent of the grant funds may be used for administrative costs.]

[SEC. 1825. [20 U.S.C. 6561d] STRATEGIES AND CAPACITY BUILDING.]

[Each local educational agency receiving a grant or subgrant under this subpart and each State educational agency receiving a grant under this subpart shall implement scientifically based, sustainable, and widely replicated strategies for school dropout prevention and reentry. The strategies may include—

[(1) specific strategies for targeted purposes, such as—

[(A) effective early intervention programs designed to identify at-risk students;

[(B) effective programs serving at-risk students, including racial and ethnic minorities and pregnant and parenting teenagers, designed to prevent such students from dropping out of school; and

[(C) effective programs to identify and encourage youth who have already dropped out of school to reenter school and complete their secondary education; and

[(2) approaches such as breaking larger schools down into smaller learning communities and other comprehensive reform approaches, creating alternative school programs, and developing clear linkages to career skills and employment.]

[SEC. 1826. [20 U.S.C. 6561e] SELECTION OF LOCAL EDUCATIONAL AGENCIES FOR SUBGRANTS.]

[(a) STATE EDUCATIONAL AGENCY REVIEW AND AWARD.—The State educational agency shall review applications submitted under section 1823(a)(2) and award subgrants to local educational agencies with the assistance and advice of a panel of experts on school dropout prevention and reentry.

[(b) ELIGIBILITY.—A local educational agency is eligible to receive a subgrant under this subpart if the local educational agency operates a public school (including a public alternative school)—

[(1) that is eligible to receive assistance under part A; and

[(2)(A) that serves students 50 percent or more of whom are low-income students; or

[(B) in which a majority of the students come from feeder schools that serve students 50 percent or more of whom are low-income students.]

[SEC. 1827. [20 U.S.C. 6561f] COMMUNITY BASED ORGANIZATIONS.]

[A local educational agency that receives a grant or subgrant under this subpart and a State educational agency that receives a grant under this subpart may use the funds to secure necessary services from a community-based organization or other government agency if the funds are used to provide school dropout prevention and reentry activities related to schoolwide efforts.]

[SEC. 1828. [20 U.S.C. 6561g] TECHNICAL ASSISTANCE.]

[Notwithstanding any other provision of law, each local educational agency that receives funds under this subpart shall use

the funds to provide technical assistance to secondary schools served by the agency that have not made progress toward lowering annual school dropout rates after receiving assistance under this subpart for 2 fiscal years.]

[SEC. 1829. [20 U.S.C. 6561h] SCHOOL DROPOUT RATE CALCULATION.]

[For purposes of calculating an annual school dropout rate under this subpart, a school shall use the annual event school dropout rate for students leaving a school in a single year determined in accordance with the National Center for Education Statistics' Common Core of Data.]

[SEC. 1830. [20 U.S.C. 6561i] REPORTING AND ACCOUNTABILITY.]

[(a) LOCAL EDUCATIONAL AGENCY REPORTS.—

[(1) IN GENERAL.—To receive funds under this subpart for a fiscal year after the first fiscal year that a local educational agency receives funds under this subpart, the local educational agency shall provide, on an annual basis, a report regarding the status of the implementation of activities funded under this subpart, and the dropout data for students at schools assisted under this subpart, disaggregated by race and ethnicity, to the—

[(A) Secretary, if the local educational agency receives a grant under section 1822(a)(1); or

[(B) State educational agency, if the local educational agency receives a subgrant under paragraph (2) or (3) of section 1822(a).

[(2) DROPOUT DATA.—The dropout data under paragraph (1) shall include annual school dropout rates for each fiscal year, starting with the 2 fiscal years before the local educational agency received funds under this subpart.

[(b) STATE REPORT ON PROGRAM ACTIVITIES.—Each State educational agency receiving funds under this subpart shall provide to the Secretary, at such time and in such format as the Secretary may require, information on the status of the implementation of activities funded under this subpart and outcome data for students in schools assisted under this subpart.

[(c) ACCOUNTABILITY.—The Secretary shall evaluate the effect of the activities assisted under this subpart on school dropout prevention compared, if feasible, to a control group using control procedures. The Secretary may use funds appropriated for subpart 1 to carry out this evaluation.]

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[PART I] *PART F*—GENERAL PROVISIONS

SEC. [1901]*1601*. FEDERAL REGULATIONS.

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(b) NEGOTIATED RULEMAKING PROCESS.—

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(4) PROCESS.—Such process—

(A) shall be conducted in a timely manner to ensure that final regulations are issued by the Secretary not later than

1 year after the date of enactment of the [No Child Left Behind Act of 2001]*Elementary and Secondary Education Reauthorization Act of 2011*; and

* * * * * * *

[SEC. 1902]*1602*. AGREEMENTS AND RECORDS.

(a) AGREEMENTS.—All published proposed regulations shall conform to agreements that result from negotiated rulemaking described in section [1901]*1601* unless the Secretary reopens the negotiated rulemaking process or provides a written explanation to the participants involved in the process explaining why the Secretary decided to depart from, and not adhere to, such agreements.

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[SEC. 1903]*1603*. STATE ADMINISTRATION.

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(b) COMMITTEE OF PRACTITIONERS.—

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(2) MEMBERSHIP.—Each such committee shall include—

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(G) [pupil services personnel]*specialized instructional support personnel*.

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SEC. [1904]*1604*. LOCAL EDUCATIONAL AGENCY SPENDING AUDITS.

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SEC. [1905]*1605*. PROHIBITION AGAINST FEDERAL MANDATES, DIRECTION, OR CONTROL.

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SEC. [1906]*1606*. RULE OF CONSTRUCTION ON EQUALIZED SPENDING.

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SEC. [1907]*1607*. STATE REPORT ON DROPOUT DATA.

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SEC. [1908]*1608*. REGULATIONS FOR SECTIONS 1111 AND 1116.

The Secretary shall issue regulations for sections 1111 and 1116 not later than 6 months after the date of enactment of the [No Child Left Behind Act of 2001]*Elementary and Secondary Education Reauthorization Act of 2011*.

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TITLE II—[PREPARING, TRAINING, AND RECRUITING HIGH QUALITY TEACHERS AND PRINCIPALS]*SUPPORTING EXCELLENT TEACHERS AND PRINCIPALS*

[PART A—TEACHER AND PRINCIPAL TRAINING AND RECRUITING FUND]

[SEC. 2101. PURPOSE.]

[The purpose of this part is to provide grants to State educational agencies, local educational agencies, State agencies for higher education, and eligible partnerships in order to—

[(1) increase student academic achievement through strategies such as improving teacher and principal quality and increasing the number of highly qualified teachers in the classroom and highly qualified principals and assistant principals in schools; and

[(2) hold local educational agencies and schools accountable for improvements in student academic achievement.]

[SEC. 2102. DEFINITIONS.]

[In this part:

[(1) ARTS AND SCIENCES.—The term "arts and sciences" means—

[(A) when referring to an organizational unit of an institution of higher education, any academic unit that offers one or more academic majors in disciplines or content areas corresponding to the academic subjects in which teachers teach; and

[(B) when referring to a specific academic subject, the disciplines or content areas in which an academic major is offered by an organizational unit described in subparagraph (A).

[(2) CHARTER SCHOOL.—The term "charter school" has the meaning given the term in section 5210.

[(3) HIGH-NEED LOCAL EDUCATIONAL AGENCY.—The term "high-need local educational agency" means a local educational agency—

[(A)(i) that serves not fewer than 10,000 children from families with incomes below the poverty line; or

[(ii) for which not less than 20 percent of the children served by the agency are from families with incomes below the poverty line; and

[(B)(i) for which there is a high percentage of teachers not teaching in the academic subjects or grade levels that the teachers were trained to teach; or

[(ii) for which there is a high percentage of teachers with emergency, provisional, or temporary certification or licensing.

[(4) HIGHLY QUALIFIED PARAPROFESSIONAL.—The term "highly qualified paraprofessional" means a paraprofessional who has not less than 2 years of—

[(A) experience in a classroom; and

[(B) postsecondary education or demonstrated competence in a field or academic subject for which there is a significant shortage of qualified teachers.

[(5) OUT-OF-FIELD TEACHER.—The term "out-of-field teacher" means a teacher who is teaching an academic subject or a grade level for which the teacher is not highly qualified.

[(6) PRINCIPAL.—The term "principal" includes an assistant principal.]

[SEC. 2103. AUTHORIZATIONS OF APPROPRIATIONS.]

[(a) GRANTS TO STATES, LOCAL EDUCATIONAL AGENCIES, AND ELIGIBLE PARTNERSHIPS.—There are authorized to be appropriated to carry out this part (other than subpart 5) $3,175,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years.

[(b) NATIONAL PROGRAMS.—There are authorized to be appropriated to carry out subpart 5 such sums as may be necessary for fiscal year 2002 and each of the 5 succeeding fiscal years.]

[Subpart 1—Grants to States]

[SEC. 2111. ALLOTMENTS TO STATES.]

[(a) IN GENERAL.—The Secretary shall make grants to States with applications approved under section 2112 to pay for the Federal share of the cost of carrying out the activities specified in section 2113. Each grant shall consist of the allotment determined for a State under subsection (b).

[(b) DETERMINATION OF ALLOTMENTS.—

[(1) RESERVATION OF FUNDS.—

[(A) IN GENERAL.—From the total amount appropriated under section 2103(a) for a fiscal year, the Secretary shall reserve—

[(i) one-half of 1 percent for allotments for the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, to be distributed among those outlying areas on the basis of their relative need, as determined by the Secretary, in accordance with the purpose of this part; and

[(ii) one-half of 1 percent for the Secretary of the Interior for programs under this part in schools operated or funded by the Bureau of Indian Affairs.

[(2) STATE ALLOTMENTS.—

(A) HOLD HARMLESS.—

[(i) IN GENERAL.—Subject to subparagraph (B), from the funds appropriated under section 2103(a) for any fiscal year and not reserved under paragraph (1), the Secretary shall allot to each of the 50 States, the District of Columbia, and the Commonwealth of Puerto

Rico an amount equal to the total amount that such State received for fiscal year 2001 under—

[(I) section 2202(b) of this Act (as in effect on the day before the date of enactment of the No Child Left Behind Act of 2001); and

[(II) section 306 of the Department of Education Appropriations Act, 2001 (as enacted into law by section 1(a)(1) of Public Law 106–554).

[(ii) RATABLE REDUCTION.—If the funds described in clause (i) are insufficient to pay the full amounts that all States are eligible to receive under clause (i) for any fiscal year, the Secretary shall ratably reduce those amounts for the fiscal year.

[(B) ALLOTMENT OF ADDITIONAL FUNDS.—

[(i) IN GENERAL.—Subject to clause (ii), for any fiscal year for which the funds appropriated under section 2103(a) and not reserved under paragraph (1) exceed the total amount required to make allotments under subparagraph (A), the Secretary shall allot to each of the States described in subparagraph (A) the sum of—

[(I) an amount that bears the same relationship to 35 percent of the excess amount as the number of individuals age 5 through 17 in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all such States, as so determined; and

[(II) an amount that bears the same relationship to 65 percent of the excess amount as the number of individuals age 5 through 17 from families with incomes below the poverty line, in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all such States, as so determined.

[(ii) EXCEPTION.—No State receiving an allotment under clause (i) may receive less than one-half of 1 percent of the total excess amount allotted under such clause for a fiscal year.

[(3) REALLOTMENT.—If any State does not apply for an allotment under this subsection for any fiscal year, the Secretary shall reallot the amount of the allotment to the remaining States in accordance with this subsection.]

[SEC. 2112. STATE APPLICATIONS.]

[(a) IN GENERAL.—For a State to be eligible to receive a grant under this part, the State educational agency shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

[(b) CONTENTS.—Each application submitted under this section shall include the following:

[(1) A description of how the activities to be carried out by the State educational agency under this subpart will be based on a review of scientifically based research and an explanation

of why the activities are expected to improve student academic achievement.

[(2) A description of how the State educational agency will ensure that a local educational agency receiving a subgrant to carry out subpart 2 will comply with the requirements of such subpart.

[(3) A description of how the State educational agency will ensure that activities assisted under this subpart are aligned with challenging State academic content and student academic achievement standards, State assessments, and State and local curricula.

[(4) A description of how the State educational agency will use funds under this part to improve the quality of the State's teachers and principals.

[(5)(A) A description of how the State educational agency will coordinate professional development activities authorized under this part with professional development activities provided under other Federal, State, and local programs.

[(B) A description of the comprehensive strategy that the State educational agency will use, as part of such coordination effort, to ensure that teachers are trained in the use of technology so that technology and applications of technology are effectively used in the classroom to improve teaching and learning in all curricula and academic subjects, as appropriate.

[(6) A description of how the State educational agency will encourage the development of proven, innovative strategies to deliver intensive professional development programs that are both cost-effective and easily accessible, such as strategies that involve delivery through the use of technology, peer networks, and distance learning.

[(7)(A) A description of how the State educational agency will ensure compliance with the requirements for professional development activities described in section 9101 and how the activities to be carried out under the grant will be developed collaboratively and based on the input of teachers, principals, parents, administrators, paraprofessionals, and other school personnel.

[(B) In the case of a State in which the State educational agency is not the entity responsible for teacher professional standards, certification, and licensing, an assurance that the State activities carried out under this subpart are carried out in conjunction with the entity responsible for such standards, certification, and licensing under State law.

[(8) A description of how the State educational agency will ensure that the professional development (including teacher mentoring) needs of teachers will be met using funds under this subpart and subpart 2.

[(9) A description of the State educational agency's annual measurable objectives under section 1119(a)(2).

[(10) A description of how the State educational agency will use funds under this part to meet the teacher and paraprofessional requirements of section 1119 and how the State educational agency will hold local educational agencies account-

able for meeting the annual measurable objectives described in section 1119(a)(2).

[(11) In the case of a State that has a charter school law that exempts teachers from State certification and licensing requirements, the specific portion of the State law that provides for the exemption.

[(12) An assurance that the State educational agency will comply with section 9501 (regarding participation by private school children and teachers).

[(c) DEEMED APPROVAL.—An application submitted by a State educational agency pursuant to subsection (a) shall be deemed to be approved by the Secretary unless the Secretary makes a written determination, prior to the expiration of the 120-day period beginning on the date on which the Secretary received the application, that the application is not in compliance with this subpart.

[(d) DISAPPROVAL.—The Secretary shall not finally disapprove the application, except after giving the State educational agency notice and an opportunity for a hearing.

[(e) NOTIFICATION.—If the Secretary finds that the application is not in compliance, in whole or in part, with this subpart, the Secretary shall—

[(1) give the State educational agency notice and an opportunity for a hearing; and

[(2) notify the State educational agency of the finding of noncompliance and, in such notification, shall—

[(A) cite the specific provisions in the application that are not in compliance; and

[(B) request additional information, only as to the noncompliant provisions, needed to make the application compliant.

[(f) RESPONSE.—If the State educational agency responds to the Secretary's notification described in subsection (e)(2) during the 45-day period beginning on the date on which the agency received the notification, and resubmits the application with the requested information described in subsection (e)(2)(B), the Secretary shall approve or disapprove such application prior to the later of—

[(1) the expiration of the 45-day period beginning on the date on which the application is resubmitted; or

[(2) the expiration of the 120-day period described in subsection (c).

[(g) FAILURE TO RESPOND.—If the State educational agency does not respond to the Secretary's notification described in subsection (e)(2) during the 45-day period beginning on the date on which the agency received the notification, such application shall be deemed to be disapproved.]

[SEC. 2113. STATE USE OF FUNDS.]

[(a) IN GENERAL.—A State that receives a grant under section 2111 shall—

[(1) reserve 95 percent of the funds made available through the grant to make subgrants to local educational agencies as described in subpart 2;

[(2) reserve 2.5 percent (or, for a fiscal year described in subsection (b), the percentage determined under subsection (b)) of

the funds to make subgrants to local partnerships as described in subpart 3; and

[(3) use the remainder of the funds for State activities described in subsection (c).

[(b) SPECIAL RULE.—For any fiscal year for which the total amount that would be reserved by all States under subsection (a)(2), if the States applied a 2.5 percentage rate, exceeds $125,000,000, the Secretary shall determine an alternative percentage that the States shall apply for that fiscal year under subsection (a)(2) so that the total amount reserved by all States under subsection (a)(2) equals $125,000,000.

[(c) STATE ACTIVITIES.—The State educational agency for a State that receives a grant under section 2111 shall use the funds described in subsection (a)(3) to carry out one or more of the following activities, which may be carried out through a grant or contract with a for-profit or nonprofit entity:

[(1) Reforming teacher and principal certification (including recertification) or licensing requirements to ensure that—

[(A)(i) teachers have the necessary subject matter knowledge and teaching skills in the academic subjects that the teachers teach; and

[(ii) principals have the instructional leadership skills to help teachers teach and students learn;

[(B) teacher certification (including recertification) or licensing requirements are aligned with challenging State academic content standards; and

[(C) teachers have the subject matter knowledge and teaching skills, including technology literacy, and principals have the instructional leadership skills, necessary to help students meet challenging State student academic achievement standards.

[(2) Carrying out programs that provide support to teachers or principals, including support for teachers and principals new to their profession, such as programs that—

[(A) provide teacher mentoring, team teaching, reduced class schedules, and intensive professional development; and

[(B) use standards or assessments for guiding beginning teachers that are consistent with challenging State student academic achievement standards and with the requirements for professional development activities described in section 9101.

[(3) Carrying out programs that establish, expand, or improve alternative routes for State certification of teachers and principals, especially in the areas of mathematics and science, for highly qualified individuals with a baccalaureate or master's degree, including mid-career professionals from other occupations, paraprofessionals, former military personnel, and recent college or university graduates with records of academic distinction who demonstrate the potential to become highly effective teachers or principals.

[(4) Developing and implementing mechanisms to assist local educational agencies and schools in effectively recruiting and retaining highly qualified teachers, including specialists in

core academic subjects, principals, and pupil services personnel, except that funds made available under this paragraph may be used for pupil services personnel only—

[(A) if the State educational agency is making progress toward meeting the annual measurable objectives described in section 1119(a)(2); and

[(B) in a manner consistent with mechanisms to assist local educational agencies and schools in effectively recruiting and retaining highly qualified teachers and principals.

[(5) Reforming tenure systems, implementing teacher testing for subject matter knowledge, and implementing teacher testing for State certification or licensing, consistent with title II of the Higher Education Act of 1965.

[(6) Providing professional development for teachers and principals and, in cases in which a State educational agency determines support to be appropriate, supporting the participation of pupil services personnel in the same type of professional development activities as are made available to teachers and principals.

[(7) Developing systems to measure the effectiveness of specific professional development programs and strategies to document gains in student academic achievement or increases in teacher mastery of the academic subjects the teachers teach.

[(8) Fulfilling the State educational agency's responsibilities concerning proper and efficient administration of the programs carried out under this part, including provision of technical assistance to local educational agencies.

[(9) Funding projects to promote reciprocity of teacher and principal certification or licensing between or among States, except that no reciprocity agreement developed under this paragraph or developed using funds provided under this part may lead to the weakening of any State teaching certification or licensing requirement.

[(10) Developing or assisting local educational agencies in the development and use of proven, innovative strategies to deliver intensive professional development programs that are both cost-effective and easily accessible, such as strategies that involve delivery through the use of technology, peer networks, and distance learning.

[(11) Encouraging and supporting the training of teachers and administrators to effectively integrate technology into curricula and instruction, including training to improve the ability to collect, manage, and analyze data to improve teaching, decisionmaking, school improvement efforts, and accountability.

[(12) Developing, or assisting local educational agencies in developing, merit-based performance systems, and strategies that provide differential and bonus pay for teachers in high-need academic subjects such as reading, mathematics, and science and teachers in high-poverty schools and districts.

[(13) Providing assistance to local educational agencies for the development and implementation of professional development programs for principals that enable the principals to be effective school leaders and prepare all students to meet chal-

lenging State academic content and student academic achievement standards, and the development and support of school leadership academies to help exceptionally talented aspiring or current principals and superintendents become outstanding managers and educational leaders.

[(14) Developing, or assisting local educational agencies in developing, teacher advancement initiatives that promote professional growth and emphasize multiple career paths (such as paths to becoming a career teacher, mentor teacher, or exemplary teacher) and pay differentiation.

[(15) Providing assistance to teachers to enable them to meet certification, licensing, or other requirements needed to become highly qualified by the end of the fourth year for which the State receives funds under this part (as amended by the No Child Left Behind Act of 2001).

[(16) Supporting activities that ensure that teachers are able to use challenging State academic content standards and student academic achievement standards, and State assessments, to improve instructional practices and improve student academic achievement.

[(17) Funding projects and carrying out programs to encourage men to become elementary school teachers.

[(18) Establishing and operating a center that—

[(A) serves as a statewide clearinghouse for the recruitment and placement of kindergarten, elementary school, and secondary school teachers; and

[(B) establishes and carries out programs to improve teacher recruitment and retention within the State.

[(d) ADMINISTRATIVE COSTS.—A State educational agency or State agency for higher education receiving a grant under this part may use not more than 1 percent of the grant funds for planning and administration related to carrying out activities under subsection (c) and subpart 3.

[(e) COORDINATION.—A State that receives a grant to carry out this subpart and a grant under section 202 of the Higher Education Act of 1965 shall coordinate the activities carried out under this subpart and the activities carried out under that section.

[(f) SUPPLEMENT, NOT SUPPLANT.—Funds received under this subpart shall be used to supplement, and not supplant, non-Federal funds that would otherwise be used for activities authorized under this subpart.]

[Subpart 2—Subgrants to Local Educational Agencies]

[SEC. 2121. [20 U.S.C. 6621] ALLOCATIONS TO LOCAL EDUCATIONAL AGENCIES.]

[(a) SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.—

[(1) IN GENERAL.—The Secretary may make a grant to a State under subpart 1 only if the State educational agency agrees to distribute the funds described in this subsection as subgrants to local educational agencies under this subpart.

[(2) HOLD HARMLESS.—

[(A) IN GENERAL.—From the funds reserved by a State under section 2113(a)(1), the State educational agency shall allocate to each local educational agency in the State an amount equal to the total amount that such agency received for fiscal year 2001 under—

[(i) section 2203(1)(B) of this Act (as in effect on the day before the date of enactment of the No Child Left Behind Act of 2001); and

[(ii) section 306 of the Department of Education Appropriations Act, 2001 (as enacted into law by section 1(a)(1) of Public Law 106–554).

[(B) NONPARTICIPATING AGENCIES.—In the case of a local educational agency that did not receive any funds for fiscal year 2001 under one or both of the provisions referred to in clauses (i) and (ii) of subparagraph (A), the amount allocated to the agency under such subparagraph shall be the total amount that the agency would have received for fiscal year 2001 if the agency had elected to participate in all of the programs for which the agency was eligible under each of the provisions referred to in those clauses.

[(C) RATABLE REDUCTION.—If the funds described in subparagraph (A) are insufficient to pay the full amounts that all local educational agencies in the State are eligible to receive under subparagraph (A) for any fiscal year, the State educational agency shall ratably reduce such amounts for the fiscal year.

[(3) ALLOCATION OF ADDITIONAL FUNDS.—For any fiscal year for which the funds reserved by a State under section 2113(a)(1) exceed the total amount required to make allocations under paragraph (2), the State educational agency shall allocate to each of the eligible local educational agencies in the State the sum of—

[(A) an amount that bears the same relationship to 20 percent of the excess amount as the number of individuals age 5 through 17 in the geographic area served by the agency, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in the geographic areas served by all the local educational agencies in the State, as so determined; and

[(B) an amount that bears the same relationship to 80 percent of the excess amount as the number of individuals age 5 through 17 from families with incomes below the poverty line in the geographic area served by the agency, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in the geographic areas served by all the local educational agencies in the State, as so determined.]

[SEC. 2122. [20 U.S.C. 6622] LOCAL APPLICATIONS AND NEEDS ASSESSMENT.]

[(a) IN GENERAL.—To be eligible to receive a subgrant under this subpart, a local educational agency shall submit an application to the State educational agency at such time, in such manner, and containing such information as the State educational agency may reasonably require.

[(b) CONTENTS.—Each application submitted under this section shall be based on the needs assessment required in subsection (c) and shall include the following:

[(1)(A) A description of the activities to be carried out by the local educational agency under this subpart and how these activities will be aligned with—

[(i) challenging State academic content standards and student academic achievement standards, and State assessments; and

[(ii) the curricula and programs tied to the standards described in clause (i).

[(B) A description of how the activities will be based on a review of scientifically based research and an explanation of why the activities are expected to improve student academic achievement.

[(2) A description of how the activities will have a substantial, measurable, and positive impact on student academic achievement and how the activities will be used as part of a broader strategy to eliminate the achievement gap that separates low-income and minority students from other students.

[(3) An assurance that the local educational agency will target funds to schools within the jurisdiction of the local educational agency that—

[(A) have the lowest proportion of highly qualified teachers;

[(B) have the largest average class size; or

[(C) are identified for school improvement under section 1116(b).

[(4) A description of how the local educational agency will coordinate professional development activities authorized under this subpart with professional development activities provided through other Federal, State, and local programs.

[(5) A description of the professional development activities that will be made available to teachers and principals under this subpart and how the local educational agency will ensure that the professional development (which may include teacher mentoring) needs of teachers and principals will be met using funds under this subpart.

[(6) A description of how the local educational agency will integrate funds under this subpart with funds received under part D that are used for professional development to train teachers to integrate technology into curricula and instruction to improve teaching, learning, and technology literacy.

[(7) A description of how the local educational agency, teachers, paraprofessionals, principals, other relevant school personnel, and parents have collaborated in the planning of activities to be carried out under this subpart and in the preparation of the application.

[(8) A description of the results of the needs assessment described in subsection (c).

[(9) A description of how the local educational agency will provide training to enable teachers to—

[(A) teach and address the needs of students with different learning styles, particularly students with disabil-

ities, students with special learning needs (including students who are gifted and talented), and students with limited English proficiency;

[(B) improve student behavior in the classroom and identify early and appropriate interventions to help students described in subparagraph (A) learn;

[(C) involve parents in their child's education; and

[(D) understand and use data and assessments to improve classroom practice and student learning.

[(10) A description of how the local educational agency will use funds under this subpart to meet the requirements of section 1119.

[(11) An assurance that the local educational agency will comply with section 9501 (regarding participation by private school children and teachers).

[(c) NEEDS ASSESSMENT.—

[(1) IN GENERAL.—To be eligible to receive a subgrant under this subpart, a local educational agency shall conduct an assessment of local needs for professional development and hiring, as identified by the local educational agency and school staff.

[(2) REQUIREMENTS.—Such needs assessment shall be conducted with the involvement of teachers, including teachers participating in programs under part A of title I, and shall take into account the activities that need to be conducted in order to give teachers the means, including subject matter knowledge and teaching skills, and to give principals the instructional leadership skills to help teachers, to provide students with the opportunity to meet challenging State and local student academic achievement standards.]

[SEC. 2123. [20 U.S.C. 6623] LOCAL USE OF FUNDS.]

[(a) IN GENERAL.—A local educational agency that receives a subgrant under section 2121 shall use the funds made available through the subgrant to carry out one or more of the following activities, including carrying out the activities through a grant or contract with a for-profit or nonprofit entity:

[(1) Developing and implementing mechanisms to assist schools in effectively recruiting and retaining highly qualified teachers, including specialists in core academic subjects, principals, and pupil services personnel, except that funds made available under this paragraph may be used for pupil services personnel only—

[(A) if the local educational agency is making progress toward meeting the annual measurable objectives described in section 1119(a)(2); and

[(B) in a manner consistent with mechanisms to assist schools in effectively recruiting and retaining highly qualified teachers and principals.

[(2) Developing and implementing initiatives to assist in recruiting highly qualified teachers (particularly initiatives that have proven effective in retaining highly qualified teachers), and hiring highly qualified teachers, who will be assigned teaching positions within their fields, including—

[(A) providing scholarships, signing bonuses, or other financial incentives, such as differential pay, for teachers to teach—

[(i) in academic subjects in which there exists a shortage of highly qualified teachers within a school or within the local educational agency; and

[(ii) in schools in which there exists a shortage of highly qualified teachers;

[(B) recruiting and hiring highly qualified teachers to reduce class size, particularly in the early grades; and

[(C) establishing programs that—

[(i) train and hire regular and special education teachers (which may include hiring special education teachers to team-teach in classrooms that contain both children with disabilities and nondisabled children);

[(ii) train and hire highly qualified teachers of special needs children, as well as teaching specialists in core academic subjects who will provide increased individualized instruction to students;

[(iii) recruit qualified professionals from other fields, including highly qualified paraprofessionals, and provide such professionals with alternative routes to teacher certification, including developing and implementing hiring policies that ensure comprehensive recruitment efforts as a way to expand the applicant pool, such as through identifying teachers certified through alternative routes, and using a system of intensive screening designed to hire the most qualified applicants; and

[(iv) provide increased opportunities for minorities, individuals with disabilities, and other individuals underrepresented in the teaching profession.

[(3) Providing professional development activities—

[(A) that improve the knowledge of teachers and principals and, in appropriate cases, paraprofessionals, concerning—

[(i) one or more of the core academic subjects that the teachers teach; and

[(ii) effective instructional strategies, methods, and skills, and use of challenging State academic content standards and student academic achievement standards, and State assessments, to improve teaching practices and student academic achievement; and

[(B) that improve the knowledge of teachers and principals and, in appropriate cases, paraprofessionals, concerning effective instructional practices and that—

[(i) involve collaborative groups of teachers and administrators;

[(ii) provide training in how to teach and address the needs of students with different learning styles, particularly students with disabilities, students with special learning needs (including students who are gifted and talented), and students with limited English proficiency;

[(iii) provide training in methods of—

[(I) improving student behavior in the classroom; and

[(II) identifying early and appropriate interventions to help students described in clause (ii) learn;

[(iv) provide training to enable teachers and principals to involve parents in their child's education, especially parents of limited English proficient and immigrant children; and

[(v) provide training on how to understand and use data and assessments to improve classroom practice and student learning.

[(4) Developing and implementing initiatives to promote retention of highly qualified teachers and principals, particularly within elementary schools and secondary schools with a high percentage of low-achieving students, including programs that provide—

[(A) teacher mentoring from exemplary teachers, principals, or superintendents;

[(B) induction and support for teachers and principals during their first 3 years of employment as teachers or principals, respectively;

[(C) incentives, including financial incentives, to retain teachers who have a record of success in helping low-achieving students improve their academic achievement; or

[(D) incentives, including financial incentives, to principals who have a record of improving the academic achievement of all students, but particularly students from economically disadvantaged families, students from racial and ethnic minority groups, and students with disabilities.

[(5) Carrying out programs and activities that are designed to improve the quality of the teacher force, such as—

[(A) innovative professional development programs (which may be provided through partnerships including institutions of higher education), including programs that train teachers and principals to integrate technology into curricula and instruction to improve teaching, learning, and technology literacy, are consistent with the requirements of section 9101, and are coordinated with activities carried out under part D;

[(B) development and use of proven, cost-effective strategies for the implementation of professional development activities, such as through the use of technology and distance learning;

[(C) tenure reform;

[(D) merit pay programs; and

[(E) testing of elementary school and secondary school teachers in the academic subjects that the teachers teach.

[(6) Carrying out professional development activities designed to improve the quality of principals and superintendents, including the development and support of academies to help talented aspiring or current principals and superintendents become outstanding managers and educational leaders.

[(7) Hiring highly qualified teachers, including teachers who become highly qualified through State and local alternative routes to certification, and special education teachers, in order to reduce class size, particularly in the early grades.

[(8) Carrying out teacher advancement initiatives that promote professional growth and emphasize multiple career paths (such as paths to becoming a career teacher, mentor teacher, or exemplary teacher) and pay differentiation.

[(10) Carrying out programs and activities related to exemplary teachers.

[(b) SUPPLEMENT, NOT SUPPLANT.—Funds received under this subpart shall be used to supplement, and not supplant, non-Federal funds that would otherwise be used for activities authorized under this subpart.]

[Subpart 3—Subgrants to Eligible Partnerships]

[SEC. 2131. DEFINITIONS.]

[In this subpart:

[(1) ELIGIBLE PARTNERSHIP.—The term "eligible partnership" means an entity that—

[(A) shall include—

[(i) a private or State institution of higher education and the division of the institution that prepares teachers and principals;

[(ii) a school of arts and sciences; and

[(iii) a high-need local educational agency; and

[(B) may include another local educational agency, a public charter school, an elementary school or secondary school, an educational service agency, a nonprofit educational organization, another institution of higher education, a school of arts and sciences within such an institution, the division of such an institution that prepares teachers and principals, a nonprofit cultural organization, an entity carrying out a prekindergarten program, a teacher organization, a principal organization, or a business.

[(2) LOW-PERFORMING SCHOOL.—The term "low-performing school" means an elementary school or secondary school that is identified under section 1116.]

[SEC. 2132. SUBGRANTS.]

[(a) IN GENERAL.—The State agency for higher education for a State that receives a grant under section 2111, working in conjunction with the State educational agency (if such agencies are separate), shall use the funds reserved under section 2113(a)(2) to make subgrants, on a competitive basis, to eligible partnerships to enable such partnerships to carry out the activities described in section 2134.

[(b) DISTRIBUTION.—The State agency for higher education shall ensure that—

[(1) such subgrants are equitably distributed by geographic area within a State; or

[(2) eligible partnerships in all geographic areas within the State are served through the subgrants.

[(c) SPECIAL RULE.—No single participant in an eligible partnership may use more than 50 percent of the funds made available to the partnership under this section.

[SEC. 2133. APPLICATIONS.]

[To be eligible to receive a subgrant under this subpart, an eligible partnership shall submit an application to the State agency for higher education at such time, in such manner, and containing such information as the agency may require.

[SEC. 2134. USE OF FUNDS.]

[(a) IN GENERAL.—An eligible partnership that receives a subgrant under section 2132 shall use the subgrant funds for—

[(1) professional development activities in core academic subjects to ensure that—

[(A) teachers and highly qualified paraprofessionals, and, if appropriate, principals have subject matter knowledge in the academic subjects that the teachers teach, including the use of computer related technology to enhance student learning; and

[(B) principals have the instructional leadership skills that will help such principals work most effectively with teachers to help students master core academic subjects; and

[(2) developing and providing assistance to local educational agencies and individuals who are teachers, highly qualified paraprofessionals, or principals of schools served by such agencies, for sustained, high-quality professional development activities that—

[(A) ensure that the individuals are able to use challenging State academic content standards and student academic achievement standards, and State assessments, to improve instructional practices and improve student academic achievement;

[(B) may include intensive programs designed to prepare such individuals who will return to a school to provide instruction related to the professional development described in subparagraph (A) to other such individuals within such school; and

[(C) may include activities of partnerships between one or more local educational agencies, one or more schools served by such local educational agencies, and one or more institutions of higher education for the purpose of improving teaching and learning at low-performing schools.

[(b) COORDINATION.—An eligible partnership that receives a subgrant to carry out this subpart and a grant under section 203 of the Higher Education Act of 1965 shall coordinate the activities carried out under this subpart and the activities carried out under that section 203.]

[Subpart 4—Accountability]

[SEC. 2141. [20 U.S.C. 6641] TECHNICAL ASSISTANCE AND ACCOUNTABILITY.]

[(a) IMPROVEMENT PLAN.—After the second year of the plan described in section 1119(a)(2), if a State educational agency determines, based on the reports described in section 1119(b)(1), that a local educational agency in the State has failed to make progress toward meeting the annual measurable objectives described in section 1119(a)(2), for 2 consecutive years, such local educational agency shall develop an improvement plan that will enable the agency to meet such annual measurable objectives and that specifically addresses issues that prevented the agency from meeting such annual measurable objectives.

[(b) TECHNICAL ASSISTANCE.—During the development of the improvement plan described in subsection (a) and throughout implementation of the plan, the State educational agency shall—

[(1) provide technical assistance to the local educational agency; and

[(2) provide technical assistance, if applicable, to schools served by the local educational agency that need assistance to enable the local educational agency to meet the annual measurable objectives described in section 1119(a)(2).

[(c) ACCOUNTABILITY.—After the third year of the plan described in section 1119(a)(2), if the State educational agency determines, based on the reports described in section 1119(b)(1), that the local educational agency has failed to make progress toward meeting the annual measurable objectives described in section 1119(a)(2), and has failed to make adequate yearly progress as described under section 1111(b)(2)(B), for 3 consecutive years, the State educational agency shall enter into an agreement with such local educational agency on the use of that agency's funds under this part. As part of this agreement, the State educational agency—

[(1) shall develop, in conjunction with the local educational agency, teachers, and principals, professional development strategies and activities, based on scientifically based research, that the local educational agency will use to meet the annual measurable objectives described in section 1119(a)(2) and require such agency to utilize such strategies and activities; and

[(2)(A) except as provided in subparagraphs (B) and (C), shall prohibit the use of funds received under part A of title I to fund any paraprofessional hired after the date such determination is made;

[(B) shall allow the use of such funds to fund a paraprofessional hired after that date if the local educational agency can demonstrate that the hiring is to fill a vacancy created by the departure of another paraprofessional funded under title I and such new paraprofessional satisfies the requirements of section 1119(c); and

[(C) may allow the use of such funds to fund a paraprofessional hired after that date if the local educational agency can demonstrate—

[(i) that a significant influx of population has substantially increased student enrollment; or

[(ii) that there is an increased need for translators or assistance with parental involvement activities.

[(d) SPECIAL RULE.—During the development of the strategies and activities described in subsection (c)(1), the State educational agency shall, in conjunction with the local educational agency, provide from funds allocated to such local educational agency under subpart 2 directly to one or more schools served by such local educational agency, to enable teachers at the schools to choose, with continuing consultation with the principal involved, professional development activities that—

[(1) meet the requirements for professional development activities described in section 9101; and

[(2) are coordinated with other reform efforts at the schools.]

[Subpart 5—National Activities]

[SEC. 2151. [20 U.S.C. 6651] NATIONAL ACTIVITIES OF DEMONSTRATED EFFECTIVENESS.]

[(a) NATIONAL TEACHER RECRUITMENT CAMPAIGN.—The Secretary is authorized to establish and carry out a national teacher recruitment campaign, which may include activities carried out through the National Teacher Recruitment Clearinghouse, to assist high-need local educational agencies in recruiting teachers (particularly those activities that are effective in retaining new teachers) and training teachers and to conduct a national public service campaign concerning the resources for, and the routes to, entering the field of teaching. In carrying out the campaign, the Secretary may promote and link the activities of the campaign to the information and referral activities of the National Teacher Recruitment Clearinghouse. The Secretary shall coordinate activities under this subsection with State and regional recruitment activities.

[(b) SCHOOL LEADERSHIP.—

[(1) IN GENERAL.—The Secretary is authorized to establish and carry out a national principal recruitment program to assist high-need local educational agencies in recruiting and training principals (including assistant principals) through such activities as—

[(A) providing financial incentives to aspiring new principals;

(B) providing stipends to principals who mentor new principals;

[(C) carrying out professional development programs in instructional leadership and management; and

[(D) providing incentives that are appropriate for teachers or individuals from other fields who want to become principals and that are effective in retaining new principals.

[(2) GRANTS.—If the Secretary uses sums made available under section 2103(b) to carry out paragraph (1), the Secretary shall carry out such paragraph by making grants, on a competitive basis, to—

[(A) high-need local educational agencies;

[(B) consortia of high-need local educational agencies; and

[(C) partnerships of high-need local educational agencies, nonprofit organizations, and institutions of higher education.

[(c) ADVANCED CERTIFICATION OR ADVANCED CREDENTIALING.—

[(1) IN GENERAL.—The Secretary is authorized to support activities to encourage and support teachers seeking advanced certification or advanced credentialing through high quality professional teacher enhancement programs designed to improve teaching and learning.

[(2) IMPLEMENTATION.—In carrying out paragraph (1), the Secretary shall make grants to eligible entities to—

[(A) develop teacher standards that include measures tied to increased student academic achievement; and

[(B) promote outreach, teacher recruitment, teacher subsidy, or teacher support programs, related to teacher certification or credentialing by the National Board for Professional Teaching Standards, the National Council on Teacher Quality, or other nationally recognized certification or credentialing organizations.

[(3) ELIGIBLE ENTITIES.—In this subsection, the term "eligible entity" includes—

[(A) a State educational agency;

[(B) a local educational agency;

[(C) the National Board for Professional Teaching Standards, in partnership with a high-need local educational agency or a State educational agency;

[(D) the National Council on Teacher Quality, in partnership with a high-need local educational agency or a State educational agency; or

[(E) another recognized entity, including another recognized certification or credentialing organization, in partnership with a high-need local educational agency or a State educational agency.

[(d) SPECIAL EDUCATION TEACHER TRAINING.—The Secretary is authorized to award a grant to the University of Northern Colorado to enable such university to provide, to other institutions of higher education, assistance in training special education teachers.

[(e) EARLY CHILDHOOD EDUCATOR PROFESSIONAL DEVELOPMENT.—

[(1) PURPOSE.—The purpose of this subsection is to enhance the school readiness of young children, particularly disadvantaged young children, and to prevent young children from encountering difficulties once the children enter school, by improving the knowledge and skills of early childhood educators who work in communities that have high concentrations of children living in poverty.

[(2) PROGRAM AUTHORIZED.—

[(A) GRANTS TO PARTNERSHIPS.—The Secretary is authorized to carry out the purpose of this subsection by awarding grants, on a competitive basis, to partnerships consisting of—

[(i)(I) one or more institutions of higher education that provide professional development for early childhood educators who work with children from low-income families in high-need communities; or

[(II) another public or private entity that provides such professional development;

[(ii) one or more public agencies (including local educational agencies, State educational agencies, State human services agencies, and State and local agencies administering programs under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.), Head Start agencies, or private organizations; and

[(iii) to the extent feasible, an entity with demonstrated experience in providing training to educators in early childhood education programs concerning identifying and preventing behavior problems or working with children identified as or suspected to be victims of abuse.

[(B) DURATION AND NUMBER OF GRANTS.—

[(i) DURATION.—The Secretary shall award grants under this subsection for periods of not more than 4 years.

[(ii) NUMBER.—No partnership may receive more than one grant under this subsection.

[(3) APPLICATIONS.—

[(A) APPLICATIONS REQUIRED.—Any partnership that desires to receive a grant under this subsection shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

[(B) CONTENTS.—Each such application shall include—

[(i) a description of the high-need community to be served by the project proposed to be carried out through the grant, including such demographic and socioeconomic information as the Secretary may request;

[(ii) information on the quality of the early childhood educator professional development program currently conducted (as of the date of the submission of the application) by the institution of higher education or another provider in the partnership;

[(iii) the results of a needs assessment that the entities in the partnership have undertaken to determine the most critical professional development needs of the early childhood educators to be served by the partnership and in the broader community, and a description of how the proposed project will address those needs;

[(iv) a description of how the proposed project will be carried out, including a description of—

[(I) how individuals will be selected to participate;

[(II) the types of professional development activities, based on scientifically based research, that will be carried out;

[(III) how research on effective professional development and on adult learning will be used to design and deliver project activities;

[(IV) how the project will be coordinated with and build on, and will not supplant or duplicate, early childhood education professional development activities in the high-need community;

[(V) how the project will train early childhood educators to provide developmentally appropriate school-readiness services that are based on the best available research on early childhood pedagogy and child development and learning domains;

[(VI) how the project will train early childhood educators to meet the diverse educational needs of children in the community, including children who have limited English proficiency, children with disabilities, or children with other special needs; and

[(VII) how the project will train early childhood educators in identifying and preventing behavioral problems in children or working with children identified as or suspected to be victims of abuse;

[(v) a description of—

[(I) the specific objectives that the partnership will seek to attain through the project, and the methods that the partnership will use to measure progress toward attainment of those objectives; and

[(II) how the objectives and the measurement methods align with the achievement indicators established by the Secretary under paragraph (6)(A);

[(vi) a description of the partnership's plan for continuing the activities carried out under the project after Federal funding ceases;

[(vii) an assurance that, where applicable, the project will provide appropriate professional development to volunteers working directly with young children, as well as to paid staff; and

[(viii) an assurance that, in developing the application and in carrying out the project, the partnership has consulted with, and will consult with, relevant agencies, early childhood educator organizations, and early childhood providers that are not members of the partnership.

[(4) SELECTION OF GRANT RECIPIENTS.—

[(A) CRITERIA.—The Secretary shall select partnerships to receive grants under this subsection on the basis of the degree to which the communities proposed to be served require assistance and the quality of the applications submitted under paragraph (3).

[(B) GEOGRAPHIC DISTRIBUTION.—In selecting partnerships to receive grants under this subsection, the Secretary shall seek to ensure that communities in different regions

of the Nation, as well as both urban and rural communities, are served.

[(5) USES OF FUNDS.—

[(A) IN GENERAL.—Each partnership receiving a grant under this subsection shall use the grant funds to carry out activities that will improve the knowledge and skills of early childhood educators who are working in early childhood programs that are located in high-need communities and serve concentrations of children from low-income families.

[(B) ALLOWABLE ACTIVITIES.—Such activities may include—

[(i) professional development for early childhood educators, particularly to familiarize those educators with the application of recent research on child, language, and literacy development and on early childhood pedagogy;

[(ii) professional development for early childhood educators in working with parents, so that the educators and parents can work together to provide and support developmentally appropriate school-readiness services that are based on scientifically based research on early childhood pedagogy and child development and learning domains;

[(iii) professional development for early childhood educators to work with children who have limited English proficiency, children with disabilities, and children with other special needs;

[(iv) professional development to train early childhood educators in identifying and preventing behavioral problems in children or working with children identified as or suspected to be victims of abuse;

[(v) activities that assist and support early childhood educators during their first 3 years in the field;

[(vi) development and implementation of early childhood educator professional development programs that make use of distance learning and other technologies;

[(vii) professional development activities related to the selection and use of screening and diagnostic assessments to improve teaching and learning; and

[(viii) data collection, evaluation, and reporting needed to meet the requirements of paragraph (6) relating to accountability.

[(6) ACCOUNTABILITY.—

[(A) ACHIEVEMENT INDICATORS.—On the date on which the Secretary first issues a notice soliciting applications for grants under this subsection, the Secretary shall announce achievement indicators for this subsection, which shall be designed—

[(i) to measure the quality and accessibility of the professional development provided;

[(ii) to measure the impact of that professional development on the early childhood education provided

by the individuals who receive the professional development; and

[(iii) to provide such other measures of program impact as the Secretary determines to be appropriate.

[(B) ANNUAL REPORTS; TERMINATION.—

[(i) ANNUAL REPORTS.—Each partnership receiving a grant under this subsection shall report annually to the Secretary on the partnership's progress toward attaining the achievement indicators.

[(ii) TERMINATION.—The Secretary may terminate a grant under this subsection at any time if the Secretary determines that the partnership receiving the grant is not making satisfactory progress toward attaining the achievement indicators.

[(7) COST-SHARING.—

[(A) IN GENERAL.—Each partnership carrying out a project through a grant awarded under this subsection shall provide, from sources other than the program carried out under this subsection, which may include Federal sources—

[(i) at least 50 percent of the total cost of the project for the grant period; and

[(ii) at least 20 percent of the project cost for each year.

[(B) ACCEPTABLE CONTRIBUTIONS.—A partnership may meet the requirements of subparagraph (A) by providing contributions in cash or in kind, fairly evaluated, including plant, equipment, and services.

[(C) WAIVERS.—The Secretary may waive or modify the requirements of subparagraph (A) for partnerships in cases of demonstrated financial hardship.

[(8) FEDERAL COORDINATION.—The Secretary and the Secretary of Health and Human Services shall coordinate activities carried out through programs under this subsection with activities carried out through other early childhood programs administered by the Secretary or the Secretary of Health and Human Services.

[(9) DEFINITIONS.—In this subsection:

[(A) EARLY CHILDHOOD EDUCATOR.—The term "early childhood educator" means a person providing, or employed by a provider of, nonresidential child care services (including center-based, family-based, and in-home child care services) that is legally operating under State law, and that complies with applicable State and local requirements for the provision of child care services to children at any age from birth through the age at which a child may start kindergarten in that State.

[(B) HIGH-NEED COMMUNITY.—

[(i) IN GENERAL.—The term "high-need community" means—

[(I) a political subdivision of a State, or a portion of a political subdivision of a State, in which at least 50 percent of the children are from low-income families; or

[(II) a political subdivision of a State that is among the 10 percent of political subdivisions of the State having the greatest numbers of such children.

[(ii) DETERMINATION.—In determining which communities are described in clause (i), the Secretary shall use such data as the Secretary determines are most accurate and appropriate.

[(C) LOW-INCOME FAMILY.—The term "low-income family" means a family with an income below the poverty line for the most recent fiscal year for which satisfactory data are available.

[(f) TEACHER MOBILITY.—

[(1) ESTABLISHMENT.—The Secretary is authorized to establish a panel to be known as the National Panel on Teacher Mobility (referred to in this subsection as the "panel").

[(2) MEMBERSHIP.—The panel shall be composed of 12 members appointed by the Secretary. The Secretary shall appoint the members from among practitioners and experts with experience relating to teacher mobility, such as teachers, members of teacher certification or licensing bodies, faculty of institutions of higher education that prepare teachers, and State policymakers with such experience.

[(3) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the panel. Any vacancy in the panel shall not affect the powers of the panel, but shall be filled in the same manner as the original appointment.

[(4) DUTIES.—

[(A) STUDY.—

[(i) IN GENERAL.—The panel shall study strategies for increasing mobility and employment opportunities for highly qualified teachers, especially for States with teacher shortages and States with school districts or schools that are difficult to staff.

[(ii) DATA AND ANALYSIS.—As part of the study, the panel shall evaluate the desirability and feasibility of State initiatives that support teacher mobility by collecting data and conducting effective analysis concerning—

[(I) teacher supply and demand;

[(II) the development of recruitment and hiring strategies that support teachers; and

[(III) increasing reciprocity of certification and licensing across States.

[(B) REPORT.—Not later than 1 year after the date on which all members of the panel have been appointed, the panel shall submit to the Secretary and to the appropriate committees of Congress a report containing the results of the study.

[(5) POWERS.—

[(A) HEARINGS.—The panel may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the panel considers advisable to carry out the objectives of this subsection.

[(B) INFORMATION FROM FEDERAL AGENCIES.—The panel may secure directly from any Federal department or agency such information as the panel considers necessary to carry out the provisions of this subsection. Upon request of a majority of the members of the panel, the head of such department or agency shall furnish such information to the panel.

[(C) POSTAL SERVICES.—The panel may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

[(6) PERSONNEL.—

[(A) TRAVEL EXPENSES.—The members of the panel shall not receive compensation for the performance of services for the panel, but shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the panel. Notwithstanding section 1342 of title 31, United States Code, the Secretary may accept the voluntary and uncompensated services of members of the panel.

[(B) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the panel without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

[(7) PERMANENT COMMITTEE.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the panel.]

[PART B—MATHEMATICS AND SCIENCE PARTNERSHIPS]

[SEC. 2201. PURPOSE; DEFINITIONS.]

[(a) PURPOSE.—The purpose of this part is to improve the academic achievement of students in the areas of mathematics and science by encouraging State educational agencies, institutions of higher education, local educational agencies, elementary schools, and secondary schools to participate in programs that—

[(1) improve and upgrade the status and stature of mathematics and science teaching by encouraging institutions of higher education to assume greater responsibility for improving mathematics and science teacher education through the establishment of a comprehensive, integrated system of recruiting, training, and advising mathematics and science teachers;

[(2) focus on the education of mathematics and science teachers as a career-long process that continuously stimulates teachers' intellectual growth and upgrades teachers' knowledge and skills;

[(3) bring mathematics and science teachers in elementary schools and secondary schools together with scientists, mathematicians, and engineers to increase the subject matter knowledge of mathematics and science teachers and improve such

teachers' teaching skills through the use of sophisticated laboratory equipment and work space, computing facilities, libraries, and other resources that institutions of higher education are better able to provide than the elementary schools and secondary schools;

[(4) develop more rigorous mathematics and science curricula that are aligned with challenging State and local academic content standards and with the standards expected for postsecondary study in engineering, mathematics, and science; and

[(5) improve and expand training of mathematics and science teachers, including training such teachers in the effective integration of technology into curricula and instruction.

[(b) DEFINITIONS.—In this part:

[(1) ELIGIBLE PARTNERSHIP.—The term "eligible partnership" means a partnership that—

[(A) shall include—

[(i) if grants are awarded under section 2202(a)(1), a State educational agency;

[(ii) an engineering, mathematics, or science department of an institution of higher education; and

[(iii) a high-need local educational agency; and

[(B) may include—

[(i) another engineering, mathematics, science, or teacher training department of an institution of higher education;

[(ii) additional local educational agencies, public charter schools, public or private elementary schools or secondary schools, or a consortium of such schools;

[(iii) a business; or

[(iv) a nonprofit or for-profit organization of demonstrated effectiveness in improving the quality of mathematics and science teachers.

[(2) SUMMER WORKSHOP OR INSTITUTE.—The term "summer workshop or institute" means a workshop or institute, conducted during the summer, that—

[(A) is conducted for a period of not less than 2 weeks;

[(B) includes, as a component, a program that provides direct interaction between students and faculty; and

[(C) provides for followup training during the academic year that is conducted in the classroom for a period of not less than three consecutive or nonconsecutive days, except that—

[(i) if the workshop or institute is conducted during a 2-week period, the followup training shall be conducted for a period of not less than 4 days; and

[(ii) if the followup training is for teachers in rural school districts, the followup training may be conducted through distance learning.]

[SEC. 2202. GRANTS FOR MATHEMATICS AND SCIENCE PARTNERSHIPS.]

[(a) GRANTS AUTHORIZED.—

[(1) GRANTS TO PARTNERSHIPS.—For any fiscal year for which the funds appropriated under section 2203 are less than

$100,000,000, the Secretary is authorized to award grants, on a competitive basis, to eligible partnerships to carry out the authorized activities described in subsection (c).

[(2) GRANTS TO STATE EDUCATIONAL AGENCIES.—

[(A) IN GENERAL.—For any fiscal year for which the funds appropriated under section 2203 equal or exceed $100,000,000—

[(i) if an eligible partnership in the State was previously awarded a grant under paragraph (1), and the grant period has not ended, the Secretary shall reserve funds in a sufficient amount to make payments to the partnership in accordance with the terms of the grant; and

[(ii) the Secretary is authorized to award grants to State educational agencies to enable such agencies to award subgrants, on a competitive basis, to eligible partnerships to carry out the authorized activities described in subsection (c).

[(B) ALLOTMENT.—The Secretary shall allot the amount made available under this part for a fiscal year and not reserved under subparagraph (A)(i) among the State educational agencies in proportion to the number of children, aged 5 to 17, who are from families with incomes below the poverty line and reside in a State for the most recent fiscal year for which satisfactory data are available, as compared to the number of such children who reside in all such States for such year.

[(C) MINIMUM ALLOTMENT.—The amount of any State educational agency's allotment under subparagraph (B) for any fiscal year may not be less than one-half of 1 percent of the amount made available under this part for such year.

[(3) DURATION.—The Secretary shall award grants under this part for a period of 3 years.

[(4) SUPPLEMENT, NOT SUPPLANT.—Funds received under this part shall be used to supplement, and not supplant, funds that would otherwise be used for activities authorized under this part.

[(b) APPLICATION REQUIREMENTS.—

[(1) IN GENERAL.—Each eligible partnership desiring a grant or subgrant under this part shall submit an application—

[(A) in the case of grants awarded pursuant to subsection (a)(1), to the Secretary, at such time, in such manner, and accompanied by such information as the Secretary may require; or

[(B) in the case of subgrants awarded pursuant to subsection (a)(2), to the State educational agency, at such time, in such manner, and accompanied by such information as the State educational agency may require.

[(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall include—

[(A) the results of a comprehensive assessment of the teacher quality and professional development needs of any schools, local educational agencies, and State educational

agencies that comprise the eligible partnership with respect to the teaching and learning of mathematics and science;

[(B) a description of how the activities to be carried out by the eligible partnership will be aligned with challenging State academic content and student academic achievement standards in mathematics and science and with other educational reform activities that promote student academic achievement in mathematics and science;

[(C) a description of how the activities to be carried out by the eligible partnership will be based on a review of scientifically based research, and an explanation of how the activities are expected to improve student academic achievement and strengthen the quality of mathematics and science instruction;

[(D) a description of—

[(i) how the eligible partnership will carry out the authorized activities described in subsection (c); and

[(ii) the eligible partnership's evaluation and accountability plan described in subsection (e); and

[(E) a description of how the eligible partnership will continue the activities funded under this part after the original grant or subgrant period has expired.

[(c) AUTHORIZED ACTIVITIES.—An eligible partnership shall use funds provided under this part for one or more of the following activities related to elementary schools or secondary schools:

[(1) Creating opportunities for enhanced and ongoing professional development of mathematics and science teachers that improves the subject matter knowledge of such teachers.

[(2) Promoting strong teaching skills for mathematics and science teachers and teacher educators, including integrating reliable scientifically based research teaching methods and technology-based teaching methods into the curriculum.

[(3) Establishing and operating mathematics and science summer workshops or institutes, including followup training, for elementary school and secondary school mathematics and science teachers that—

[(A) shall—

[(i) directly relate to the curriculum and academic areas in which the teacher provides instruction, and focus only secondarily on pedagogy;

[(ii) enhance the ability of the teacher to understand and use the challenging State academic content standards for mathematics and science and to select appropriate curricula; and

[(iii) train teachers to use curricula that are—

[(I) based on scientific research;

[(II) aligned with challenging State academic content standards; and

[(III) object-centered, experiment-oriented, and concept- and content-based; and

[(B) may include—

[(i) programs that provide teachers and prospective teachers with opportunities to work under the guidance of experienced teachers and college faculty;

[(ii) instruction in the use of data and assessments to inform and instruct classroom practice; and

[(iii) professional development activities, including supplemental and followup activities, such as curriculum alignment, distance learning, and activities that train teachers to utilize technology in the classroom.

[(4) Recruiting mathematics, engineering, and science majors to teaching through the use of—

[(A) signing and performance incentives that are linked to activities proven effective in retaining teachers, for individuals with demonstrated professional experience in mathematics, engineering, or science;

[(B) stipends provided to mathematics and science teachers for certification through alternative routes;

[(C) scholarships for teachers to pursue advanced course work in mathematics, engineering, or science; and

[(D) other programs that the State educational agency determines to be effective in recruiting and retaining individuals with strong mathematics, engineering, or science backgrounds.

[(5) Developing or redesigning more rigorous mathematics and science curricula that are aligned with challenging State and local academic content standards and with the standards expected for postsecondary study in mathematics and science.

[(6) Establishing distance learning programs for mathematics and science teachers using curricula that are innovative, content-based, and based on scientifically based research that is current as of the date of the program involved.

[(7) Designing programs to prepare a mathematics or science teacher at a school to provide professional development to other mathematics or science teachers at the school and to assist beginning and other teachers at the school, including (if applicable) a mechanism to integrate the teacher's experiences from a summer workshop or institute into the provision of professional development and assistance.

[(8) Establishing and operating programs to bring mathematics and science teachers into contact with working scientists, mathematicians, and engineers, to expand such teachers' subject matter knowledge of and research in science and mathematics.

[(9) Designing programs to identify and develop exemplary mathematics and science teachers in the kindergarten through grade 8 classrooms.

[(10) Training mathematics and science teachers and developing programs to encourage young women and other underrepresented individuals in mathematics and science careers (including engineering and technology) to pursue postsecondary degrees in majors leading to such careers.

[(d) COORDINATION AND CONSULTATION.—

[(1) PARTNERSHIP GRANTS.—An eligible partnership receiving a grant under section 203 of the Higher Education Act of 1965 shall coordinate the use of such funds with any related activities carried out by such partnership with funds made available under this part.

[(2) NATIONAL SCIENCE FOUNDATION.—In carrying out the activities authorized by this part, the Secretary shall consult and coordinate with the Director of the National Science Foundation, particularly with respect to the appropriate roles for the Department and the Foundation in the conduct of summer workshops, institutes, or partnerships to improve mathematics and science teaching in elementary schools and secondary schools.

[(e) EVALUATION AND ACCOUNTABILITY PLAN.—

[(1) IN GENERAL.—Each eligible partnership receiving a grant or subgrant under this part shall develop an evaluation and accountability plan for activities assisted under this part that includes rigorous objectives that measure the impact of activities funded under this part.

[(2) CONTENTS.—The plan developed pursuant to paragraph (1)—

[(A) shall include measurable objectives to increase the number of mathematics and science teachers who participate in content-based professional development activities;

[(B) shall include measurable objectives for improved student academic achievement on State mathematics and science assessments or, where applicable, an International Mathematics and Science Study assessment; and

[(C) may include objectives and measures for—

[(i) increased participation by students in advanced courses in mathematics and science;

[(ii) increased percentages of elementary school teachers with academic majors or minors, or group majors or minors, in mathematics, engineering, or the sciences; and

[(iii) increased percentages of secondary school classes in mathematics and science taught by teachers with academic majors in mathematics, engineering, and science.

[(f) REPORT.—Each eligible partnership receiving a grant or subgrant under this part shall report annually to the Secretary regarding the eligible partnership's progress in meeting the objectives described in the accountability plan of the partnership under subsection (e).]

[SEC. 2203. AUTHORIZATION OF APPROPRIATIONS.]

[There are authorized to be appropriated to carry out this part $450,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years.]

[PART C—INNOVATION FOR TEACHER QUALITY]

[Subpart 1—Transitions to Teaching]

[CHAPTER A—TROOPS-TO-TEACHERS PROGRAM]

[SEC. 2301. DEFINITIONS.]

[In this chapter:

[(1) ARMED FORCES.—The term "Armed Forces" means the Army, Navy, Air Force, Marine Corps, and Coast Guard.

[(2) MEMBER OF THE ARMED FORCES.—The term "member of the Armed Forces" includes a former member of the Armed Forces.

[(3) PROGRAM.—The term "Program" means the Troops-to-Teachers Program authorized by this chapter.

[(4) RESERVE COMPONENT.—The term "reserve component" means—

[(A) the Army National Guard of the United States;

[(B) the Army Reserve;

[(C) the Navy Reserve;

[(D) the Marine Corps Reserve;

[(E) the Air National Guard of the United States;

[(F) the Air Force Reserve; and

[(G) the Coast Guard Reserve.

[(5) SECRETARY CONCERNED.—The term "Secretary concerned" means—

[(A) the Secretary of the Army, with respect to matters concerning a reserve component of the Army;

[(B) the Secretary of the Navy, with respect to matters concerning reserve components named in subparagraphs (C) and (D) of paragraph (4);

[(C) the Secretary of the Air Force, with respect to matters concerning a reserve component of the Air Force; and

[(D) the Secretary of Homeland Security, with respect to matters concerning the Coast Guard Reserve.]

[SEC. 2302. [20 U.S.C. 6672] AUTHORIZATION OF TROOPS-TO-TEACHERS PROGRAM.]

[(a) PURPOSE.—The purpose of this section is to authorize a mechanism for the funding and administration of the Troops-to-Teachers Program, which was originally established by the Troops-to-Teachers Program Act of 1999 (title XVII of the National Defense Authorization Act for Fiscal Year 2000) (20 U.S.C. 9301 et seq.).

[(b) PROGRAM AUTHORIZED.—The Secretary may carry out a program (to be known as the "Troops-to-Teachers Program")—

[(1) to assist eligible members of the Armed Forces described in section 2303 to obtain certification or licensing as elementary school teachers, secondary school teachers, or vocational or technical teachers, and to become highly qualified teachers; and

[(2) to facilitate the employment of such members—

[(A) by local educational agencies or public charter schools that the Secretary identifies as—

[(i) receiving grants under part A of title I as a result of having within their jurisdictions concentrations of children from low-income families; or

[(ii) experiencing a shortage of highly qualified teachers, in particular a shortage of science, mathematics, special education, or vocational or technical teachers; and

[(B) in elementary schools or secondary schools, or as vocational or technical teachers.

[(c) ADMINISTRATION OF PROGRAM.—The Secretary shall enter into a memorandum of agreement with the Secretary of Defense under which the Secretary of Defense, acting through the Defense Activity for Non-Traditional Education Support of the Department of Defense, will perform the actual administration of the Program, other than section 2306. Using funds appropriated to the Secretary to carry out this chapter, the Secretary shall transfer to the Secretary of Defense such amounts as may be necessary to administer the Program pursuant to the memorandum of agreement.

[(d) INFORMATION REGARDING PROGRAM.—The Secretary shall provide to the Secretary of Defense information regarding the Program and applications to participate in the Program, for distribution as part of preseparation counseling provided under section 1142 of title 10, United States Code, to members of the Armed Forces described in section 2303.

[(e) PLACEMENT ASSISTANCE AND REFERRAL SERVICES.—The Secretary may, with the agreement of the Secretary of Defense, provide placement assistance and referral services to members of the Armed Forces who meet the criteria described in section 2303, including meeting education qualification requirements under subsection 2303(c)(2). Such members shall not be eligible for financial assistance under subsections (c) and (d) of section 2304.]

[SEC. 2303. RECRUITMENT AND SELECTION OF PROGRAM PARTICIPANTS.]

[(a) ELIGIBLE MEMBERS.—The following members of the Armed Forces are eligible for selection to participate in the Program:

[(1) Any member who—

[(A) on or after October 1, 1999, becomes entitled to retired or retainer pay in the manner provided in title 10 or title 14, United States Code;

[(B) has an approved date of retirement that is within 1 year after the date on which the member submits an application to participate in the Program; or

[(C) has been transferred to the Retired Reserve.

[(2) Any member who, on or after the date of enactment of the No Child Left Behind Act of 2001—

[(A)(i) is separated or released from active duty after 6 or more years of continuous active duty immediately before the separation or release; or

[(ii) has completed a total of at least 10 years of active duty service, 10 years of service computed under section 12732 of title 10, United States Code, or 10 years of any combination of such service; and

[(B) executes a reserve commitment agreement for a period of not less than 3 years under subsection (e)(2).

[(3) Any member who, on or after the date of enactment of the No Child Left Behind Act of 2001, is retired or separated for physical disability under chapter 61 of title 10, United States Code.

[(4) Any member who—

[(A) during the period beginning on October 1, 1990, and ending on September 30, 1999, was involuntarily discharged or released from active duty for purposes of a reduction of force after 6 or more years of continuous active duty immediately before the discharge or release; or

[(B) applied for the teacher placement program administered under section 1151 of title 10, United States Code, before the repeal of that section, and satisfied the eligibility criteria specified in subsection (c) of such section 1151.

[(b) SUBMISSION OF APPLICATIONS.—

[(1) FORM AND SUBMISSION.—Selection of eligible members of the Armed Forces to participate in the Program shall be made on the basis of applications submitted to the Secretary within the time periods specified in paragraph (2). An application shall be in such form and contain such information as the Secretary may require.

[(2) TIME FOR SUBMISSION.—An application shall be considered to be submitted on a timely basis under paragraph (1) if—

[(A) in the case of a member described in paragraph (1)(A), (2), or (3) of subsection (a), the application is submitted not later than 4 years after the date on which the member is retired or separated or released from active duty, whichever applies to the member; or

[(B) in the case of a member described in subsection (a)(4), the application is submitted not later than September 30, 2003.

[(c) SELECTION CRITERIA.—

[(1) ESTABLISHMENT.—Subject to paragraphs (2) and (3), the Secretary shall prescribe the criteria to be used to select eligible members of the Armed Forces to participate in the Program.

[(2) EDUCATIONAL BACKGROUND.—

[(A) ELEMENTARY OR SECONDARY SCHOOL TEACHER.—If a member of the Armed Forces described in paragraph (1), (2), or (3) of subsection (a) is applying for assistance for placement as an elementary school or secondary school teacher, the Secretary shall require the member to have received a baccalaureate or advanced degree from an accredited institution of higher education.

[(B) VOCATIONAL OR TECHNICAL TEACHER.—If a member of the Armed Forces described in paragraph (1), (2), or (3) of subsection (a) is applying for assistance for placement as a vocational or technical teacher, the Secretary shall require the member—

[ave received the equivalent of 1 year of college from an accredited institution of higher education and have 6 or more years of military experience in a vocational or technical field; or

[(ii) to otherwise meet the certification or licensing requirements for a vocational or technical teacher in the State in which the member seeks assistance for placement under the Program.

[(3) HONORABLE SERVICE.—A member of the Armed Forces is eligible to participate in the Program only if the member's last period of service in the Armed Forces was honorable, as characterized by the Secretary concerned (as defined in section 101(a)(9) of title 10, United States Code). A member selected to participate in the Program before the retirement of the member or the separation or release of the member from active duty may continue to participate in the Program after the retirement, separation, or release only if the member's last period of service is characterized as honorable by the Secretary concerned (as so defined).

[(d) SELECTION PRIORITIES.—In selecting eligible members of the Armed Forces to receive assistance under the Program, the Secretary shall give priority to members who have educational or military experience in science, mathematics, special education, or vocational or technical subjects and agree to seek employment as science, mathematics, or special education teachers in elementary schools or secondary schools or in other schools under the jurisdiction of a local educational agency.

[(e) OTHER CONDITIONS ON SELECTION.—

[(1) SELECTION SUBJECT TO FUNDING.—The Secretary may not select an eligible member of the Armed Forces to participate in the Program under this section and receive financial assistance under section 2304 unless the Secretary has sufficient appropriations for the Program available at the time of the selection to satisfy the obligations to be incurred by the United States under section 2304 with respect to the member.

[(2) RESERVE COMMITMENT AGREEMENT.—The Secretary may not select an eligible member of the Armed Forces described in subsection (a)(2)(A) to participate in the Program under this section and receive financial assistance under section 2304 unless—

[(A) the Secretary notifies the Secretary concerned and the member that the Secretary has reserved a full stipend or bonus under section 2304 for the member; and

[(B) the member executes a written agreement with the Secretary concerned to serve as a member of the Selected Reserve of a reserve component of the Armed Forces for a period of not less than 3 years (in addition to any other reserve commitment the member may have).]

[SEC. 2304. [20 U.S.C. 6674] PARTICIPATION AGREEMENT AND FINANCIAL ASSISTANCE.]

[(a) PARTICIPATION AGREEMENT.—

[(1) IN GENERAL.—An eligible member of the Armed Forces selected to participate in the Program under section 2303 and receive financial assistance under this section shall be required to enter into an agreement with the Secretary in which the member agrees—

[(A) within such time as the Secretary may require, to obtain certification or licensing as an elementary school

teacher, secondary school teacher, or vocational or technical teacher, and to become a highly qualified teacher; and

[(B) to accept an offer of full-time employment as an elementary school teacher, secondary school teacher, or vocational or technical teacher for not less than 3 school years with a high-need local educational agency or public charter school, as such terms are defined in section 2101, to begin the school year after obtaining that certification or licensing.

[(2) WAIVER.—The Secretary may waive the 3-year commitment described in paragraph (1)(B) for a participant if the Secretary determines such waiver to be appropriate. If the Secretary provides the waiver, the participant shall not be considered to be in violation of the agreement and shall not be required to provide reimbursement under subsection (f), for failure to meet the 3-year commitment.

[(b) VIOLATION OF PARTICIPATION AGREEMENT; EXCEPTIONS.—A participant in the Program shall not be considered to be in violation of the participation agreement entered into under subsection (a) during any period in which the participant—

[(1) is pursuing a full-time course of study related to the field of teaching at an institution of higher education;

[(2) is serving on active duty as a member of the Armed Forces;

[(3) is temporarily totally disabled for a period of time not to exceed 3 years as established by sworn affidavit of a qualified physician;

[(4) is unable to secure employment for a period not to exceed 12 months by reason of the care required by a spouse who is disabled;

[(5) is a highly qualified teacher who is seeking and unable to find full-time employment as a teacher in an elementary school or secondary school or as a vocational or technical teacher for a single period not to exceed 27 months; or

[(6) satisfies the provisions of additional reimbursement exceptions that may be prescribed by the Secretary.

[(c) STIPEND FOR PARTICIPANTS.—

[(1) STIPEND AUTHORIZED.—Subject to paragraph (2), the Secretary may pay to a participant in the Program selected under section 2303 a stipend in an amount of not more than $5,000.

[(2) LIMITATION.—The total number of stipends that may be paid under paragraph (1) in any fiscal year may not exceed 5,000.

[(d) BONUS FOR PARTICIPANTS.—

[(1) BONUS AUTHORIZED.—Subject to paragraph (2), the Secretary may, in lieu of paying a stipend under subsection (c), pay a bonus of $10,000 to a participant in the Program selected under section 2303 who agrees in the participation agreement under subsection (a) to become a highly qualified teacher and to accept full-time employment as an elementary school teacher, secondary school teacher, or vocational or technical teacher for not less than 3 school years in a high-need school.

[(2) LIMITATION.—The total number of bonuses that may be paid under paragraph (1) in any fiscal year may not exceed 3,000.

[(3) HIGH-NEED SCHOOL DEFINED.—In this subsection, the term "high-need school" means a public elementary school, public secondary school, or public charter school that meets one or more of the following criteria:

[(A) LOW-INCOME CHILDREN.—At least 50 percent of the students enrolled in the school were from low-income families (as described in section 2302(b)(2)(A)(i)).

[(B) CHILDREN WITH DISABILITIES.—The school has a large percentage of students who qualify for assistance under part B of the Individuals with Disabilities Education Act.

[(e) TREATMENT OF STIPEND AND BONUS.—A stipend or bonus paid under this section to a participant in the Program shall be taken into account in determining the eligibility of the participant for Federal student financial assistance provided under title IV of the Higher Education Act of 1965.

[(f) REIMBURSEMENT UNDER CERTAIN CIRCUMSTANCES.—

[(1) REIMBURSEMENT REQUIRED.—A participant in the Program who is paid a stipend or bonus under this section shall be required to repay the stipend or bonus under the following circumstances:

[(A) FAILURE TO OBTAIN QUALIFICATIONS OR EMPLOYMENT.—The participant fails to obtain teacher certification or licensing, to become a highly qualified teacher, or to obtain employment as an elementary school teacher, secondary school teacher, or vocational or technical teacher as required by the participation agreement under subsection (a).

[(B) TERMINATION OF EMPLOYMENT.—The participant voluntarily leaves, or is terminated for cause from, employment as an elementary school teacher, secondary school teacher, or vocational or technical teacher during the 3 years of required service in violation of the participation agreement.

[(C) FAILURE TO COMPLETE SERVICE UNDER RESERVE COMMITMENT AGREEMENT.—The participant executed a written agreement with the Secretary concerned under section 2303(e)(2) to serve as a member of a reserve component of the Armed Forces for a period of 3 years and fails to complete the required term of service.

[(2) AMOUNT OF REIMBURSEMENT.—A participant required to reimburse the Secretary for a stipend or bonus paid to the participant under this section shall pay an amount that bears the same ratio to the amount of the stipend or bonus as the unserved portion of required service bears to the 3 years of required service. Any amount owed by the participant shall bear interest at the rate equal to the highest rate being paid by the United States on the day on which the reimbursement is determined to be due for securities having maturities of 90 days or less and shall accrue from the day on which the participant is first notified of the amount due.

[(3) TREATMENT OF OBLIGATION.—The obligation to reimburse the Secretary under this subsection is, for all purposes, a debt owing the United States. A discharge in bankruptcy under title 11, United States Code, shall not release a participant from the obligation to reimburse the Secretary under this subsection.

[(4) EXCEPTIONS TO REIMBURSEMENT REQUIREMENT.—A participant shall be excused from reimbursement under this subsection if the participant becomes permanently totally disabled as established by sworn affidavit of a qualified physician. The Secretary may also waive the reimbursement in cases of extreme hardship to the participant, as determined by the Secretary.

[(g) RELATIONSHIP TO EDUCATIONAL ASSISTANCE UNDER MONTGOMERY GI BILL.—The receipt by a participant in the Program of a stipend or bonus under this section shall not reduce or otherwise affect the entitlement of the participant to any benefits under chapter 30 of title 38, United States Code, or chapter 1606 of title 10, United States Code.]

[SEC. 2305. [20 U.S.C. 6675] PARTICIPATION BY STATES.]

[(a) DISCHARGE OF STATE ACTIVITIES THROUGH CONSORTIA OF STATES.—The Secretary may permit States participating in the Program to carry out activities authorized for such States under the Program through one or more consortia of such States.

[(b) ASSISTANCE TO STATES.—

[(1) GRANTS AUTHORIZED.—Subject to paragraph (2), the Secretary may make grants to States participating in the Program, or to consortia of such States, in order to permit such States or consortia of States to operate offices for purposes of recruiting eligible members of the Armed Forces for participation in the Program and facilitating the employment of participants in the Program as elementary school teachers, secondary school teachers, and vocational or technical teachers.

[(2) LIMITATION.—The total amount of grants made under paragraph (1) in any fiscal year may not exceed $5,000,000.]

[SEC. 2306. [20 U.S.C. 6676] SUPPORT OF INNOVATIVE PRERETIREMENT TEACHER CERTIFICATION PROGRAMS.]

[(a) PURPOSE.—The purpose of this section is to provide funding to develop, implement, and demonstrate teacher certification programs.

[(b) DEVELOPMENT, IMPLEMENTATION AND DEMONSTRATION.—The Secretary may enter into a memorandum of agreement with a State educational agency, an institution of higher education, or a consortia of State educational agencies or institutions of higher education, to develop, implement, and demonstrate teacher certification programs for members of the Armed Forces described in section 2303(a)(1)(B) for the purpose of assisting such members to consider and prepare for a career as a highly qualified elementary school teacher, secondary school teacher, or vocational or technical teacher upon retirement from the Armed Forces.

[(c) PROGRAM ELEMENTS.—A teacher certification program under subsection (b) shall—

[(1) provide recognition of military experience and training as related to certification or licensing requirements;

[(2) provide courses of instruction that may be conducted on or near a military installation;

[(3) incorporate alternative approaches to achieve teacher certification, such as innovative methods to gaining field-based teaching experiences, and assessment of background and experience as related to skills, knowledge, and abilities required of elementary school teachers, secondary school teachers, or vocational or technical teachers;

[(4) provide for courses to be delivered via distance education methods; and

[(5) address any additional requirements or specifications established by the Secretary.

[(d) APPLICATION PROCEDURES.—

[(1) IN GENERAL.—A State educational agency or institution of higher education (or a consortium of State educational agencies or institutions of higher education) that desires to enter into a memorandum under subsection (b) shall prepare and submit to the Secretary a proposal, at such time, in such manner, and containing such information as the Secretary may require, including an assurance that the State educational agency, institution, or consortium is operating a program leading to State approved teacher certification.

[(2) PREFERENCE.—The Secretary shall give preference to State educational agencies, institutions, and consortia that submit proposals that provide for cost sharing with respect to the program involved.

[(e) CONTINUATION OF PROGRAMS.—Upon successful completion of the demonstration phase of teacher certification programs funded under this section, the continued operation of the teacher certification programs shall not be the responsibility of the Secretary. A State educational agency, institution, or consortium that desires to continue a program that is funded under this section after such funding is terminated shall use amounts derived from tuition charges to continue such program.

[(f) FUNDING LIMITATION.—The total amount obligated by the Secretary under this section for any fiscal year may not exceed $10,000,000.]

[SEC. 2307. REPORTING REQUIREMENTS.]

[(a) REPORT REQUIRED.—Not later than March 31, 2006, the Secretary (in consultation with the Secretary of Defense and the Secretary of Homeland Security) and the Comptroller General of the United States shall submit to Congress a report on the effectiveness of the Program in the recruitment and retention of qualified personnel by local educational agencies and public charter schools.

[(b) ELEMENTS OF REPORT.—The report submitted under subsection (a) shall include information on the following:

[(1) The number of participants in the Program.

[(2) The schools in which the participants are employed.

[(3) The grade levels at which the participants teach.

[(4) The academic subjects taught by the participants.

[(5) The rates of retention of the participants by the local educational agencies and public charter schools employing the participants.

[(6) Such other matters as the Secretary or the Comptroller General of the United States, as the case may be, considers to be appropriate.]

[CHAPTER B—TRANSITION TO TEACHING PROGRAM]

[SEC. 2311. PURPOSES.]

[The purposes of this chapter are—

[(1) to establish a program to recruit and retain highly qualified mid-career professionals (including highly qualified paraprofessionals), and recent graduates of an institution of higher education, as teachers in high-need schools, including recruiting teachers through alternative routes to certification; and

[(2) to encourage the development and expansion of alternative routes to certification under State-approved programs that enable individuals to be eligible for teacher certification within a reduced period of time, relying on the experience, expertise, and academic qualifications of an individual, or other factors in lieu of traditional course work in the field of education.]

[SEC. 2312. DEFINITIONS.]

[In this chapter:

[(1) ELIGIBLE PARTICIPANT.—The term "eligible participant" means—

[(A) an individual with substantial, demonstrable career experience, including a highly qualified paraprofessional; or

[(B) an individual who is a graduate of an institution of higher education who—

[(i) has graduated not more than 3 years before applying to an eligible entity to teach under this chapter; and

[(ii) in the case of an individual wishing to teach in a secondary school, has completed an academic major (or courses totaling an equivalent number of credit hours) in the academic subject that the individual will teach.

[(2) HIGH-NEED LOCAL EDUCATIONAL AGENCY.—The term "high-need local educational agency" has the meaning given the term in section 2102.

[(3) HIGH-NEED SCHOOL.—The term "high-need school" means a school that—

[(A) is located in an area in which the percentage of students from families with incomes below the poverty line is 30 percent or more; or

[(B)(i) is located in an area with a high percentage of out-of-field teachers, as defined in section 2102;

[(ii) is within the top quartile of elementary schools and secondary schools statewide, as ranked by the number of unfilled, available teacher positions at the schools;

[(iii) is located in an area in which there is a high teacher turnover rate; or

[(iv) is located in an area in which there is a high percentage of teachers who are not certified or licensed.]

[SEC. 2313. RANT PROGRAM.]

[(a) IN GENERAL.—The Secretary may establish a program to make grants on a competitive basis to eligible entities to develop State and local teacher corps or other programs to establish, expand, or enhance teacher recruitment and retention efforts.

[(b) ELIGIBLE ENTITY.—To be eligible to receive a grant under this section, an entity shall be—

[(1) a State educational agency;

[(2) a high-need local educational agency;

[(3) a for-profit or nonprofit organization that has a proven record of effectively recruiting and retaining highly qualified teachers, in a partnership with a high-need local educational agency or with a State educational agency;

[(4) an institution of higher education, in a partnership with a high-need local educational agency or with a State educational agency;

[(5) a regional consortium of State educational agencies; or

[(6) a consortium of high-need local educational agencies.

[(c) PRIORITY.—In making such a grant, the Secretary shall give priority to a partnership or consortium that includes a high-need State educational agency or local educational agency.

[(d) APPLICATION.—

[(1) IN GENERAL.—To be eligible to receive a grant under this section, an entity described in subsection (b) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

[(2) CONTENTS.—The application shall describe—

[(A) one or more target recruitment groups on which the applicant will focus its recruitment efforts;

[(B) the characteristics of each such target group that—

[(i) show the knowledge and experience of the group's members; and

[(ii) demonstrate that the members are eligible to achieve the objectives of this section;

[(C) describe how the applicant will use funds received under this section to develop a teacher corps or other program to recruit and retain highly qualified midcareer professionals (which may include highly qualified paraprofessionals), recent college graduates, and recent graduate school graduates, as highly qualified teachers in high-need schools operated by high-need local educational agencies;

[(D) explain how the program carried out under the grant will meet the relevant State laws (including regulations) related to teacher certification or licensing and facilitate the certification or licensing of such teachers;

[(E) describe how the grant will increase the number of highly qualified teachers, in high-need schools operated by high-need local educational agencies (in urban or rural school districts), and in high-need academic subjects, in the jurisdiction served by the applicant; and

[(F) describe how the applicant will collaborate, as needed, with other institutions, agencies, or organizations to recruit (particularly through activities that have proven effective in retaining highly qualified teachers), train, place, support, and provide teacher induction programs to program participants under this chapter, including providing evidence of the commitment of the institutions, agencies, or organizations to the applicant's programs.

[(e) DURATION OF GRANTS.—The Secretary may make grants under this section for periods of 5 years. At the end of the 5-year period for such a grant, the grant recipient may apply for an additional grant under this section.

[(f) EQUITABLE DISTRIBUTION.—To the extent practicable, the Secretary shall ensure an equitable geographic distribution of grants under this section among the regions of the United States.

[(g) USES OF FUNDS.—

[(1) IN GENERAL.—An entity that receives a grant under this section shall use the funds made available through the grant to develop a teacher corps or other program in order to establish, expand, or enhance a teacher recruitment and retention program for highly qualified mid-career professionals (including highly qualified paraprofessionals), and recent graduates of an institution of higher education, who are eligible participants, including activities that provide alternative routes to teacher certification.

[(2) AUTHORIZED ACTIVITIES.—The entity shall use the funds to carry out a program that includes two or more of the following activities:

[(A) Providing scholarships, stipends, bonuses, and other financial incentives, that are linked to participation in activities that have proven effective in retaining teachers in high-need schools operated by high-need local educational agencies, to all eligible participants, in an amount not to exceed $5,000 per participant.

[(B) Carrying out pre- and post-placement induction or support activities that have proven effective in recruiting and retaining teachers, such as—

[(i) teacher mentoring;

[(ii) providing internships;

[(iii) providing high-quality, preservice coursework; and

[(iv) providing high-quality, sustained inservice professional development.

[(C) Carrying out placement and ongoing activities to ensure that teachers are placed in fields in which the teachers are highly qualified to teach and are placed in high-need schools.

[(D) Making payments to pay for costs associated with accepting teachers recruited under this section from among eligible participants or provide financial incentives to prospective teachers who are eligible participants.

[(E) Collaborating with institutions of higher education in developing and implementing programs to facilitate

teacher recruitment (including teacher credentialing) and teacher retention programs.

[(F) Carrying out other programs, projects, and activities that are designed and have proven to be effective in recruiting and retaining teachers, and that the Secretary determines to be appropriate.

[(G) Developing long-term recruitment and retention strategies including developing—

[(i) a statewide or regionwide clearinghouse for the recruitment and placement of teachers;

[(ii) administrative structures to develop and implement programs to provide alternative routes to certification;

[(iii) reciprocity agreements between or among States for the certification or licensing of teachers; or

[(iv) other long-term teacher recruitment and retention strategies.

[(3) EFFECTIVE PROGRAMS.—The entity shall use the funds only for programs that have proven to be effective in both recruiting and retaining teachers.

[(h) REQUIREMENTS.—

[(1) TARGETING.—An entity that receives a grant under this section to carry out a program shall ensure that participants in the program recruited with funds made available under this section are placed in high-need schools operated by high-need local educational agencies. In placing the participants in the schools, the entity shall give priority to the schools that are located in areas with the highest percentages of students from families with incomes below the poverty line.

[(2) SUPPLEMENT, NOT SUPPLANT.—Funds made available under this section shall be used to supplement, and not supplant, State and local public funds expended for teacher recruitment and retention programs, including programs to recruit the teachers through alternative routes to certification.

[(3) PARTNERSHIPS AND CONSORTIA OF LOCAL EDUCATIONAL AGENCIES.—In the case of a partnership established by a local educational agency to carry out a program under this chapter, or a consortium of such agencies established to carry out a program under this chapter, the local educational agency or consortium shall not be eligible to receive funds through a State program under this chapter.

[(i) PERIOD OF SERVICE.—A program participant in a program under this chapter who receives training through the program shall serve a high-need school operated by a high-need local educational agency for at least 3 years.

[(j) REPAYMENT.—The Secretary shall establish such requirements as the Secretary determines to be appropriate to ensure that program participants who receive a stipend or other financial incentive under subsection (g)(2)(A), but fail to complete their service obligation under subsection (i), repay all or a portion of such stipend or other incentive.

[(k) ADMINISTRATIVE FUNDS.—No entity that receives a grant under this section shall use more than 5 percent of the funds made

available through the grant for the administration of a program under this chapter carried out under the grant.]

[SEC. 2314. [20 U.S.C. 6684] EVALUATION AND ACCOUNTABILITY FOR RECRUITING AND RETAINING TEACHERS.]

[(a) EVALUATION.—Each entity that receives a grant under this chapter shall conduct—

[(1) an interim evaluation of the program funded under the grant at the end of the third year of the grant period; and

[(2) a final evaluation of the program at the end of the fifth year of the grant period.

[(b) CONTENTS.—In conducting the evaluation, the entity shall describe the extent to which local educational agencies that received funds through the grant have met the goals relating to teacher recruitment and retention described in the application.

[(c) REPORTS.—The entity shall prepare and submit to the Secretary and to Congress interim and final reports containing the results of the interim and final evaluations, respectively.

[(d) REVOCATION.—If the Secretary determines that the recipient of a grant under this chapter has not made substantial progress in meeting such goals and the objectives of the grant by the end of the third year of the grant period, the Secretary—

[(1) shall revoke the payment made for the fourth year of the grant period; and

[(2) shall not make a payment for the fifth year of the grant period.]

[CHAPTER C—GENERAL PROVISIONS]

[SEC. 2321. AUTHORIZATION OF APPROPRIATIONS.]

[(a) IN GENERAL.—There are authorized to be appropriated to carry out this subpart $150,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years.

[(b) RESERVATION.—From the funds appropriated to carry out this subpart for fiscal year 2002, the Secretary shall reserve not more than $30,000,000 to carry out chapter A.]

[Subpart 2—National Writing Project]

[SEC. 2331. PURPOSES.]

[The purposes of this subpart are—

[(1) to support and promote the expansion of the National Writing Project network of sites so that teachers in every region of the United States will have access to a National Writing Project program;

[(2) to ensure the consistent high quality of the sites through ongoing review, evaluation, and technical assistance;

[(3) to support and promote the establishment of programs to disseminate effective practices and research findings about the teaching of writing; and

[(4) to coordinate activities assisted under this subpart with activities assisted under this Act.]

[SEC. 2332. NATIONAL WRITING PROJECT.]

[(a) AUTHORIZATION.—The Secretary is authorized to award a grant to the National Writing Project, a nonprofit educational orga-

nization that has as its primary purpose the improvement of the quality of student writing and learning (hereafter in this section referred to as the "grantee") to improve the teaching of writing and the use of writing as a part of the learning process in our Nation's classrooms.

[(b) REQUIREMENTS OF GRANT.—The grant shall provide that—

[(1) the grantee will enter into contracts with institutions of higher education or other nonprofit educational providers (hereafter in this section referred to as "contractors") under which the contractors will agree to establish, operate, and provide the non-Federal share of the cost of teacher training programs in effective approaches and processes for the teaching of writing;

[(2) funds made available by the Secretary to the grantee pursuant to any contract entered into under this section will be used to pay the Federal share of the cost of establishing and operating teacher training programs as provided in paragraph (1); and

[(3) the grantee will meet such other conditions and standards as the Secretary determines to be necessary to assure compliance with the provisions of this section and will provide such technical assistance as may be necessary to carry out the provisions of this section.

[(c) TEACHER TRAINING PROGRAMS.—The teacher training programs authorized in subsection (a) shall—

[(1) be conducted during the school year and during the summer months;

[(2) train teachers who teach grades kindergarten through college;

[(3) select teachers to become members of a National Writing Project teacher network whose members will conduct writing workshops for other teachers in the area served by each National Writing Project site; and

[(4) encourage teachers from all disciplines to participate in such teacher training programs.

[(d) FEDERAL SHARE.—

[(1) IN GENERAL.—Except as provided in paragraph (2) or (3) and for purposes of subsection (a), the term "Federal share" means, with respect to the costs of teacher training programs authorized in subsection (a), 50 percent of such costs to the contractor.

[(2) WAIVER.—The Secretary may waive the provisions of paragraph (1) on a case-by-case basis if the National Advisory Board described in subsection (e) determines, on the basis of financial need, that such waiver is necessary.

[(3) MAXIMUM.—The Federal share of the costs of teacher training programs conducted pursuant to subsection (a) may not exceed $100,000 for any one contractor, or $200,000 for a statewide program administered by any one contractor in at least five sites throughout the State.

[(e) NATIONAL ADVISORY BOARD.—

[(1) ESTABLISHMENT.—The National Writing Project shall establish and operate a National Advisory Board.

[(2) COMPOSITION.—The National Advisory Board established pursuant to paragraph (1) shall consist of—

[(A) national educational leaders;

[(B) leaders in the field of writing; and

[(C) such other individuals as the National Writing Project determines necessary.

[(3) DUTIES.—The National Advisory Board established pursuant to paragraph (1) shall—

[(A) advise the National Writing Project on national issues related to student writing and the teaching of writing;

[(B) review the activities and programs of the National Writing Project; and

[(C) support the continued development of the National Writing Project.

[(f) EVALUATION.—

[(1) IN GENERAL.—The Secretary shall conduct an independent evaluation by grant or contract of the teacher training programs administered pursuant to this subpart. Such evaluation shall specify the amount of funds expended by the National Writing Project and each contractor receiving assistance under this section for administrative costs. The results of such evaluation shall be made available to the appropriate committees of Congress.

[(2) FUNDING LIMITATION.—The Secretary shall reserve not more than $150,000 from the total amount appropriated pursuant to the authority of subsection (h) for fiscal year 2002 and each of the 5 succeeding fiscal years to conduct the evaluation described in paragraph (1).

[(g) APPLICATION REVIEW.—

[(1) REVIEW BOARD.—The National Writing Project shall establish and operate a National Review Board that shall consist of—

[(A) leaders in the field of research in writing; and

[(B) such other individuals as the National Writing Project deems necessary.

[(2) DUTIES.—The National Review Board shall—

[(A) review all applications for assistance under this subsection; and

[(B) recommend applications for assistance under this subsection for funding by the National Writing Project.

[(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subpart $15,000,000 as may be necessary for fiscal year 2002 and each of the 5 succeeding fiscal years.]

[Subpart 3—Civic Education]

[SEC. 2341. SHORT TITLE.]

[This subpart may be cited as the "Education for Democracy Act".]

[SEC. 2342. PURPOSE.]

[It is the purpose of this subpart—

[(1) to improve the quality of civics and government education by educating students about the history and principles of the Constitution of the United States, including the Bill of Rights;

[(2) to foster civic competence and responsibility; and

[(3) to improve the quality of civic education and economic education through cooperative civic education and economic education exchange programs with emerging democracies.]

[SEC. 2343. GENERAL AUTHORITY.]

[(a) AUTHORITY.—The Secretary is authorized to award grants to, or enter into contracts with—

[(1) the Center for Civic Education, to carry out civic education activities under sections 2344 and 2345;

[(2) the National Council on Economic Education, to carry out economic education activities under section 2345; and

[(3) organizations experienced in the development of curricula and programs in civics and government education and economic education for students in elementary schools and secondary schools in countries other than the United States, to carry out civic education activities under section 2345.

[(b) DISTRIBUTION FOR COOPERATIVE CIVIC EDUCATION AND ECONOMIC EDUCATION EXCHANGE PROGRAMS.—

[(1) LIMITATION.—Not more than 40 percent of the amount appropriated under section 2346 for a fiscal year shall be used to carry out section 2345.

[(2) DISTRIBUTION.—Of the amount used to carry out section 2345 for a fiscal year (consistent with paragraph (1)), the Secretary shall use—

[(A) 37.5 percent for a grant or contract for the Center for Civic Education;

[(B) 37.5 percent for a grant or contract for the National Council on Economic Education; and

[(C) 25 percent for not less than 1, but not more than 3, grants or contracts for organizations described in subsection (a)(3).]

[SEC. 2344. WE THE PEOPLE PROGRAM.]

[(a) THE CITIZEN AND THE CONSTITUTION.—

[(1) EDUCATIONAL ACTIVITIES.—The Center for Civic Education—

[(A) shall use funds made available under grants or contracts under section 2343(a)(1)—

[(i) to continue and expand the educational activities of the program entitled the "We the People . . . The Citizen and the Constitution" program administered by such center;

[(ii) to carry out activities to enhance student attainment of challenging academic content standards in civics and government;

[(iii) to provide a course of instruction on the basic principles of the Nation's constitutional democracy and the history of the Constitution of the United States, including the Bill of Rights;

[(iv) to provide, at the request of a participating school, school and community simulated congressional hearings following the course of instruction described in clause (iii); and

[(v) to provide an annual national competition of simulated congressional hearings for secondary school students who wish to participate in such a program; and

[(B) may use funds made available under grants or contracts under section 2343(a)(1)—

[(i) to provide advanced, sustained, and ongoing training of teachers about the Constitution of the United States and the political system of the United States;

[(ii) to provide materials and methods of instruction, including teacher training, that utilize the latest advancements in educational technology; and

[(iii) to provide civic education materials and services to address specific problems such as the prevention of school violence and the abuse of drugs and alcohol.

[(2) AVAILABILITY OF PROGRAM.—The education program authorized under this subsection shall be made available to public and private elementary schools and secondary schools, including Bureau funded schools, in the 435 congressional districts, and in the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

[(b) PROJECT CITIZEN.—

[(1) EDUCATIONAL ACTIVITIES.—The Center for Civic Education—

[(A) shall use funds made available under grants or contracts under section 2343(a)(1)—

[(i) to continue and expand the educational activities of the program entitled the "We the People... Project Citizen" program administered by the Center;

[(ii) to carry out activities to enhance student attainment of challenging academic content standards in civics and government;

[(iii) to provide a course of instruction at the middle school level on the roles of State and local governments in the Federal system established by the Constitution of the United States; and

[(iv) to provide an annual national showcase or competition; and

[(B) may use funds made available under grants or contracts under section 2343(a)(1)—

[(i) to provide optional school and community simulated State legislative hearings;

[(ii) to provide advanced, sustained, and ongoing training of teachers on the roles of State and local governments in the Federal system established by the Constitution of the United States;

[(iii) to provide materials and methods of instruction, including teacher training, that utilize the latest advancements in educational technology; and

[(iv) to provide civic education materials and services to address specific problems such as the prevention of school violence and the abuse of drugs and alcohol.

[(2) AVAILABILITY OF PROGRAM.—The education program authorized under this subsection shall be made available to public and private middle schools, including Bureau funded schools, in the 50 States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

[(c) BUREAU-FUNDED SCHOOL DEFINED.—In this section, the term "Bureau-funded school" has the meaning given such term in section 1146 of the Education Amendments of 1978 (25 U.S.C. 2026).]

[SEC. 2345. COOPERATIVE CIVIC EDUCATION AND ECONOMIC EDUCATION EXCHANGE PROGRAMS.]

[(a) COOPERATIVE EDUCATION EXCHANGE PROGRAMS.—The Center for Civic Education, the National Council on Economic Education, and organizations described in section 2343(a)(3) shall use funds made available under grants or contracts under section 2343 to carry out cooperative education exchange programs in accordance with this section.

[(b) PURPOSE.—The purpose of the cooperative education exchange programs carried out under this section shall be—

[(1) to make available to educators from eligible countries exemplary curriculum and teacher training programs in civics and government education, and economics education, developed in the United States;

[(2) to assist eligible countries in the adaptation, implementation, and institutionalization of such programs;

[(3) to create and implement civics and government education, and economic education, programs for students that draw upon the experiences of the participating eligible countries;

[(4) to provide a means for the exchange of ideas and experiences in civics and government education, and economic education, among political, educational, governmental, and private sector leaders of participating eligible countries; and

[(5) to provide support for—

[(A) independent research and evaluation to determine the effects of educational programs on students' development of the knowledge, skills, and traits of character essential for the preservation and improvement of constitutional democracy; and

[(B) effective participation in, and the preservation and improvement of, an efficient market economy.

[(c) ACTIVITIES.—In carrying out the cooperative education exchange programs assisted under this section, the Center for Civic Education, the National Council on Economic Education, and organizations described in section 2343(a)(3) shall—

[(1) provide to the participants from eligible countries—

[(A) seminars on the basic principles of United States constitutional democracy and economic system, including seminars on the major governmental and economic institutions and systems in the United States, and visits to such institutions;

[(B) visits to school systems, institutions of higher education, and nonprofit organizations conducting exemplary programs in civics and government education, and economic education, in the United States;

[(C) translations and adaptations with respect to United States civics and government education, and economic education, curricular programs for students and teachers, and in the case of training programs for teachers, translations and adaptations into forms useful in schools in eligible countries, and joint research projects in such areas; and

[(D) independent research and evaluation assistance—

[(i) to determine the effects of the cooperative education exchange programs on students' development of the knowledge, skills, and traits of character essential for the preservation and improvement of constitutional democracy; and

[(ii) to identify effective participation in, and the preservation and improvement of, an efficient market economy;

[(2) provide to the participants from the United States—

[(A) seminars on the histories, economies, and systems of government of eligible countries;

[(B) visits to school systems, institutions of higher education, and organizations conducting exemplary programs in civics and government education, and economic education, located in eligible countries;

[(C) assistance from educators and scholars in eligible countries in the development of curricular materials on the history, government, and economy of such countries that are useful in United States classrooms;

[(D) opportunities to provide onsite demonstrations of United States curricula and pedagogy for educational leaders in eligible countries; and

[(E) independent research and evaluation assistance to determine—

[(i) the effects of the cooperative education exchange programs assisted under this section on students' development of the knowledge, skills, and traits of character essential for the preservation and improvement of constitutional democracy; and

[(ii) effective participation in, and improvement of, an efficient market economy; and

[(3) assist participants from eligible countries and the United States to participate in international conferences on civics and government education, and economic education, for educational leaders, teacher trainers, scholars in related disciplines, and educational policymakers.

[(d) PARTICIPANTS.—The primary participants in the cooperative education exchange programs assisted under this section shall be educational leaders in the areas of civics and government education, and economic education, including teachers, curriculum and teacher training specialists, scholars in relevant disciplines, and educational policymakers, and government and private sector leaders from the United States and eligible countries.

[(e) CONSULTATION.—The Secretary may award a grant to, or enter into a contract with, the entities described in section 2343 to carry out programs assisted under this section only if the Secretary of State concurs with the Secretary that such grant, or contract, respectively, is consistent with the foreign policy of the United States.

[(f) AVOIDANCE OF DUPLICATION.—With the concurrence of the Secretary of State, the Secretary shall ensure that—

[(1) the activities carried out under the programs assisted under this section are not duplicative of other activities conducted in eligible countries; and

[(2) any institutions in eligible countries, with which the Center for Civic Education, the National Council on Economic Education, or organizations described in section 2343(a)(3) may work in conducting such activities, are creditable.

[(g) ELIGIBLE COUNTRY DEFINED.—In this section, the term "eligible country" means a Central European country, an Eastern European country, Lithuania, Latvia, Estonia, the independent states of the former Soviet Union as defined in section 3 of the FREEDOM Support Act (22 U.S.C. 5801), the Republic of Ireland, the province of Northern Ireland in the United Kingdom, and any developing country (as such term is defined in section 209(d) of the Education for the Deaf Act) if the Secretary, with the concurrence of the Secretary of State, determines that such developing country has a democratic form of government.]

[SEC. 2346. AUTHORIZATION OF APPROPRIATIONS.]

[There are authorized to be appropriated to carry out this subpart $30,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years.]

[Subpart 4—Teaching of Traditional American History]

[SEC. 2351. ESTABLISHMENT OF PROGRAM.]

[(a) IN GENERAL.—The Secretary may establish and implement a program to be known as the "Teaching American History Grant Program", under which the Secretary shall award grants on a competitive basis to local educational agencies—

[(1) to carry out activities to promote the teaching of traditional American history in elementary schools and secondary schools as a separate academic subject (not as a component of social studies); and

[(2) for the development, implementation, and strengthening of programs to teach traditional American history as a separate academic subject (not as a component of social studies)

within elementary school and secondary school curricula, including the implementation of activities—

[(A) to improve the quality of instruction; and

[(B) to provide professional development and teacher education activities with respect to American history.

[(b) REQUIRED PARTNERSHIP.—A local educational agency that receives a grant under subsection (a) shall carry out activities under the grant in partnership with one or more of the following:

[(1) An institution of higher education.

[(2) A nonprofit history or humanities organization.

[(3) A library or museum.

[(c) APPLICATION.—To be eligible to receive an grant under this section, a local educational agency shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.]

[SEC. 2352. AUTHORIZATION OF APPROPRIATIONS.]

[There are authorized to be appropriated to carry out this subpart such sums as may be necessary for fiscal year 2002 and each of the 5 succeeding fiscal years.]

[Subpart 5—Teacher Liability Protection]

[SEC. 2361. SHORT TITLE.]

[This subpart may be cited as the "Paul D. Coverdell Teacher Protection Act of 2001".]

[SEC. 2362. PURPOSE.]

[The purpose of this subpart is to provide teachers, principals, and other school professionals the tools they need to undertake reasonable actions to maintain order, discipline, and an appropriate educational environment.]

[SEC. 2363. DEFINITIONS.]

[For purposes of this subpart:

[(1) ECONOMIC LOSS.—The term "economic loss" means any pecuniary loss resulting from harm (including the loss of earnings or other benefits related to employment, medical expense loss, replacement services loss, loss due to death, burial costs, and loss of business or employment opportunities) to the extent recovery for such loss is allowed under applicable State law.

[(2) HARM.—The term "harm" includes physical, nonphysical, economic, and noneconomic losses.

[(3) NONECONOMIC LOSS.—The term "noneconomic loss" means loss for physical or emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society or companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation, or any other nonpecuniary loss of any kind or nature.

[(4) SCHOOL.—The term "school" means a public or private kindergarten, a public or private elementary school or secondary school, or a home school.

[(5) STATE.—The term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands,

Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, any other territory or possession of the United States, or any political subdivision of any such State, territory, or possession.

[(6) TEACHER.—The term "teacher" means—

[(A) a teacher, instructor, principal, or administrator;

[(B) another educational professional who works in a school;

[(C) a professional or nonprofessional employee who—

[(i) works in a school; and

[(ii)(I) in the employee's job, maintains discipline or ensures safety; or

[(II) in an emergency, is called on to maintain discipline or ensure safety; or

[(D) an individual member of a school board (as distinct from the board).]

[SEC. 2364. APPLICABILITY.]

[This subpart shall only apply to States that receive funds under this Act, and shall apply to such a State as a condition of receiving such funds.]

[SEC. 2365. [20 U.S.C. 6735] PREEMPTION AND ELECTION OF STATE NONAPPLICABILITY.]

[(a) PREEMPTION.—This subpart preempts the laws of any State to the extent that such laws are inconsistent with this subpart, except that this subpart shall not preempt any State law that provides additional protection from liability relating to teachers.

[(b) ELECTION OF STATE REGARDING NONAPPLICABILITY.—This subpart shall not apply to any civil action in a State court against a teacher with respect to claims arising within that State if such State enacts a statute in accordance with State requirements for enacting legislation—

[(1) citing the authority of this subsection;

[(2) declaring the election of such State that this subpart shall not apply, as of a date certain, to such civil action in the State; and

[(3) containing no other provisions.]

[SEC. 2366. [20 U.S.C. 6736] LIMITATION ON LIABILITY FOR TEACHERS.]

[(a) LIABILITY PROTECTION FOR TEACHERS.—Except as provided in subsection (b), no teacher in a school shall be liable for harm caused by an act or omission of the teacher on behalf of the school if—

[(1) the teacher was acting within the scope of the teacher's employment or responsibilities to a school or governmental entity;

[(2) the actions of the teacher were carried out in conformity with Federal, State, and local laws (including rules and regulations) in furtherance of efforts to control, discipline, expel, or suspend a student or maintain order or control in the classroom or school;

[(3) if appropriate or required, the teacher was properly licensed, certified, or authorized by the appropriate authorities for the activities or practice involved in the State in which the

harm occurred, where the activities were or practice was undertaken within the scope of the teacher's responsibilities;

[(4) the harm was not caused by willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed by the teacher; and

[(5) the harm was not caused by the teacher operating a motor vehicle, vessel, aircraft, or other vehicle for which the State requires the operator or the owner of the vehicle, craft, or vessel to—

[(A) possess an operator's license; or

[(B) maintain insurance.

[(b) EXCEPTIONS TO TEACHER LIABILITY PROTECTION.—If the laws of a State limit teacher liability subject to one or more of the following conditions, such conditions shall not be construed as inconsistent with this section:

[(1) A State law that requires a school or governmental entity to adhere to risk management procedures, including mandatory training of teachers.

[(2) A State law that makes the school or governmental entity liable for the acts or omissions of its teachers to the same extent as an employer is liable for the acts or omissions of its employees.

[(3) A State law that makes a limitation of liability inapplicable if the civil action was brought by an officer of a State or local government pursuant to State or local law.

[(c) LIMITATION ON PUNITIVE DAMAGES BASED ON THE ACTIONS OF TEACHERS.—

[(1) GENERAL RULE.—Punitive damages may not be awarded against a teacher in an action brought for harm based on the act or omission of a teacher acting within the scope of the teacher's employment or responsibilities to a school or governmental entity unless the claimant establishes by clear and convincing evidence that the harm was proximately caused by an act or omission of such teacher that constitutes willful or criminal misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed.

[(2) CONSTRUCTION.—Paragraph (1) does not create a cause of action for punitive damages and does not preempt or supersede any Federal or State law to the extent that such law would further limit the award of punitive damages.

[(d) EXCEPTIONS TO LIMITATIONS ON LIABILITY.—

[(1) IN GENERAL.—The limitations on the liability of a teacher under this subpart shall not apply to any misconduct that—

[(A) constitutes a crime of violence (as that term is defined in section 16 of title 18, United States Code) or act of international terrorism (as that term is defined in section 2331 of title 18, United States Code) for which the defendant has been convicted in any court;

[(B) involves a sexual offense, as defined by applicable State law, for which the defendant has been convicted in any court;

[(C) involves misconduct for which the defendant has been found to have violated a Federal or State civil rights law; or

[(D) where the defendant was under the influence (as determined pursuant to applicable State law) of intoxicating alcohol or any drug at the time of the misconduct.

[(2) HIRING.—The limitations on the liability of a teacher under this subpart shall not apply to misconduct during background investigations, or during other actions, involved in the hiring of a teacher.

[(e) RULES OF CONSTRUCTION.—

[(1) CONCERNING RESPONSIBILITY OF TEACHERS TO SCHOOLS AND GOVERNMENTAL ENTITIES.—Nothing in this section shall be construed to affect any civil action brought by any school or any governmental entity against any teacher of such school.

[(2) CONCERNING CORPORAL PUNISHMENT.—Nothing in this subpart shall be construed to affect any State or local law (including a rule or regulation) or policy pertaining to the use of corporal punishment.]

[SEC. 2367. ALLOCATION OF RESPONSIBILITY FOR NONECONOMIC LOSS.]

[(a) GENERAL RULE.—In any civil action against a teacher, based on an act or omission of a teacher acting within the scope of the teacher's employment or responsibilities to a school or governmental entity, the liability of the teacher for noneconomic loss shall be determined in accordance with subsection (b).

[(b) AMOUNT OF LIABILITY.—

[(1) IN GENERAL.—

[(A) LIABILITY.—Each defendant who is a teacher shall be liable only for the amount of noneconomic loss allocated to that defendant in direct proportion to the percentage of responsibility of that defendant (determined in accordance with paragraph (2)) for the harm to the claimant with respect to which that defendant is liable.

[(B) SEPARATE JUDGMENT.—The court shall render a separate judgment against each defendant in an amount determined pursuant to subparagraph (A).

[(2) PERCENTAGE OF RESPONSIBILITY.—For purposes of determining the amount of noneconomic loss allocated to a defendant who is a teacher under this section, the trier of fact shall determine the percentage of responsibility of each person responsible for the claimant's harm, whether or not such person is a party to the action.

[(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to preempt or supersede any Federal or State law that further limits the application of joint liability in a civil action described in subsection (a), beyond the limitations established in this section.]

[SEC. 2368. EFFECTIVE DATE.]

[(a) IN GENERAL.—This subpart shall take effect 90 days after the date of enactment of the No Child Left Behind Act of 2001.

[(b) APPLICATION.—This subpart applies to any claim for harm caused by an act or omission of a teacher if that claim is filed on

or after the effective date of the No Child Left Behind Act of 2001 without regard to whether the harm that is the subject of the claim or the conduct that caused the harm occurred before such effective date.]

[PART D—ENHANCING EDUCATION THROUGH TECHNOLOGY]

[SEC. 2401. SHORT TITLE.]

[This part may be cited as the "Enhancing Education Through Technology Act of 2001".]

[SEC. 2402. PURPOSES AND GOALS.]

[(a) PURPOSES.—The purposes of this part are the following:

[(1) To provide assistance to States and localities for the implementation and support of a comprehensive system that effectively uses technology in elementary schools and secondary schools to improve student academic achievement.

[(2) To encourage the establishment or expansion of initiatives, including initiatives involving public-private partnerships, designed to increase access to technology, particularly in schools served by high-need local educational agencies.

[(3) To assist States and localities in the acquisition, development, interconnection, implementation, improvement, and maintenance of an effective educational technology infrastructure in a manner that expands access to technology for students (particularly for disadvantaged students) and teachers.

[(4) To promote initiatives that provide school teachers, principals, and administrators with the capacity to integrate technology effectively into curricula and instruction that are aligned with challenging State academic content and student academic achievement standards, through such means as high-quality professional development programs.

[(5) To enhance the ongoing professional development of teachers, principals, and administrators by providing constant access to training and updated research in teaching and learning through electronic means.

[(6) To support the development and utilization of electronic networks and other innovative methods, such as distance learning, of delivering specialized or rigorous academic courses and curricula for students in areas that would not otherwise have access to such courses and curricula, particularly in geographically isolated regions.

[(7) To support the rigorous evaluation of programs funded under this part, particularly regarding the impact of such programs on student academic achievement, and ensure that timely information on the results of such evaluations is widely accessible through electronic means.

[(8) To support local efforts using technology to promote parent and family involvement in education and communication among students, parents, teachers, principals, and administrators.

[(b) GOALS.—

[(1) PRIMARY GOAL.—The primary goal of this part is to improve student academic achievement through the use of technology in elementary schools and secondary schools.

[(2) ADDITIONAL GOALS.—The additional goals of this part are the following:

[(A) To assist every student in crossing the digital divide by ensuring that every student is technologically literate by the time the student finishes the eighth grade, regardless of the student's race, ethnicity, gender, family income, geographic location, or disability.

[(B) To encourage the effective integration of technology resources and systems with teacher training and curriculum development to establish research-based instructional methods that can be widely implemented as best practices by State educational agencies and local educational agencies.]

[SEC. 2403. DEFINITIONS.]

[In this part:

[(1) ELIGIBLE LOCAL ENTITY.—The term "eligible local entity" means—

[(A) a high-need local educational agency; or

[(B) an eligible local partnership.

[(2) ELIGIBLE LOCAL PARTNERSHIP.—The term "eligible local partnership" means a partnership that—

[(A) shall include at least one high-need local educational agency and at least one—

[(i) local educational agency that can demonstrate that teachers in schools served by the agency are effectively integrating technology and proven teaching practices into instruction, based on a review of relevant research, and that the integration results in improvement in—

[(I) classroom instruction in the core academic subjects; and

[(II) the preparation of students to meet challenging State academic content and student academic achievement standards;

[(ii) institution of higher education that is in full compliance with the reporting requirements of section 207(f) of the Higher Education Act of 1965 and that has not been identified by its State as low-performing under section 208 of such Act;

[(iii) for-profit business or organization that develops, designs, manufactures, or produces technology products or services, or has substantial expertise in the application of technology in instruction; or

[(iv) public or private nonprofit organization with demonstrated experience in the application of educational technology to instruction; and

[(B) may include other local educational agencies, educational service agencies, libraries, or other educational entities appropriate to provide local programs.

[(3) HIGH-NEED LOCAL EDUCATIONAL AGENCY.—The term "high-need local educational agency" means a local educational agency that—

[(A) is among the local educational agencies in a State with the highest numbers or percentages of children from families with incomes below the poverty line; and

[(B)(i) operates one or more schools identified under section 1116; or

[(ii) has a substantial need for assistance in acquiring and using technology.]

[SEC. 2404. AUTHORIZATION OF APPROPRIATIONS.]

[(a) IN GENERAL.—There are authorized to be appropriated to carry out subparts 1 and 2, $1,000,000,000 for fiscal year 2002, and such sums as may be necessary for each of the 5 succeeding fiscal years.

[(b) ALLOCATION OF FUNDS BETWEEN STATE AND LOCAL AND NATIONAL INITIATIVES.—The amount of funds made available under subsection (a) for a fiscal year shall be allocated so that—

[(1) not less than 98 percent is made available to carry out subpart 1; and

[(2) not more than 2 percent is made available to carry out subpart 2.

[(c) ALLOCATION OF FUNDS FOR STUDY.—Of the total amount of funds allocated under subsection (b)(2) for fiscal years 2002 through 2007, not more than $15,000,000 may be used to carry out section 2421(a).

[(d) LIMITATION.—Of the amount of funds made available to a recipient of funds under this part for a fiscal year, not more than 5 percent may be used by the recipient for administrative costs or technical assistance, of which not more than 60 percent may be used by the recipient for administrative costs.]

[Subpart 1—State and Local Technology Grants]

[SEC. 2411. ALLOTMENT AND REALLOTMENT.]

[(a) RESERVATIONS AND ALLOTMENT.—From the amount made available to carry out this subpart under section 2404(b)(1) for a fiscal year—

[(1) the Secretary shall reserve—

[(A) three-fourths of 1 percent for the Secretary of the Interior for programs under this subpart for schools operated or funded by the Bureau of Indian Affairs;

[(B) one-half of 1 percent to provide assistance under this subpart to the outlying areas; and

[(C) such sums as may be necessary for continuation awards on grants awarded under section 3136 prior to the date of enactment of the No Child Left Behind Act of 2001; and

[(2) from the remainder of such amount and subject to subsection (b), the Secretary shall make grants by allotting to each eligible State educational agency under this subpart an amount that bears the same relationship to such remainder for such year as the amount received under part A of title I for

such year by such State educational agency bears to the amount received under such part for such year by all State educational agencies.

[(b) MINIMUM ALLOTMENT.—The amount of any State educational agency's allotment under subsection (a)(2) for any fiscal year may not be less than one-half of 1 percent of the amount made available for allotments to States under this part for such year.

[(c) REALLOTMENT OF UNUSED FUNDS.—If any State educational agency does not apply for an allotment under this subpart for a fiscal year, or does not use its entire allotment under this subpart for that fiscal year, the Secretary shall reallot the amount of the State educational agency's allotment, or the unused portion of the allotment, to the remaining State educational agencies that use their entire allotments under this subpart in accordance with this section.

[(d) STATE EDUCATIONAL AGENCY DEFINED.—In this section, the term "State educational agency" does not include an agency of an outlying area or the Bureau of Indian Affairs.]

[SEC. 2412. USE OF ALLOTMENT BY STATE.]

[(a) IN GENERAL.—Of the amount provided to a State educational agency (from the agency's allotment under section 2411(a)(2)) for a fiscal year—

[(1) the State educational agency may use not more than 5 percent to carry out activities under section 2415; and

[(2) the State educational agency shall distribute the remainder as follows:

[(A) From 50 percent of the remainder, the State educational agency shall award subgrants by allocating to each eligible local educational agency that has submitted an application to the State educational agency under section 2414, for the activities described in section 2416, an amount that bears the same relationship to 50 percent of the remainder for such year as the amount received under part A of title I for such year by such local educational agency bears to the amount received under such part for such year by all local educational agencies within the State.

[(B) From 50 percent of the remainder and subject to subsection (b), the State educational agency shall award subgrants, through a State-determined competitive process, to eligible local entities that have submitted applications to the State educational agency under section 2414, for the activities described in section 2416.

[(b) SUFFICIENT AMOUNTS.—

[(1) SPECIAL RULE.—In awarding a subgrant under subsection (a)(2)(B), the State educational agency shall—

[(A) determine the local educational agencies that—

[(i) received allocations under subsection (a)(2)(A) that are not of sufficient size to be effective, consistent with the purposes of this part; and

[(ii) are eligible local entities;

[(B) give priority to applications submitted by eligible local educational agencies described in subparagraph (A); and

[(C) determine the minimum amount for awards under subsection (a)(2)(B) to ensure that subgrants awarded under that subsection are of sufficient size to be effective.

[(2) SUFFICIENCY.—In awarding subgrants under subsection (a)(2)(B), each State educational agency shall ensure that each subgrant is of sufficient size and duration, and that the program funded by the subgrant is of sufficient scope and quality, to carry out the purposes of this part effectively.

[(3) DISTRIBUTION.—In awarding subgrants under subsection (a)(2)(B), each State educational agency shall ensure an equitable distribution of assistance under this subpart among urban and rural areas of the State, according to the demonstrated need of those local educational agencies serving the areas.

[(c) FISCAL AGENT.—If an eligible local partnership receives a subgrant under subsection (a)(2)(B), a local educational agency in the partnership shall serve as the fiscal agent for the partnership.

[(d) TECHNICAL ASSISTANCE.—Each State educational agency receiving a grant under section 2411(a) shall—

[(1) identify the local educational agencies served by the State educational agency that—

[(A) have the highest numbers or percentages of children from families with incomes below the poverty line; and

[(B) demonstrate to such State educational agency the greatest need for technical assistance in developing an application under section 2414; and

[(2) offer the technical assistance described in paragraph (1)(B) to those local educational agencies.]

[SEC. 2413. STATE APPLICATIONS.]

[(a) IN GENERAL.—To be eligible to receive a grant under this subpart, a State educational agency shall submit to the Secretary, at such time and in such manner as the Secretary may specify, an application containing a new or updated statewide long-range strategic educational technology plan (which shall address the educational technology needs of local educational agencies) and such other information as the Secretary may reasonably require.

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

[(1) An outline of the State educational agency's long-term strategies for improving student academic achievement, including technology literacy, through the effective use of technology in classrooms throughout the State, including through improving the capacity of teachers to integrate technology effectively into curricula and instruction.

[(2) A description of the State educational agency's goals for using advanced technology to improve student academic achievement, and how those goals are aligned with challenging State academic content and student academic achievement standards.

[(3) A description of how the State educational agency will take steps to ensure that all students and teachers in the State, particularly students and teachers in districts served by

high-need local educational agencies, have increased access to technology.

[(4) A description of the process and accountability measures that the State educational agency will use to evaluate the extent to which activities funded under this subpart are effective in integrating technology into curricula and instruction.

[(5) A description of how the State educational agency will encourage the development and utilization of innovative strategies for the delivery of specialized or rigorous academic courses and curricula through the use of technology, including distance learning technologies, particularly for those areas of the State that would not otherwise have access to such courses and curricula due to geographical isolation or insufficient resources.

[(6) An assurance that financial assistance provided under this subpart will supplement, and not supplant, State and local funds.

[(7) A description of how the plan incorporates teacher education, professional development, and curriculum development, and how the State educational agency will work to ensure that teachers and principals in a State receiving funds under this part are technologically literate.

[(8) A description of—

[(A) how the State educational agency will provide technical assistance to applicants under section 2414, especially to those applicants serving the highest numbers or percentages of children in poverty or with the greatest need for technical assistance; and

[(B) the capacity of the State educational agency to provide such assistance.

[(9) A description of technology resources and systems that the State will provide for the purpose of establishing best practices that can be widely replicated by State educational agencies and local educational agencies in the State and in other States.

[(10) A description of the State's long-term strategies for financing technology to ensure that all students, teachers, and classrooms have access to technology.

[(11) A description of the State's strategies for using technology to increase parental involvement.

[(12) A description of how the State educational agency will ensure that each subgrant awarded under section 2412(a)(2)(B) is of sufficient size and duration, and that the program funded by the subgrant is of sufficient scope and quality, to carry out the purposes of this part effectively.

[(13) A description of how the State educational agency will ensure ongoing integration of technology into school curricula and instructional strategies in all schools in the State, so that technology will be fully integrated into the curricula and instruction of the schools by December 31, 2006.

[(14) A description of how the local educational agencies in the State will provide incentives to teachers who are technologically literate and teaching in rural or urban areas, to encourage such teachers to remain in those areas.

[(15) A description of how public and private entities will participate in the implementation and support of the plan.

[(c) DEEMED APPROVAL.—An application submitted by a State educational agency pursuant to subsection (a) shall be deemed to be approved by the Secretary unless the Secretary makes a written determination, prior to the expiration of the 120-day period beginning on the date on which the Secretary received the application, that the application is not in compliance with this part.

[(d) DISAPPROVAL.—The Secretary shall not finally disapprove the application, except after giving the State educational agency notice and an opportunity for a hearing.

[(e) NOTIFICATION.—If the Secretary finds that the application is not in compliance, in whole or in part, with this part, the Secretary shall—

[(1) give the State educational agency notice and an opportunity for a hearing; and

[(2) notify the State educational agency of the finding of noncompliance and, in such notification, shall—

[(A) cite the specific provisions in the application that are not in compliance; and

[(B) request additional information, only as to the noncompliant provisions, needed to make the application compliant.

[(f) RESPONSE.—If the State educational agency responds to the Secretary's notification described in subsection (e)(2) during the 45-day period beginning on the date on which the agency received the notification, and resubmits the application with the requested information described in subsection (e)(2)(B), the Secretary shall approve or disapprove such application prior to the later of—

[(1) the expiration of the 45-day period beginning on the date on which the application is resubmitted; or

[(2) the expiration of the 120-day period described in subsection (c).

[(g) FAILURE TO RESPOND.—If the State educational agency does not respond to the Secretary's notification described in subsection (e)(2) during the 45-day period beginning on the date on which the agency received the notification, such application shall be deemed to be disapproved.]

[SEC. 2414. LOCAL APPLICATIONS.]

[(a) IN GENERAL.—To be eligible to receive a subgrant from a State educational agency under this subpart, a local educational agency or eligible local entity shall submit to the State educational agency an application containing a new or updated local long-range strategic educational technology plan that is consistent with the objectives of the statewide educational technology plan described in section 2413(a), and such other information as the State educational agency may reasonably require, at such time and in such manner as the State educational agency may require.

[(b) CONTENTS.—The application shall include each of the following:

[(1) A description of how the applicant will use Federal funds under this subpart to improve the student academic achievement, including technology literacy, of all students attending schools served by the local educational agency and to

improve the capacity of all teachers teaching in schools served by the local educational agency to integrate technology effectively into curricula and instruction.

[(2) A description of the applicant's specific goals for using advanced technology to improve student academic achievement, aligned with challenging State academic content and student academic achievement standards.

[(3) A description of the steps the applicant will take to ensure that all students and teachers in schools served by the local educational agency involved have increased access to educational technology, including how the agency would use funds under this subpart (such as combining the funds with funds from other sources), to help ensure that—

[(A) students in high-poverty and high-needs schools, or schools identified under section 1116, have access to technology; and

[(B) teachers are prepared to integrate technology effectively into curricula and instruction.

[(4) A description of how the applicant will—

[(A) identify and promote curricula and teaching strategies that integrate technology effectively into curricula and instruction, based on a review of relevant research, leading to improvements in student academic achievement, as measured by challenging State academic content and student academic achievement standards; and

[(B) provide ongoing, sustained professional development for teachers, principals, administrators, and school library media personnel serving the local educational agency, to further the effective use of technology in the classroom or library media center, including, if applicable, a list of the entities that will be partners with the local educational agency involved in providing the ongoing, sustained professional development.

[(5) A description of the type and costs of technologies to be acquired under this subpart, including services, software, and digital curricula, and including specific provisions for interoperability among components of such technologies.

[(6) A description of how the applicant will coordinate activities carried out with funds provided under this subpart with technology-related activities carried out with funds available from other Federal, State, and local sources.

[(7) A description of how the applicant will integrate technology (including software and other electronically delivered learning materials) into curricula and instruction, and a timeline for such integration.

[(8) A description of how the applicant will encourage the development and utilization of innovative strategies for the delivery of specialized or rigorous academic courses and curricula through the use of technology, including distance learning technologies, particularly for those areas that would not otherwise have access to such courses and curricula due to geographical isolation or insufficient resources.

[(9) A description of how the applicant will ensure the effective use of technology to promote parental involvement and in-

crease communication with parents, including a description of how parents will be informed of the technology being applied in their child's education so that the parents are able to reinforce at home the instruction their child receives at school.

[(10) A description of how programs will be developed, where applicable, in collaboration with adult literacy service providers, to maximize the use of technology.

[(11) A description of the process and accountability measures that the applicant will use to evaluate the extent to which activities funded under this subpart are effective in integrating technology into curricula and instruction, increasing the ability of teachers to teach, and enabling students to meet challenging State academic content and student academic achievement standards.

[(12) A description of the supporting resources (such as services, software, other electronically delivered learning materials, and print resources) that will be acquired to ensure successful and effective uses of technology.

[(c) COMBINED APPLICATIONS.—A local educational agency that is an eligible local entity and submits an application to the State educational agency under this section for funds awarded under section 2412(a)(2)(A) may combine the agency's application for funds awarded under that section with an application for funds awarded under section 2412(a)(2)(B).

[(d) SPECIAL RULE.—

[(1) CONSORTIUM APPLICATIONS.—

[(A) IN GENERAL.—For any fiscal year, a local educational agency applying for financial assistance described in section 2412(a)(2)(A) may apply as part of a consortium that includes other local educational agencies, institutions of higher education, educational service agencies, libraries, or other educational entities appropriate to provide local programs.

[(B) FISCAL AGENT.—If a local educational agency applies for and receives financial assistance described in section 2412(a)(2)(A) as part of a consortium, the local educational agency shall serve as the fiscal agent for the consortium.

[(2) STATE EDUCATIONAL AGENCY ASSISTANCE.—At the request of a local educational agency, a State educational agency may assist the local educational agency in the formation of a consortium described in paragraph (1) to provide services for the teachers and students served by the local educational agency.]

[SEC. 2415. STATE ACTIVITIES.]

[From funds made available under section 2412(a)(1), a State educational agency shall carry out activities and assist local efforts to carry out the purposes of this part, which may include the following activities:

[(1) Developing, or assisting applicants or recipients of funds under this subpart in the development and utilization of, innovative strategies for the delivery of specialized or rigorous academic courses and curricula through the use of technology, including distance learning technologies, and providing other

technical assistance to such applicants or recipients throughout the State, with priority given to high-need local educational agencies.

[(2) Establishing or supporting public-private initiatives (such as interest-free or reduced-cost loans) for the acquisition of educational technology for high-need local educational agencies and students attending schools served by such agencies.

[(3) Assisting recipients of funds under this subpart in providing sustained and intensive, high-quality professional development based on a review of relevant research in the integration of advanced technologies, including emerging technologies, into curricula and instruction and in using those technologies to create new learning environments, including training in the use of technology to—

[(A) access data and resources to develop curricula and instructional materials;

[(B) enable teachers—

[(i) to use the Internet and other technology to communicate with parents, other teachers, principals, and administrators; and

[(ii) to retrieve Internet-based learning resources; and

[(C) lead to improvements in classroom instruction in the core academic subjects, that effectively prepare students to meet challenging State academic content standards and student academic achievement standards.

[(4) Assisting recipients of funds under this subpart in providing all students (including students with disabilities and students with limited English proficiency) and teachers with access to educational technology.

[(5) Developing performance measurement systems to determine the effectiveness of educational technology programs funded under this subpart, particularly in determining the extent to which activities funded under this subpart are effective in integrating technology into curricula and instruction, increasing the ability of teachers to teach, and enabling students to meet challenging State academic content and student academic achievement standards.

[(6) Collaborating with other State educational agencies on distance learning, including making specialized or rigorous academic courses and curricula available to students in areas that would not otherwise have access to such courses and curricula.]

[SEC. 2416. LOCAL ACTIVITIES.]

[(a) PROFESSIONAL DEVELOPMENT.—

[(1) IN GENERAL.—A recipient of funds made available under section 2412(a)(2) shall use not less than 25 percent of such funds to provide ongoing, sustained, and intensive, high-quality professional development. The recipient shall provide professional development in the integration of advanced technologies, including emerging technologies, into curricula and instruction and in using those technologies to create new learning environments, such as professional development in the use of technology—

[(A) to access data and resources to develop curricula and instructional materials;

[(B) to enable teachers—

[(i) to use the Internet and other technology to communicate with parents, other teachers, principals, and administrators; and

[(ii) to retrieve Internet-based learning resources; and

[(C) to lead to improvements in classroom instruction in the core academic subjects, that effectively prepare students to meet challenging State academic content standards, including increasing student technology literacy, and student academic achievement standards.

[(2) WAIVERS.—Paragraph (1) shall not apply to a recipient of funds made available under section 2412(a)(2) that demonstrates, to the satisfaction of the State educational agency involved, that the recipient already provides ongoing, sustained, and intensive, high-quality professional development that is based on a review of relevant research, to all teachers in core academic subjects in the integration of advanced technologies, including emerging technologies, into curricula and instruction.

[(b) OTHER ACTIVITIES.—In addition to the activities described in subsection (a), a recipient of funds made available by a State educational agency under section 2412(a)(2) shall use such funds to carry out other activities consistent with this subpart, which may include the following:

[(1) Establishing or expanding initiatives, particularly initiatives involving public-private partnerships, designed to increase access to technology for students and teachers, with special emphasis on the access of high-need schools to technology.

[(2) Adapting or expanding existing and new applications of technology to enable teachers to increase student academic achievement, including technology literacy—

[(A) through the use of teaching practices that are based on a review of relevant research and are designed to prepare students to meet challenging State academic content and student academic achievement standards; and

[(B) by the development and utilization of innovative distance learning strategies to deliver specialized or rigorous academic courses and curricula to areas that would not otherwise have access to such courses and curricula.

[(3) Acquiring proven and effective courses and curricula that include integrated technology and are designed to help students meet challenging State academic content and student academic achievement standards.

[(4) Utilizing technology to develop or expand efforts to connect schools and teachers with parents and students to promote meaningful parental involvement, to foster increased communication about curricula, assignments, and assessments between students, parents, and teachers, and to assist parents to understand the technology being applied in their child's education, so that parents are able to reinforce at home the instruction their child receives at school.

[(5) Preparing one or more teachers in elementary schools and secondary schools as technology leaders who are provided with the means to serve as experts and train other teachers in the effective use of technology, and providing bonus payments to the technology leaders.

[(6) Acquiring, adapting, expanding, implementing, repairing, and maintaining existing and new applications of technology, to support the school reform effort and to improve student academic achievement, including technology literacy.

[(7) Acquiring connectivity linkages, resources, and services (including the acquisition of hardware and software and other electronically delivered learning materials) for use by teachers, students, academic counselors, and school library media personnel in the classroom, in academic and college counseling centers, or in school library media centers, in order to improve student academic achievement.

[(8) Using technology to collect, manage, and analyze data to inform and enhance teaching and school improvement efforts.

[(9) Implementing performance measurement systems to determine the effectiveness of education technology programs funded under this subpart, particularly in determining the extent to which activities funded under this subpart are effective in integrating technology into curricula and instruction, increasing the ability of teachers to teach, and enabling students to meet challenging State academic content and student academic achievement standards.

[(10) Developing, enhancing, or implementing information technology courses.]

[Subpart 2—National Technology Activities]

[SEC. 2421. NATIONAL ACTIVITIES.]

[(a) STUDY.—Using funds made available under section 2404(b)(2), the Secretary—

[(1) shall conduct an independent, long-term study, utilizing scientifically based research methods and control groups or control conditions—

[(A) on the conditions and practices under which educational technology is effective in increasing student academic achievement; and

[(B) on the conditions and practices that increase the ability of teachers to integrate technology effectively into curricula and instruction, that enhance the learning environment and opportunities, and that increase student academic achievement, including technology literacy;

[(2) shall establish an independent review panel to advise the Secretary on methodological and other issues that arise in conducting the long-term study;

[(3) shall consult with other interested Federal departments or agencies, State and local educational practitioners and policymakers (including teachers, principals, and superintendents), and experts in technology, regarding the study; and

[(4) shall submit to Congress interim reports, when appropriate, and a final report, to be submitted not later than April 1, 2006, on the findings of the study.

[(b) DISSEMINATION.—Using funds made available under section 2404(b)(2), the Secretary shall make widely available, including through dissemination on the Internet and to all State educational agencies and other recipients of funds under this part, findings identified through activities carried out under this section regarding the conditions and practices under which educational technology is effective in increasing student academic achievement.

[(c) TECHNICAL ASSISTANCE.—Using funds made available under section 2404(b)(2), the Secretary may provide technical assistance (directly or through the competitive award of grants or contracts) to State educational agencies, local educational agencies, and other recipients of funds, particularly in rural areas, under this part, in order to assist such State educational agencies, local educational agencies, and other recipients to achieve the purposes of this part.]

[SEC. 2422. NATIONAL EDUCATION TECHNOLOGY PLAN.]

[(a) IN GENERAL.—Based on the Nation's progress and an assessment by the Secretary of the continuing and future needs of the Nation's schools in effectively using technology to provide all students the opportunity to meet challenging State academic content and student academic achievement standards, the Secretary shall update and publish, in a form readily accessible to the public, a national long-range technology plan, by not later than 12 months after the date of enactment of the No Child Left Behind Act of 2001.

[(b) CONTENTS.—The plan referred to in subsection (a) shall include each of the following:

[(1) A description of the manner in which the Secretary will promote—

[(A) higher student academic achievement through the integration of advanced technologies, including emerging technologies, into curricula and instruction;

[(B) increased access to technology for teaching and learning for schools with a high number or percentage of children from families with incomes below the poverty line; and

[(C) the use of technology to assist in the implementation of State systemic reform strategies.

[(2) A description of joint activities of the Department of Education and other Federal departments or agencies that will promote the use of technology in education.]

[Subpart 3—Ready-to-Learn Television]

[SEC. 2431. READY-TO-LEARN TELEVISION.]

[(a) PROGRAM AUTHORIZED.—

[(1) IN GENERAL.—The Secretary is authorized to award grants to, or enter into contracts or cooperative agreements with, eligible entities described in paragraph (3) to enable such entities—

[(A) to develop, produce, and distribute educational and instructional video programming for preschool and elementary school children and their parents in order to facilitate student academic achievement;

[(B) to facilitate the development, directly or through contracts with producers of children and family educational television programming, of educational programming for preschool and elementary school children, and the accompanying support materials and services that promote the effective use of such programming;

[(C) to facilitate the development of programming and digital content containing Ready-to-Learn-based children's programming and resources for parents and caregivers that is specially designed for nationwide distribution over public television stations' digital broadcasting channels and the Internet;

[(D) to contract with entities (such as public telecommunications entities) so that programs developed under this section are disseminated and distributed to the widest possible audience appropriate to be served by the programming, and through the use of the most appropriate distribution technologies; and

[(E) to develop and disseminate education and training materials, including interactive programs and programs adaptable to distance learning technologies, that are designed—

[(i) to promote school readiness; and

[(ii) to promote the effective use of materials developed under subparagraphs (B) and (C) among parents, teachers, Head Start providers, Even Start providers, providers of family literacy services, child care providers, early childhood development personnel, elementary school teachers, public libraries, and after-school program personnel caring for preschool and elementary school children.

[(2) AVAILABILITY.—In awarding grants, contracts, or cooperative agreements under this section, the Secretary shall ensure that eligible entities make programming widely available, with support materials as appropriate, to young children, parents, child care workers, Head Start providers, Even Start providers, and providers of family literacy services to increase the effective use of such programming.

[(3) ELIGIBLE ENTITIES.—To be eligible to receive a grant, contract, or cooperative agreements under this section, an entity shall be a public telecommunications entity that is able to demonstrate each of the following:

[(A) A capacity for the development and national distribution of educational and instructional television programming of high quality that is accessible by a large majority of disadvantaged preschool and elementary school children.

[(B) A capacity to contract with the producers of children's television programming for the purpose of developing educational television programming of high quality.

[(C) A capacity, consistent with the entity's mission and nonprofit nature, to negotiate such contracts in a manner that returns to the entity an appropriate share of any ancillary income from sales of any program-related products.

[(D) A capacity to localize programming and materials to meet specific State and local needs and to provide educational outreach at the local level.

[(4) COORDINATION OF ACTIVITIES.—An entity receiving a grant, contract, or cooperative agreement under this section shall consult with the Secretary and the Secretary of Health and Human Services—

[(A) to maximize the utilization of quality educational programming by preschool and elementary school children, and make such programming widely available to federally funded programs serving such populations; and

[(B) to coordinate activities with Federal programs that have major training components for early childhood development, including programs under the Head Start Act (42 U.S.C. 9831 et seq.) and Even Start, and State training activities funded under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.), regarding the availability and utilization of materials developed under paragraph (1)(E) to enhance parent and child care provider skills in early childhood development and education.

[(b) APPLICATIONS.—To be eligible to receive a grant, contract, or cooperative agreement under subsection (a), an entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may reasonably require.

[(c) REPORTS AND EVALUATIONS.—

[(1) ANNUAL REPORT TO THE SECRETARY.—An entity receiving a grant, contract, or cooperative agreement under this section shall prepare and submit to the Secretary an annual report that contains such information as the Secretary may require. At a minimum, the report shall describe the program activities undertaken with funds received under the grant, contract, or cooperative agreement, including each of the following:

[(A) The programming that has been developed, directly or indirectly, by the eligible entity, and the target population of the programs developed.

[(B) The support and training materials that have been developed to accompany the programming, and the method by which the materials are distributed to consumers and users of the programming.

[(C) The means by which programming developed under this section has been distributed, including the distance learning technologies that have been utilized to make programming available, and the geographic distribution achieved through such technologies.

[(D) The initiatives undertaken by the entity to develop public-private partnerships to secure non-Federal support

for the development, distribution, and broadcast of educational and instructional programming.

[(2) REPORT TO CONGRESS.—The Secretary shall prepare and submit to the relevant committees of Congress a biannual report that includes the following:

[(A) A summary of the activities assisted under subsection (a).

[(B) A description of the education and training materials made available under subsection (a)(1)(E), the manner in which outreach has been conducted to inform parents and child care providers of the availability of such materials, and the manner in which such materials have been distributed in accordance with such subsection.

[(d) ADMINISTRATIVE COSTS.—An entity that receives a grant, contract, or cooperative agreement under this section may use up to 5 percent of the amount received under the grant, contract, or agreement for the normal and customary expenses of administering the grant, contract, or agreement.

[(e) AUTHORIZATION OF APPROPRIATIONS.—

[(1) IN GENERAL.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2002, and for each of the 5 succeeding fiscal years.

[(2) FUNDING RULE.—Not less than 60 percent of the amount appropriated under paragraph (1) for each fiscal year shall be used to carry out activities under subparagraphs (B) through (D) of subsection (a)(1).]

[Subpart 4—Limitation on Availability of Certain Funds for Schools]

[SEC. 2441. INTERNET SAFETY.]

[(a) IN GENERAL.—No funds made available under this part to a local educational agency for an elementary school or secondary school that does not receive services at discount rates under section 254(h)(5) of the Communications Act of 1934 (47 U.S.C. 254(h)(5)) may be used to purchase computers used to access the Internet, or to pay for direct costs associated with accessing the Internet, for such school unless the school, school board, local educational agency, or other authority with responsibility for administration of such school both—

[(1)(A) has in place a policy of Internet safety for minors that includes the operation of a technology protection measure with respect to any of its computers with Internet access that protects against access through such computers to visual depictions that are—

[(i) obscene;

[(ii) child pornography; or

[(iii) harmful to minors; and

[(B) is enforcing the operation of such technology protection measure during any use of such computers by minors; and

[(2)(A) has in place a policy of Internet safety that includes the operation of a technology protection measure with respect to any of its computers with Internet access that protects

against access through such computers to visual depictions that are—

[(i) obscene; or

[(ii) child pornography; and

[(B) is enforcing the operation of such technology protection measure during any use of such computers.

[(b) TIMING AND APPLICABILITY OF IMPLEMENTATION.—

[(1) IN GENERAL.—The local educational agency with responsibility for a school covered by subsection (a) shall certify the compliance of such school with the requirements of subsection (a) as part of the application process for the next program funding year under this Act following December 21, 2000, and for each subsequent program funding year thereafter.

[(2) PROCESS.—

[(A) SCHOOLS WITH INTERNET SAFETY POLICIES AND TECHNOLOGY PROTECTION MEASURES IN PLACE.—A local educational agency with responsibility for a school covered by subsection (a) that has in place an Internet safety policy meeting the requirements of subsection (a) shall certify its compliance with subsection (a) during each annual program application cycle under this Act.

[(B) SCHOOLS WITHOUT INTERNET SAFETY POLICIES AND TECHNOLOGY PROTECTION MEASURES IN PLACE.—

[(i) CERTIFICATION.—A local educational agency with responsibility for a school covered by subsection (a) that does not have in place an Internet safety policy meeting the requirements of subsection (a)—

[(I) for the first program year after December 21, 2000, in which the local educational agency is applying for funds for such school under this Act, shall certify that it is undertaking such actions, including any necessary procurement procedures, to put in place an Internet safety policy that meets such requirements; and

[(II) for the second program year after December 21, 2000, in which the local educational agency is applying for funds for such school under this Act, shall certify that such school is in compliance with such requirements.

[(ii) INELIGIBILITY.—Any school covered by subsection (a) for which the local educational agency concerned is unable to certify compliance with such requirements in such second program year shall be ineligible for all funding under this part for such second program year and all subsequent program years until such time as such school comes into compliance with such requirements.

[(C) WAIVERS.—Any school subject to a certification under subparagraph (B)(i)(II) for which the local educational agency concerned cannot make the certification otherwise required by that subparagraph may seek a waiver of that subparagraph if State or local procurement rules or regulations or competitive bidding requirements prevent the making of the certification otherwise required by that

subparagraph. The local educational agency concerned shall notify the Secretary of the applicability of that subparagraph to the school. Such notice shall certify that the school will be brought into compliance with the requirements in subsection (a) before the start of the third program year after December 21, 2000, in which the school is applying for funds under this part.

[(c) DISABLING DURING CERTAIN USE.—An administrator, supervisor, or person authorized by the responsible authority under subsection (a) may disable the technology protection measure concerned to enable access for bona fide research or other lawful purposes.

[(d) NONCOMPLIANCE.—

[(1) USE OF GENERAL EDUCATION PROVISIONS ACT REMEDIES.—Whenever the Secretary has reason to believe that any recipient of funds under this part is failing to comply substantially with the requirements of this section, the Secretary may—

[(A) withhold further payments to the recipient under this part;

[(B) issue a complaint to compel compliance of the recipient through a cease and desist order; or

[(C) enter into a compliance agreement with a recipient to bring it into compliance with such requirements,

[in same manner as the Secretary is authorized to take such actions under sections 455, 456, and 457, respectively, of the General Education Provisions Act.

[(2) RECOVERY OF FUNDS PROHIBITED.—The actions authorized by paragraph (1) are the exclusive remedies available with respect to the failure of a school to comply substantially with a provision of this section, and the Secretary shall not seek a recovery of funds from the recipient for such failure.

[(3) RECOMMENCEMENT OF PAYMENTS.—Whenever the Secretary determines (whether by certification or other appropriate evidence) that a recipient of funds who is subject to the withholding of payments under paragraph (1)(A) has cured the failure providing the basis for the withholding of payments, the Secretary shall cease the withholding of payments to the recipient under that paragraph.

[(e) DEFINITIONS.—In this subpart:

[(1) COMPUTER.—The term "computer" includes any hardware, software, or other technology attached or connected to, installed in, or otherwise used in connection with a computer.

[(2) ACCESS TO INTERNET.—A computer shall be considered to have access to the Internet if such computer is equipped with a modem or is connected to a computer network that has access to the Internet.

[(3) ACQUISITION OR OPERATION.—An elementary school or secondary school shall be considered to have received funds under this part for the acquisition or operation of any computer if such funds are used in any manner, directly or indirectly—

[(A) to purchase, lease, or otherwise acquire or obtain the use of such computer; or

[(B) to obtain services, supplies, software, or other actions or materials to support, or in connection with, the operation of such computer.

[(4) MINOR.—The term "minor" means an individual who has not attained the age of 17.

[(5) CHILD PORNOGRAPHY.—The term "child pornography" has the meaning given that term in section 2256 of title 18, United States Code.

[(6) HARMFUL TO MINORS.—The term "harmful to minors" means any picture, image, graphic image file, or other visual depiction that—

[(A) taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion;

[(B) depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and

[(C) taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.

[(7) OBSCENE.—The term "obscene" has the meaning applicable to that term under section 1460 of title 18, United States Code.

[(8) SEXUAL ACT AND SEXUAL CONTACT.—The terms "sexual act" and "sexual contact" have the meanings given those terms in section 2246 of title 18, United States Code.

[(f) SEVERABILITY.—If any provision of this section is held invalid, the remainder of this section shall not be affected thereby.]

PART A—CONTINUOUS IMPROVEMENT AND SUPPORT FOR TEACHERS AND PRINCIPALS

SEC. 2101. PURPOSE.

The purpose of this part is to provide grants to State educational agencies and subgrants to local educational agencies to enable such agencies to improve academic achievement for all students, including students with disabilities and English learners, by—

(1) providing professional development that is designed to improve instruction and student achievement; and

(2) increasing the number and improving the equitable distribution of high-quality teachers and principals.

SEC. 2102. DEFINITIONS.

In this part:

(1) INDUCTION PROGRAM.—The term "induction program" means a program based on scientifically valid research for new teachers that is designed to improve instruction and increase teacher retention, and that includes—

(A) high-quality teacher mentoring;

(B) the development of skills needed by new teachers, including content knowledge, pedagogical knowledge, classroom management (which may include positive behavioral interventions and supports), and the analysis and use of

student assessments (including formative assessments), and other student data;

(C) periodic, structured time for collaboration and professional development with teachers in the same subject or field, and opportunities to draw directly on the expertise of other school and local educational agency staff and other organizations that provide high-quality supports, which may include team teaching or a reduced teaching load; and

(D) regular and structured observation with timely feedback.

(2) MENTORING.—The term "mentoring" means supporting teachers or principals to increase the effectiveness and retention of such teachers or principals through a program that—

(A) includes clear criteria for the selection of mentors that takes into account the mentor's—

(i) record of increasing student achievement; and

(ii) ability to facilitate adult learning;

(B) provides high-quality training for mentors in how to support teachers or principals;

(C) provides regularly scheduled time for collaboration, examination of student work and achievement data, and ongoing opportunities for mentors and mentees to observe each other's teaching or leading, and identify and address areas identified for improvement; and

(D) matches mentees with mentors in the same field, grade, grade span, or subject area.

(3) STATE.—The term "State" means each of the several States of the United States, the Commonwealth of Puerto Rico, and the District of Columbia.

Subpart 1—Grants to States

SEC. 2111. ALLOTMENTS TO STATES.

(a) IN GENERAL.—The Secretary shall make grants to States with applications approved under section 2112 to enable the States to carry out the activities specified in section 2113. Each grant shall consist of the allotment determined for a State under subsection (b).

(b) DETERMINATION OF ALLOTMENTS.—

(1) RESERVATION OF FUNDS.—From the total amount appropriated to carry out this subpart for a fiscal year, the Secretary shall reserve—

(A) one-half of 1 percent for allotments for the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, to be distributed among those outlying areas on the basis of their relative need, as determined by the Secretary, in accordance with the purpose of this part; and

(B) one-half of 1 percent for the Secretary of the Interior for programs under this part in schools operated or funded by the Bureau of Indian Education.

(2) STATE ALLOTMENTS.—

(A) IN GENERAL.—Subject to subparagraph (B), from the funds appropriated to carry out this subpart and not re-

served under paragraph (1), the Secretary shall allot to each State the sum of—

(i) an amount that bears the same relationship to 35 percent of the remaining amount as the number of individuals ages 5 through 17 in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all such States, as so determined; and

(ii) an amount that bears the same relationship to 65 percent of the remaining amount as the number of individuals, ages 5 through 17 from families with incomes below the poverty line, in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all such States, as so determined.

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

(3) REALLOTMENT.—If any State does not receive an allotment under this subsection for any fiscal year, the Secretary shall reallot the amount of the allotment to the remaining States in accordance with this subsection.

SEC. 2112. STATE APPLICATIONS.

(a) IN GENERAL.—For a State to be eligible to receive a grant under this part, the State educational agency shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

(b) CONTENTS.—Each application submitted under this section shall be subject to peer review and include—

(1) a description of how the State educational agency will ensure that each local educational agency receiving a subgrant under subpart 2 will comply with the requirements of such subgrant;

(2) a description of how the State will use funds reserved under section 2113(a);

(3) a description of how the activities to be carried out by the State educational agency under this subpart will be based on a review of scientifically valid research and an explanation of why the activities are expected to improve student achievement;

(4) a description of how activities under this subpart are aligned with State academic content and student academic achievement standards and State assessments, which include, as appropriate, State early learning standards for children younger than kindergarten;

(5) a description of how the State educational agency will provide data on each teacher's student achievement and, if applicable, student growth, for the State assessments required under section 1111(a)(2) to teachers and local educational agencies, in a timely and useful manner;

(6) if the State intends to use grant funds to develop or improve a teacher and principal evaluation system—

(A) a description of such system; and

(B) an assurance that such system will be consistent with section 2301(b)(4);

(7) a description of how the State educational agency will hold local educational agencies accountable for meeting the requirements of section 1119;

(8) an assurance that the State educational agency will comply with section 9501 (regarding participation by private school children and teachers); and

(9) a description of the activities funded under this subpart, including how such activities will be coordinated with the State agency responsible for early childhood education and care programs and the State Advisory Council on Early Childhood Education and Care established under section 642B of the Head Start Act, that are designed to improve and strengthen the knowledge and skills of teachers and principals responsible for educating children in preschool, where applicable, through grade 3.

(c) DEEMED APPROVAL.—An application submitted by a State educational agency pursuant to subsection (a) that has been peer reviewed shall be deemed to be approved by the Secretary unless the Secretary makes a written determination, prior to the expiration of the 120-day period beginning on the date on which the Secretary received the application, that the application is not in compliance with this subpart.

(d) DISAPPROVAL.—The Secretary shall not finally disapprove the application, except after giving the State educational agency notice and an opportunity for a hearing.

(e) NOTIFICATION.—If the Secretary finds that the application is not in compliance, in whole or in part, with this subpart, the Secretary shall—

(1) give the State educational agency notice and an opportunity for a hearing; and

(2) notify the State educational agency of the finding of noncompliance and, in such notification, shall—

(A) cite the specific provisions in the application that are not in compliance; and

(B) request additional information, only as to the noncompliant provisions, needed to make the application compliant.

(f) RESPONSE.—If the State educational agency responds to the Secretary's notification described in subsection (e)(2) during the 45-day period beginning on the date on which the agency received the notification, and resubmits the application with the requested information described in subsection (e)(2)(B), the Secretary shall approve or disapprove such application prior to the later of—

(1) the expiration of the 45-day period beginning on the date on which the application is resubmitted; or

(2) the expiration of the 120-day period described in subsection (c).

(g) FAILURE TO RESPOND.—If the State educational agency does not respond to the Secretary's notification described in subsection (e)(2) during the 45-day period beginning on the date on which the agency received the notification, such application shall be deemed to be disapproved.

SEC. 2113. STATE USE OF FUNDS.

(a) IN GENERAL.—A State that receives a grant under section 2111—

(1) shall reserve 95 percent of the funds made available through the grant to make subgrants to local educational agencies as described in subpart 2;

(2) shall use not less than 2 percent but not more than 5 percent of funds made available through the grant to improve the performance and distribution of high quality principals and, at the State's discretion, other school leaders, including through—

(A) developing, periodically reviewing, and revising State policies and standards related to principals;

(B) developing, with appropriate stakeholders, and carrying out a State plan to provide for well-prepared principals, based on an analysis of relevant data;

(C) activities designed to recruit, prepare, place, assist, support, and retain high quality principals for high-need schools and low-performing schools;

(D) providing training and support to principals and school leadership teams in high-need schools and low-performing schools on improving instruction and closing achievement gaps; and

(E) providing compensation or incentives to attract, retain, and reward high quality principals and other school leaders for high-need schools and low-performing schools;

(3) shall use funds remaining after making the reservations under paragraphs (1) and (2) to—

(A) plan and administer State activities under this part, including awarding, monitoring, and enforcing the requirements of subgrants awarded under subpart 2;

(B) assist local educational agencies in recruiting, preparing, placing, developing, and retaining high-quality teachers for high-need schools and low-performing schools;

(C) provide technical assistance, as necessary, to local educational agencies that receive subgrants under subpart 2, to improve performance on the measures described in section 2141(b);

(D) develop and disseminate the State Report Card described in subpart 4, and use the information in the Report Card to guide efforts under this part; and

(E) provide technical assistance and support to local educational agencies in the development and implementation of programs and policies that support children's transition from early childhood education and care programs into elementary schools, improve school readiness, and improve the academic achievement of young children; and

(4) may use any funds remaining after making the reservations under paragraphs (1) and (2) and carrying out paragraph (3) to provide technical assistance to local educational agencies to support the design and implementation of a system to evaluate teachers and principals consistent with section 2301(b)(4), including—

(A) developing and disseminating research-based models and designing high-quality evaluation tools, such as classroom observation rubrics;

(B) developing and providing training for principals and other evaluators on how to evaluate teachers in order to differentiate teacher performance accurately, provide useful feedback, and use evaluation results to inform decision-making about professional development, improvement strategies, and personnel decisions;

(C) developing methods, including training and auditing, for ensuring inter-rater reliability of evaluation results;

(D) the appropriate collection, reporting, analysis, and use of evaluation data; and

(E) creating opportunities for teachers and principals to provide feedback on the quality and usefulness of the local educational agency's evaluation system.

(b) OPTIONAL USES.—

(1) IN GENERAL.—Notwithstanding subsection (a)(2), a State that receives a grant under section 2111 may, from the funds available for the uses described in such subsection (a)(2), use an amount equal to not more than 1 percent of the funds made available through the grant to establish, expand, or implement 1 or more teacher or principal preparation academies and to provide for a State authorizer, if—

(A) the State does not have in place legal, statutory, or regulatory barriers to the creation or operation of teacher or principal preparation academies;

(B) the State enables candidates attending a teacher or principal preparation academy to be eligible for State financial aid to the same extent as participants in other State-approved teacher or principal preparation programs, including alternative certification, licensure, or credential programs;

(C) the State enables teachers or principals who are teaching or working while on alternative certificates, licenses, or credentials to teach or work in the State while enrolled in a teacher or principal preparation academy; and

(D) the State will recognize a certificate of completion (from any teacher or principal preparation academy that is not, or is unaffiliated with, an institution of higher education), as at least the equivalent of a master's degree in education for the purposes of hiring, retention, compensation, and promotion in the State.

(2) DEFINITIONS.—In this subsection:

(A) TEACHER OR PRINCIPAL PREPARATION ACADEMY.—The term "teacher or principal preparation academy" means a public or other nonprofit institution that will prepare teachers or principals, or both, to serve in high-need schools and that—

(i) enters into an agreement with a State authorizer that specifies the goals expected of the institution, including—

(I) a requirement that—

(aa) teacher or principal candidates, or teachers teaching or principals serving on alternative certificates, licenses, or credentials, who are enrolled in the academy receive a significant part of their training through clinical preparation that partners candidates with mentor teachers or principals with a demonstrated track record of success in improving student growth, including (where applicable) children with disabilities, children living in poverty, and English learners; and

(bb) the academy will provide instruction to teacher candidates that links to the clinical preparation experience;

(II) the number of teachers or principals the academy will produce and the minimum number and percentage of teachers or principals who will demonstrate success in improving student performance based on multiple measures (including student growth);

(III) a requirement that the teacher preparation component of the academy will only award a certificate of completion (or degree, if the academy is, or is affiliated with, an institution of higher education) after the graduate demonstrates a track record of success in improving student performance based on multiple measures (including student growth), either as a student teacher or teacher-of-record on an alternative certificate, license, or credential;

(IV) a requirement that the principal preparation component of the academy will only award a certificate of completion (or degree, if the academy is, or is affiliated with, an institution of higher education) after the graduate demonstrates a track record of success in improving student performance for some or all of a school's students; and

(V) timelines for producing cohorts of graduates and conferring certificates of completion (or degrees, if the academy is, or is affiliated with, an institution of higher education) from the academy;

(ii) shall not have unnecessary restrictions placed on the methods the academy will use to train teacher or principal candidates (or teachers or principals that are teaching or working while on alternative certificates, licenses, or credentials), including restrictions or requirements—

(I) obligating the faculty of the academy to hold advanced degrees, or prohibiting the faculty of the academy from holding advanced degrees;

(II) obligating such faculty to conduct academic research;

(III) related to the physical infrastructure of the academy;

(IV) related to the number of course credits required as part of the program of study;

(V) related to the undergraduate coursework completed by teachers teaching on alternative certificates, licenses, or credentials, as long as such teachers have successfully passed all relevant State-approved content area examinations; or

(VI) related to obtaining additional accreditation from a national accrediting body; and

(iii) limits admission to its program to candidates who demonstrate strong potential to improve student achievement, based on a rigorous selection process that reviews a candidate's prior academic achievement or record of professional accomplishment.

(B) STATE AUTHORIZER.—The term "State authorizer" means an entity designated by the Governor of a State to recognize teacher or principal preparation academies within the State that—

(i) enters into an agreement with a teacher or principal preparation academy that specifies the goals expected of the academy, as described in subparagraph (A)(i);

(ii) may be a nonprofit organization, State educational agency, or other public entity, or consortium of such entities (including a consortium of States); and

(iii) does not reauthorize a teacher or principal preparation academy if the academy fails to produce the minimum number or percentage of effective teachers or principals, respectively, identified in the academy's authorizing agreement.

(c) SUPPLEMENT, NOT SUPPLANT.—Funds received under this subpart shall be used to supplement, and not supplant, non-Federal funds that would otherwise be used for activities authorized under this subpart.

Subpart 2—Subgrants to Local Educational Agencies

SEC. 2121. ALLOCATIONS TO LOCAL EDUCATIONAL AGENCIES.

(a) IN GENERAL.—The Secretary may make a grant to a State under subpart 1 only if the State educational agency agrees to distribute the funds described in this section as subgrants to local educational agencies under this subpart.

(b) ALLOCATIONS.—

(1) IN GENERAL.—From the total amount reserved by a State under section 2113(a)(1) for a fiscal year, the State educational agency shall allocate to each of the eligible local educational agencies in the State for such fiscal year the sum of—

(A) an amount that bears the same relationship to 20 percent of the total amount reserved as the number of individuals age 5 through 17 in the geographic area served by the agency, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in the geographic areas served by all the

local educational agencies in the State, as so determined; and

(B) an amount that bears the same relationship to 80 percent of the total amount reserved as the number of individuals age 5 through 17 from families with incomes below the poverty line in the geographic area served by the agency, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in the geographic areas served by all the local educational agencies in the State, as so determined.

(2) HOLD HARMLESS.—

(A) IN GENERAL.—Notwithstanding paragraph (1), the State educational agency shall allocate to each of the eligible local educational agencies in the State an amount that is not less than 90 percent of the allocation the eligible local educational agency received for the previous fiscal year under this part.

(B) RATABLE REDUCTION.—If insufficient funds are appropriated to allocate the amounts that all eligible local educational agencies in the State are eligible to receive under subparagraph (A) for a fiscal year, the Secretary shall ratably reduce those amounts for the fiscal year.

SEC. 2122. LOCAL APPLICATIONS AND NEEDS ASSESSMENT.

(a) IN GENERAL.—To be eligible to receive a subgrant under this subpart, a local educational agency shall—

(1) submit an application to the State educational agency at such time, in such manner, and containing such information as the State educational agency may reasonably require; and

(2) conduct, with the involvement of school staff and other stakeholders, as applicable, an assessment of the needs of the local educational agency in the areas set forth under section 2141(b).

(b) CONTENTS.—Each application submitted under this section shall include the following:

(1) A description of the results of the needs assessment conducted under subsection (a)(2).

(2) A description of the performance measures and activities the local educational agency will use to address the needs identified in such assessment.

(3) If applicable, a description of how the local educational agency will improve or implement a rigorous, transparent, and fair evaluation system for teachers and principals consistent with section 2301(b)(4).

(4) The local educational agency's plan for using subgrant funds, and other Federal, State and local funds, to provide for the equitable distribution of teachers within the local educational agency consistent with section 1111(b)(1)(K).

SEC. 2123. LOCAL USE OF FUNDS.

(a) IN GENERAL.—A local educational agency that receives a subgrant under section 2121 shall use subgrant funds to increase student achievement for all students, including English learners and students with disabilities, by carrying out 1 or more of the following activities:

(1) Developing and carrying out professional development, which may include joint professional development for teachers, principals, and other relevant school staff with early childhood education and care program staff.

(2) Reducing class size for prekindergarten through grade 3, by an amount and to a level consistent with what scientifically valid research has found to improve student achievement.

(3) Developing and implementing an induction program or a mentoring program.

(4) Developing and implementing, or improving, a teacher and principal evaluation system that is consistent with section 2301(b)(4).

(5) Increasing teacher capacity to evaluate student work and use student achievement data, which may include supporting the involvement of teachers in assessment scoring.

(6) Recruiting, preparing, placing, supporting, developing, rewarding, and retaining high-quality teachers and principals, especially—

(A) teachers and principals in high-need schools and low-performing schools taking into consideration members of groups underrepresented in the teaching profession and the principalship; and

(B) teachers in high-need subjects or fields.

(7) Improving within-district equity in the distribution of teachers consistent with the requirements of section 1111(b)(1)(K).

(8) Enabling teachers to become certified as teachers in a high-need subject or field.

(9) Creating career ladders, which may include modifying the local educational agency's policies and practices, to provide opportunities for high-quality teachers or paraprofessionals to advance or take on additional roles and responsibilities.

(10) Reforming the local educational agency's system of compensating teachers and principals in order to—

(A) provide incentives to recruit and retain high-quality principals and teachers in a high-need subject or field, or who teach in or lead a high-need school or low-performing school; and

(B) reward high-quality teachers and principals for increasing student achievement or taking on additional roles and responsibilities.

(b) SUPPLEMENT, NOT SUPPLANT.—Funds received under this subpart shall be used to supplement, and not supplant, non-Federal funds that would otherwise be used for activities authorized under this subpart.

Subpart 3—National Leadership Activities

SEC. 2131. NATIONAL LEADERSHIP ACTIVITIES.

From the funds made available to carry out this part for a fiscal year, the Secretary is authorized to set aside not more than 1 percent to carry out the following activities related to the purpose of this part:

(1) Research and development.

(2) Technical assistance.

(3) Outreach and dissemination activities directly or through grants, contracts, or cooperative agreements.

Subpart 4—Accountability

SEC. 2141. ACCOUNTABILITY.

(a) IN GENERAL.—

(1) STATE REPORT.—Each State that receives a grant under subpart 1 shall annually submit to the Secretary, in a manner prescribed by the Secretary, and make public, a State Report on program performance and results under such grant. Such State Report shall provide the information required under subsection (b).

(2) LOCAL EDUCATIONAL AGENCY REPORT.—Each local educational agency that receives a subgrant under subpart 2 shall annually submit to the State, in a manner prescribed by the State, and make public, a Local Educational Agency Report on program performance and results under such subgrant. Such Local Educational Agency Report shall provide the information required under subsection (b).

(3) FERPA COMPLIANCE.—Each State and local educational agency that submits a report in compliance with this subsection shall collect, report, and disseminate information contained in such report in compliance with section 444 of the General Education Provisions Act (20 U.S.C. 1232g, commonly known as the "Family Educational Rights and Privacy Act of 1974").

(4) TEACHER AND PRINCIPAL PRIVACY.—No State or local educational agency shall publicly report information in compliance with this subsection in a case in which the results would reveal personally identifiable information about an individual teacher or principal.

(b) INFORMATION.—Each State Report and Local Educational Agency Report shall contain, as appropriate—

(1) the number of teachers in the State and local educational agency teaching under a provisional license due to not having passed all required State licensure tests for 1, 2, and 3 or more school years; and

(2) data, by teacher preparation program within the State, on the student achievement data of students taught by such program's graduates.

Subpart 5—Principal Recruitment and Training

SEC. 2151. PRINCIPAL RECRUITMENT AND TRAINING GRANT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) CURRENT PRINCIPAL.—The term "current principal" means an individual who, as of the date of the determination of participation in a program under this section, is employed as a principal or has been employed as a principal.

(2) ELIGIBLE ENTITY.—The term "eligible entity" means—

(A) a local educational agency that serves an eligible school or a consortium of such agencies;

(B) a State educational agency or a consortium of such agencies;

(C) a State educational agency in partnership with 1 or more local educational agencies that serve an eligible school;

(D) an entity described in subparagraphs (A), (B), or (C) in partnership with 1 or more nonprofit organizations or institutions of higher education; or

(E) an institution of higher education or a nonprofit organization, if the institution or nonprofit organization can demonstrate a record of—

(i) preparing principals who have been able to improve student achievement substantially; and

(ii) placing a significant percentage of such principals in eligible schools.

(3) ELIGIBLE SCHOOL.—The term "eligible school" means a public school, including a public charter school, that meets 1 or more of the following criteria:

(A) Is a high-need school.

(B) Is a persistently low-achieving school, as described in section 1116.

(C) Is an achievement gap school, as described in section 1116.

(D) In the case of a public school containing middle grades, feeds into a public high school that has less than a 60 percent graduation rate.

(E) Is a rural school served by a local educational agency that is eligible to receive assistance under part B of title VI.

(4) MIDDLE GRADE.—The term "middle grade" means any of grades 5 through 8.

(5) SCHOOL-LEVEL STUDENT OUTCOMES.—The term "school-level student outcomes" means, at the whole school level and for each subgroup of students described in section 1111(a)(2)(B)(ix) served by the school—

(A) student academic achievement and student growth; and

(B) additional outcomes, including, at the high school level, graduation rates and the percentage of students taking college-level coursework.

(b) PROGRAM AUTHORIZED.—

(1) PRINCIPAL RECRUITMENT AND TRAINING GRANT PROGRAM.—The Secretary shall award grants to eligible entities to enable such entities to recruit, prepare, place, and support principals in eligible schools.

(2) DURATION.—

(A) IN GENERAL.—

(i) NOT MORE THAN 5 YEAR DURATION.—A grant awarded under this section shall be not more than 5 years in duration.

(ii) RENEWAL.—The Secretary may—

(I) renew a grant awarded under this section based on performance; and

(II) in renewing a grant under subclause (I), award the grantee increased funding to scale up or replicate the grantee's program.

(B) PERFORMANCE.—In evaluating performance for purposes of subparagraph (A)(ii)(I)—

(i) the Secretary's primary consideration shall be the extent to which the principals recruited, prepared, placed, or supported by the grantee have improved school-level student outcomes in eligible schools; and

(ii) the Secretary shall also consider the percentage of program graduates—

(I) who become principals in eligible schools;

(II) who remain principals in eligible schools for multiple years; and

(III) who are highly rated principals under a teacher and principal evaluation system described in section 2301(b)(4), if applicable.

(c) APPLICATION AND SELECTION CRITERIA.—

(1) APPLICATION.—An eligible entity that desires a grant under this section shall submit to the Secretary an application at such time, in such manner, and accompanied by such information as the Secretary may require.

(2) SELECTION CRITERIA.—In awarding grants under this section, the Secretary shall consider—

(A) the extent to which the entity has the capacity to implement the activities described in subsection (e) that the entity proposes to implement;

(B) the extent to which the entity has a demonstrated record of effectiveness or an evidenced-based plan for preparing principals to improve school-level student outcomes in eligible schools;

(C) the extent to which the entity has a demonstrated record of effectiveness or an evidence-based plan for providing principals trained by the entity with the guidance, support, and tools they need to improve school-level student outcomes in eligible schools, including providing principals with resources, such as funding to ensure supports for quality teaching, and decisionmaking authority over areas such as personnel, budget, curriculum, or scheduling; and

(D) the likelihood of the entity sustaining the project with funds other than funds provided under this section, which other funds may include funds provided under this title other than this section, once the grant is no longer available to the entity.

(d) AWARDING GRANTS.—

(1) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to an eligible entity with a record of preparing or developing principals who—

(A) have improved school-level student outcomes;

(B) have become principals in eligible schools;

(C) remain principals in eligible schools for multiple years; and

(D) are highly rated principals under a teacher and principal evaluation system described in section 2301(b)(4), if applicable.

(2) GRANTS FOR RURAL SCHOOLS AND LOWEST PERFORMING SCHOOLS.—In awarding grants under this section, the Secretary shall, consistent with the quality of applications—

(A) award not less than 1 grant to an eligible entity that intends to establish a program that focuses on training or supporting principals and other school leaders for rural schools; and

(B) award not less than 1 grant to an eligible entity that intends to establish a program to train and support principals and other school leaders to lead reform efforts in persistently low-achieving schools in a State or more than 1 State, as determined under section 1116.

(3) REFORM EFFORTS.—An eligible entity that receives a grant under this section to carry out a program described in paragraph (2)(B)—

(A) during the first year of the grant, shall use grant funds—

(i) to bring together experts and stakeholders who are committed to dramatic and effective reform of persistently low-achieving schools who can provide input about what the evidence base shows regarding effective school leadership in such schools;

(ii) to collect and develop, in consultation with experts and stakeholders, a core body of knowledge regarding effective school reform leadership in persistently low-achieving schools, which is evidence based; and

(iii) to develop, drawing on the core body of knowledge developed in clause (ii), a leadership training program for principals, mentors, and other school leaders, to prepare and support the principals, mentors, and leaders to lead effective school reform efforts in persistently low-achieving schools; and

(B) during each year of the grant after the first year, shall use grant funds—

(i) to carry out the leadership training program described in subparagraph (A)(iii);

(ii) to ensure that the leadership training program described in subparagraph (A)(iii) is informed, on an ongoing basis, by consultation with experts and stakeholders, and by the program's tracking of the performance of its graduates in leading school reform efforts in persistently low-achieving schools;

(iii) to select cohorts of experienced principals to lead school reform efforts in persistently low-achieving schools;

(iv) to provide support for, and encourage interaction among, cohorts of principals after completion of the leadership training program described in subparagraph (A)(iii); and

(v) to disseminate information to principals, mentors, and other school leaders engaging in reform efforts in persistently low-achieving schools.

(e) ACTIVITIES.—Each eligible entity that receives a grant under this section shall use grant funds to carry out the following:

(1) To recruit and select, using rigorous, competency-based, selection criteria, and train and support a diverse group of aspiring or current principals, or both, for work in eligible schools.

(2) Tracking participants to determine if such individuals are attaining, or have attained, the competencies needed to complete the training and enter into an effective leadership role, and provide counseling and, if appropriate, separation, to participants who the entity determines will not attain, or have not attained, those competencies.

(3) If the eligible entity provides a program for aspiring principals, providing such aspiring principals with—

(A) a pre-service residency that is not less than 1 year in length, and that includes coaching from a mentor principal, and instructional leadership and organizational management experience;

(B) focused coursework on instructional leadership, organizational management, and the use of a variety of data for purposes of—

(i) instruction;

(ii) evaluation and development of teachers; and

(iii) development of highly effective school organizations; and

(C) ongoing support, mentoring, and professional development for not less than 2 years after the aspiring principals complete the residency and commence work as school leaders.

(4) To train mentors for principals who are serving or who wish to serve in eligible schools or for aspiring principals who wish to serve in such eligible schools, or for both.

(5) Providing differentiated training to participants in competencies that evidence shows are critical to improving school-level student outcomes in eligible schools, such as—

(A) recruiting, training, supervising, supporting, and evaluating teachers and other staff;

(B) developing teams of effective school staff, and distributing among members of such teams responsibilities for leading and improving their schools;

(C) where applicable for participants serving elementary schools, offering high-quality early childhood education to the students such participants are serving and facilitating the transition of children from early learning settings to elementary school;

(D) setting high expectations for student achievement;

(E) addressing the unique needs of specific student populations served, such as students with disabilities, students who are English learners, and students who are homeless or in foster care;

(F) managing budget resources and school time to support high-quality instruction and improvements in student achievement, such as by extending the school day and year and providing common planning time to teachers and staff; and

(G) working effectively with students' parents and other members of the community.

(6) Delivering high-quality, differentiated, school-level support services and training to current principals of eligible schools, if the eligible entity provides a program for current principals, or during the period described in paragraph (3)(C) to individuals who have completed the aspiring principal residency, if the eligible entity provides a program for aspiring principals, to help meet the specific needs of the eligible schools they serve, which may include—

(A) training and support for the design of school-wide improvement plans based on the diagnosis of school conditions and needs informed by data and analysis of classroom and school practices; and

(B) support in organizing and training the teams described in paragraph (5)(B).

(7) Making available any training materials funded under the grant, such as syllabi, assignments, or selection rubrics, to the Department for public dissemination.

(8) Tracking the effectiveness of the program based on, at a minimum—

(A) school-level student outcomes at the schools where program graduates have served as principals;

(B) the percentage of program graduates who become principals in eligible schools;

(C) the percentage of program graduates who remain principals in eligible schools for multiple years; and

(D) the percentage of program graduates who are highly rated under a teacher and principal evaluation system described in section 2301(b)(4), if applicable.

(9) Using the data on the effectiveness of the program for, among other purposes, the continuous improvement of the program.

(f) ANNUAL REPORT.—An eligible entity that receives a grant under this section shall submit an annual report, beginning in the third year of the grant, to the Secretary regarding—

(1) school-level student outcomes resulting from implementation of the grant activities; and

(2) data on—

(A) the percentage of program graduates who become principals in eligible schools;

(B) the percentage of graduates who remain principals in eligible schools for multiple years; and

(C) the percentage of program graduates who are highly rated under a teacher and principal evaluation system described in section 2301(b)(4), if applicable.

(g) MATCHING REQUIREMENT.—

(1) MATCHING REQUIREMENT.—

(A) IN GENERAL.—An eligible entity that receives a grant under this section shall contribute annually to the activities assisted under such grant matching funds in an amount equal to not less than 20 percent of the amount of the grant from non-Federal sources.

(B) MATCHING FUNDS.—The matching funds requirement under subparagraph (A) may be met by—

(i) contributions that are in cash or in-kind, fairly evaluated; and

(ii) payments of a salary or stipend to an aspiring principal during the aspiring principal's residency year.

(2) WAIVER.—The Secretary may waive or reduce the matching requirement under paragraph (1) if the eligible entity demonstrates a need for such waiver or reduction due to financial hardship.

(h) SUPPLEMENT, NOT SUPPLANT.—Grant funds provided under this section shall be used to supplement, and not supplant, any other Federal, State, or local funds otherwise available to carry out the activities described in this section.

(i) EVALUATION AND DISSEMINATION OF BEST PRACTICES.—In accordance with section 9601, the Secretary shall—

(1) carry out an evaluation of programs funded under this section; and

(2) identify and disseminate research and best practices related to such programs.

(j) REPORT TO CONGRESS.—Not later than 5 years after the date of enactment of the Elementary and Secondary Education Reauthorization Act of 2011, the Secretary shall submit a report to the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on Appropriations of the Senate, the Committee on Education and the Workforce of the House of Representatives, and the Committee on Appropriations of the House of Representatives on lessons learned through programs funded with grants awarded under this section.

PART B—TEACHER PATHWAYS TO THE CLASSROOM

SEC. 2201. TEACHER PATHWAYS.

(a) PURPOSE.—It is the purpose of this section to support the recruitment, selection, preparation, placement, retention, and support of teachers in high-need subjects or fields who will improve student academic achievement and student outcomes at high-needs schools.

(b) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term "eligible entity" means—

(A) a partnership of—

(i) 1 or more institutions of higher education or nonprofit organizations; and

(ii) a high-need local educational agency and 1 or more other local educational agencies or State educational agencies; or

(B) an institution of higher education or a nonprofit organization that can demonstrate a record of—

(i) preparing teachers who are successful in improving student achievement; and

(ii) placing a significant percentage of those teachers in high-need schools.

(2) TEACHER IN A HIGH-NEED SUBJECT OR FIELD.—The term "teacher in a high-need subject or field" means a teacher of—

(A) students with disabilities;

(B) English learners;

(C) mathematics; or

(D) science.

(c) AUTHORIZATION OF GRANT AWARDS.—The Secretary shall award grants to eligible entities to pay for the Federal share of the cost of carrying out the activities described in this section.

(d) APPLICATIONS.—An eligible entity that desires to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

(e) CONSIDERATIONS.—In awarding grants under this section, the Secretary shall consider the geographic diversity of the eligible entities, including the distribution of grants among urban, suburban, and rural areas.

(f) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to applicants that demonstrate a record of—

(1) recruiting college undergraduates, recent college graduates, graduate students, and professionals with a demonstrated history of significant academic achievement to become teachers;

(2) recruiting and selecting candidates who are members of groups underrepresented in the teaching profession; and

(3) preparing teachers who consistently improve student academic achievement at high-need schools.

(g) REQUIRED USE OF FUNDS.—An eligible entity that receives a grant under this section shall use the grant funds for the following:

(1) To recruit, select, prepare, place, retain, and support teachers for high-need schools and teachers in high-need subjects or fields.

(2) To prepare all teachers to teach students with disabilities and English language learners.

(3) To prepare teachers in classroom management, instructional planning and delivery, learning theory and cognitive development, literacy development, and student assessment.

(4) To provide school-based, clinical experience at a high-need school that includes observation of and feedback on teacher candidates' teaching.

(5) To provide ongoing mentoring and support, which may include coursework, for participants for at least 1 school year.

(h) PERMISSIBLE USE OF GRANT FUNDS.—An eligible entity that receives a grant under this section may use the grant funds to provide financial stipends for teacher candidates who are not the teacher of record.

(i) PERFORMANCE AND GRANT RENEWAL.—

(1) TRACKING PERFORMANCE.—An eligible entity that receives a grant under this section shall—

(A) track the placement rate, retention rate, and performance in improving student academic achievement of teachers recruited and prepared by programs funded by the grant; and

(B) submit data on such performance to the Secretary.

(2) CONDITIONS FOR GRANT RENEWAL.—The Secretary shall evaluate the information submitted under paragraph (1) and renew a grant awarded under this section only if the data indicate the teachers are successful in improving student academic achievement.

(j) FISCAL AGENT.—The fiscal agent for an eligible entity that receives a grant under this section may be a local educational agency, State educational agency, institution of higher education, or nonprofit organization that is a partner in the eligible entity.

(k) MATCHING REQUIREMENTS.—

(1) FEDERAL SHARE.—Except as provided in paragraph (2)(B), the Federal share for this section shall be a percentage of the cost of the activities assisted under the grant as determined by the Secretary.

(2) NON-FEDERAL SHARE.—

(A) IN GENERAL.—The non-Federal share provided by an eligible entity receiving a grant under this section shall be a percentage of the cost of the activities assisted under the grant as determined by the Secretary. The non-Federal share may include in-kind contributions.

(B) SPECIAL RULE.—The Secretary may waive or reduce the amount of the non-Federal share described in subparagraph (A) for any fiscal year if the eligible entity demonstrates to the Secretary that the funds needed to carry out that subparagraph are unavailable due to economic hardship, as determined by the Secretary.

(l) EVALUATION.—The Director of the Institute of Education Sciences shall—

(1) evaluate the implementation and impact of the program under this section;

(2) identify best practices for recruiting, selecting, preparing, placing, retaining, and supporting teachers in high-need subjects or fields for high-need schools; and

(3) disseminate research on best practices.

PART C—TEACHER INCENTIVE FUND PROGRAM

SEC. 2301. PURPOSES; DEFINITIONS.

(a) PURPOSES.—The purposes of this part are to assist States, local educational agencies, and nonprofit organizations to develop, implement, improve, or expand—

(1) comprehensive performance-based compensation systems for teachers, principals, and schools that raise student academic achievement and close the achievement gap, especially for teachers and principals in high-need schools; and

(2) rigorous, transparent, and fair teacher and principal evaluation systems.

(b) DEFINITIONS.—Except as otherwise provided, in this part:

(1) ELIGIBLE ENTITY.—The term "eligible entity" means—

(A) a local educational agency or a consortium of local educational agencies, including a charter school that is a local educational agency;

(B) a State educational agency, or other State agency designated by the chief executive of a State to participate under this subpart; or

(C) a nonprofit or for-profit organization, which may include an institution of higher education, in partnership with an entity described in subparagraph (A) or (B).

(2) PERFORMANCE-BASED COMPENSATION SYSTEM.—The term "performance-based compensation system" means a system of compensation for teachers and principals that—

(A) differentiates levels of compensation primarily on the basis of measurable increases in student academic achievement; and

(B) may include—

(i) differentiated levels of compensation on the basis of effective teachers' and principals' employment and success in hard-to-staff schools or high-need subject areas; and

(ii) recognition of the skills and knowledge of teachers and principals, as demonstrated through—

(I) successful fulfillment of additional responsibilities or job functions; and

(II) evidence of high achievement and mastery of content knowledge and superior teaching skills.

(3) STUDENT ACADEMIC ACHIEVEMENT.—In this subsection, the term "student academic achievement" means—

(A) for grades and subjects for which there are assessments, as described in section 1111(a)(2), a student's results from the State's assessments under such section or other statewide assessments; and

(B) other measures of a student's learning and performance, such as end-of-course tests, and other measures that are rigorous and comparable across schools in a school district and that are aligned with the State academic content standards and student academic achievement standards under section 1111(a)(1).

(4) TEACHER AND PRINCIPAL EVALUATION SYSTEM.—The term "teacher and principal evaluation system" means a system for evaluating the performance of teachers and principals that—

(A) provides meaningful feedback to teachers and principals on the results of their evaluation;

(B) establishes multiple categories of teacher and principal performance;

(C) evaluates teachers and principals regularly consistent with research and best practice, including multiple measures;

(D) is used to inform decisions about professional development;

(E) is developed and implemented with teacher and principal involvement;

(F) is regularly reviewed to ensure that the evaluation provides meaningful differentiation and is aligned with student academic achievement results;

(G) provides training for the evaluators who are responsible for conducting classroom observations;

(H) for teachers—

(i) shall be based in significant part on evidence of improved student academic achievement;

(ii) shall include observations of classroom teaching; and

(iii) may include other measures of student academic achievement and teacher performance; and

(I) for principals—

(i) shall be based in significant part on evidence of improved student academic achievement and student outcomes;

(ii) shall be based on evidence of providing strong instructional leadership and support to teachers and other staff; and

(iii) may include other measures of principal performance such as parent and family engagement.

SEC. 2302. TEACHER INCENTIVE FUND GRANTS.

(a) IN GENERAL.—From the amounts appropriated to carry out this part, the Secretary is authorized to award grants, on a competitive basis, to eligible entities to enable the eligible entities to develop, implement, improve, or expand performance-based compensation systems and teacher and principal evaluation systems in a school served by a project under this part.

(b) PRIORITY.—In awarding a grant under this part, the Secretary shall give priority to an eligible entity that concentrates the proposed activities with respect to teachers and principals serving in high-need schools.

(c) APPLICATIONS.—To be eligible to receive a grant under this part, an eligible entity shall submit an application to the Secretary, at such time and in such manner as the Secretary may reasonably require. The application shall include, as applicable—

(1) a description of the performance-based compensation system and teacher and principal evaluation system that the eligible entity proposes to develop, implement, improve, or expand;

(2) a description and evidence of the support and commitment, from teachers and principals in the school to be served by the project, the community, including community-based organizations, and the local educational agencies, for the performance-based compensation system and teacher and principal evaluation system, including a demonstration of consultation with teachers and principals in the design and development of the proposal;

(3) a description of how the eligible entity will develop and implement a fair, rigorous, and objective process to evaluate teacher, principal, and student performance under the project, including the baseline performance against which evaluations of improved performance will be made;

(4) a description of the local educational agency or school to be served by the project, including such student academic

achievement, demographic, and socioeconomic information as the Secretary may request;

(5) a description of the quality of teachers and principals in the local educational agency and the schools to be served by the project and how the project will increase the quality of teachers and principals in a high-need school;

(6) a description of how the eligible entity will use grant funds under this part in each year of the grant;

(7) a description of how the eligible entity will continue funding and carrying out the performance-based compensation system and teacher and principal evaluation system after the grant period ends;

(8) a description of the State, local, or other public or private funds that will be used to supplement the grant and sustain the activities assisted under the grant at the end of the grant period; and

(9) a description of the rationale and evidence for the proposed activities and of any prior experience of the eligible entity in developing and implementing such activities.

(d) USE OF FUNDS.—

(1) IN GENERAL.—An eligible entity that receives a grant under this part shall use grant funds to carry out, in collaboration with teachers, principals, other school administrators, and members of the public, activities authorized under paragraph (2) that are designed to develop, implement, improve, or expand, consistent with this part—

(A) a performance-based compensation system; and

(B) a teacher and principal evaluation system.

(2) AUTHORIZED ACTIVITIES.—An eligible entity receiving a grant under this part shall use grant funds for the following activities:

(A) Developing or improving teacher and principal evaluation systems that reflect clear and fair measures of teacher and principal performance.

(B) Paying, as part of a comprehensive performance-based compensation system, bonuses, and increased salaries, if the eligible entity uses an increasing share of non-Federal funds to pay the bonuses and increased salaries each year of the grant, to teachers and principals who—

(i) have demonstrated effectiveness in raising student academic achievement;

(ii) work in high-need schools; or

(iii) work in a high-need subject, field, or geographic area.

(C) Conducting outreach within a local educational agency or a State to gain input on how to construct the teacher and principal evaluation system and to develop support for such system.

(e) DURATION OF GRANTS.—

(1) IN GENERAL.—The Secretary may award a grant under this part for a period of not more than 5 years.

(2) LIMITATION.—A local educational agency may receive (whether individually or as part of a consortium or partnership) a grant under this part only once.

(f) EQUITABLE DISTRIBUTION.—To the extent practicable, the Secretary shall ensure an equitable geographic distribution of grants under this part, including the distribution between rural and urban areas.

(g) MATCHING REQUIREMENT.—

(1) IN GENERAL.—Except as provided in paragraph (2), each eligible entity that receives a grant under this part shall provide, over the course of the grant period, an increasing share of matching funds (which may be provided in cash or in kind) to carry out activities supported by the grant.

(2) WAIVER.—The Secretary may waive the matching requirement under paragraph (1) for an eligible entity—

(A) that consists of a high-need local educational agency; or

(B) that is located in a rural area.

(h) SUPPLEMENT, NOT SUPPLANT.—Grant funds provided under this part shall be used to supplement, not supplant, other Federal, State, or local funds available to carry out the activities described in this part.

PART D—ACHIEVEMENT THROUGH TECHNOLOGY AND INNOVATION

SEC. 2401. SHORT TITLE.

This part may be cited as the "Achievement Through Technology and Innovation Act of 2011" or the "ATTAIN Act".

SEC. 2402. PURPOSES AND GOALS.

The purposes and goals of this part are—

(1) to ensure that through effective and innovative uses of technology that every student has access to personalized, rigorous, and relevant learning to meet the goals of this Act to raise student achievement, close the achievement gap, and ensure highly effective teaching, and to prepare all students to be technology literate and on track to college and career readiness for the 21st century digital economy;

(2) to evaluate, build upon, and increase the use of evidence-based and innovative systemic education transformations that center on the use of technology that leads to school improvement, improved productivity, and increased student achievement;

(3) to ensure that all educators are connected in an ongoing manner to technology-based and online resources and supports, including through enhanced ongoing, meaningful professional development to ensure that—

(A) all educators are technology literate and effectively use technology to improve instruction; and

(B) education administrators possess the capacity to—

(i) provide leadership in the use of technology for systemic education transformation; and

(ii) improve educational productivity;

(4) to improve student engagement, opportunity, attendance, graduation rates, and technology access through enhanced or redesigned curriculum or instruction;

(5) to more effectively collect and use student performance and other data in a timely manner to inform instruction, address individualized student needs, support school decision-making, and support school improvement and increased student achievement, including through delivery of computer-based and online assessments;

(6) to enhance the use of technology, online and blended learning for systemic education transformation, including curricula redesign and new instructional strategies to personalize learning; and

(7) to increase education productivity and reduce costs through the use of technology, blended learning and online learning, including for the delivery of online assessments.

SEC. 2403. DEFINITIONS.

In this part:

(1) BLENDED LEARNING.—The term "blended learning" means the combination of online learning and traditional in-person classroom instruction, or technology-based learning, in a supervised classroom setting.

(2) EDUCATIONAL PRODUCTIVITY.—The term "educational productivity" means student educational opportunities and outcomes or relative costs and expenditures of education.

(3) LOCAL EDUCATIONAL AGENCY.—The term "local educational agency" includes a consortium of local educational agencies.

(4) STUDENT TECHNOLOGY LITERACY.—The term "student technology literacy" means student knowledge and skills in using contemporary information, communication, and learning technologies in a manner necessary for successful employment, life-long learning, and citizenship in the knowledge-based, digital, and global 21st century, as further defined by the State educational agency, which includes, at a minimum, the ability—

(A) to effectively communicate and collaborate;

(B) to analyze and solve problems;

(C) to access, evaluate, manage, and create information and otherwise gain information literacy;

(D) to demonstrate creative thinking, construct knowledge, and develop innovative products and processes; and

(E) to do so in a safe and ethical manner.

(5) SYSTEMIC EDUCATION TRANSFORMATION.—The term "systemic education transformation" means the redesign of educational policies, practices, and resources through technology and blended learning to improve student engagement and educational opportunities, personalize learning, and improve educational productivity, including the redesign of curriculum, instruction, data systems, assessment, teacher evaluation, and the use of instructional time and location.

SEC. 2404. ALLOCATION OF FUNDS; LIMITATION; TRIGGER.

(a) ALLOCATION OF FUNDS BETWEEN STATE AND LOCAL INITIATIVES.—The funds made available to carry out this part shall be available to carry out subparts 1 and 2, as described in subsection (c).

(b) LIMITATION.—

(1) LOCAL ADMINISTRATIVE COSTS.—Of the funds made available to a local educational agency under this part for a fiscal year, not more than 3 percent may be used by the local educational agency for administrative costs.

(2) STATE ADMINISTRATIVE COSTS.—Of the funds made available to a State educational agency under section 2412(a)(1)(A), not more than 60 percent may be used by the State educational agency for administrative costs.

(c) TRIGGER.—For fiscal years—

(1) for which the amount appropriated to carry out this part is less than $300,000,000, all funds available to carry out this part shall be available to carry out subpart 2; and

(2) for which the amount appropriated to carry out this part equals or is more than $300,000,000, all funds available to carry out this part shall be available to carry out subpart 1.

Subpart 1—State and Local Grants

SEC. 2411. ALLOTMENT AND REALLOTMENT.

(a) RESERVATIONS AND ALLOTMENT.—From the amount made available to carry out this subpart under section 2404(c)(2) for a fiscal year—

(1) the Secretary shall reserve—

(A) three-quarters of 1 percent for the Secretary of the Interior for programs under this subpart for schools operated or funded by the Bureau of Indian Education; and

(B) one-half of 1 percent to provide assistance under this subpart to the outlying areas; and

(2) subject to subsection (b), the Secretary shall use the remainder to award grants by allotting to each State educational agency an amount that bears the same relationship to such remainder for such year as the amount received under part A of title I for such year by such State educational agency bears to the amount received under such part for such year by all State educational agencies.

(b) MINIMUM ALLOTMENT.—The amount of any State educational agency's allotment under subsection (a)(2) for any fiscal year shall not be less than one-half of 1 percent of the amount made available for allotments to State educational agencies under this subpart for such year.

(c) REALLOTMENT OF UNUSED FUNDS.—The Secretary shall reallot any unused amount of a State educational agency's allotment to the remaining State educational agencies that use their entire allotments under this subpart in accordance with this section.

SEC. 2412. USE OF ALLOTMENT BY STATE.

(a) IN GENERAL.—

(1) IN GENERAL.—Of the amount provided to a State educational agency under section 2411(a)(2) for a fiscal year—

(A) the State educational agency may use not more than 5 percent of such amount or $100,000, whichever amount is greater, to carry out activities under section 2414; and

(B) the State educational agency shall distribute the remainder in accordance with paragraphs (2) and (3).

(2) DISTRIBUTION OF REMAINDER.—The State educational agency shall—

(A)(i) use 60 percent of the remainder to award Improving Teaching and Learning through Technology subgrants to local educational agencies having applications approved under section 2415(c) for the activities described in section 2416(b); and

(ii) allot to each such local educational agency an amount that bears the same relationship to 60 percent of the remainder for such year as the amount received under part A of title I for such year by such local educational agency bears to the amount received under such part for such year by all local educational agencies within the State, subject to subsection (b)(2); and

(B) use 40 percent of the remainder to award Systemic Education Transformation through Technology Integration subgrants, through a State-determined competitive process, to local educational agencies having applications approved under section 2415(b) for the activities described in section 2416(a).

(3) OPTION IN YEARS WITH INSUFFICIENT AMOUNTS APPROPRIATED.—If the amount provided to a State educational agency under section 2411(a)(2) for a fiscal year is not large enough to provide every local educational agency with a minimum subgrant under subsection (b)(2), the State educational agency may distribute 100 percent of the remainder described in paragraph (1)(B) as either formula grants under paragraph (2)(A) or competitive grants under paragraph (2)(B).

(b) SUFFICIENT AMOUNTS.—

(1) SPECIAL RULE.—In awarding subgrants under subsection (a)(2)(B), the State educational agency shall—

(A) ensure the subgrants are of sufficient size and scope to be effective, consistent with the purposes of this part;

(B) ensure subgrants are of sufficient duration to be effective, consistent with the purposes of this part, including by awarding subgrants for a period of not less than 2 years that may be renewed for not more than an additional 1 year;

(C) give preference in the awarding of subgrants, and the providing of all technical assistance, to local educational agencies that serve schools in need of improvement, as identified under section 1116, including those schools with high populations of—

(i) English learners;

(ii) students with disabilities; or

(iii) other subgroups of students who have not met the State's student academic achievement standards; and

(D) ensure an equitable distribution among urban and rural areas of the State, according to the demonstrated need for assistance under this subpart of the local educational agencies serving the areas.

(2) MINIMUM FORMULA-BASED SUBGRANT.—The amount of any local educational agency's subgrant under subsection (a)(2)(A) for any fiscal year shall be not less than $3,000.

(c) REALLOTMENT OF UNUSED FUNDS.—If any local educational agency does not apply for a subgrant under subsection (a) for a fiscal year, or does not use the local educational agency's entire allotment under this subpart for such fiscal year, the State shall reallot any unused funds to the remaining local educational agencies.

SEC. 2413. STATE APPLICATIONS.

(a) IN GENERAL.—To be eligible to receive a grant under this subpart, a State educational agency shall submit to the Secretary, at such time and in such manner as the Secretary may specify, an application containing the contents described in subsection (b) and such other information as the Secretary may reasonably require.

(b) CONTENTS.—Each State educational agency application submitted under subsection (a) shall include each of the following:

(1) A description of how the State educational agency will support local educational agencies that receive subgrants under this subpart in meeting the purposes and goals of this part and the requirements of this subpart, including through technical assistance in using technology to redesign curriculum and instruction, improve educational productivity, and deliver computer-based and online assessment.

(2) A description of the State educational agency's long-term goals and strategies for improving student academic achievement, including student technology literacy, through the effective use of technology.

(3) A description of the priority area upon which the State educational agency will focus its assistance under this subpart, which shall be identified from among the core academic subjects, grade levels, and student subgroup populations with the largest achievement gaps in the State.

(4) A description of how the State educational agency will support local educational agencies to implement, professional development programs pursuant to section 2416(b)(1)(A).

(5) A description of how the State educational agency will ensure that teachers, paraprofessionals, school librarians, and administrators possess the knowledge and skills to use technology—

(A) for curriculum redesign to change teaching and learning and improve student achievement;

(B) for assessment, data analysis, and to personalize learning;

(C) to improve student technology literacy; and

(D) for their own ongoing professional development and for access to teaching resources and tools.

(6) A description of the process, activities, and performance measures that the State educational agency will use to evaluate the impact and effectiveness of activities described in section 2414.

(7) Identification of the State college and career ready academic content standards and college and career ready student academic achievement standards that the State educational agency will use to ensure that each student is technologically

literate consistent with the definition of student technology literacy, and a description of how the State educational agency will assess student performance in gaining technology literacy, only for the purpose of tracking progress towards achieving the 8th grade technology literacy goal and not for meeting adequate yearly progress goals, including through embedding such assessment items in other State tests or performance-based assessments portfolios, or through other valid and reliable means. Nothing in this subpart shall be construed to require States to develop a separate test to assess student technology literacy.

(8) An assurance that financial assistance provided under this subpart will supplement, and not supplant, State and local funds.

(9) A description of how the State educational agency consulted with local educational agencies in the development of the State application.

SEC. 2414. STATE ACTIVITIES.

(a) MANDATORY ACTIVITIES.—From funds made available under section 2412(a)(1)(A), a State educational agency shall carry out each of the following activities:

(1) Identify the State college and career ready academic content standards and college and career ready student academic achievement standards that the State educational agency will use to ensure that each student is technologically literate consistent with the definition of student technology literacy.

(2) Assess student performance in gaining technology literacy consistent with paragraph (1), including through embedding such assessment items in other State tests, performance-based assessments, or portfolios, or through other means, except that such assessments shall be used only to track student technology literacy and shall not be used to determine adequate yearly progress, and widely disseminate such results.

(3) Provide guidance, technical assistance, and other assistance, including in the priority area identified by the State pursuant to section 2413(b)(3), in using technology to improve teaching and redesign curriculum and instruction, improve educational productivity, and deliver computer-based and online assessment, and in submitting applications for funding under this part to high-need local educational agencies—

(A) with the highest percentage or number of—

(i) students not achieving at the State proficiency level; and

(ii) student populations described in section 2412(b)(1)(C); and

(B) serving schools identified as in need of improvement under section 1116.

(b) PERMISSIVE ACTIVITIES.—From funds made available under section 2412(a)(1)(A), a State educational agency may carry out 1 or more of the following activities that assist local educational agencies:

(1) State leadership activities and technical assistance that support achieving the purposes and goals of this part.

(2) Developing or utilizing research-based or innovative strategies for the delivery of specialized or rigorous academic courses

and curricula through the use of technology, including distance learning technologies.

(3) Providing, or supporting local educational agencies in providing, sustained and intensive, high-quality professional development pursuant to section 2416(b)(1)(A).

(4) Assessing student performance in gaining technology literacy consistent with subsection (a)(2), including through embedding such assessment items in other State tests, performance-based assessments, or portfolios, or through other means.

SEC. 2415. LOCAL APPLICATIONS.

(a) IN GENERAL.—Each local educational agency desiring a subgrant under this subpart shall submit to the State educational agency an application containing a new or updated local long-range strategic educational technology plan, and such other information as the State educational agency may reasonably require that shall include each of the following:

(1) A description of how the local educational agency will align and coordinate the local educational agency's use of funds under this subpart with—

(A) the local educational agency's efforts to boost student achievement and close achievement gaps;

(B) the local educational agency's technology plan;

(C) the local educational agency's plans and activities for improving student achievement, including plans and activities under sections 1111, 1112, 1116, and 2123, as applicable; and

(D) funds available from other Federal, State, and local sources.

(2) An assurance that financial assistance provided under this subpart will supplement, and not supplant, other funds available to carry out activities assisted under this subpart.

(3) A description of the process used to assess and, as needed, update technologies throughout the local educational agency.

(4) Such other information as the State educational agency may reasonably require.

(b) COMPETITIVE GRANTS; SYSTEMIC EDUCATION TRANSFORMATION THROUGH TECHNOLOGY INTEGRATION.—In addition to the information described in subsection (a), a local educational agency submitting an application for a Systemic Education Transformation Through Technology Integration subgrant shall submit to the State educational agency an application containing each of the following:

(1) A description of how the local educational agency will use the subgrant funds to implement systemic education transformation, which is a comprehensive set of programs, practices, and technologies to improve student achievement and close achievement gaps that—

(A) collectively lead to school or school district change and improvement, including in the use of technology; and

(B) incorporate all of the following elements:

(i) Reform or redesign of curriculum, instruction, assessment, use of data, or other practices through the use of technology in order to increase student learning opportunity, and engagement in learning.

(ii) Improvement of educator quality, knowledge and skills, and effectiveness through ongoing, sustainable, timely, and contextual professional development described in section 2416(b)(1)(A).

(iii) Ongoing use of formative and other assessments and other timely data sources and data systems to more effectively identify individual student learning needs and personalize learning.

(iv) Engagement of school district leaders, school leaders, and classroom educators.

(v) Programs, practices, and technologies that are based on scientific research.

(2) An assurance that the local educational agency will use not less than 25 percent of the subgrant funds to implement a program of professional development described in section 2416(b)(1)(A).

(3) A description of how the local educational agency will evaluate the impact of 1 or more programs or activities carried out under this subpart.

(c) FORMULA GRANTS; IMPROVING TEACHING AND LEARNING THROUGH TECHNOLOGY.—In addition to the information described in subsection (a), a local educational agency submitting an application for an Improving Teaching and Learning Through Technology subgrant shall submit to the State educational agency an application containing each of the following:

(1) An assurance that the local educational agency will use not less than 40 percent of the subgrant funds for ensuring educators, including teachers and administrators, are technology literate, prepared to use technology to improve the curriculum and instruction, and are connected online to supports and resources, including for—

(A) professional development described in section 2416(b)(1)(A); and

(B) to provide educators with ongoing access to technology tools, applications, supports and other resources, including those related specifically to such professional development activities.

(2) A description of the local educational agency's program of professional development described in section 2416(b)(1)(A).

(3) A description of the use of technology tools, applications, and other resources to improve student learning and achievement in the area of priority identified under paragraph (4).

(4) A description of the priority area subgrant funds will target, identified from among the core academic subjects, grade levels, and student subgroup populations in which the most number of students served by the local educational agency are not proficient.

(5) A description of how funds will be used to integrate technology to redesign the curriculum or instruction, implement computer-based and online assessments, improve use of data to personalize learning, or improve education productivity.

(d) COMBINED APPLICATIONS.—A local educational agency that submits an application under subsection (b), may, upon notice to the State educational agency, submit a single application that will also

be considered as an application for subgrant funds awarded under subsection (c), if the application addresses each application requirement under subsections (a), (b), and (c).

SEC. 2416. LOCAL ACTIVITIES.

(a) COMPETITIVE GRANTS; SYSTEMIC EDUCATION TRANSFORMATION THROUGH TECHNOLOGY INTEGRATION.—A local educational agency that receives funds through a subgrant under section 2412(a)(2)(B), shall carry out activities to improve student learning, technology literacy, and achievement, as follows:

(1) Use not less than 5 percent of such funds to evaluate the impact of 1 or more programs or activities carried out under the subgrant as identified in the local educational agency's application and approved by the State educational agency.

(2) Use funds remaining after carrying out paragraph (1) to implement a plan for systemic education transformation in 1 or more schools, in accordance with section 2415(b)(1), including each of the following:

(A) Using not less than 25 percent of subgrant funds to ensure educators, including teachers and administrators, are technology literate, prepared to use technology to improve the curriculum and instruction, and are connected online to supports and resources, including through the following:

(i) Professional development activities, as described in subsection (b)(1)(A).

(ii) The acquisition and implementation of technology tools, applications, and other resources to provide educators with ongoing access and support, including for use in the professional development activities described in clause (i).

(B) Acquiring and effectively implementing technology tools, applications, and other resources in conjunction with enhancing or redesigning the curriculum or instruction in order to—

(i) increase student learning opportunity or access, student engagement in learning, or student attendance or graduation rates;

(ii) improve student achievement in 1 or more of the core academic subjects; and

(iii) improve student technology literacy.

(C) Acquiring and effectively implementing technology tools, applications, and other resources to—

(i) conduct ongoing formative and other assessments and use other timely data sources and data systems to more effectively identify and address individual student learning needs;

(ii) support personalized student learning, including through instructional software and digital content that supports the learning needs of each student, or through providing access to high-quality courses and instructors otherwise not available except through technology and online learning; and

(iii) conduct other activities consistent with research-based or innovative systemic education transformation, including activities that increase parental involvement.

(b) FORMULA GRANTS; IMPROVING TEACHING AND LEARNING THROUGH TECHNOLOGY.—A local educational agency that receives funds through a subgrant under section 2412(a)(2)(A), shall carry out activities to improve student learning, technology literacy, and achievement in the area of priority identified under section 2415(c)(4), as follows:

(1) Use not less than 40 percent of such funds for professional development activities that are aligned with activities supported under section 2123 to improve educator effectiveness and quality through support for the following:

(A) Training of school personnel, which—

(i) shall include the development, acquisition, or delivery of—

(I) training that is ongoing, sustainable, timely, and directly related to up-to-date teaching content areas;

(II) training in strategies and pedagogy in the core academic subjects that involve use of technology and curriculum redesign as key components of changing teaching and learning and improving student achievement and technology literacy;

(III) training in the use of computer-based and online assessments, and in the use of student performance and other data to individualized instruction;

(IV) training that includes ongoing communication and follow-up with instructors, facilitators, and peers; and

(ii) may include—

(I) the use of, and training of, instructional technology specialists, mentors, master teachers, or coaches to serve as experts and train other teachers in the effective use of technology; and

(II) the use of technology, such as distance learning and online virtual educator-to-educator peer communities, as a means for delivering professional development.

(B) The acquisition and implementation of technology tools, applications, and other resources to be employed in the professional development activities described in subparagraph (A).

(2) Use funds remaining after carrying out paragraph (1) to acquire or implement technology tools, applications, and other resources to improve student learning, technology literacy, and achievement in the area of priority identified by the local educational agency, including through 1 or more of the following:

(A) Conducting ongoing formative assessment and using other timely data sources and data systems to more effectively identify and address individual student learning needs.

(B) Supporting personalized student learning, including through instructional software and digital content that supports the learning needs of each student, or through providing access to high-quality courses and instructors not otherwise available except through technology such as online learning.

(C) Increasing parental involvement through improved communication with teachers and access to student assignments and grades.

(D) Enhancing accountability, instruction, and data-driven decisionmaking through data systems that allow for management, analysis, and disaggregating of student, teacher, and school data.

(E) Such other activities as are appropriate and consistent with the goals and purposes of this part.

(c) MULTIPLE GRANTS.—A local educational agency that receives subgrants under both subparagraph (A) and subparagraph (B) of section 2412(a)(2) may use all such subgrant funds for activities authorized under subsection (a).

Subpart 2—State Competitive Grants

SEC. 2421. STATE COMPETITIVE GRANTS.

(a) IN GENERAL.—From the amount made available to carry out this subpart under section 2404(c)(1) for a fiscal year, the Secretary shall award grants to consortia of State educational agencies having applications approved under subsection (b) for the activities described in subsection (d).

(b) STATE CONSORTIA APPLICATIONS.—

(1) IN GENERAL.—To be eligible to receive a grant under this subpart, a consortium of State educational agencies shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may reasonably require, including the information described in paragraph (2).

(2) CONTENTS.—An application submitted by a consortium of State educational agencies for a grant under this subpart shall include the following:

(A) An identification of the States included in the consortium, and which State will act as both fiscal agent and lead grant administrator.

(B) A description of how the consortium will support local educational agencies in achieving the absolute priority of supporting enhanced use of technology, including online and blended learning for systemic education transformation, curricula redesign, and new instructional strategies to personalize learning.

(C) An identification of an additional priority the consortium will address and a description of how the State educational agencies will support local educational agencies in achieving the priority. Such priority shall be 1 or more of the following:

(i) Preparing for and administering State assessments online.

(ii) Using technology and blended learning.

(iii) Preparing the capacity of administrators and other education leaders to lead systemic education transformation through technology.

(D) A brief description of each State educational agency's long-term goals and strategies for improving student academic achievement, including student technology literacy, through the effective use of technology, and how the grant will support that plan's implementation and student achievement.

(E) A description of how the State educational agencies will use grant funds to improve the ability of educators, including teachers and administrators, to more effectively use technology.

(F) A description of the process, activities, and performance measures that the State educational agencies will use to evaluate the impact and effectiveness of activities and to disseminate those findings across the State and to other States outside the consortium.

(G) An identification of the State college and career ready academic content standards that the State educational agencies will use to ensure that each student is technology literate.

(H) An assurance that financial assistance provided under this subpart will supplement, and not supplant, State and local funds available for activities described in this subpart.

(I) A description of how the State educational agencies consulted with local educational agencies in the development of the application.

(J) A description of the process the State educational agencies will use to competitively award subgrants under this subpart.

(K) A description of how the State educational agencies will coordinate activities carried out with funds under this subpart with other Federal, State, and local funds and activities in order to leverage their impact beyond what could be accomplished directly with grant funds.

(L) Assurances that the following conditions have been met by each State in the consortium, which shall include a description of how such conditions have been met in each such State, or, in the instance that such conditions have not been met, a description each State's plan for meeting such conditions:

(i) Student advancement and graduation are based on demonstrated competency regardless of seat-time, or time spent in a traditional classroom.

(ii) The State has ensured that all students have access to high-quality digital content and online courses without arbitrary caps or other limitations on enrollment in online learning.

(iii) Teacher certification or licensure requirements of the State require educators to be technology literate, including the ability to—

(I) integrate technology into curriculum, instruction, and assessment;

(II) use data to personalize learning; or

(III) teach online.

(iv) The State allows the use of State funds for technology tools and applications, if appropriate, to meet program goals and requirements, including ensuring that the State's rules support adoption of electronic learning materials, including allowance that materials may be updated in an ongoing manner and can be acquired through subscription.

(v) The State's learning standards include student technology literacy standards, and the State's learning performance standards assess student technology literacy.

(c) AWARDS.—

(1) IN GENERAL.—In awarding grants under this subpart, the Secretary shall ensure the grants—

(A) are of sufficient size and duration to be effective;

(B) are distributed among States of diverse geographic locations and populations; and

(C) serve students attending high-need schools.

(2) PRIORITY.—In awarding grants under this subpart, the Secretary shall give priority to applications from consortia in which each State has met, or has proposed a detailed plan with specific timelines to meet, all of the following conditions:

(A) Assessments in the State are delivered online and may be taken when students have completed a particular course or unit of instruction, not at a specified time and date.

(B) The State has signed teacher certification reciprocity agreements with 1 or more other States, including for online instruction.

(C) Postsecondary and other teacher training institutions are required to provide, or supported in providing, training in online and blended instruction.

(D) The State directly supports technology tools and applications and ensures that all students and teachers have high-speed access to the Internet.

(E) The State supports policies or plans facilitating the use of student owned devices in schools or that facilitate home access to digital content.

(F) The States have plans that support students with disabilities, advanced learners, below-grade-level learners, and English learners.

(d) STATE CONSORTIUM USE OF FUNDS.—A State educational agency consortium that receives a grant under this subpart shall—

(1) allocate not less than 75 percent of grant funds to local educational agencies to carry out the activities described in the consortium's application; and

(2) use the funds remaining after carrying out paragraph (1) for State-level activities, as described in the consortium's application, including—

(A) assessing the impact of grant funds; and

(B) disseminating the findings of the consortium throughout the consortium and nationally.

Subpart 3—Internet Safety

SEC. 2431. INTERNET SAFETY.

(a) IN GENERAL.—No funds made available under this part to a local educational agency for an elementary school or secondary school that does not receive services at discount rates under section 254(h)(5) of the Communications Act of 1934 (47 U.S.C. 254(h)(5)) may be used to purchase computers used to access the Internet, or to pay for direct costs associated with accessing the Internet, for such school unless the school, school board, local educational agency, or other authority with responsibility for administration of such school both—

(1)(A) has in place a policy of Internet safety for minors that includes the operation of a technology protection measure with respect to any of its computers with Internet access that protects against access through such computers to visual depictions that are—

(i) obscene;

(ii) child pornography; or

(iii) harmful to minors; and

(B) is enforcing the operation of such technology protection measure during any use of such computers by minors; and

(2)(A) has in place a policy of Internet safety that includes the operation of a technology protection measure with respect to any of its computers with Internet access that protects against access through such computers to visual depictions that are—

(i) obscene; or

(ii) child pornography; and

(B) is enforcing the operation of such technology protection measure during any use of such computers.

(b) TIMING AND APPLICABILITY OF IMPLEMENTATION.—

(1) IN GENERAL.—The local educational agency with responsibility for a school covered by subsection (a) shall certify the compliance of such school with the requirements of subsection (a) as part of the application process for each program funding year.

(2) PROCESS.—

(A) SCHOOLS WITH INTERNET SAFETY POLICIES AND TECHNOLOGY PROTECTION MEASURES IN PLACE.—A local educational agency with responsibility for a school covered by subsection (a) that has in place an Internet safety policy meeting the requirements of subsection (a) shall certify its compliance with subsection (a) during each annual program application cycle under this Act.

(B) SCHOOLS WITHOUT INTERNET SAFETY POLICIES AND TECHNOLOGY PROTECTION MEASURES IN PLACE.—

(i) CERTIFICATION.—A local educational agency with responsibility for a school covered by subsection (a) that does not have in place an Internet safety policy meeting the requirements of subsection (a) for each year in which the local educational agency is applying for

funds for such school under this Act, shall certify that it is undertaking such actions, including any necessary procurement procedures, to put in place an Internet safety policy that meets such requirements.

(ii) INELIGIBILITY.—Any school covered by subsection (a) for which the local educational agency concerned is unable to certify compliance with such requirements for a year shall be ineligible for all funding under this part for such year and all subsequent years until such time as such school comes into compliance with such requirements.

(c) DISABLING DURING CERTAIN USE.—An administrator, supervisor, or person authorized by the responsible authority under subsection (a) may disable the technology protection measure concerned to enable access for bona fide research or other lawful purposes.

(d) NONCOMPLIANCE.—

(1) USE OF GENERAL EDUCATION PROVISIONS ACT REMEDIES.—Whenever the Secretary has reason to believe that any recipient of funds under this part is failing to comply substantially with the requirements of this section, the Secretary may—

(A) withhold further payments to the recipient under this part;

(B) issue a complaint to compel compliance of the recipient through a cease and desist order; or

(C) enter into a compliance agreement with a recipient to bring it into compliance with such requirements,

in same manner as the Secretary is authorized to take such actions under sections 455, 456, and 457, respectively, of the General Education Provisions Act.

(2) RECOVERY OF FUNDS PROHIBITED.—The actions authorized by paragraph (1) are the exclusive remedies available with respect to the failure of a school to comply substantially with a provision of this section, and the Secretary shall not seek a recovery of funds from the recipient for such failure.

(3) RECOMMENCEMENT OF PAYMENTS.—Whenever the Secretary determines (whether by certification or other appropriate evidence) that a recipient of funds who is subject to the withholding of payments under paragraph (1)(A) has cured the failure providing the basis for the withholding of payments, the Secretary shall cease the withholding of payments to the recipient under that paragraph.

(e) DEFINITIONS.—In this subpart:

(1) ACCESS TO INTERNET.—A computer shall be considered to have access to the Internet if such computer is equipped with a modem or is connected to a computer network that has access to the Internet.

(2) ACQUISITION OR OPERATION.—An elementary school or secondary school shall be considered to have received funds under this part for the acquisition or operation of any computer if such funds are used in any manner, directly or indirectly—

(A) to purchase, lease, or otherwise acquire or obtain the use of such computer; or

(B) to obtain services, supplies, software, or other actions or materials to support, or in connection with, the operation of such computer.

(3) CHILD PORNOGRAPHY.—The term "child pornography" has the meaning given that term in section 2256 of title 18, United States Code.

(4) COMPUTER.—The term "computer" includes any hardware, software, or other technology attached or connected to, installed in, or otherwise used in connection with a computer.

(5) HARMFUL TO MINORS.—The term "harmful to minors" means any picture, image, graphic image file, or other visual depiction that—

(A) taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion;

(B) depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and

(C) taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.

(6) MINOR.—The term "minor" means an individual who has not attained the age of 17.

(7) OBSCENE.—The term "obscene" has the meaning applicable to that term under section 1460 of title 18, United States Code.

(8) SEXUAL ACT AND SEXUAL CONTACT.—The terms "sexual act" and "sexual contact" have the meanings given those terms in section 2246 of title 18, United States Code.

(f) SEVERABILITY.—If any provision of this section is held invalid, the remainder of this section shall not be affected thereby.

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TITLE III—LANGUAGE INSTRUCTION FOR [LIMITED ENGLISH PROFICIENT] *ENGLISH LEARNERS* AND IMMIGRANT STUDENTS

[SEC. 3001. [20 U.S.C. 6801] AUTHORIZATIONS OF APPROPRIATIONS; CONDITION ON EFFECTIVENESS OF PARTS.]

[(a) AUTHORIZATIONS OF APPROPRIATIONS.—

[(1) IN GENERAL.—Subject to subsection (b), there are authorized to be appropriated to carry out this title, except for subpart 4 of part B, $750,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years.

[(2) EMERGENCY IMMIGRANT EDUCATION PROGRAM.—There are authorized to be appropriated to carry out subpart 4 of part B (when such part is in effect) such sums as may be necessary for fiscal year 2002 and each of the 5 succeeding fiscal years.

[(b) CONDITIONS ON EFFECTIVENESS OF PARTS A AND B.—

[(1) PART A.—Part A shall be in effect for any fiscal year for which the amount appropriated under paragraphs (1) and (2) of subsection (a) equals or exceeds $650,000,000.

[(2) PART B.—Part B shall be in effect only for a fiscal year for which part A is not in effect.

[(c) REFERENCES.—In any fiscal year for which part A is in effect, references in Federal law (other than this title) to part B shall be considered to be references to part A. In any fiscal year for which part B is in effect, references in Federal law (other than this title) to part A shall be considered to be references to part B.]

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

SEC. 3101. SHORT TITLE.

This part may be cited as the "English Language Acquisition, Language Enhancement, and Academic Achievement Act".

[SEC. 3102. PURPOSES.]

[The purposes of this part are—

[(1) to help ensure that children who are limited English proficient, including immigrant children and youth, attain English proficiency, develop high levels of academic attainment in English, and meet the same challenging State academic content and student academic achievement standards as all children are expected to meet;

[(2) to assist all limited English proficient children, including immigrant children and youth, to achieve at high levels in the core academic subjects so that those children can meet the same challenging State academic content and student academic achievement standards as all children are expected to meet, consistent with section 1111(b)(1);

[(3) to develop high-quality language instruction educational programs designed to assist State educational agencies, local educational agencies, and schools in teaching limited English proficient children and serving immigrant children and youth;

[(4) to assist State educational agencies and local educational agencies to develop and enhance their capacity to provide high-quality instructional programs designed to prepare limited English proficient children, including immigrant children and youth, to enter all-English instruction settings;

[(5) to assist State educational agencies, local educational agencies, and schools to build their capacity to establish, implement, and sustain language instruction educational programs and programs of English language development for limited English proficient children;

[(6) to promote parental and community participation in language instruction educational programs for the parents and communities of limited English proficient children;

[(7) to streamline language instruction educational programs into a program carried out through formula grants to State educational agencies and local educational agencies to help limited English proficient children, including immigrant chil-

dren and youth, develop proficiency in English, while meeting challenging State academic content and student academic achievement standards;

[(8) to hold State educational agencies, local educational agencies, and schools accountable for increases in English proficiency and core academic content knowledge of limited English proficient children by requiring—

[(A) demonstrated improvements in the English proficiency of limited English proficient children each fiscal year; and

[(B) adequate yearly progress for limited English proficient children, including immigrant children and youth, as described in section 1111(b)(2)(B); and

[(9) to provide State educational agencies and local educational agencies with the flexibility to implement language instruction educational programs, based on scientifically based research on teaching limited English proficient children, that the agencies believe to be the most effective for teaching English.]

SEC. 3102. PURPOSES.

The purposes of this part are—

(1) to support the provision of education to meet the needs of English learners and immigrant students and provide English learners and immigrant students with high-quality, evidence-based services, which also supplement services and supports provided under title I, to ensure that English learners, including those English learners who are also immigrants, acquire the English language proficiency and academic content knowledge they need to meet the State's college and career ready academic content standards and for State academic assessments;

(2) to support the efforts of State educational agencies and local educational agencies to enhance their capacity to provide high-quality educational programs that are effective for English learners and that reflect the diversity of the English learner population;

(3) to support the efforts of teachers, school leaders, State educational agencies, and local educational agencies to develop and enhance the capacity and flexibility needed to—

(A) provide evidence-based, linguistically and culturally appropriate services to assist English learners supported under this part in—

(i) attaining English language proficiency; and

(ii) meeting State college and career ready academic content standards;

(B) implement such services effectively;

(C) evaluate the impact of such services on student English language proficiency and academic content knowledge; and

(D) modify such services as appropriate to meet the needs of students;

(4) to ensure that rigorous and consistent standards, assessments, and State accountability systems are in place for programs serving English learners; and

(5) to promote parental and community participation in language instruction educational programs in communities for parents of children who are English learners.

Subpart 1—Grants and Subgrants for English Language Acquisition and Language Enhancement

SEC. 3111. FORMULA GRANTS TO STATES.

(a) IN GENERAL.—* * *

(b) USE OF FUNDS.—

(1) SUBGRANTS TO ELIGIBLE ENTITIES.—* * *

* * * * * * *

[(2) STATE ACTIVITIES.—Subject to paragraph (3), each State educational agency receiving a grant under subsection (a) may reserve not more than 5 percent of the agency's allotment under subsection (c) to carry out one or more of the following activities:

[(A) Professional development activities, and other activities, that assist personnel in meeting State and local certification and licensing requirements for teaching limited English proficient children.

[(B) Planning, evaluation, administration, and interagency coordination related to the subgrants referred to in paragraph (1).

[(C) Providing technical assistance and other forms of assistance to eligible entities that are receiving subgrants from a State educational agency under this subpart, including assistance in—

[(i) identifying and implementing language instruction educational programs and curricula that are based on scientifically based research on teaching limited English proficient children;

[(ii) helping limited English proficient children meet the same challenging State academic content and student academic achievement standards as all children are expected to meet;

[(iii) identifying or developing, and implementing, measures of English proficiency; and

[(iv) promoting parental and community participation in programs that serve limited English proficient children.

[(D) Providing recognition, which may include providing financial awards, to subgrantees that have exceeded their annual measurable achievement objectives pursuant to section 3122.]

(2) STATE ACTIVITIES.—

(A) IN GENERAL.—Subject to subparagraph (B), each State educational agency receiving a grant under subsection (a) may reserve not more than 5 percent of the agency's allotment under subsection (c) to provide technical assistance and other forms of assistance to eligible entities that are receiving subgrants from a State educational agency under this subpart, including in—

(i) identifying and implementing effective and high-quality language instruction educational programs and curricula and academic content instruction programs that are based on scientifically valid research on teaching English learners;

(ii) program evaluation to ensure that the language instruction educational programs and academic content instruction programs selected by subgrantees are appropriate for the needs of the English learners served;

(iii) teacher and principal preparation, professional development activities, and other evidence-based activities, which may include activities that—

(I) support the implementation of professional teaching standards and teacher evaluation systems for teachers of English learners; and

(II) assist such teachers in meeting State and local certification and licensing requirements for teaching English learners;

(iv) strengthening and increasing parent, family, and community engagement;

(v) developing, enhancing, aligning, and implementing English language proficiency standards and assessments, particularly helping to ensure uniform implementation of English language proficiency standards within the State;

(vi) providing recognition, which may include providing financial awards, to subgrantees that significantly improve the rate at which English learners acquire English language proficiency and are able to demonstrate the English language proficiency needed for core content mastery; and

(vii) planning, evaluation, administration, and interagency coordination.

(B) LIMITATION.—A State may use not more than 40 percent of the amount reserved under subparagraph (A) or $175,000, whichever is greater, for the activities described in subparagraph (A)(vii).

[(3) ADMINISTRATIVE EXPENSES.—From the amount reserved under paragraph (2), a State educational agency may use not more than 60 percent of such amount or $175,000, whichever is greater, for the planning and administrative costs of carrying out paragraphs (1) and (2).]

(c) RESERVATIONS AND ALLOTMENTS.—

[(1) RESERVATIONS.—From the amount appropriated under section 3001(a) for each fiscal year, the Secretary shall reserve—

[(A) 0.5 percent or $5,000,000 of such amount, whichever is greater, for payments to eligible entities that are defined under section 3112(a) for activities, approved by the Secretary, consistent with this subpart;

[(B) 0.5 percent of such amount for payments to outlying areas, to be allotted in accordance with their respective needs for assistance under this subpart, as determined by

the Secretary, for activities, approved by the Secretary, consistent with this subpart;

[(C) 6.5 percent of such amount for national activities under sections 3131 and 3303, except that not more than 0.5 percent of such amount shall be reserved for evaluation activities conducted by the Secretary and not more than $2,000,000 of such amount may be reserved for the National Clearinghouse for English Language Acquisition and Language Instruction Educational Programs described in section 3303; and

[(D) such sums as may be necessary to make continuation awards under paragraph (2).]

(1) RESERVATIONS.—From the amount appropriated under section 3(i) for each fiscal year, the Secretary shall reserve—

(A) 0.5 percent or $5,000,000 of such amount, whichever is greater, for payments to eligible entities that are defined under section 3112(a) for activities, approved by the Secretary, consistent with this subpart;

(B) 0.5 percent of such amount for payments to outlying areas, to be allotted in accordance with their respective needs for assistance under this subpart (as determined by the Secretary) for activities that are approved by the Secretary and consistent with the purposes of this subpart; and

(C) 6.5 percent of such amount for national activities under sections 3131, 3132, and 3203, except that not more than 0.5 percent of such amount shall be reserved for evaluation activities conducted by the Secretary and not more than $2,000,000 of such amount may be reserved for the National Clearinghouse for English Language Acquisition and Language Instruction Educational Programs described in section 3203.

[(2) CONTINUATION AWARDS.—

[(A) IN GENERAL.—Before making allotments to State educational agencies under paragraph (3) for any fiscal year, the Secretary shall use the sums reserved under paragraph (1)(D) to make continuation awards to recipients who received grants or fellowships for the fiscal year preceding any fiscal year described in section 3001(b)(1)(A) under—

[(i) subparts 1 and 3 of part A of title VII (as in effect on the day before the date of enactment of the No Child Left Behind Act of 2001); or

[(ii) subparts 1 and 3 of part B of this title.

[(B) USE OF FUNDS.—The Secretary shall make the awards in order to allow such recipients to receive awards for the complete period of their grants or fellowships under the appropriate subparts.]

[(3)]*(2)* STATE ALLOTMENTS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), from the amount appropriated under section [3001(a)]*3(j)* for each fiscal year that remains after making the reservations under paragraph (1), the Secretary shall allot to each State educational agency having a plan approved under section 3113(c)—

(i) an amount that bears the same relationship to 80 percent of the remainder as the number of [limited English proficient children]*English learners* in the State bears to the number of such children in all States*, as determined by data available from the American Community Survey conducted by the Department of Commerce or State-reported data*; and

(ii) an amount that bears the same relationship to 20 percent of the remainder as the number of immigrant children and youth in the State bears to the number of such children and youth in all States*, as determined based only on data available from the American Community Survey conducted by the Department of Commerce*.

(B) MINIMUM ALLOTMENTS.—* * *

[(C) REALLOTMENT.—If any State educational agency described in subparagraph (A) does not submit a plan to the Secretary for a fiscal year, or submits a plan (or any amendment to a plan) that the Secretary, after reasonable notice and opportunity for a hearing, determines does not satisfy the requirements of this subpart, the Secretary—

[(i) shall endeavor to make the State's allotment available on a competitive basis to specially qualified agencies within the State to satisfy the requirements of section 3115 (and any additional requirements that the Secretary may impose), consistent with the purposes of such section, and to carry out required and authorized activities under such section; and

[(ii) shall reallot any portion of such allotment remaining after the application of clause (i) to the remaining State educational agencies in accordance with subparagraph (A).]

(C) REALLOTMENT.—If any State educational agency described in subparagraph (A) does not submit a plan to the Secretary for a fiscal year, or submits a plan (or any amendment to a plan) that the Secretary, after reasonable notice and opportunity for a hearing, determines does not satisfy the requirements of this subpart, the Secretary shall reallot any portion of such allotment to the remaining State educational agencies in accordance with subparagraph (A).

(D) SPECIAL RULE FOR PUERTO RICO.—* * *

[(4)]*(3)* USE OF DATA FOR DETERMINATIONS.—

[(A) IN GENERAL.—In making State allotments under paragraph (3), for the purpose of determining the number of limited English proficient children in a State and in all States, and the number of immigrant children and youth in a State and in all States, for each fiscal year, the Secretary shall use data that will yield the most accurate, up-to-date numbers of such children and youth.

[(B) SPECIAL RULE.—

[(i) FIRST 2 YEARS.—In making determinations under subparagraph (A) for the 2 fiscal years following the date of enactment of the No Child Left Behind Act of 2001, the Secretary shall determine the number of

limited English proficient children in a State and in all States, and the number of immigrant children and youth in a State and in all States, using data available from the Bureau of Census or submitted by the States to the Secretary.

[(ii) SUBSEQUENT YEARS.—For subsequent fiscal years, the Secretary shall determine the number of limited English proficient children in a State and in all States, and the number of immigrant children and youth in a State and in all States, using the more accurate of—

[(I) the data available from the American Community Survey available from the Department of Commerce; or

[(II) the number of children being assessed for English proficiency in a State as required under section 1111(b)(7).]

(3) USE OF DATA FOR DETERMINATIONS.—In making State allotments under paragraph (2), for each fiscal year, the Secretary shall determine the number of English learners in a State and in all States, for each fiscal year, using the most accurate, up-to-date data, which may be—

(A) data available from the American Community Survey conducted by the Department of Commerce, which may be multiyear estimates;

(B) the number of students assessed as not having attained English language proficiency, based on the State's English language proficiency assessment under section 1111(a)(2)(D), which may be multiyear estimates; or

(C) a combination of data available under subparagraphs (A) and (B).

* * * * * * *

SEC. 3112. NATIVE AMERICAN AND ALASKA NATIVE CHILDREN IN SCHOOL.

(a) ELIGIBLE ENTITIES.—* * *

(1) * * *

* * * * * * *

(4) An elementary school or secondary school that is operated or funded by the Bureau of [Indian Affairs]*Indian Education of the Department of the Interior*, or a consortium of such schools.

(5) An elementary school or secondary school operated under a contract with or grant from the Bureau of [Indian Affairs]*Indian Education of the Department of the Interior*, in consortium with another such school or a tribal or community organization.

(6) An elementary school or secondary school operated by the Bureau of [Indian Affairs]*Indian Education of the Department of the Interior* and an institution of higher education, in consortium with an elementary school or secondary school operated under a contract with or grant from the Bureau of [Indian Affairs]*Indian Education of the Department of the Interior* or a tribal or community organization.

(b) SUBMISSION OF APPLICATIONS FOR ASSISTANCE.—Notwithstanding any other provision of this part, [an entity that is considered to be an eligible entity under subsection (a), and that]*an eligible entity that* desires to receive Federal financial assistance under this subpart, shall submit an application to the Secretary.

[(c) SPECIAL RULE.—An eligible entity described in subsection (a) that receives Federal financial assistance pursuant to this section shall not be eligible to receive a subgrant under section 3114.]

(c) SPECIAL RULES.—

(1) INELIGIBILITY FOR MULTIPLE AWARDS FOR SAME PERIOD.—An eligible entity that receives a grant under this section shall not be eligible to receive a subgrant under section 3114 for the same period.

(2) NATIVE AMERICAN LANGUAGE PROGRAMS.—An eligible entity that receives a grant under this section may, in addition to other activities supported under this subpart, use the grant funds to support Native American language immersion programs and Native American language restoration programs, which may be taught by traditional or tribal leaders.

* * * * * * *

[SEC. 3113. [20 U.S.C. 6823] STATE AND SPECIALLY QUALIFIED AGENCY PLANS.]

[(a) PLAN REQUIRED.—Each State educational agency and specially qualified agency desiring a grant under this subpart shall submit a plan to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

[(b) CONTENTS.—Each plan submitted under subsection (a) shall—

[(1) describe the process that the agency will use in making subgrants to eligible entities under section 3114(d)(1);

[(2) describe how the agency will establish standards and objectives for raising the level of English proficiency that are derived from the four recognized domains of speaking, listening, reading, and writing, and that are aligned with achievement of the challenging State academic content and student academic achievement standards described in section 1111(b)(1);

[(3) contain an assurance that—

[(A) in the case of a State educational agency, the agency consulted with local educational agencies, education-related community groups and nonprofit organizations, parents, teachers, school administrators, and researchers, in developing the annual measurable achievement objectives described in section 3122;

[(B) in the case of a specially qualified agency, the agency consulted with education-related community groups and nonprofit organizations, parents, teachers, and researchers, in developing the annual measurable achievement objectives described in section 3122;

[(C) the agency will ensure that eligible entities receiving a subgrant under this subpart comply with the requirement in section 1111(b)(7) to annually assess in English children who have been in the United States for 3 or more consecutive years;

[(D) the agency will ensure that eligible entities receiving a subgrant under this subpart annually assess the English proficiency of all limited English proficient children participating in a program funded under this subpart, consistent with section 1111(b)(7);

[(E) in awarding subgrants under section 3114, the agency will address the needs of school systems of all sizes and in all geographic areas, including school systems with rural and urban schools;

[(F) subgrants to eligible entities under section 3114(d)(1) will be of sufficient size and scope to allow such entities to carry out high-quality language instruction educational programs for limited English proficient children; and

[(G) the agency will require an eligible entity receiving a subgrant under this subpart to use the subgrant in ways that will build such recipient's capacity to continue to offer high-quality language instruction educational programs that assist limited English proficient children in meeting challenging State academic content and student academic achievement standards once assistance under this subpart is no longer available;

[(4) describe how the agency will coordinate its programs and activities under this subpart with its other programs and activities under this Act and other Acts, as appropriate;

[(5) describe how the agency will hold local educational agencies, eligible entities, elementary schools, and secondary schools accountable for—

[(A) meeting all annual measurable achievement objectives described in section 3122;

[(B) making adequate yearly progress for limited English proficient children, as described in section 1111(b)(2)(B); and

[(C) achieving the purposes of this part; and

[(6) describe how eligible entities in the State will be given the flexibility to teach limited English proficient children—

[(A) using a language instruction curriculum that is tied to scientifically based research on teaching limited English proficient children and that has been demonstrated to be effective; and

[(B) in the manner the eligible entities determine to be the most effective.

[(c) APPROVAL.—The Secretary, after using a peer review process, shall approve a plan submitted under subsection (a) if the plan meets the requirements of this section.

[(d) DURATION OF PLAN.—

[(1) IN GENERAL.—Each plan submitted by a State educational agency or specially qualified agency and approved under subsection (c) shall—

[(A) remain in effect for the duration of the agency's participation under this part; and

[(B) be periodically reviewed and revised by the agency, as necessary, to reflect changes to the agency's strategies and programs carried out under this part.

[(2) ADDITIONAL INFORMATION.—

[(A) AMENDMENTS.—If the State educational agency or specially qualified agency amends the plan, the agency shall submit such amendment to the Secretary.

[(B) APPROVAL.—The Secretary shall approve such amendment to an approved plan, unless the Secretary determines that the amendment will result in the agency not meeting the requirements, or fulfilling the purposes, of this part.

[(e) CONSOLIDATED PLAN.—A plan submitted under subsection (a) may be submitted as part of a consolidated plan under section 9302.

[(f) SECRETARY ASSISTANCE.—The Secretary shall provide technical assistance, if requested, in the development of English proficiency standards, objectives, and assessments.]

SEC. 3113. STATE EDUCATIONAL AGENCY PLANS.

(a) PLAN REQUIRED.—Each State educational agency desiring a grant under this subpart shall submit a plan to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(b) CONTENTS.—Each plan submitted under subsection (a) shall—

(1) describe the process that the agency will use in awarding subgrants to eligible entities under section 3114(d)(1);

(2) describe the process by which, within a period established by the Secretary, the agency will establish uniform statewide criteria for local educational agencies to use in—

(A) identifying English learners who need services under this part;

(B) determining when such students no longer need those services; and

(C) including the same standards of achievement for all English learners in all local educational agencies in the State;

(3) describe the process through which the State educational agency will support local educational agencies in assisting English learners in acquiring proficiency in each of the 4 language domains of reading, writing, speaking, and listening, as measured by the State's English language proficiency assessment;

(4) provide an assurance that if the State adopts new academic content standards, the State educational agency will, not later than 1 year after the date of adoption of such standards—

(A) update the State English language proficiency standards to ensure that such standards align with the new academic content standards; and

(B) provide the Secretary with evidence of such alignment;

(5) provide an assurance that the State English language proficiency assessment system is valid and reliable and meets the appropriate requirements of paragraph (10);

(6) include criteria for defining the performance standard that students at lower levels of English language proficiency must meet to attain the level that the State defines as English language proficient;

(7) describe how the agency will coordinate programs and activities carried out under this subpart with the other programs and activities that such agency carries out under this Act;

(8) describe how the agency will assist eligible entities in increasing the extent to which English learners acquire English language proficiency within a reasonable time frame, as informed by evidence and best practices;

(9) provide an assurance that eligible entities in the State will be given the flexibility to teach English learners using a language instruction curriculum that has been demonstrated to be effective, consistent with section 3115(f);

(10) describe how the agency will manage subgrants awarded under this subpart, including—

(A) how the agency will ensure that subgrant funds are expended to support the provision of services to help English learners acquire the English language proficiency and the academic content knowledge they need to meet the State's college and career ready academic content standards and to advance to postsecondary education and careers, which may include using a scientifically valid language instruction curriculum to improve language acquisition and content mastery for English learners;

(B) how the agency will ensure that eligible entities receiving a subgrant under this subpart comply with the requirement under section 1111(a)(2)(B)(vi) to annually assess in English, children who have been in the United States for 3 or more consecutive years;

(C) how the agency will monitor eligible entities receiving a subgrant under this part to ensure compliance with applicable Federal fiscal requirements, including the requirements under subsections (f) (g), and (h) of section 3115;

(D) how the agency will, in awarding subgrants under section 3114, address the needs of local educational agencies of all sizes and in all geographic areas, including local educational agencies that serve rural and urban schools; and

(E) an assurance that the agency will require an eligible entity receiving a subgrant under this subpart to use the subgrant in ways that will build such eligible entity's capacity to continue to offer high-quality language instruction educational programs and academic content instruction programs that assist English learners in meeting State academic content and student academic achievement standards to become on track to college and career readiness;

(11) provide an assurance that the State's English language proficiency standards are aligned with the academic content and academic achievement standards described in section 1111; and

(12) provide an assurance that the plan has been developed in consultation with local educational agencies, teachers, administrators of programs described under this part, parents, family members, and other relevant stakeholders.

(c) APPROVAL.—The Secretary, after using a peer review process, shall approve a plan submitted under subsection (a) if the plan meets the requirements of this section.

(d) DURATION OF PLAN.—

(1) IN GENERAL.—Each plan submitted by a State educational agency and approved under subsection (c) shall—

(A) remain in effect for the duration of the State educational agency's participation under this part; and

(B) be periodically reviewed and revised by the agency to reflect changes to the agency's strategies and programs carried out under this part.

(2) ADDITIONAL INFORMATION.—

(A) AMENDMENTS.—If a State educational agency amends the plan approved under subsection (c), the agency shall submit the amendment to the Secretary.

(B) APPROVAL.—The Secretary shall approve an amendment to an approved plan, unless the Secretary determines that the amendment will result in the agency not meeting the requirements, or fulfilling the purposes, of this part.

(e) CONSOLIDATED PLAN.—A plan submitted under subsection (a) may be submitted as part of a consolidated plan under section 9302.

(f) SECRETARY ASSISTANCE.—The Secretary shall provide technical assistance, if requested, in the development of English language proficiency standards, objectives, and assessments.

* * * * * * *

SEC. 3114. WITHIN-STATE ALLOCATIONS.

(a) IN GENERAL.—After making the reservation required under subsection (d)(1), each State educational agency receiving a grant under [section 3111(c)(3)]*section 3111(c)(2)* shall award subgrants for a fiscal year by allocating*, in a timely manner,* to each eligible entity in the State having a plan approved under section 3116 an amount that bears the same relationship to the amount received under the grant and remaining after making such reservation as the population of [limited English proficient children]*English learners* in schools served by the eligible entity bears to the population of [limited English proficient children]*English learners* in schools served by all eligible entities in the State.

(b) LIMITATION.—* * *

* * * * * * *

(d) REQUIRED RESERVATION.—A State educational agency receiving a grant under this subpart for a fiscal year—

(1) shall reserve not more than 15 percent of the agency's allotment under [section 3111(c)(3)]*section 3111(c)(2)* to award subgrants to eligible entities in the State that have experienced a significant increase, as compared to the average of the 2 preceding fiscal years, in the percentage or number of immigrant children and youth, who have enrolled, during the fiscal year preceding the fiscal year for which the subgrant is made, in public and nonpublic elementary schools and secondary schools in the geographic areas under the jurisdiction of, or served by, such entities; and

(2) in awarding subgrants under paragraph (1)—

(A) shall [equally]consider eligible entities that satisfy the requirement of such paragraph but have limited or no experience in serving immigrant children and youth; [and]

(B) shall consider eligible entities that experience a significant increase in the percentage of immigrant children and youth served, and eligible entities that experience a significant increase in the number of immigrant children and youth served; and

[(B)] *(C)* shall consider the quality of each local plan under section 3116 and ensure that each subgrant is of sufficient size and scope to meet the purposes of this part.

[SEC. 3115. SUBGRANTS TO ELIGIBLE ENTITIES.]

[(a) PURPOSES OF SUBGRANTS.—A State educational agency may make a subgrant to an eligible entity from funds received by the agency under this subpart only if the entity agrees to expend the funds to improve the education of limited English proficient children, by assisting the children to learn English and meet challenging State academic content and student academic achievement standards. In carrying out activities with such funds, the entity shall use approaches and methodologies based on scientifically based research on teaching limited English proficient children and immigrant children and youth for the following purposes:

[(1) Developing and implementing new language instruction educational programs and academic content instruction programs for such children, and such children and youth, including programs of early childhood education, elementary school programs, and secondary school programs.

[(2) Carrying out highly focused, innovative, locally designed activities to expand or enhance existing language instruction educational programs and academic content instruction programs for such children, and such children and youth.

[(3) Implementing, within an individual school, schoolwide programs for restructuring, reforming, and upgrading all relevant programs, activities, and operations relating to language instruction educational programs and academic content instruction for such children, and such children and youth.

[(4) Implementing, within the entire jurisdiction of a local educational agency, agencywide programs for restructuring, reforming, and upgrading all relevant programs, activities, and operations relating to language instruction educational programs and academic content instruction for such children, and such children and youth.

[(b) ADMINISTRATIVE EXPENSES.—Each eligible entity receiving funds under section 3114(a) for a fiscal year may use not more than 2 percent of such funds for the cost of administering this subpart.

[(c) REQUIRED SUBGRANTEE ACTIVITIES.—An eligible entity receiving funds under section 3114(a) shall use the funds—

[(1) to increase the English proficiency of limited English proficient children by providing high-quality language instruction educational programs that are based on scientifically based research demonstrating the effectiveness of the programs in increasing—

[(A) English proficiency; and

[(B) student academic achievement in the core academic subjects; and

[(2) to provide high-quality professional development to classroom teachers (including teachers in classroom settings that are not the settings of language instruction educational programs), principals, administrators, and other school or community-based organizational personnel, that is—

[(A) designed to improve the instruction and assessment of limited English proficient children;

[(B) designed to enhance the ability of such teachers to understand and use curricula, assessment measures, and instruction strategies for limited English proficient children;

[(C) based on scientifically based research demonstrating the effectiveness of the professional development in increasing children's English proficiency or substantially increasing the subject matter knowledge, teaching knowledge, and teaching skills of such teachers; and

[(D) of sufficient intensity and duration (which shall not include activities such as one-day or short-term workshops and conferences) to have a positive and lasting impact on the teachers' performance in the classroom, except that this subparagraph shall not apply to an activity that is one component of a long-term, comprehensive professional development plan established by a teacher and the teacher's supervisor based on an assessment of the needs of the teacher, the supervisor, the students of the teacher, and any local educational agency employing the teacher.

[(d) AUTHORIZED SUBGRANTEE ACTIVITIES.—Subject to subsection (c), an eligible entity receiving funds under section 3114(a) may use the funds to achieve one of the purposes described in subsection (a) by undertaking one or more of the following activities:

[(1) Upgrading program objectives and effective instruction strategies.

[(2) Improving the instruction program for limited English proficient children by identifying, acquiring, and upgrading curricula, instruction materials, educational software, and assessment procedures.

[(3) Providing—

[(A) tutorials and academic or vocational education for limited English proficient children; and

[(B) intensified instruction.

[(4) Developing and implementing elementary school or secondary school language instruction educational programs that are coordinated with other relevant programs and services.

[(5) Improving the English proficiency and academic achievement of limited English proficient children.

[(6) Providing community participation programs, family literacy services, and parent outreach and training activities to limited English proficient children and their families—

[(A) to improve the English language skills of limited English proficient children; and

[(B) to assist parents in helping their children to improve their academic achievement and becoming active participants in the education of their children.

[(7) Improving the instruction of limited English proficient children by providing for—

[(A) the acquisition or development of educational technology or instructional materials;

[(B) access to, and participation in, electronic networks for materials, training, and communication; and

[(C) incorporation of the resources described in subparagraphs (A) and (B) into curricula and programs, such as those funded under this subpart.

[(8) Carrying out other activities that are consistent with the purposes of this section.

[(e) ACTIVITIES BY AGENCIES EXPERIENCING SUBSTANTIAL INCREASES IN IMMIGRANT CHILDREN AND YOUTH.—

[(1) IN GENERAL.—An eligible entity receiving funds under section 3114(d)(1) shall use the funds to pay for activities that provide enhanced instructional opportunities for immigrant children and youth, which may include—

[(A) family literacy, parent outreach, and training activities designed to assist parents to become active participants in the education of their children;

[(B) support for personnel, including teacher aides who have been specifically trained, or are being trained, to provide services to immigrant children and youth;

[(C) provision of tutorials, mentoring, and academic or career counseling for immigrant children and youth;

[(D) identification and acquisition of curricular materials, educational software, and technologies to be used in the program carried out with funds;

[(E) basic instruction services that are directly attributable to the presence in the school district involved of immigrant children and youth, including the payment of costs of providing additional classroom supplies, costs of transportation, or such other costs as are directly attributable to such additional basic instruction services;

[(F) other instruction services that are designed to assist immigrant children and youth to achieve in elementary schools and secondary schools in the United States, such as programs of introduction to the educational system and civics education; and

[(G) activities, coordinated with community-based organizations, institutions of higher education, private sector entities, or other entities with expertise in working with immigrants, to assist parents of immigrant children and youth by offering comprehensive community services.

[(2) DURATION OF SUBGRANTS.—The duration of a subgrant made by a State educational agency under section 3114(d)(1) shall be determined by the agency in its discretion.

[(f) SELECTION OF METHOD OF INSTRUCTION.—

[(1) IN GENERAL.—To receive a subgrant from a State educational agency under this subpart, an eligible entity shall select one or more methods or forms of instruction to be used in

the programs and activities undertaken by the entity to assist limited English proficient children to attain English proficiency and meet challenging State academic content and student academic achievement standards.

[(2) CONSISTENCY.—Such selection shall be consistent with sections 3125 through 3127.

[(g) SUPPLEMENT, NOT SUPPLANT.—Federal funds made available under this subpart shall be used so as to supplement the level of Federal, State, and local public funds that, in the absence of such availability, would have been expended for programs for limited English proficient children and immigrant children and youth and in no case to supplant such Federal, State, and local public funds.]

SEC. 3115. SUBGRANTS TO ELIGIBLE ENTITIES.

(a) PURPOSES OF SUBGRANTS.—A State educational agency may make a subgrant to an eligible entity from funds received by the agency under this subpart only if the entity agrees to expend the funds to supplement the education of English learners by helping them learn English and meet the State college and career ready academic content and student academic achievement standards. The eligible subgrantee shall carry out activities with such funds, using evidence-based approaches and methodologies that have been demonstrated to be effective for teaching English learners and immigrant children and youth, for the following purposes:

(1) Developing and implementing new language instruction educational programs and academic content instruction programs for such children and youth, including early childhood education and care programs, elementary school programs, and secondary school programs.

(2) Carrying out highly focused, innovative, locally designed, evidence-based activities to expand or enhance existing language instruction educational programs and academic content instruction programs for such children and youth.

(3) Implementing, within an individual school, whole school programs for restructuring, reforming, and upgrading all relevant programs, activities, and operations relating to language instruction educational programs and academic content instruction for such children and youth.

(4) Implementing, within the entire jurisdiction of a local educational agency, agencywide programs for restructuring, reforming, and upgrading all relevant programs, activities, and operations relating to language instruction educational programs and academic content instruction for such children and youth.

(b) ADMINISTRATIVE EXPENSES.—Each eligible entity receiving funds under section 3114(a) for a fiscal year may use not more than 2 percent of such funds for the direct cost of administering this subpart.

(c) REQUIRED SUBGRANTEE ACTIVITIES.—An eligible entity receiving funds under section 3114(a) shall use the funds for 2 or more of the following activities:

(1) Increasing the English language proficiency of English learners by providing high-quality evidence-based language instruction educational programs and academic content instruction programs that meet the needs of the specific English learn-

ers served, and by identifying, acquiring, and upgrading curricula, instructional materials, educational software, and assessment practices that are proven effective in—

(A) increasing English language proficiency;

(B) increasing student academic achievement in the core academic subjects; and

(C) supporting students so that the students are college and career ready.

(2) Providing high-quality professional development to teachers (including teachers of language instruction educational programs and academic content instruction programs, teachers of other academic subjects, and special education teachers), principals, administrators, and other school or community-based organization personnel that is—

(A) designed to improve the instruction and assessment of English learners;

(B) designed to enhance the ability of teachers and school leaders to understand and effectively implement curricula, assessment practices and measures, and instructional strategies for English learners;

(C) aligned with the instructional program used by teachers that is responsive to the needs of the English learners served;

(D) based on scientifically valid research demonstrating the effectiveness of the professional development in increasing children's English language proficiency or substantially increasing the subject matter knowledge, teaching knowledge, and teaching skills of teachers; and

(E) of sufficient intensity and duration (which shall not include activities such as 1-day or short-term workshops and conferences) to have a positive and lasting impact on the performance of teachers in the classroom, except that this subparagraph shall not apply to an activity that is 1 component of a long-term, comprehensive professional development plan established by a teacher and the teacher's supervisor based on an assessment of the needs of the teacher, the supervisor, the students of the teacher, and any local educational agency employing the teacher, as appropriate.

(3) Carrying out other highly focused, evidence-based, proven effective activities and strategies that expand, enhance, or supplement existing language instruction educational programs and academic content instruction programs for English learners, including activities that enhance and increase parent, family, and community participation, maximize coordination and alignment among related programs, and build partnerships between schools and community-based early learning programs serving English learners.

(d) AUTHORIZED SUBGRANTEE ACTIVITIES.—Subject to subsection (c), an eligible entity receiving funds under section 3114(a) may use the funds to achieve 1 of the purposes described in subsection (a) by undertaking 1 or more of the following activities:

(1) Upgrading program objectives and effective instruction strategies.

(2) Providing to English learners—

(A) tutorials and academic or career and technical education; and

(B) intensified instruction.

(3) Developing and implementing preschool, elementary school, or secondary school language instruction educational programs and academic content instruction programs that are coordinated with other relevant programs and services.

(4) Improving the English language proficiency and academic achievement of children who are English learners.

(5) Improving the instruction of English learners, including English learners who are children with disabilities, by providing for—

(A) the acquisition or development of educational technology or instructional materials;

(B) access to, and participation in, electronic networks for materials, training, and communication; and

(C) incorporation of the resources described in subparagraphs (A) and (B) into curricula and programs, such as curricula and programs funded under this subpart.

(6) Providing community participation programs, family literacy activities, and parent and family outreach and training activities to children who are English learners and their families—

(A) to improve the English language skills of children who are English learners; and

(B) to assist parents in—

(i) helping their children to improve their academic achievement; and

(ii) becoming active participants in the education of their children.

(7) Carrying out other activities that are consistent with the purposes of this subpart.

(e) ACTIVITIES BY AGENCIES EXPERIENCING SUBSTANTIAL INCREASES IN IMMIGRANT CHILDREN AND YOUTH.—

(1) IN GENERAL.—An eligible entity receiving funds under section 3114(d)(1) shall use the funds to pay for activities that provide enhanced instructional opportunities for immigrant children and youth, which may include—

(A) family literacy, parent and family outreach, and leadership development activities designed to assist parents and family members in becoming engaged participants in the education and development of their children;

(B) support for personnel, including paraprofessionals who have been specifically trained, or are being trained, to provide services to immigrant children and youth;

(C) the provision of tutorials, mentoring, and academic or career counseling for immigrant children and youth;

(D) identification, development, and acquisition of curricular materials, educational software, and technologies to be used in the program carried out with funds awarded under section 3114(a);

(E) basic instructional services that are directly attributable to the presence in the local educational agency in-

volved of immigrant children and youth, including the payment of costs of providing additional classroom supplies and costs of transportation;

(F) such other costs that are directly attributable to such additional basic instructional services or that are designed to assist immigrant children and youth to achieve in elementary schools and secondary schools in the United States, such as programs of introduction to the educational system and civics education; and

(G) activities, coordinated with community-based organizations (including community-based organizations providing early childhood education and care programs), institutions of higher education, private sector entities, or other entities with expertise in working with immigrants, to assist parents of immigrant children and youth by offering comprehensive community services.

(2) DURATION OF SUBGRANTS.—The duration of a subgrant made by a State educational agency under section 3114(d)(1) shall be determined by the agency in its discretion.

(f) SELECTION OF METHOD OF INSTRUCTION.—

(1) IN GENERAL.—An eligible entity receiving a subgrant from a State educational agency under this subpart shall select 1 or more methods or forms of instruction to be used in the programs and activities undertaken by the entity in assisting English learners in attaining English language proficiency and meeting State academic content and student academic achievement standards, to be on track to college and career readiness.

(2) CONSISTENCY.—The selection of methods or forms of instruction, as described under paragraph (1), shall be consistent with sections 3124 through 3126.

(g) SUPPLEMENT, NOT SUPPLANT.—Federal funds made available under this subpart shall be used so as to supplement the level of Federal, State, and local public funds that, in the absence of such availability, would have been expended for programs for English learners and immigrant children and youth and in no case to supplant such Federal, State, and local public funds.

(h) PROHIBITION ON USE OF FUNDS.—A subgrantee shall not use subgrant funds received under this subpart for services that are required to be provided to English learners as a result of—

(1) a letter of findings, issued by the Assistant Secretary for Civil Rights, indicating that the subgrantee's program and services do not meet the legal requirements under title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), unless the subgrantee has appealed the findings or entered into settlement discussions designed to lead to a resolution agreement with the Assistant Secretary for Civil Rights pursuant to section 100.7(d) of title 34, Code of Federal Regulations; or

(2) a Federal court order resulting from litigation in the Federal courts, except where the litigation commences with a complaint filed with an accompanying consent decree, to enforce title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) or section 204(f) of the Equal Educational Opportunities Act of 1974 (20 U.S.C. 1703(f)).

* * * * * * *

[SEC. 3116. LOCAL PLANS.]

[(a) PLAN REQUIRED.—Each eligible entity desiring a subgrant from the State educational agency under section 3114 shall submit a plan to the State educational agency at such time, in such manner, and containing such information as the State educational agency may require.

[(b) CONTENTS.—Each plan submitted under subsection (a) shall—

[(1) describe the programs and activities proposed to be developed, implemented, and administered under the subgrant;

[(2) describe how the eligible entity will use the subgrant funds to meet all annual measurable achievement objectives described in section 3122;

[(3) describe how the eligible entity will hold elementary schools and secondary schools receiving funds under this subpart accountable for—

[(A) meeting the annual measurable achievement objectives described in section 3122;

[(B) making adequate yearly progress for limited English proficient children, as described in section 1111(b)(2)(B); and

[(C) annually measuring the English proficiency of limited English proficient children, so that such children served by the programs carried out under this part develop proficiency in English while meeting State academic content and student academic achievement standards as required by section 1111(b)(1);

[(4) describe how the eligible entity will promote parental and community participation in programs for limited English proficient children;

[(5) contain an assurance that the eligible entity consulted with teachers, researchers, school administrators, and parents, and, if appropriate, with education-related community groups and nonprofit organizations, and institutions of higher education, in developing such plan; and

[(6) describe how language instruction educational programs carried out under the subgrant will ensure that limited English proficient children being served by the programs develop English proficiency.

[(c) TEACHER ENGLISH FLUENCY.—Each eligible entity receiving a subgrant under section 3114 shall include in its plan a certification that all teachers in any language instruction educational program for limited English proficient children that is, or will be, funded under this part are fluent in English and any other language used for instruction, including having written and oral communications skills.

[(d) OTHER REQUIREMENTS FOR APPROVAL.—Each local plan shall also contain assurances that—

[(1) each local educational agency that is included in the eligible entity is complying with section 3302 prior to, and throughout, each school year;

[(2) the eligible entity annually will assess the English proficiency of all children with limited English proficiency participating in programs funded under this part;

[(3) the eligible entity has based its proposed plan on scientifically based research on teaching limited English proficient children;

[(4) the eligible entity will ensure that the programs will enable children to speak, read, write, and comprehend the English language and meet challenging State academic content and student academic achievement standards; and

[(5) the eligible entity is not in violation of any State law, including State constitutional law, regarding the education of limited English proficient children, consistent with sections 3126 and 3127.]

SEC. 3116. LOCAL PLANS.

(a) PLAN REQUIRED.—Each eligible entity desiring a subgrant from a State educational agency under section 3114 shall submit a plan to the State educational agency at such time, in such manner, and containing such information as the State educational agency may require.

(b) CONTENTS.—Each plan submitted under subsection (a) shall—

(1) describe the scientifically valid programs and activities proposed to be developed, implemented, and administered under the subgrant, including how such programs and activities will supplement programs intended to enable children to speak, read, write, and comprehend the English language, meet State academic content and student academic achievement standards, and graduate high school ready for college and careers;

(2) describe how the eligible entity will hold elementary schools and secondary schools receiving funds under this subpart accountable for—

(A) assessing annually, in accordance with section 1111, the English language proficiency of all English learners participating in programs funded under this subpart; and

(B) meeting timelines, progress criteria, and performance targets for English learners in order to ensure that such children served by the programs carried out under this part—

(i) develop proficiency in English; and

(ii) master the academic content knowledge they need to meet the State's college and career ready academic content standards under section 1111(a)(1);

(3) describe how the eligible entity will promote family and community member engagement;

(4) describe how the eligible entity will consult with teachers, researchers, school administrators, parents, family and community members, and, if appropriate, with education-related community groups and nonprofit organizations, and institutions of higher education, in developing and implementing such plan;

(5) describe how language instruction educational programs and academic content instruction programs carried out under the subgrant will ensure that English learners being served by the programs develop English language proficiency and demonstrate such proficiency through academic content mastery;

(6) ensure that activities supported by funds allocated to individual schools are described in any general local school level-

plan required by the eligible entity, and in the absence of a required school-level plan, such activities are described in a separate school-level title III activity plan; and

(7) contain an assurance that—

(A) the eligible entity is not in violation of State law, including State constitutional law, regarding the education of English learners, consistent with sections 3124 through 3128;

(B) each local educational agency that is included in the eligible entity complies with section 3202 prior to, and throughout, each school year; and

(C) systemic improvements for meeting the needs of English learners and targeting funds to particular concentrations of English learners were considered in developing such plan.

(c) TEACHER ENGLISH FLUENCY.—Each eligible entity receiving a subgrant under this subpart shall include in its plan a certification that all teachers in any language instruction educational program for English learners that is, or will be, funded under this part are fluent in the languages used for instruction, including having written and oral communications skills.

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Subpart 2—Accountability and Administration

[SEC. 3121. EVALUATIONS.]

[(a) IN GENERAL.—Each eligible entity that receives a subgrant from a State educational agency under subpart 1 shall provide such agency, at the conclusion of every second fiscal year during which the subgrant is received, with an evaluation, in a form prescribed by the agency, that includes—

[(1) a description of the programs and activities conducted by the entity with funds received under subpart 1 during the two immediately preceding fiscal years;

[(2) a description of the progress made by children in learning the English language and meeting challenging State academic content and student academic achievement standards;

[(3) the number and percentage of children in the programs and activities attaining English proficiency by the end of each school year, as determined by a valid and reliable assessment of English proficiency; and

[(4) a description of the progress made by children in meeting challenging State academic content and student academic achievement standards for each of the 2 years after such children are no longer receiving services under this part.

[(b) USE OF EVALUATION.—An evaluation provided by an eligible entity under subsection (a) shall be used by the entity and the State educational agency—

[(1) for improvement of programs and activities;

[(2) to determine the effectiveness of programs and activities in assisting children who are limited English proficient to attain English proficiency (as measured consistent with sub-

section (d)) and meet challenging State academic content and student academic achievement standards; and

[(3) in determining whether or not to continue funding for specific programs or activities.

[(c) EVALUATION COMPONENTS.—An evaluation provided by an eligible entity under subsection (a) shall—

[(1) provide an evaluation of children enrolled in a program or activity conducted by the entity using funds under subpart 1 (including the percentage of children) who—

[(A) are making progress in attaining English proficiency, including the percentage of children who have achieved English proficiency;

[(B) have transitioned into classrooms not tailored to limited English proficient children, and have a sufficient level of English proficiency to permit them to achieve in English and transition into classrooms not tailored to limited English proficient children;

[(C) are meeting the same challenging State academic content and student academic achievement standards as all children are expected to meet; and

[(D) are not receiving waivers for the reading or language arts assessments under section 1111(b)(3)(C); and

[(2) include such other information as the State educational agency may require.

[(d) EVALUATION MEASURES.—A State shall approve evaluation measures for use under subsection (c) that are designed to assess—

[(1) the progress of children in attaining English proficiency, including a child's level of comprehension, speaking, listening, reading, and writing skills in English;

[(2) student attainment of challenging State student academic achievement standards on assessments described in section 1111(b)(3); and

[(3) progress in meeting the annual measurable achievement objectives described in section 3122.

[(e) SPECIAL RULE FOR SPECIALLY QUALIFIED AGENCIES.—Each specially qualified agency receiving a grant under this part shall provide the evaluations described in subsection (a) to the Secretary subject to the same requirements as apply to eligible entities providing such evaluations to State educational agencies under such subsection.]

SEC. 3121. EVALUATIONS.

(a) IN GENERAL.—Each eligible entity that receives a subgrant from a State educational agency under subpart 1 shall provide such agency, at the conclusion of every second fiscal year during which the subgrant is received, with an evaluation of programs and services supported under this title, in a form prescribed by the agency, that includes—

(1) a description of the programs and activities conducted by the entity with funds received under subpart 1 during the 2 immediately preceding fiscal years, including how such programs and activities supplemented programs funded primarily with State or local funds;

(2) a description of the progress made by English learners in improving their English language proficiency, in meeting the

State's academic content and student academic achievement standards, and in graduating from high school ready for college and careers;

(3) the number and percentage of English learners participating in the programs and activities supported by funds provided under this part, who by the end of each school year, attain English language proficiency in each of the 4 domains of reading, writing, speaking, and listening, as determined by the State's English language proficiency assessment and the number who exit the language instruction educational programs based on their attainment of English language proficiency on such assessment;

(4) a description of the progress made by former English learners in meeting the State's academic content and student academic achievement standards and in graduating from high school and being college and career ready, for each of the 3 years after such individuals are no longer receiving services under this part; and

(5) the number and percentage of English learners who have not attained English language proficiency within 5 years of first enrollment in the local educational agency and initial classification as English learners.

(b) USE OF EVALUATION.—An evaluation provided by an eligible entity under subsection (a) shall be used by the entity and the State educational agency—

(1) to assess the progress of children in attaining English language proficiency, including—

(A) a child's level of speaking, listening, reading, and writing skills in English; and

(B) a child's progress in attaining the State student academic achievement and college and career readiness standards; and

(2) to improve programs and activities, including by determining the effectiveness of programs and activities in increasing the English language proficiency of English learners and making determinations about whether or not to continue funding for specific programs or activities.

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[SEC. 3122. ACHIEVEMENT OBJECTIVES AND ACCOUNTABILITY.]

[(a) ACHIEVEMENT OBJECTIVES.—

[(1) IN GENERAL.—Each State educational agency or specially qualified agency receiving a grant under subpart 1 shall develop annual measurable achievement objectives for limited English proficient children served under this part that relate to such children's development and attainment of English proficiency while meeting challenging State academic content and student academic achievement standards as required by section 1111(b)(1).

[(2) DEVELOPMENT OF OBJECTIVES.—Such annual measurable achievement objectives shall be developed in a manner that—

[(A) reflects the amount of time an individual child has been enrolled in a language instruction educational program; and

[(B) uses consistent methods and measurements to reflect the increases described in subparagraphs (A)(i), (A)(ii), and (B) of paragraph (3).

[(3) CONTENTS.—Such annual measurable achievement objectives—

[(A) shall include—

[(i) at a minimum, annual increases in the number or percentage of children making progress in learning English;

[(ii) at a minimum, annual increases in the number or percentage of children attaining English proficiency by the end of each school year, as determined by a valid and reliable assessment of English proficiency consistent with section 1111(b)(7); and

[(iii) making adequate yearly progress for limited English proficient children as described in section 1111(b)(2)(B); and

[(B) at the discretion of the agency, may include the number or percentage of children not receiving waivers for reading or language arts assessments under section 1111(b)(3)(C), but this achievement objective shall not be applied to an eligible entity that, in a given school year—

[(i) has experienced a large increase in limited English proficient children or immigrant children and youth;

[(ii) enrolls a statistically significant number of immigrant children and youth from countries where such children and youth had little or no access to formal education; or

[(iii) has a statistically significant number of immigrant children and youth who have fled from war or natural disaster.

[(b) ACCOUNTABILITY.—

[(1) FOR STATES.—Each State educational agency receiving a grant under subpart 1 shall hold eligible entities receiving a subgrant under such subpart accountable for meeting the annual measurable achievement objectives under subsection (a), including making adequate yearly progress for limited English proficient children.

[(2) IMPROVEMENT PLAN.—If a State educational agency determines, based on the annual measurable achievement objectives described in subsection (a), that an eligible entity has failed to make progress toward meeting such objectives for 2 consecutive years, the agency shall require the entity to develop an improvement plan that will ensure that the entity meets such objectives. The improvement plan shall specifically address the factors that prevented the entity from achieving such objectives.

[(3) TECHNICAL ASSISTANCE.—During the development of the improvement plan described in paragraph (2), and throughout its implementation, the State educational agency shall—

[(A) provide technical assistance to the eligible entity;

[(B) provide technical assistance, if applicable, to schools served by such entity under subpart 1 that need assistance to enable the schools to meet the annual measurable achievement objectives described in subsection (a);

[(C) develop, in consultation with the entity, professional development strategies and activities, based on scientifically based research, that the agency will use to meet such objectives;

[(D) require such entity to utilize such strategies and activities; and

[(E) develop, in consultation with the entity, a plan to incorporate strategies and methodologies, based on scientifically based research, to improve the specific program or method of instruction provided to limited English proficient children.

[(4) ACCOUNTABILITY.—If a State educational agency determines that an eligible entity has failed to meet the annual measurable achievement objectives described in subsection (a) for 4 consecutive years, the agency shall—

[(A) require such entity to modify the entity's curriculum, program, and method of instruction; or

[(B)(i) make a determination whether the entity shall continue to receive funds related to the entity's failure to meet such objectives; and

[(ii) require such entity to replace educational personnel relevant to the entity's failure to meet such objectives.

[(c) SPECIAL RULE FOR SPECIALLY QUALIFIED AGENCIES.—The Secretary shall hold specially qualified agencies receiving a grant under this subpart accountable for meeting the annual measurable achievement objectives described in subsection (a) in the same manner as State educational agencies hold eligible entities accountable under subsection (b).]

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SEC. [3123]*3122*. REPORTING REQUIREMENTS.

(a) STATES.—Based upon the evaluations provided to a State educational agency under section 3121, each such agency that receives a grant under this part shall prepare and submit every second year to the Secretary a report on programs and activities carried out by the State educational agency under this part and the effectiveness of such programs and activities in improving the education provided to [children who are limited English proficient]*English learners*.

(b) SECRETARY.—Every second year, the Secretary shall prepare and submit to the [Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate]*authorizing committees* a report—

(1) on programs and activities carried out to serve [limited English proficient children]*English learners* under this part, and the effectiveness of such programs and activities in improving the academic achievement and English proficiency of [children who are limited English proficient]*English learners*;

(2) on the types of language instruction educational programs used by local educational agencies or eligible entities receiving funding under this part to teach [limited English proficient children]*English learners*;

(3) * * *

(4) containing a description of technical assistance and other assistance provided by State educational agencies under [section 3111(b)(2)(C)]*section 3111(b)(2)*;

(5) containing an estimate of the number of certified or licensed teachers working in language instruction educational programs and educating [limited English proficient children]*English learners*, and an estimate of the number of such teachers that will be needed for the succeeding 5 fiscal years;

(6) * * *

* * * * * * *

(8) containing the number of [limited English proficient children]*English learners* served by eligible entities receiving funding under this part who were transitioned out of language instruction educational programs funded under this part into classrooms where instruction is not tailored for [limited English proficient children]*English learners*; and

(9) containing other information gathered from [the evaluations from specially qualified agencies and]other reports submitted to the Secretary under this title when applicable.

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SEC. [3124]*3123*. COORDINATION WITH RELATED PROGRAMS.

In order to maximize Federal efforts aimed at serving the educational needs of [children of limited English proficiency]*English learners*, the Secretary shall coordinate and ensure close cooperation with other entities carrying out programs serving [language-minority and limited English proficient children]*language-minority children and English learners* that are administered by the Department and other agencies.

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SEC. [3125]*3124*. RULES OF CONSTRUCTION.

Nothing in this part shall be construed—

(1) to prohibit a local educational agency from serving [limited English proficient children]*English learners* simultaneously with children with similar educational needs, in the same educational settings where appropriate;

(2) to require a State or a local educational agency to establish, continue, or eliminate any particular type of instructional program for [limited English proficient children]*English learners*; [or]

(3) to limit the preservation or use of Native American languages[.]*; or*

(4) to require an eligible entity to cease providing services under this title to any student who may have been assessed at or above the proficiency level on the annual assessment of English language proficiency under section 1111(a)(2)(D), but has not attained, or is not on track to attain, the proficiency level on the regular State academic content assessment under

section 1111(a)(2)(A), including such assessment in English or language arts.

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SEC. [3126]*3125*. LEGAL AUTHORITY UNDER STATE LAW.

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SEC. [3127]*3126*. CIVIL RIGHTS.

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SEC. [3128]*3127*. PROGRAMS FOR NATIVE AMERICANS AND PUERTO RICO.

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SEC. [3129]*3128*. PROHIBITION.

In carrying out this part, the Secretary shall neither mandate nor preclude the use of a particular curricular or pedagogical approach to educating [limited English proficient children]*English learners*.

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Subpart 3—National Activities

[SEC. 3131. [20 U.S.C. 6861] NATIONAL PROFESSIONAL DEVELOPMENT PROJECT.]

[The Secretary shall use funds made available under section 3111(c)(1)(C) to award grants on a competitive basis, for a period of not more than 5 years, to institutions of higher education (in consortia with State educational agencies or local educational agencies) to provide for professional development activities that will improve classroom instruction for limited English proficient children and assist educational personnel working with such children to meet high professional standards, including standards for certification and licensure as teachers who work in language instruction educational programs or serve limited English proficient children. Grants awarded under this subsection may be used—

[(1) for preservice professional development programs that will assist local schools and institutions of higher education to upgrade the qualifications and skills of educational personnel who are not certified or licensed, especially educational paraprofessionals;

[(2) for the development of curricula appropriate to the needs of the consortia participants involved; and

[(3) in conjunction with other Federal need-based student financial assistance programs, for financial assistance, and costs related to tuition, fees, and books for enrolling in courses required to complete the degree involved, to meet certification or licensing requirements for teachers who work in language instruction educational programs or serve limited English proficient children.]

SEC. 3131. PROFESSIONAL DEVELOPMENT GRANTS.

The Secretary shall use funds made available under section 3111(c)(1)(C) to award grants on a competitive basis, for a period of not more than 5 years, to institutions of higher education or nonprofit institutions with relevant experience or expertise and capacity (in consortia with State educational agencies or local educational agencies) to provide for professional development activities that will improve classroom instruction for English learners and assist educational personnel working with such children to meet high professional standards, including standards for certification and licensure as teachers who work in language instruction educational programs and academic content instruction programs or serve English learners. Grants awarded under this section may be used to—

(1) support partnerships between State or local educational agencies and institutions of higher education to support the work of individuals who are completing baccalaureate and masters programs (such as programs in the areas of teacher training, program administration, policy, research, evaluation, assessment, and curriculum development) and to improve educational services and programs for English learners, provided that recipients of fellowships or assistance are required, on completion of their studies, to—

(A) assist in the education of English learners through work in a school, local educational agency, or other educational agency or organization for a period of time equivalent to the period of time during which an individual receives assistance under this section; or

(B) repay all or a prorated part of their assistance under this section;

(2) support research on promising instructional strategies or programs that have practical applications for teachers, counselors, parents and family members, school leaders, and others responsible for educating or improving the education of English learners and their families;

(3) support strategies that promote school readiness for English learners and their transition from early childhood programs, such as Head Start or State-run preschool programs, to elementary school programs;

(4) support strategies that promote high school graduation for English learners;

(5) support strategies that strengthen and increase family and community member engagement in education;

(6) support the development of curricula that are appropriate to the needs of the participating consortium; and

(7) support the dissemination of information gathered in accordance with paragraphs (1) through (5), particularly evidence-based best practices and the provision of technical assistance.

SEC. 3132. COMMISSION ON ASSESSMENT OF ENGLISH LEARNERS.

(a) COMMISSION ON ASSESSMENT OF ENGLISH LEARNERS.—

(1) IN GENERAL.—The Secretary shall establish an independent commission on the assessment and advancement of English learners (referred to in this section as the "commission") to carry out the activities described in subsection (c).

(2) DATE OF APPOINTMENT.—The members of the commission shall be appointed not later than 6 months after the date of enactment of the Elementary and Secondary Education Reauthorization Act of 2011.

(b) COMPOSITION.—

(1) IN GENERAL.—The commission shall be comprised of individuals with experience and expertise in the educational advancement and development of English learners, including individuals with expertise in—

(A) the art of teaching English to speakers of other languages;

(B) measurement and educational assessment systems; and

(C) educational assessment and accountability practices.

(2) EXPERTISE OF MEMBERS.—The Secretary shall ensure that the individuals selected in accordance with paragraph (1) are experts who are competent, by virtue of their training, expertise, or experience, to evaluate instruction, assessments, and models for English learners.

(c) DUTIES OF THE COMMISSION.—The commission shall provide the Secretary with advice and recommendations about the following issues:

(1) The development and approval of standards pertaining to English learners, in order to assist the Secretary in the review and approval of statewide accountability systems that are required under section 1111(a)(3).

(2) The provision of regulations and guidance pertaining to the inclusion of English learners in assessment and accountability systems, including recommendations about appropriate accommodations and appropriate weights for assessments involving English learners.

(3) Ensuring that State English language proficiency standards under section 1111(a)(1)(E) are properly aligned with college and career ready academic content standards under section 1111(a)(1).

(4) The formation of peer review panels, under section 1111(b)(4), with regard to—

(A) the inclusion on the panels of experts about English learners; and

(B) processes to ensure that the work of the peer review panel is consistent with the standards and guidance developed by the commission.

(5) Identifying ways to support local capacity-building efforts to assist local educational agencies and schools in properly supporting English learners.

(6) Ensuring that the research, development, and dissemination activities of the Department address identified gaps in knowledge for effectively including English learners in assessment and accountability practices.

(7) Ways to address the needs of English learners in all program planning at the Department, including inter- and intra-agency coordination.

(d) ANNUAL REPORT.—The commission shall, beginning not later than 1 year after the date on which all members of the commission

have been appointed, submit an annual report to the Secretary and the authorizing committees of Congress containing the findings and recommendations described in subsection (c).

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[Subpart 4—Definitions]

[SEC. 3141. [20 U.S.C. 6871] ELIGIBLE ENTITY.]

[In this part, the term "eligible entity" means—

[(1) one or more local educational agencies; or

[(2) one or more local educational agencies, in collaboration with an institution of higher education, community-based organization, or State educational agency.]

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[PART B—IMPROVING LANGUAGE INSTRUCTION EDUCATIONAL PROGRAMS]

[SEC. 3201. SHORT TITLE.]

[This part may be cited as the "Improving Language Instruction Educational Programs For Academic Achievement Act".]

[SEC. 3202. [20 U.S.C. 6892] PURPOSE.]

[The purpose of this part is to help ensure that limited English proficient children master English and meet the same rigorous standards for academic achievement as all children are expected to meet, including meeting challenging State academic content and student academic achievement standards by—

[(1) promoting systemic improvement and reform of, and developing accountability systems for, educational programs serving limited English proficient children;

[(2) developing language skills and multicultural understanding;

[(3) developing the English proficiency of limited English proficient children and, to the extent possible, the native language skills of such children;

[(4) providing similar assistance to Native Americans with certain modifications relative to the unique status of Native American languages under Federal law;

[(5) developing data collection and dissemination, research, materials, and technical assistance that are focused on school improvement for limited English proficient children; and

[(6) developing programs that strengthen and improve the professional training of educational personnel who work with limited English proficient children.]

[SEC. 3203. [20 U.S.C. 6893] NATIVE AMERICAN CHILDREN IN SCHOOL.]

[(a) ELIGIBLE ENTITIES.—For the purpose of carrying out programs under this part for individuals served by elementary schools, secondary schools, and postsecondary schools operated predominately for Native American (including Alaska Native) children and youth, an Indian tribe, a tribally sanctioned educational authority, a Native Hawaiian or Native American Pacific Islander native lan-

guage education organization, or an elementary school or secondary school that is operated or funded by the Bureau of Indian Affairs shall be considered to be a local educational agency.

[(b) APPLICATION.—Notwithstanding any other provision of this part, each tribe, authority, organization, or school described in subsection (a) shall submit any application for assistance under this part directly to the Secretary along with timely comments on the need for the program proposed in the application.]

[SEC. 3204. [20 U.S.C. 6894] RESIDENTS OF THE TERRITORIES AND FREELY ASSOCIATED STATES.]

[For the purpose of carrying out programs under this part in the outlying areas, the term "local educational agency" includes public institutions or agencies whose mission is the preservation and maintenance of native languages.]

[SEC. 3211. [20 U.S.C. 6911] FINANCIAL ASSISTANCE FOR LANGUAGE INSTRUCTION EDUCATIONAL PROGRAMS.]

[The purpose of this subpart is to assist local educational agencies, institutions of higher education, and community-based organizations, through the grants authorized under sections 3212 and 3213—

[(1) to develop and enhance their capacity to provide high-quality instruction through language instruction educational programs or special alternative instruction programs to limited English proficient children; and

[(2) to help such children—

[(A) develop English proficiency and, to the extent possible, proficiency in their native language; and

[(B) meet the same challenging State academic content and student academic achievement standards as all children are expected to meet under section 1111(b)(1).]

[SEC. 3212. [20 U.S.C. 6912] PROGRAM ENHANCEMENT ACTIVITIES.]

[(a) PROGRAM AUTHORIZED.—

[(1) AUTHORITY.—

[(A) IN GENERAL.—The Secretary is authorized to award grants to eligible entities having applications approved under section 3214 to enable such entities to provide innovative, locally designed, high-quality instruction to limited English proficient children, by expanding, developing, or strengthening language instruction educational programs or special alternative instruction programs.

[(B) PERIOD.—Each grant awarded under this section shall be awarded for a period of 3 years.

[(2) AUTHORIZED ACTIVITIES.—

[(A) MANDATORY ACTIVITIES.—Grants awarded under this section shall be used for—

[(i) developing, implementing, expanding, or enhancing comprehensive preschool, elementary, or secondary education programs for limited English proficient children, that are—

[(I) aligned with State and local academic content and student academic achievement standards, and local school reform efforts; and

[(II) coordinated with related academic services for children;

[(ii) providing high-quality professional development to classroom teachers, administrators, and other school or community-based organization personnel to improve the instruction and assessment of limited English proficient children; and

[(iii) annually assessing the English proficiency of all limited English proficient children served by activities carried out under this section.

[(B) PERMISSIBLE ACTIVITIES.—Grants awarded under this section may be used for—

[(i) implementing programs to upgrade the reading and other academic skills of limited English proficient children;

[(ii) developing accountability systems to monitor the academic progress of limited English proficient and formerly limited English proficient children;

[(iii) implementing family education programs and parent outreach and training activities designed to assist parents to become active participants in the education of their children;

[(iv) improving the instruction programs for limited English proficient children by identifying, acquiring, and applying effective curricula, instruction materials (including materials provided through technology), and assessments that are all aligned with State and local standards;

[(v) providing intensified instruction, including tutorials and academic, or vocational and technical, training, for limited English proficient children;

[(vi) adapting best practice models for meeting the needs of limited English proficient children;

[(vii) assisting limited English proficient children with disabilities;

[(viii) implementing applied learning activities such as service learning to enhance and support comprehensive elementary and secondary language instruction educational programs;

[(ix) acquiring or developing education technology or instruction materials for limited English proficient children, including materials in languages other than English;

[(x) participating in electronic networks for materials, training, and communication, and incorporating information derived from such participation in curricula and programs; and

[(xi) carrying out such other activities related to the purpose of this part as the Secretary may approve.

[(b) PRIORITY.—In awarding grants under this section, the Secretary may give priority to an entity that—

[(1) serves a school district—

[(A) that has a total district enrollment that is less than 10,000 students; or

[(B) with a large percentage or number of limited English proficient children; and

[(2) has limited or no experience in serving limited English proficient children.

[(c) ELIGIBLE ENTITY.—In this section, the term "eligible entity" means—

[(1) one or more local educational agencies;

[(2) one or more local educational agencies in collaboration with an institution of higher education, community-based organization, or State educational agency; or

[(3) a community-based organization or an institution of higher education that has an application approved by the local educational agency to participate in programs carried out under this subpart by enhancing early childhood education or family education programs or conducting instruction programs that supplement the educational services provided by a local educational agency.]

[SEC. 3213. [20 U.S.C. 6913] COMPREHENSIVE SCHOOL AND SYSTEM-WIDE IMPROVEMENT ACTIVITIES.]

[(a) PROGRAM AUTHORIZED.—

[(1) AUTHORITY.—The Secretary is authorized to award grants to eligible entities having applications approved under section 3214 to enable such entities to develop and implement language instruction educational programs, and improve, reform, or upgrade programs or operations that serve significant percentages or numbers of limited English proficient children.

[(2) MANDATORY ACTIVITIES.—Grants awarded under this section shall be used for—

[(A) improving instruction programs for limited English proficient children by acquiring and upgrading curricula and related instruction materials;

[(B) aligning the activities carried out under this section with State and local school reform efforts;

[(C) providing training, aligned with State and local standards, to school personnel and participating community-based organization personnel to improve the instruction and assessment of limited English proficient children;

[(D) developing and implementing plans, coordinated with plans for programs carried out under title II of the Higher Education Act of 1965 (where applicable), and title II of this Act (where applicable), to recruit teachers trained to serve limited English proficient children;

[(E) implementing culturally and linguistically appropriate family education programs, or parent outreach and training activities, that are designed to assist parents of limited English proficient children to become active participants in the education of their children;

[(F) coordinating the activities carried out under this section with other programs, such as programs carried out under this title;

[(G) providing services to meet the full range of the educational needs of limited English proficient children;

[(H) annually assessing the English proficiency of all limited English proficient children served by the activities carried out under this section; and

[(I) developing or improving accountability systems to monitor the academic progress of limited English proficient children.

[(3) PERMISSIBLE ACTIVITIES.—Grants awarded under this section may be used for—

[(A) implementing programs to upgrade reading and other academic skills of limited English proficient children;

[(B) developing and using educational technology to improve learning, assessments, and accountability to meet the needs of limited English proficient children;

[(C) implementing scientifically based research programs to meet the needs of limited English proficient children;

[(D) providing tutorials and academic, or vocational and technical, training for limited English proficient children;

[(E) developing and implementing State and local academic content and student academic achievement standards for learning English as a second language, as well as for learning other languages;

[(F) developing and implementing programs for limited English proficient children to meet the needs of changing populations of such children;

[(G) implementing policies to ensure that limited English proficient children have access to other education programs (other than programs designed to address limited English proficiency);

[(H) assisting limited English proficient children with disabilities;

[(I) developing and implementing programs to help children become proficient in English and other languages;

[(J) acquiring or developing education technology or instruction materials for limited English proficient children, including materials in languages other than English;

[(K) participating in electronic networks for materials, training, and communication and incorporating information derived from such participation in curricula and programs; and

[(L) carrying out such other activities related to the purpose of this part as the Secretary may approve.

[(4) SPECIAL RULE.—

[(A) PLANNING.—A recipient of a grant under this section, before carrying out activities under this section, shall plan, train personnel, develop curricula, and acquire or develop materials, but shall not use funds made available under this section for planning purposes for more than 45 days.

[(B) COMMENCEMENT OF ACTIVITIES.—The recipient shall commence carrying out activities under this section not later than the later of—

[(i) the beginning of the first school year that begins after the grant is received; or

[(ii) 30 days after the date of receipt of the grant.

[(b) AVAILABILITY OF APPROPRIATIONS.—

[(1) RESERVATION OF FUNDS FOR CONTINUED PAYMENTS.—

[(A) COVERED GRANT.—In this paragraph, the term "covered grant" means a grant—

[(i) that was awarded under section 7112, 7113, 7114, or 7115 (as such sections were in effect on the day before the date of enactment of the No Child Left Behind Act of 2001); and

[(ii) for which the grant period has not ended.

[(B) RESERVATION.—For any fiscal year that is part of the grant period of a covered grant, the Secretary shall reserve funds for the payments described in subparagraph (C) from the amount appropriated for the fiscal year under section 3001(a) and made available for carrying out this section.

[(C) PAYMENTS.—The Secretary shall continue to make grant payments to each entity that received a covered grant, in accordance with the terms of that grant, for the duration of the grant period of the grant, to carry out activities in accordance with the appropriate section described in subparagraph (A)(i).

[(2) AVAILABILITY.—Of the amount appropriated for a fiscal year under section 3001(a) that is made available to carry out this section, and that remains after the Secretary reserves funds for payments under paragraph (1)—

[(A) not less than one-third of the remainder shall be used to award grants to eligible entities for activities carried out within an entire school district; and

[(B) not less than two-thirds of the remainder shall be used to award grants to eligible entities for activities carried out within individual schools.

[(c) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to an applicant that—

[(1) experiences a significant increase in the number or percentage of limited English proficient children enrolled in the applicant's programs and has limited or no experience in serving limited English proficient children;

[(2) is a local educational agency that serves a school district that has a total district enrollment that is less than 10,000 students;

[(3) demonstrates that the applicant has a proven track record of success in helping limited English proficient children learn English and meet high academic standards; or

[(4) serves a school district with a large number or percentage of limited English proficient children.

[(d) ELIGIBLE ENTITIES.—In this section, the term "eligible entity" means—

[(1) one or more local educational agencies; or

[(2) one or more local educational agencies, in collaboration with an institution of higher education, community-based organization, or State educational agency.]

[SEC. 3214. [20 U.S.C. 6914] APPLICATIONS.]

[(a) IN GENERAL.—

[(1) SECRETARY.—To receive a grant under this subpart, an eligible entity described in section 3212 or 3213 shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may require.

[(2) STATE EDUCATIONAL AGENCY.—The eligible entity, with the exception of schools funded by the Bureau of Indian Affairs, shall submit a copy of the application submitted by the entity under this section to the State educational agency.

[(b) STATE REVIEW AND COMMENTS.—

[(1) DEADLINE.—The State educational agency, not later than 45 days after receipt of an application under this section, shall review the application and submit the written comments of the agency regarding the application to the Secretary.

[(2) COMMENTS.—

[(A) SUBMISSION OF COMMENTS.—Regarding applications submitted under this subpart, the State educational agency shall—

[(i) submit to the Secretary written comments regarding all such applications; and

[(ii) submit to each eligible entity the comments that pertain to such entity.

[(B) SUBJECT.—For purposes of this subpart, such comments shall address—

[(i) how the activities to be carried out under the grant will further the academic achievement and English proficiency of limited English proficient children served under the grant; and

[(ii) how the grant application is consistent with the State plan required under section 1111.

[(c) ELIGIBLE ENTITY COMMENTS.—An eligible entity may submit to the Secretary comments that address the comments submitted by the State educational agency.

[(d) COMMENT CONSIDERATION.—In making grants under this subpart, the Secretary shall take into consideration comments made by State educational agencies.

[(e) WAIVER.—Notwithstanding subsection (b), the Secretary is authorized to waive the review requirement specified in subsection (b) if a State educational agency can demonstrate that such review requirement may impede such agency's ability to fulfill the requirements of participation in the program authorized in section 3224, particularly such agency's ability to carry out data collection efforts and such agency's ability to provide technical assistance to local educational agencies not receiving funds under this subpart.

[(f) REQUIRED DOCUMENTATION.—Such application shall include documentation that—

[(1) the applicant has the qualified personnel required to develop, administer, and implement the program proposed in the application; and

[(2) the leadership personnel of each school participating in the program have been involved in the development and planning of the program in the school.

[(g) CONTENTS.—

[(1) IN GENERAL.—An application for a grant under this subpart shall contain the following:

[(A) A description of the need for the proposed program, including—

[(i) data on the number of limited English proficient children in the school or school district to be served;

[(ii) information on the characteristics of the children, including—

[(I) the native languages of the children;

[(II) the proficiency of the children in English and their native language;

[(III) achievement data (current as of the date of submission of the application) for the limited English proficient children in—

[(aa) reading or language arts (in English and in the native language, if applicable); and

[(bb) mathematics;

[(IV) a comparison of that data for the children with that data for the English proficient peers of the children; and

[(V) the previous schooling experiences of the children;

[(iii) the professional development needs of the instruction personnel who will provide services for the limited English proficient children under the proposed program; and

[(iv) how the services provided through the grant will supplement the basic services provided to limited English proficient children.

[(B) A description of the program to be implemented and how such program's design—

[(i) relates to the linguistic and academic needs of the limited English proficient children to be served;

[(ii) will ensure that the services provided through the program will supplement the basic services the applicant provides to limited English proficient children;

[(iii) will ensure that the program is coordinated with other programs under this Act and other Acts;

[(iv) involves the parents of the limited English proficient children to be served;

[(v) ensures accountability in achieving high academic standards; and

[(vi) promotes coordination of services for the limited English proficient children to be served and their families.

[(C) A description, if appropriate, of the applicant's collaborative activities with institutions of higher education, community-based organizations, local educational agencies or State educational agencies, private schools, nonprofit organizations, or businesses in carrying out the proposed program.

[(D) An assurance that the applicant will not reduce the level of State and local funds that the applicant expends for language instruction educational programs or special alternative instruction programs if the applicant receives an award under this subpart.

[(E) An assurance that the applicant will employ teachers in the proposed program who, individually or in combination, are proficient in—

[(i) English, with respect to written, as well as oral, communication skills; and

[(ii) the native language of the majority of the children who the teachers teach, if instruction in the program is in the native language as well as English.

[(F) A budget for the grant funds.

[(2) ADDITIONAL INFORMATION.—Each application for a grant under section 3213 shall—

[(A) describe—

[(i) current services (as of the date of submission of the application) the applicant provides to limited English proficient children;

[(ii) what services limited English proficient children will receive under the grant that such children will not otherwise receive;

[(iii) how funds received under this subpart will be integrated with all other Federal, State, local, and private resources that may be used to serve limited English proficient children;

[(iv) specific achievement and school retention goals for the children to be served by the proposed program and how progress toward achieving such goals will be measured; and

[(v) the current family education programs (as of the date of submission of the application) of the eligible entity, if applicable; and

[(B) provide assurances that—

[(i) the program funded with the grant will be integrated with the overall educational program of the children served through the proposed program; and

[(ii) the application has been developed in consultation with parents and other representatives of the children to be served in such program.

[(h) APPROVAL OF APPLICATIONS.—An application for a grant under this subpart may be approved only if the Secretary determines that—

[(1) the program proposed in the application will use qualified personnel, including personnel who are proficient in the language or languages used for instruction;

[(2) in designing the program, the eligible entity has, after consultation with appropriate private school officials—

[(A) taken into account the needs of children in nonprofit private elementary schools and secondary schools; and

[(B) in a manner consistent with the number of such children enrolled in such schools in the area to be served, whose educational needs are of the type and whose language, and grade levels are of a similar type to the needs, language, and grade levels that the program is intended to address, provided for the participation of such children on

a basis comparable to the basis on which public school children participate;

[(3)(A) student evaluation and assessment procedures in the program are valid and reliable for limited English proficient children; and

[(B) limited English proficient children with disabilities will be identified and served through the program in accordance with the requirements of the Individuals with Disabilities Education Act;

[(4) Federal funds made available for the program will be used to supplement the State and local funds that, in the absence of such Federal funds, would be expended for special programs for children of limited English proficient individuals, and in no case to supplant such State and local funds, except that nothing in this paragraph shall be construed to preclude a local educational agency from using funds made available under this subpart—

[(A) for activities carried out under an order of a Federal or State court respecting services to be provided to such children; or

[(B) to carry out a plan approved by the Secretary as adequate under title VI of the Civil Rights Act of 1964 with respect to services to be provided to such children;

[(5)(A) the assistance provided through the grant will contribute toward building the capacity of the eligible entity to provide a program on a regular basis, similar to the proposed program, that will be of sufficient size, scope, and quality to promise significant improvement in the education of limited English proficient children; and

[(B) the eligible entity will have the resources and commitment to continue the program of sufficient size, scope, and quality when assistance under this subpart is reduced or no longer available; and

[(6) the eligible entity will use State and national dissemination sources for program design and dissemination of results and products.

[(i) CONSIDERATION.—In determining whether to approve an application under this subpart, the Secretary shall give consideration to—

[(1) the degree to which the program for which assistance is sought involves the collaborative efforts of institutions of higher education, community-based organizations, the appropriate local educational agency and State educational agency, or businesses; and

[(2) whether the application provides for training for personnel participating in, or preparing to participate in, a program that will assist such personnel in meeting State and local certification requirements.]

[SEC. 3215. [20 U.S.C. 6915] CAPACITY BUILDING.]

[Each recipient of a grant under this subpart shall use the grant in ways that will build such recipient's capacity to continue to offer high-quality language instruction educational programs and special alternative instruction programs to limited English proficient children after Federal assistance is reduced or eliminated.]

[SEC. 3216. [20 U.S.C. 6916] PROGRAMS FOR NATIVE AMERICANS AND PUERTO RICO.]

[Notwithstanding any other provision of this part, programs authorized under this subpart that serve Native American (including Native American Pacific Islander) children and children in the Commonwealth of Puerto Rico may include programs of instruction, teacher training, curriculum development, evaluation, and assessment designed for Native American children learning and studying Native American languages and children of limited Spanish proficiency, except that an outcome of programs serving such children shall be increased English proficiency among such children.]

[SEC. 3217. [20 U.S.C. 6917] EVALUATIONS.]

[(a) EVALUATION.—Each recipient of funds under this subpart for a program shall annually conduct an evaluation of the program and submit to the Secretary a report concerning the evaluation, in the form prescribed by the Secretary.

[(b) USE OF EVALUATION.—Such evaluation shall be used by the grant recipient—

[(1) for program improvement;

[(2) to further define the program's goals and objectives; and

[(3) to determine program effectiveness.

[(c) EVALUATION REPORT COMPONENTS.—In preparing the evaluation reports, the recipient shall—

[(1) use the data provided in the application submitted by the recipient under section 3214 as baseline data against which to report academic achievement and gains in English proficiency for children in the program;

[(2) disaggregate the results of the evaluation by gender, native languages spoken by children, socioeconomic status, and whether the children have disabilities;

[(3) include data on the progress of the recipient in achieving the objectives of the program, including data demonstrating the extent to which children served by the program are meeting the challenging State academic content and student academic achievement standards, and including data comparing limited English proficient children with English proficient children with regard to school retention and academic achievement concerning—

[(A) reading and language arts;

[(B) English proficiency;

[(C) mathematics; and

[(D) the native language of the children, if the program develops native language proficiency;

[(4) include information on the extent that professional development activities carried out through the program have resulted in improved classroom practices and improved student academic achievement;

[(5) include description of how the activities carried out through the program are coordinated and integrated with the other Federal, State, or local programs serving limited English proficient children; and

[(6) include such other information as the Secretary may require.]

[SEC. 3218. [20 U.S.C. 6918] CONSTRUCTION.]

[Nothing in this subpart shall be construed to prohibit a local educational agency from serving limited English proficient children simultaneously with children with similar educational needs, in the same educational settings where appropriate.]

[Subpart 2—Research, Evaluation, and Dissemination]

[SEC. 3221. [20 U.S.C. 6931] AUTHORITY.]

[(a) IN GENERAL.—The Secretary is authorized to conduct data collection, dissemination, research, and ongoing program evaluation activities in accordance with the provisions of this subpart for the purpose of improving language instruction educational programs and special alternative instruction programs for limited English proficient children.

[(b) COMPETITIVE AWARDS.—Research and program evaluation activities carried out under this subpart shall be supported through competitive grants, contracts, and cooperative agreements awarded to institutions of higher education, nonprofit organizations, State educational agencies, and local educational agencies.

[(c) ADMINISTRATION.—The Secretary shall conduct data collection, dissemination, and ongoing program evaluation activities authorized by this subpart through the Office of English Language Acquisition, Language Enhancement, and Academic Achievement for Limited English Proficient Students.]

[SEC. 3222. [20 U.S.C. 6932] RESEARCH.]

[(a) ADMINISTRATION.—The Secretary shall conduct research activities authorized by this subpart through the Institute of Education Sciences in coordination and collaboration with the Office of English Language Acquisition, Language Enhancement, and Academic Achievement for Limited English Proficient Students.

[(b) REQUIREMENTS.—Such research activities—

[(1) shall have a practical application to teachers, counselors, paraprofessionals, school administrators, parents, and others involved in improving the education of limited English proficient children and their families;

[(2) may include research on effective instruction practices for multilingual classes, and on effective instruction strategies to be used by a teacher or other staff member who does not know the native language of a limited English proficient child in the teacher's or staff member's classroom;

[(3) may include establishing (through the National Center for Education Statistics in consultation with experts in second language acquisition and scientifically based research on teaching limited English proficient children) a common definition of "limited English proficient child" for purposes of national data collection; and

[(4) shall be administered by individuals with expertise in second language acquisition, scientifically based research on teaching limited English proficient children, and the needs of limited English proficient children and their families.

[(c) FIELD-INITIATED RESEARCH.—

[(1) IN GENERAL.—The Secretary shall reserve not less than 5 percent of the funds made available to carry out this section for field-initiated research conducted by recipients of grants under subpart 1 or this subpart who have received such grants within the previous 5 years. Such research may provide for longitudinal studies of limited English proficient children or teachers who serve such children, monitoring the education of such children from entry into language instruction educational programs through secondary school completion.

[(2) APPLICATIONS.—An applicant for assistance under this subsection may submit an application for such assistance to the Secretary at the same time as the applicant submits another application under subpart 1 or this subpart. The Secretary shall complete a review of such applications on a timely basis to allow the activities carried out under research and program grants to be coordinated when recipients are awarded two or more of such grants.

[(d) CONSULTATION.—The Secretary shall consult with agencies, organizations, and individuals that are engaged in research and practice on the education of limited English proficient children, language instruction educational programs, or related research, to identify areas of study and activities to be funded under this section.

[(e) DATA COLLECTION.—The Secretary shall provide for the collection of data on limited English proficient children as part of the data systems operated by the Department.]

[SEC. 3223. [20 U.S.C. 6933] ACADEMIC EXCELLENCE AWARDS.]

[(a) AUTHORITY.—The Secretary may make grants to State educational agencies to assist the agencies in recognizing local educational agencies and other public and nonprofit entities whose programs have—

[(1) demonstrated significant progress in assisting limited English proficient children to learn English according to age appropriate and developmentally appropriate standards; and

[(2) demonstrated significant progress in assisting limited English proficient children to meet, according to age appropriate and developmentally appropriate standards, the same challenging State academic content and student academic achievement standards as all children are expected to meet.

[(b) APPLICATIONS.—A State educational agency desiring a grant under this section shall include an application for such grant in the application submitted by the agency under section 3224(e).]

[SEC. 3224. [20 U.S.C. 6934] STATE GRANT PROGRAM.]

[(a) STATE GRANT PROGRAM.—The Secretary is authorized to make an award to a State educational agency that demonstrates, to the satisfaction of the Secretary, that such agency, through such agency's programs and other Federal education programs, effectively provides for the education of limited English proficient children within the State.

[(b) PAYMENTS.—The amount paid to a State educational agency under subsection (a) shall not exceed 5 percent of the total amount awarded to local educational agencies and entities within the State under subpart 1 for the previous fiscal year, except that in no case

shall the amount paid by the Secretary to any State educational agency under this subsection for any fiscal year be less than $100,000.

[(c) USE OF FUNDS.—

[(1) IN GENERAL.—A State educational agency shall use funds awarded under this section—

[(A) to assist local educational agencies in the State with activities that—

[(i) consist of program design, capacity building, assessment of student academic achievement, program evaluation, and development of data collection and accountability systems for limited English proficient children; and

[(ii) are aligned with State reform efforts; and

[(B) to collect data on the State's limited English proficient populations and document the services available to all such populations.

[(2) TRAINING.—The State educational agency may also use funds provided under this section for the training of State educational agency personnel in educational issues affecting limited English proficient children.

[(3) SPECIAL RULE.—Recipients of funds under this section shall not restrict the provision of services under this section to federally funded programs.

[(d) STATE CONSULTATION.—A State educational agency receiving funds under this section shall consult with recipients of grants under this subpart and other individuals or organizations involved in the development or operation of programs serving limited English proficient children to ensure that such funds are used in a manner consistent with the requirements of this subpart.

[(e) APPLICATIONS.—A State educational agency desiring to receive funds under this section shall submit an application to the Secretary at such time, in such form, and containing such information and assurances as the Secretary may require.

[(f) SUPPLEMENT, NOT SUPPLANT.—Federal funds made available under this section for any fiscal year shall be used by the State educational agency to supplement and, to the extent practical, to increase the State funds that, in the absence of such Federal funds, would be made available for the purposes described in this section, and in no case to supplant such State funds.

[(g) REPORT TO THE SECRETARY.—A State educational agency receiving an award under this section shall provide for the annual submission of a summary report to the Secretary describing such State's use of the funds made available through the award.]

[SEC. 3225. [20 U.S.C. 6935] INSTRUCTION MATERIALS DEVELOPMENT.]

[(a) IN GENERAL.—The Secretary may make grants for the development, publication, and dissemination of high-quality instruction materials—

[(1) in Native American languages (including Native Hawaiian languages and the language of Native American Pacific Islanders), and the language of natives of the outlying areas, for which instruction materials are not readily available; and

[(2) in other low-incidence languages in the United States for which instruction materials are not readily available.

[(b) PRIORITY.—In making the grants, the Secretary shall give priority to applicants for the grants who propose—

[(1) to develop instruction materials in languages indigenous to the United States or the outlying areas; and

[(2) to develop and evaluate materials, in collaboration with entities carrying out activities assisted under subpart 1 and this subpart, that are consistent with challenging State academic content and student academic achievement standards.]

[Subpart 3—Professional Development]

[SEC. 3231. [20 U.S.C. 6951] PROFESSIONAL DEVELOPMENT GRANTS.]

[(a) PURPOSE.—The purpose of this section is to provide assistance to prepare educators to improve educational services for limited English proficient children by—

[(1) supporting professional development programs and activities to prepare teachers, pupil service personnel, administrators, and other educational personnel working in language instruction educational programs to provide effective services to limited English proficient children;

[(2) incorporating curricula and resources concerning appropriate and effective instruction and assessment methodologies specific to limited English proficient children into preservice and inservice professional development programs;

[(3) upgrading the qualifications and skills of non-certified educational personnel, including paraprofessionals, to enable such personnel to meet high professional standards for educating limited English proficient children;

[(4) improving the quality of professional development programs in schools or departments of education at institutions of higher education, for educational personnel serving, or preparing to serve, limited English proficient children; and

[(5) supporting the recruitment and training of prospective educational personnel to serve limited English proficient children by providing fellowships for undergraduate, graduate, doctoral, and post-doctoral study related to the instruction of such children.

[(b) AUTHORIZATION.—

[(1) IN GENERAL.—The Secretary is authorized to award grants under this section to—

[(A) State educational agencies;

[(B) local educational agencies;

[(C) institutions of higher education; or

[(D) consortia of one or more local educational agencies, State educational agencies, institutions of higher education, for-profit organizations, or nonprofit organizations.

[(2) DURATION.—Each grant awarded under this section shall be awarded for a period of not more than 4 years.

[(c) AUTHORIZED ACTIVITIES.—Grants awarded under this section shall be used to conduct high-quality professional development programs and effective activities to improve the quality of instruction and services provided to limited English proficient children, including—

[(1) implementing preservice and inservice professional development programs for teachers who serve limited English proficient children, administrators, and other educational personnel who are preparing to provide educational services for limited English proficient children, including professional development programs that assist limited English proficient children to attain English proficiency;

[(2) implementing school-based collaborative efforts among teachers to improve instruction in core academic subjects, especially reading, for limited English proficient children;

[(3) developing and implementing programs to assist beginning teachers who serve limited English proficient children with transitioning to the teaching profession, including programs that provide mentoring and team teaching with trained and experienced teachers;

[(4) implementing programs that support effective teacher use of education technologies to improve instruction and assessment;

[(5) developing curricular materials and assessments for teachers that are appropriate to the needs of limited English proficient children, and that are aligned with challenging State academic content and student academic achievement standards, including materials and assessments that ensure limited English proficient children attain English proficiency;

[(6) integrating and coordinating activities with entities carrying out other programs consistent with the purpose of this section and supported under this Act, or other Acts as appropriate;

[(7) developing and implementing career ladder programs to upgrade the qualifications and skills of non-certified educational personnel working in, or preparing to work in, language instruction educational programs to enable such personnel to meet high professional standards, including standards for certification and licensure as teachers;

[(8) developing and implementing activities to help recruit and train secondary school students as teachers who serve limited English proficient children;

[(9) providing fellowships and assistance for costs related to enrollment in a course of study at an institution of higher education that addresses the instruction of limited English proficient children in such areas as teacher training, program administration, research, evaluation, and curriculum development, and for the support of dissertation research related to such study, except that any person receiving such a fellowship or assistance shall agree to—

[(A) work in an activity related to improving the educational services for limited English proficient children authorized under this subpart, including work as a teacher that serves limited English proficient children, for a period of time equivalent to the period of time during which such person receives assistance under this paragraph; or

[(B) repay such assistance; and

[(10) carrying out such other activities as are consistent with the purpose of this section.

[(d) APPLICATION.—

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

[(2) CONTENTS.—Each application shall—

[(A) describe the programs and activities proposed to be developed, implemented, and administered under the award;

[(B) describe how the applicant has consulted with, and assessed the needs of, public and private schools serving limited English proficient children to determine such schools' need for, and the design of, the program for which funds are sought; and

[(C) describe how the programs and activities to be carried out under the award will be used to ensure that limited English proficient children meet challenging State academic content and student academic achievement standards and attain English proficiency.

[(3) SPECIAL RULE.—An eligible entity that proposes to conduct a master's-level or doctoral-level program with funds received under this section shall include in the entity's application an assurance that such program will include a training practicum in a local elementary school or secondary school program serving limited English proficient children.

[(4) OUTREACH AND TECHNICAL ASSISTANCE.—The Secretary shall provide for outreach and technical assistance to institutions of higher education eligible for assistance under title III of the Higher Education Act of 1965, and institutions of higher education that are operated or funded by the Bureau of Indian Affairs, to facilitate the participation of such institutions in programs and activities under this section.

[(5) DISTRIBUTION RULE.—In making awards under this section, the Secretary shall ensure adequate representation of Hispanic-serving institutions that demonstrate competence and experience in carrying out the programs and activities authorized under this section and that are otherwise qualified.

[(e) PRIORITIES IN AWARDING GRANTS.—

[(1) GRANTS TO AGENCIES.—In awarding grants to State educational agencies and local educational agencies under this section, the Secretary shall give priority to agencies that propose programs and activities designed to implement professional development programs for teachers and educational personnel who are providing or preparing to provide educational services for limited English proficient children, including services provided through language instruction educational programs, that ensure such children attain English proficiency and meet challenging State academic content and student academic achievement standards.

[(2) GRANTS TO INSTITUTIONS OF HIGHER EDUCATION.—In awarding grants to institutions of higher education under this section, the Secretary shall give priority to institutions that propose programs and activities to recruit and upgrade the qualifications and skills of certified and non-certified edu-

cational personnel by offering degree programs that prepare beginning teachers to serve limited English proficient children.

[(f) PROGRAM EVALUATIONS.—Each recipient of an award under this section for a program or activity shall annually conduct an independent evaluation of the program or activity and submit to the Secretary a report containing such evaluation. Such report shall include information on—

[(1) the program or activity conducted by the recipient to provide high-quality professional development to participants in such program or activity;

[(2) the number of participants served through the program or activity, the number of participants who completed the requirements of the program or activity, and the number of participants who took positions in an instruction setting with limited English proficient children;

[(3) the effectiveness of the program or activity in imparting the professional skills necessary for participants to achieve the objectives of the program or activity; and

[(4) the teaching effectiveness of graduates of the program or activity or other participants who have completed the program or activity.]

[Subpart 4—Emergency Immigrant Education Program]

[SEC. 3241. [20 U.S.C. 6961] PURPOSE.]

[The purpose of this subpart is to assist eligible local educational agencies that experience unexpectedly large increases in their student population due to immigration—

[(1) to provide high-quality instruction to immigrant children and youth; and

[(2) to help such children and youth—

[(A) with their transition into American society; and

[(B) meet the same challenging State academic content and student academic achievement standards as all children are expected to meet.]

[SEC. 3242. [20 U.S.C. 6962] STATE ADMINISTRATIVE COSTS.]

[For any fiscal year, a State educational agency may reserve not more than 1.5 percent (2 percent if the State educational agency distributes funds received under this subpart to local educational agencies on a competitive basis) of the amount allotted to such agency under section 3244 to pay the costs of performing such agency's administrative functions under this subpart.]

[SEC. 3243. [20 U.S.C. 6963] WITHHOLDING.]

[Whenever the Secretary, after providing reasonable notice and opportunity for a hearing to any State educational agency, finds that there is a failure to comply with a requirement of any provision of this subpart, the Secretary shall notify that agency that further payments will not be made to the agency under this subpart or, in the discretion of the Secretary, that the State educational agency shall not make further payments under this subpart to specified local educational agencies whose actions cause or are involved in such failure until the Secretary is satisfied that there is

no longer any such failure to comply. Until the Secretary is so satisfied, no further payments shall be made to the State educational agency under this subpart, or payments by the State educational agency under this subpart shall be limited to local educational agencies whose actions did not cause or were not involved in the failure, as the case may be.]

[SEC. 3244. [20 U.S.C. 6964] STATE ALLOTMENTS.]

[(a) PAYMENTS.—The Secretary shall, in accordance with the provisions of this section, make payments to State educational agencies for each of the fiscal years 2002 through 2008 for the purpose set forth in section 3241.

[(b) ALLOTMENTS.—

[(1) IN GENERAL.—Except as provided in subsections (c) and (d), of the amount appropriated for each fiscal year for this subpart, each State participating in the program assisted under this subpart shall receive an allotment equal to the proportion of the number of immigrant children and youth who are enrolled in public elementary schools or secondary schools under the jurisdiction of each local educational agency described in paragraph (2), and in nonpublic elementary schools or secondary schools within the district served by each such local educational agency within such State, relative to the total number of immigrant children and youth so enrolled in all the States participating in the program assisted under this subpart.

[(2) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—A local educational agency referred to in paragraph (1) is a local educational agency for which the sum of the number of immigrant children and youth who are enrolled in public elementary schools or secondary schools under the jurisdiction of such agency, and in nonpublic elementary schools or secondary schools within the district served by such agency, during the fiscal year for which the payments are to be made under this subpart, is equal to at least—

[(A) 500; or

[(B) 3 percent of the total number of children enrolled in such public or nonpublic schools during such fiscal year, whichever is less.

[(c) DETERMINATIONS OF NUMBER OF CHILDREN AND YOUTH.—

[(1) IN GENERAL.—Determinations by the Secretary under this section for any period with respect to the number of immigrant children and youth shall be made on the basis of data or estimates provided to the Secretary by each State educational agency in accordance with criteria established by the Secretary, unless the Secretary determines, after notice and opportunity for a hearing to the affected State educational agency, that such data or estimates are clearly erroneous.

[(2) SPECIAL RULE.—No such determination with respect to the number of immigrant children and youth shall operate because of an underestimate or overestimate to deprive any State educational agency of the allotment under this section that such State would otherwise have received had such determination been made on the basis of accurate data.

[(d) REALLOTMENT.—

[(1) IN GENERAL.—Whenever the Secretary determines that any amount of a payment made to a State under this subpart for a fiscal year will not be used by such State for carrying out the purpose for which the payment was made, the Secretary shall make such amount available for carrying out such purpose to one or more other States to the extent the Secretary determines that such other States will be able to use such additional amount for carrying out such purpose.

[(2) FISCAL YEAR.—Any amount made available to a State from any appropriation for a fiscal year in accordance with paragraph (1) shall, for purposes of this subpart, be regarded as part of such State's payment (as determined under subsection (b)) for such year, but shall remain available until the end of the succeeding fiscal year.

[(e) RESERVATION OF FUNDS.—

[(1) IN GENERAL.—Notwithstanding any other provision of this subpart, if the amount appropriated to carry out this subpart exceeds $50,000,000 for a fiscal year, a State educational agency may reserve not more than 20 percent of such agency's payment under this subpart for such year to award grants, on a competitive basis, to local educational agencies within the State as follows:

[(A) AGENCIES WITH IMMIGRANT CHILDREN AND YOUTH.—At least ½ of the funds reserved under this paragraph shall be made available to eligible local educational agencies (as described in subsection (b)(2)) within the State with the highest numbers and percentages of immigrant children and youth.

[(B) AGENCIES WITH A SUDDEN INFLUX OF CHILDREN AND YOUTH.—Funds reserved under this paragraph and not made available under subparagraph (A) may be distributed to local educational agencies within the State that are experiencing a sudden influx of immigrant children and youth and that are otherwise not eligible for assistance under this subpart.

[(2) USE OF GRANT FUNDS.—Each local educational agency receiving a grant under paragraph (1) shall use such grant funds to carry out the activities described in section 3247.

[(3) INFORMATION.—Local educational agencies receiving funds under paragraph (1) with the highest number of immigrant children and youth may make information available on serving immigrant children and youth to local educational agencies in the State with sparse numbers of such children and youth.]

[SEC. 3245. [20 U.S.C. 6965] STATE APPLICATIONS.]

[(a) SUBMISSION.—No State educational agency shall receive any payment under this subpart for any fiscal year unless such agency submits an application to the Secretary at such time, in such manner, and containing or accompanied by such information, as the Secretary may reasonably require. Each such application shall—

[(1) provide that the educational programs, services, and activities for which payments under this subpart are made will be administered by or under the supervision of the agency;

[(2) provide assurances that payments under this subpart will be used for purposes set forth in sections 3241 and 3247, including a description of how local educational agencies receiving funds under this subpart will use such funds to meet such purposes and will coordinate with entities carrying out other programs and activities assisted under this Act, and other Acts as appropriate;

[(3) provide an assurance that local educational agencies receiving funds under this subpart will coordinate the use of such funds with entities carrying out programs and activities assisted under part A of title I;

[(4) provide assurances that such payments, with the exception of payments reserved under section 3244(e), will be distributed among local educational agencies within that State on the basis of the number of immigrant children and youth counted with respect to each such local educational agency under section 3244(b)(1);

[(5) provide assurances that the State educational agency will not finally disapprove in whole or in part any application for funds received under this subpart without first affording the local educational agency submitting an application for such funds reasonable notice and opportunity for a hearing;

[(6) provide for making such reports as the Secretary may reasonably require to perform the Secretary's functions under this subpart;

[(7) provide assurances—

[(A) that to the extent consistent with the number of immigrant children and youth enrolled in the nonpublic elementary schools or secondary schools within the district served by a local educational agency, such agency, after consultation with appropriate officials of such schools, shall provide for the benefit of such children and youth secular, neutral, and nonideological services, materials, and equipment necessary for the education of such children and youth;

[(B) that the control of funds provided under this subpart for any materials or equipment, or property repaired, remodeled, or constructed with those funds shall be in a public agency for the uses and purpose provided in this subpart, and a public agency shall administer such funds and property; and

[(C) that the provision of services pursuant to this paragraph shall be provided by employees of a public agency or through contract by such public agency with a person, association, agency, or corporation who or which, in the provision of such services, is independent of such nonpublic elementary school or secondary school and of any religious organization, and such employment or contract shall be under the control and supervision of such public agency, and the funds provided under this paragraph shall not be commingled with State or local funds;

[(8) provide that funds reserved under section 3244(e) be awarded on a competitive basis based on merit and need in accordance with such section; and

[(9) provide an assurance that the State educational agency and local educational agencies in the State receiving funds under this subpart will comply with the requirements of section 1120(b).

[(b) APPLICATION REVIEW.—

[(1) IN GENERAL.—The Secretary shall review all applications submitted pursuant to this section by State educational agencies.

[(2) APPROVAL.—The Secretary shall approve any application submitted by a State educational agency that meets the requirements of this section.

[(3) DISAPPROVAL.—The Secretary shall disapprove any application submitted by a State educational agency that does not meet the requirements of this section, but shall not finally disapprove an application except after providing reasonable notice, technical assistance, and an opportunity for a hearing to the State educational agency.]

[SEC. 3246. [20 U.S.C. 6966] ADMINISTRATIVE PROVISIONS.]

[(a) NOTIFICATION OF AMOUNT.—The Secretary, not later than June 1 of each year, shall notify each State educational agency that has an application approved under section 3245 of the amount of such agency's allotment under section 3244 for the succeeding year.

[(b) SERVICES TO IMMIGRANT CHILDREN AND YOUTH ENROLLED IN NONPUBLIC SCHOOLS.—If by reason of any provision of law a local educational agency is prohibited from providing educational services for immigrant children and youth enrolled in nonpublic elementary schools and secondary schools, as required by section 3245(a)(7), or if the Secretary determines that a local educational agency has substantially failed or is unwilling to provide for the participation on an equitable basis of such children and youth enrolled in such schools, the Secretary may waive such requirement and shall arrange for the provision of services, subject to the requirements of this subpart, to such children and youth. Such waivers shall be subject to consultation, withholding, notice, and judicial review requirements in accordance with the provisions of title I.]

[SEC. 3247. [20 U.S.C. 6967] USES OF FUNDS.]

[(a) USE OF FUNDS.—Funds awarded under this subpart shall be used to pay for enhanced instructional opportunities for immigrant children and youth, which may include—

[(1) family literacy, parent outreach, and training activities designed to assist parents to become active participants in the education of their children;

[(2) support of personnel, including teacher aides who have been specifically trained, or are being trained, to provide services to immigrant children and youth;

[(3) tutorials, mentoring, and academic or career counseling for immigrant children and youth;

[(4) identification and acquisition of curricular materials, educational software, and technologies;

[(5) the provision of basic instruction services that are directly attributable to the presence in the school district of immigrant children and youth, including payment of costs of pro-

viding additional classroom supplies, costs of transportation, or such other costs as are directly attributable to such additional basic instruction services; and

[(6) such other activities, related to the purpose of this subpart, as the Secretary may authorize.

[(b) CONSORTIA.—A local educational agency that receives a grant under this subpart may collaborate or form a consortium with one or more local educational agencies, institutions of higher education, and nonprofit organizations to carry out a program described in an application approved under this subpart.

[(c) SUBGRANTS.—A local educational agency that receives a grant under this subpart may, with the approval of the Secretary, make a subgrant to, or enter into a contract with, an institution of higher education, a nonprofit organization, or a consortium of such institutions or organizations to carry out a program described in an application approved under this subpart, including a program to serve out-of-school youth.

[(d) CONSTRUCTION.—Nothing in this subpart shall be construed to prohibit a local educational agency from serving immigrant children and youth simultaneously with children and youth with similar educational needs, in the same educational settings where appropriate.]

[SEC. 3248. REPORTS.]

[(a) BIENNIAL REPORT.—Each State educational agency receiving funds under this subpart shall submit, once every 2 years, a report to the Secretary concerning the expenditure of funds by local educational agencies under this subpart. Each local educational agency receiving funds under this subpart shall submit to the State educational agency such information as may be necessary for such report.

[(b) REPORT TO CONGRESS.—The Secretary shall submit, once every 2 years, a report to the appropriate committees of Congress concerning programs assisted under this subpart.]

[Subpart 5—Administration]

[SEC. 3251. RELEASE TIME.]

[The Secretary shall allow entities carrying out professional development programs funded under this part to use funds provided under this part for professional release time to enable individuals to participate in programs assisted under this part.]

[SEC. 3252. NOTIFICATION.]

[A State educational agency, and when applicable, the State board for postsecondary education, shall be notified within 3 working days after the date an award under this part is made to an eligible entity within the State.]

[SEC. 3253. COORDINATION AND REPORTING REQUIREMENTS.]

[(a) COORDINATION WITH RELATED PROGRAMS.—In order to maximize Federal efforts aimed at serving the educational needs of children and youth of limited English proficiency, the Secretary shall coordinate and ensure close cooperation with other programs serving language-minority and limited English proficient children that are administered by the Department and other agencies. The Sec-

retary shall consult with the Secretary of Labor, the Secretary of Health and Human Services, the Secretary of Agriculture, the Attorney General, and the heads of other relevant agencies to identify and eliminate barriers to appropriate coordination of programs that affect language-minority and limited English proficient children and their families. The Secretary shall provide for continuing consultation and collaboration, between the Office of English Language Acquisition, Language Enhancement, and Academic Achievement for Limited English Proficient Students and relevant programs operated by the Department, including programs under this part and other programs under this Act, in planning, contracts, providing joint technical assistance, providing joint field monitoring activities and in other relevant activities to ensure effective program coordination to provide high-quality educational opportunities to all language-minority and limited English proficient children.

[(b) DATA.—The Secretary shall, to the extent feasible, ensure that all data collected by the Department shall include the collection and reporting of data on limited English proficient children.

[(c) PUBLICATION OF PROPOSALS.—The Secretary shall publish and disseminate all requests for proposals for programs funded under this part.

[(d) REPORT.—The Director shall prepare and, not later than February 1 of every other year, shall submit to the Secretary, the Committee on Education and the Workforce of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions of the Senate a report—

[(1) on programs and activities carried out to serve limited English proficient children under this part, and the effectiveness of such programs and activities in improving the academic achievement and English proficiency of children who are limited English proficient;

[(2) containing a critical synthesis of data reported by States under section 3224, when applicable;

[(3) containing an estimate of the number of certified or licensed teachers working in language instruction educational programs and educating limited English proficient children, and an estimate of the number of such teachers that will be needed for the succeeding 5 fiscal years;

[(4) containing the major findings of scientifically based research carried out under this part; and

[(5) containing other information gathered from the reports submitted to the Secretary under this title when applicable.**]**

* * * * * * *

PART [C]*B*—GENERAL PROVISIONS

SEC. [3301]*3201*. DEFINITIONS.

Except as otherwise provided, in this title:

(1) CHILD.—* * *

* * * * * * *

(4) DIRECTOR.—* * *

(5) ELIGIBLE ENTITY.—The term "eligible entity" means—

(A) 1 or more local educational agencies; or

(B) 1 or more local educational agencies, in collaboration with an institution of higher education, community-based organization, or State educational agency.

[(5)]*(6)* FAMILY EDUCATION PROGRAM.—The term "family education program" means a language instruction educational program or special alternative instruction program that—

(A) is designed—

(i) to help [limited English proficient adults]*adults who meets the English learner requirements described in subparagraphs (C) and (D) of section 9101(23)* and out-of-school youths achieve [English proficiency]*English language proficiency*; and

(ii) to provide instruction on how parents and family members can facilitate the educational achievement of their children[;]*; and*

[(B) when feasible, uses instructional programs based on models developed under the Even Start Family Literacy Programs, which promote adult literacy and train parents to support the educational growth of their children, the Parents as Teachers Program, and the Home Instruction Program for Preschool Youngsters; and]

[(C)]*(B)* * * *

[(6)]*(7)* * * *

* * * * * * *

[(7)]*(8)* * * *

[(8)]*(9)* LANGUAGE INSTRUCTION EDUCATIONAL PROGRAM.—The term "language instruction educational program" means an instruction course—

(A) in which [a limited English proficient child]*an English learner* is placed for the purpose of developing and attaining English proficiency, while meeting [challenging State academic content and student academic achievement standards, as required by section 1111(b)(1)]*college and career ready academic content and student academic achievement standards, as required by section 1111(a)(1)*; and

(B) * * *

[(9)]*(10)* * * *

[(10)]*(11)* * * *

* * * * * * *

[(11)]*(12)* NATIVE LANGUAGE.—The term "native language", when used with reference to [an individual of limited English proficiency,]*an individual who meets the English learner requirements described in subparagraphs (C) and (D) of section 9101(23),* means—

(A) the language normally used by such individual; or

(B) in the case of a child or youth, the language normally used by the parents of the child or youth.

[(12)]*(13)* * * *

[(13) SPECIALLY QUALIFIED AGENCY.—The term "specially qualified agency" means an eligible entity, as defined in section 3141, in a State whose State educational agency—

[(A) does not participate in a program under subpart 1 of part A for a fiscal year; or

[(B) submits a plan (or any amendment to a plan) that the Secretary, after reasonable notice and opportunity for a hearing, determines does not satisfy the requirements of such subpart.]

(14) STATE.—* * *

* * * * * * *

[SEC. [3302]*3202*. [20 U.S.C. 7012] PARENTAL NOTIFICATION.]

[(a) IN GENERAL.—Each eligible entity using funds provided under this title to provide a language instruction educational program shall, not later than 30 days after the beginning of the school year, inform a parent or the parents of a limited English proficient child identified for participation in, or participating in, such program of—

[(1) the reasons for the identification of their child as limited English proficient and in need of placement in a language instruction educational program;

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

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

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

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

[(6) the specific exit requirements for such program, the expected rate of transition from such program into classrooms that are not tailored for limited English proficient children, and the expected rate of graduation from secondary school for such program if funds under this title are used for children in secondary schools;

[(7) in the case of a child with a disability, how such program meets the objectives of the individualized education program of the child; and

[(8) information pertaining to parental rights that includes written guidance—

[(A) detailing—

[(i) the right that parents have to have their child immediately removed from such program upon their request; and

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

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

[(b) SEPARATE NOTIFICATION.—In addition to providing the information required to be provided under subsection (a), each eligible entity that is using funds provided under this title to provide a language instruction educational program, and that has failed to make progress on the annual measurable achievement objectives described in section 3122 for any fiscal year for which part A is in effect, shall separately inform a parent or the parents of a child identified for participation in such program, or participating in such program, of such failure not later than 30 days after such failure occurs.

[(c) RECEIPT OF INFORMATION.—The information required to be provided under subsections (a) and (b) to a parent shall be provided in an understandable and uniform format and, to the extent practicable, in a language that the parent can understand.

[(d) SPECIAL RULE APPLICABLE DURING SCHOOL YEAR.—For a child who has not been identified for participation in a language instruction educational program prior to the beginning of the school year, the eligible entity shall carry out subsections (a) through (c) with respect to the parents of the child within 2 weeks of the child being placed in such a program.

[(e) PARENTAL PARTICIPATION.—

[(1) IN GENERAL.—Each eligible entity using funds provided under this title to provide a language instruction educational program shall implement an effective means of outreach to parents of limited English proficient children to inform such parents of how they can—

[(A) be involved in the education of their children; and

[(B) be active participants in assisting their children—

[(i) to learn English;

[(ii) to achieve at high levels in core academic subjects; and

[(iii) to meet the same challenging State academic content and student academic achievement standards as all children are expected to meet.

[(2) RECEIPT OF RECOMMENDATIONS.—The outreach described in paragraph (1) shall include holding, and sending notice of opportunities for, regular meetings for the purpose of formulating and responding to recommendations from parents described in such paragraph.

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

SEC. 3202. PARENTAL NOTIFICATION.

(a) IN GENERAL.—Each eligible entity receiving funds under this title to provide a language instruction educational program and academic content instruction program shall, not later than 30 days after the beginning of the school year, inform a parent or the parents of an English learner identified for participation in, or participating in, such program of—

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

(2) the child's level of English language proficiency, how that level was assessed, and the status of the child's academic achievement;

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

(4) how the program in which their child is, or will be participating, will appropriately respond to the educational strengths and needs of the child;

(5) how the program will specifically help their child learn English and reflect age appropriate academic achievement standards for grade promotion and graduation;

(6) the specific exit requirements for the program, the expected rate of transition from the program into classrooms that are not tailored for English learners, and the expected rate of graduation from secondary school for English learners in the program if the child is in secondary school;

(7) in the case of a child with a disability, how the program meets the objectives of the child's individualized education program; and

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

(A) detailing—

(i) the parent's right to have the parent's child immediately removed from the program upon the parent's request; and

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

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

(b) RECEIPT OF INFORMATION.—The information described in subsection (a) shall be provided in an understandable and uniform format and, to the extent practicable, in a language that the parent can understand.

(c) SPECIAL RULE APPLICABLE DURING SCHOOL YEAR.—For a child who has not been identified for participation in a language instruction educational program and academic content instruction program prior to the beginning of the school year, the eligible entity shall carry out subsections (a) and (b) with respect to the parents of the child within 2 weeks of the child being placed in such program.

(d) PARENT AND FAMILY ENGAGEMENT.—

(1) IN GENERAL.—Each eligible entity using funds provided under this title to provide a language instruction educational program and academic content instruction program shall implement an effective means of outreach to parents and family members of English learners to inform such parents and family members of how they can—

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

(B) be active participants in assisting their children—

(i) to learn English;

(ii) to achieve at high levels in core academic subjects;

(iii) to meet the same State academic content and student academic achievement standards as all children are expected to meet to become on track to college and career readiness; and

(iv) to understand expectations for college readiness and career success.

(2) RECEIPT OF RECOMMENDATIONS.—The outreach described in paragraph (1) shall include holding, and sending notice of opportunities for, regular meetings for the purpose of formulating and responding to recommendations from parents described in such paragraph.

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

* * * * * * *

SEC. [3303]*3203*. NATIONAL CLEARINGHOUSE.

The Secretary shall establish and support the operation of a National Clearinghouse for English Language Acquisition and Language Instruction Educational Programs, which shall collect, analyze, synthesize, and disseminate information about language instruction educational programs for [limited English proficient children]*English learners*, and related programs. The National Clearinghouse shall—

(1) * * *

* * * * * * *

(4) collect and disseminate information on—

(A) educational research and processes related to the education of [limited English proficient children]*English learners*; and

(B) accountability systems that monitor the academic progress of [limited English proficient children]*English learners* in language instruction educational programs, including information on academic content and English proficiency assessments for language instruction educational programs; and

(5) * * *

* * * * * * *

SEC. [3304]*3204*. REGULATIONS.

In developing regulations under this title, the Secretary shall consult with State educational agencies and local educational agencies, organizations representing [limited English proficient individuals]*English learners*, and organizations representing teachers and other personnel involved in the education of [limited English proficient children]*English learners*.

* * * * * * *

TITLE IV—[21ST CENTURY SCHOOLS] *SUPPORTING SUCCESSFUL, WELL-ROUNDED STUDENTS*

[PART A—SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES]

[SEC. 4001. SHORT TITLE.]

[This part may be cited as the "Safe and Drug-Free Schools and Communities Act".]

[SEC. 4002. [20 U.S.C. 7102] PURPOSE.]

[The purpose of this part is to support programs that prevent violence in and around schools; that prevent the illegal use of alcohol, tobacco, and drugs; that involve parents and communities; and that are coordinated with related Federal, State, school, and community efforts and resources to foster a safe and drug-free learning environment that supports student academic achievement, through the provision of Federal assistance to—

[(1) States for grants to local educational agencies and consortia of such agencies to establish, operate, and improve local programs of school drug and violence prevention and early intervention;

[(2) States for grants to, and contracts with, community-based organizations and public and private entities for programs of drug and violence prevention and early intervention, including community-wide drug and violence prevention planning and organizing activities;

[(3) States for development, training, technical assistance, and coordination activities; and

[(4) public and private entities to provide technical assistance; conduct training, demonstrations, and evaluation; and to provide supplementary services and community-wide drug and violence prevention planning and organizing activities for the prevention of drug use and violence among students and youth.]

[SEC. 4003. [20 U.S.C. 7103] AUTHORIZATION OF APPROPRIATIONS.]

[There are authorized to be appropriated—

[(1) $650,000,000 for fiscal year 2002, and such sums as may be necessary for each of the 5 succeeding fiscal years, for State grants under subpart 1; and

[(2) such sums for fiscal year 2002, and for each of the 5 succeeding fiscal years, for national programs under subpart 2.]

[Subpart 1—State Grants]

[SEC. 4111. [20 U.S.C. 7111] RESERVATIONS AND ALLOTMENTS.]

[(a) RESERVATIONS.—

[(1) IN GENERAL.—From the amount made available under section 4003(1) to carry out this subpart for each fiscal year, the Secretary—

[(A) shall reserve 1 percent or $4,750,000 (whichever is greater) of such amount for grants to Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, to be allotted in accordance with the Secretary's determination of their respective needs and to carry out programs described in this subpart;

[(B) shall reserve 1 percent or $4,750,000 (whichever is greater) of such amount for the Secretary of the Interior to carry out programs described in this subpart for Indian youth; and

[(C) shall reserve 0.2 percent of such amount for Native Hawaiians to be used under section 4117 to carry out programs described in this subpart.

[(2) OTHER RESERVATIONS.—From the amount made available under section 4003(2) to carry out subpart 2 for each fiscal year, the Secretary—

[(A) may reserve not more than $2,000,000 for the national impact evaluation required by section 4122(a);

[(B) notwithstanding section 3 of the No Child Left Behind Act of 2001, shall reserve an amount necessary to make continuation grants to grantees under the Safe Schools/Healthy Students initiative (under the same terms and conditions as provided for in the grants involved).

[(b) STATE ALLOTMENTS.—

[(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall, for each fiscal year, allot among the States—

[(A) one-half of the remainder not reserved under subsection (a) according to the ratio between the school-aged population of each State and the school-aged population of all the States; and

[(B) one-half of such remainder according to the ratio between the amount each State received under section 1124A for the preceding year and the sum of such amounts received by all the States.

[(2) MINIMUM.—For any fiscal year, no State shall be allotted under this subsection an amount that is less than the greater of—

[(A) one-half of 1 percent of the total amount allotted to all the States under this subsection; or

[(B) the amount such State received for fiscal year 2001 under section 4111 as such section was in effect the day preceding the date of enactment of the No Child Left Behind Act of 2001.

[(3) REALLOTMENT.—

[(A) REALLOTMENT FOR FAILURE TO APPLY.—If any State does not apply for an allotment under this subpart for a fiscal year, the Secretary shall reallot the amount of the State's allotment to the remaining States in accordance with this section.

[(B) REALLOTMENT OF UNUSED FUNDS.—The Secretary may reallot any amount of any allotment to a State if the Secretary determines that the State will be unable to use such amount within 2 years of such allotment. Such re-

allotments shall be made on the same basis as allotments are made under paragraph (1).

[(4) DEFINITION.—In this section the term "State" means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

[(c) LIMITATION.—Amounts appropriated under section 4003(2) for a fiscal year may not be increased above the amounts appropriated under such section for the previous fiscal year unless the amounts appropriated under section 4003(1) for the fiscal year involved are at least 10 percent greater that the amounts appropriated under such section 4003(1) for the previous fiscal year.]

[SEC. 4112. [20 U.S.C. 7112] RESERVATION OF STATE FUNDS FOR SAFE AND DRUG-FREE SCHOOLS.]

[(a) STATE RESERVATION FOR THE CHIEF EXECUTIVE OFFICER OF A STATE.—

[(1) IN GENERAL.—The chief executive officer of a State may reserve not more than 20 percent of the total amount allocated to a State under section 4111(b) for each fiscal year to award competitive grants and contracts to local educational agencies, community-based organizations (including community anti-drug coalitions) other public entities and private organizations, and consortia thereof. Such grants and contracts shall be used to carry out the comprehensive State plan described in section 4113(a) through programs or activities that complement and support activities of local educational agencies described in section 4115(b). Such officer shall award grants based on—

[(A) the quality of the program or activity proposed; and

[(B) how the program or activity meets the principles of effectiveness described in section 4115(a).

[(2) PRIORITY.—In making such grants and contracts under this section, a chief executive officer shall give priority to programs and activities that prevent illegal drug use and violence for—

[(A) children and youth who are not normally served by State educational agencies or local educational agencies; or

[(B) populations that need special services or additional resources (such as youth in juvenile detention facilities, runaway or homeless children and youth, pregnant and parenting teenagers, and school dropouts).

[(3) SPECIAL CONSIDERATION.—In awarding funds under paragraph (1), a chief executive officer shall give special consideration to grantees that pursue a comprehensive approach to drug and violence prevention that includes providing and incorporating mental health services related to drug and violence prevention in their program.

[(4) PEER REVIEW.—Grants or contracts awarded under this section shall be subject to a peer review process.

[(5) USE OF FUNDS.—Grants and contracts under this section shall be used to implement drug and violence prevention activities, including—

[(A) activities that complement and support local educational agency activities under section 4115, including developing and implementing activities to prevent and reduce violence associated with prejudice and intolerance;

[(B) dissemination of information about drug and violence prevention; and

[(C) development and implementation of community-wide drug and violence prevention planning and organizing.

[(6) ADMINISTRATIVE COSTS.—The chief executive officer of a State may use not more than 3 percent of the amount described in paragraph (1) for the administrative costs incurred in carrying out the duties of such officer under this section.

[(b) IN STATE DISTRIBUTION.—

[(1) IN GENERAL.—A State educational agency shall distribute not less than 93 percent of the amount made available to the State under section 4111(b), less the amount reserved under subsection (a) of this section, to its local educational agencies.

[(2) STATE ADMINISTRATION COSTS.—

[(A) IN GENERAL.—A State educational agency may use not more than 3 percent of the amount made available to the State under section 4111(b) for each fiscal year less the amount reserved under subsection (a) of this section, for State educational agency administrative costs, including the implementation of the uniform management information and reporting system as provided for under subsection (c)(3).

[(B) ADDITIONAL AMOUNTS FOR THE UNIFORM MANAGEMENT INFORMATION SYSTEM.—In the case of fiscal year 2002, a State educational agency may, in addition to amounts provided for in subparagraph (A), use 1 percent of the amount made available to the State educational agency under section 4111(b) for each fiscal year less the amount reserved under subsection (a) of this section, for implementation of the uniform management information and reporting system as provided for under subsection (c)(3).

[(c) STATE ACTIVITIES.—

[(1) IN GENERAL.—A State educational agency may use not more than 5 percent of the amount made available to the State under section 4111(b) for each fiscal year less the amount reserved under subsection (a) of this section, for activities described in this subsection.

[(2) ACTIVITIES.—A State educational agency shall use the amounts described in paragraph (1), either directly, or through grants and contracts, to plan, develop, and implement capacity building, technical assistance and training, evaluation, program improvement services, and coordination activities for local educational agencies, community-based organizations, and other public and private entities. Such uses—

[(A) shall meet the principles of effectiveness described in section 4115(a);

[(B) shall complement and support local uses of funds under section 4115(b);

[(C) shall be in accordance with the purposes of this part; and

[(D) may include, among others activities—

[(i) identification, development, evaluation, and dissemination of drug and violence prevention strategies, programs, activities, and other information;

[(ii) training, technical assistance, and demonstration projects to address violence that is associated with prejudice and intolerance; and

[(iii) financial assistance to enhance drug and violence prevention resources available in areas that serve large numbers of low-income children, are sparsely populated, or have other special needs.

[(3) UNIFORM MANAGEMENT INFORMATION AND REPORTING SYSTEM.—

[(A) INFORMATION AND STATISTICS.—A State shall establish a uniform management information and reporting system.

[(B) USES OF FUNDS.—A State may use funds described in subparagraphs (A) and (B) of subsection (b)(2), either directly or through grants and contracts, to implement the uniform management information and reporting system described in subparagraph (A), for the collection of information on—

[(i) truancy rates;

[(ii) the frequency, seriousness, and incidence of violence and drug-related offenses resulting in suspensions and expulsions in elementary schools and secondary schools in the State;

[(iii) the types of curricula, programs, and services provided by the chief executive officer, the State educational agency, local educational agencies, and other recipients of funds under this subpart; and

[(iv) the incidence and prevalence, age of onset, perception of health risk, and perception of social disapproval of drug use and violence by youth in schools and communities.

[(C) COMPILATION OF STATISTICS.—In compiling the statistics required for the uniform management information and reporting system, the offenses described in subparagraph (B)(ii) shall be defined pursuant to the State's criminal code, but shall not identify victims of crimes or persons accused of crimes. The collected data shall include incident reports by school officials, anonymous student surveys, and anonymous teacher surveys.

[(D) REPORTING.—The information described under subparagraph (B) shall be reported to the public and the data referenced in clauses (i) and (ii) of such subparagraph shall be reported to the State on a school-by-school basis.

[(E) LIMITATION.—Nothing in this subsection shall be construed to authorize the Secretary to require particular policies, procedures, or practices with respect to crimes committed on school property or school security.]

[SEC. 4113. [20 U.S.C. 7113] STATE APPLICATION.]

[(a) IN GENERAL.—In order to receive an allotment under section 4111(b) for any fiscal year, a State shall submit to the Secretary, at such time as the Secretary may require, an application that—

[(1) contains a comprehensive plan for the use of funds by the State educational agency and the chief executive officer of the State to provide safe, orderly, and drug-free schools and communities through programs and activities that complement and support activities of local educational agencies under section 4115(b), that comply with the principles of effectiveness under section 4115(a), and that otherwise are in accordance with the purpose of this part;

[(2) describes how activities funded under this subpart will foster a safe and drug-free learning environment that supports academic achievement;

[(3) provides an assurance that the application was developed in consultation and coordination with appropriate State officials and others, including the chief executive officer, the chief State school officer, the head of the State alcohol and drug abuse agency, the heads of the State health and mental health agencies, the head of the State criminal justice planning agency, the head of the State child welfare agency, the head of the State board of education, or their designees, and representatives of parents, students, and community-based organizations;

[(4) describes how the State educational agency will coordinate such agency's activities under this subpart with the chief executive officer's drug and violence prevention programs under this subpart and with the prevention efforts of other State agencies and other programs, as appropriate, in accordance with the provisions in section 9306;

[(5) provides an assurance that funds reserved under section 4112(a) will not duplicate the efforts of the State educational agency and local educational agencies with regard to the provision of school-based drug and violence prevention activities and that those funds will be used to serve populations not normally served by the State educational agencies and local educational agencies and populations that need special services, such as school dropouts, suspended and expelled students, youth in detention centers, runaway or homeless children and youth, and pregnant and parenting youth;

[(6) provides an assurance that the State will cooperate with, and assist, the Secretary in conducting data collection as required by section 4122;

[(7) provides an assurance that the local educational agencies in the State will comply with the provisions of section 9501 pertaining to the participation of private school children and teachers in the programs and activities under this subpart;

[(8) provides an assurance that funds under this subpart will be used to increase the level of State, local, and other non-Federal funds that would, in the absence of funds under this subpart, be made available for programs and activities authorized under this subpart, and in no case supplant such State, local, and other non-Federal funds;

[(9) contains the results of a needs assessment conducted by the State for drug and violence prevention programs, which shall be based on ongoing State evaluation activities, including data on—

[(A) the incidence and prevalence of illegal drug use and violence among youth in schools and communities, including the age of onset, the perception of health risks, and the perception of social disapproval among such youth;

[(B) the prevalence of risk factors, including high or increasing rates of reported cases of child abuse or domestic violence;

[(C) the prevalence of protective factors, buffers, or assets; and

[(D) other variables in the school and community identified through scientifically based research;

[(10) provides a statement of the State's performance measures for drug and violence prevention programs and activities to be funded under this subpart that will be focused on student behavior and attitudes, derived from the needs assessment described in paragraph (9), and be developed in consultation between the State and local officials, and that consist of—

[(A) performance indicators for drug and violence prevention programs and activities; and

[(B) levels of performance for each performance indicator;

[(11) describes the procedures the State will use for assessing and publicly reporting progress toward meeting the performance measures described in paragraph (10);

[(12) provides an assurance that the State application will be available for public review after submission of the application;

[(13) describes the special outreach activities that will be carried out by the State educational agency and the chief executive officer of the State to maximize the participation of community-based organizations of demonstrated effectiveness that provide services such as mentoring programs in low-income communities;

[(14) describes how funds will be used by the State educational agency and the chief executive officer of the State to support, develop, and implement community-wide comprehensive drug and violence prevention planning and organizing activities;

[(15) describes how input from parents will be sought regarding the use of funds by the State educational agency and the chief executive officer of the State;

[(16) describes how the State educational agency will review applications from local educational agencies, including how the agency will receive input from parents in such review;

[(17) describes how the State educational agency will monitor the implementation of activities under this subpart, and provide technical assistance for local educational agencies, community-based organizations, other public entities, and private organizations;

[(18) describes how the chief executive officer of the State will award funds under section 4112(a) and implement a plan for monitoring the performance of, and providing technical assistance to, recipients of such funds; and

[(19) includes any other information the Secretary may require.

[(b) INTERIM APPLICATION.—

[(1) AUTHORITY.—Notwithstanding any other provision of this section, a State may submit for fiscal year 2002 a 1-year interim application and plan for the use of funds under this subpart that is consistent with the requirements of this section and contains such information as the Secretary may specify in regulations.

[(2) PURPOSE.—The purpose of such interim application and plan shall be to afford the State the opportunity to fully develop and review such State's application and comprehensive plan otherwise required by this section.

[(3) EXCEPTION.—A State may not receive a grant under this subpart for a fiscal year after fiscal year 2002 unless the Secretary has approved such State's application and comprehensive plan as described in subsection (a).

[(c) APPROVAL PROCESS.—

[(1) DEEMED APPROVAL.—An application submitted by a State pursuant to this section shall undergo peer review by the Secretary and shall be deemed to be approved by the Secretary unless the Secretary makes a written determination, prior to the expiration of the 120-day period beginning on the date on which the Secretary received the application, that the application is not in compliance with this subpart.

[(2) DISAPPROVAL.—The Secretary shall not finally disapprove the application, except after giving the State educational agency and the chief executive officer of the State notice and an opportunity for a hearing.

[(3) NOTIFICATION.—If the Secretary finds that the application is not in compliance, in whole or in part, with this subpart, the Secretary shall—

[(A) give the State educational agency and the chief executive officer of the State notice and an opportunity for a hearing; and

[(B) notify the State educational agency and the chief executive officer of the State of the finding of noncompliance, and in such notification, shall—

[(i) cite the specific provisions in the application that are not in compliance; and

[(ii) request additional information, only as to the noncompliant provisions, needed to make the application compliant.

[(4) RESPONSE.—If the State educational agency and the chief executive officer of the State respond to the Secretary's notification described in paragraph (3)(B) during the 45-day period beginning on the date on which the agency received the notification, and resubmit the application with the requested information described in paragraph (3)(B)(ii), the Secretary shall approve or disapprove such application prior to the later of—

[(A) the expiration of the 45-day period beginning on the date on which the application is resubmitted; or

[(B) the expiration of the 120-day period described in paragraph (1).

[(5) FAILURE TO RESPOND.—If the State educational agency and the chief executive officer of the State do not respond to the Secretary's notification described in paragraph (3)(B) during the 45-day period beginning on the date on which the agency received the notification, such application shall be deemed to be disapproved.]

[SEC. 4114. [20 U.S.C. 7114] LOCAL EDUCATIONAL AGENCY PROGRAM.]

[(a) IN GENERAL.—

[(1) FUNDS TO LOCAL EDUCATIONAL AGENCIES.—A State shall provide the amount made available to the State under this subpart, less the amounts reserved under section 4112 to local educational agencies for drug and violence prevention and education programs and activities as follows:

[(A) 60 percent of such amount based on the relative amount such agencies received under part A of title I for the preceding fiscal year.

[(B) 40 percent of such amount based on the relative enrollments in public and private nonprofit elementary schools and secondary schools within the boundaries of such agencies.

[(2) ADMINISTRATIVE COSTS.—Of the amount received under paragraph (1), a local educational agency may use not more than 2 percent for the administrative costs of carrying out its responsibilities under this subpart.

[(3) RETURN OF FUNDS TO STATE; REALLOCATION.—

[(A) RETURN.—Except as provided in subparagraph (B), upon the expiration of the 1-year period beginning on the date on which a local educational agency receives its allocation under this subpart—

[(i) such agency shall return to the State educational agency any funds from such allocation that remain unobligated; and

[(ii) the State educational agency shall reallocate any such amount to local educational agencies that have submitted plans for using such amount for programs or activities on a timely basis.

[(B) CARRYOVER.—In any fiscal year, a local educational agency, may retain for obligation in the succeeding fiscal year—

[(i) an amount equal to not more than 25 percent of the allocation it received under this subpart for such fiscal year; or

[(ii) upon a demonstration of good cause by such agency and approval by the State educational agency, an amount that exceeds 25 percent of such allocation.

[(C) REALLOCATION.—If a local educational agency chooses not to apply to receive the amount allocated to such agency under this subsection, or if such agency's application under subsection (d) is disapproved by the State educational agency, the State educational agency shall reallocate such amount to one or more of its other local educational agencies.

[(b) ELIGIBILITY.—To be eligible to receive a subgrant under this subpart, a local educational agency desiring a subgrant shall submit an application to the State educational agency in accordance with subsection (d). Such an application shall be amended, as necessary, to reflect changes in the activities and programs of the local educational agency.

[(c) DEVELOPMENT.—

[(1) CONSULTATION.—

[(A) IN GENERAL.—A local educational agency shall develop its application through timely and meaningful consultation with State and local government representatives, representatives of schools to be served (including private schools), teachers and other staff, parents, students, community-based organizations, and others with relevant and demonstrated expertise in drug and violence prevention activities (such as medical, mental health, and law enforcement professionals).

[(B) CONTINUED CONSULTATION.—On an ongoing basis, the local educational agency shall consult with such representatives and organizations in order to seek advice regarding how best to coordinate such agency's activities under this subpart with other related strategies, programs, and activities being conducted in the community.

[(2) DESIGN AND DEVELOPMENT.—To ensure timely and meaningful consultation under paragraph (1), a local educational agency at the initial stages of design and development of a program or activity shall consult, in accordance with this subsection, with appropriate entities and persons on issues regarding the design and development of the program or activity, including efforts to meet the principles of effectiveness described in section 4115(a).

[(d) CONTENTS OF APPLICATIONS.—An application submitted by a local educational agency under this section shall contain—

[(1) an assurance that the activities or programs to be funded comply with the principles of effectiveness described in section 4115(a) and foster a safe and drug-free learning environment that supports academic achievement;

[(2) a detailed explanation of the local educational agency's comprehensive plan for drug and violence prevention, including a description of—

[(A) how the plan will be coordinated with programs under this Act, and other Federal, State, and local programs for drug and violence prevention, in accordance with section 9306;

[(B) the local educational agency's performance measures for drug and violence prevention programs and activities, that shall consist of—

[(i) performance indicators for drug and violence prevention programs and activities; including—

[(I) specific reductions in the prevalence of identified risk factors; and

[(II) specific increases in the prevalence of protective factors, buffers, or assets if any have been identified; and

[(ii) levels of performance for each performance indicator;

[(C) how such agency will assess and publicly report progress toward attaining its performance measures;

[(D) the drug and violence prevention activity or program to be funded, including how the activity or program will meet the principles of effectiveness described in section 4115(a), and the means of evaluating such activity or program; and

[(E) how the services will be targeted to schools and students with the greatest need;

[(3) a description for how the results of the evaluations of the effectiveness of the program will be used to refine, improve, and strengthen the program;

[(4) an assurance that funds under this subpart will be used to increase the level of State, local, and other non-Federal funds that would, in the absence of funds under this subpart, be made available for programs and activities authorized under this subpart, and in no case supplant such State, local, and other non-Federal funds;

[(5) a description of the mechanisms used to provide effective notice to the community of an intention to submit an application under this subpart;

[(6) an assurance that drug and violence prevention programs supported under this subpart convey a clear and consistent message that acts of violence and the illegal use of drugs are wrong and harmful;

[(7) an assurance that the applicant has, or the schools to be served have, a plan for keeping schools safe and drug-free that includes—

[(A) appropriate and effective school discipline policies that prohibit disorderly conduct, the illegal possession of weapons, and the illegal use, possession, distribution, and sale of tobacco, alcohol, and other drugs by students;

[(B) security procedures at school and while students are on the way to and from school;

[(C) prevention activities that are designed to create and maintain safe, disciplined, and drug-free environments;

[(D) a crisis management plan for responding to violent or traumatic incidents on school grounds; and

[(E) a code of conduct policy for all students that clearly states the responsibilities of students, teachers, and administrators in maintaining a classroom environment that—

[(i) allows a teacher to communicate effectively with all students in the class;

[(ii) allows all students in the class to learn;

[(iii) has consequences that are fair, and developmentally appropriate;

[(iv) considers the student and the circumstances of the situation; and

[(v) is enforced accordingly;

[(8) an assurance that the application and any waiver request under section 4115(a)(3) will be available for public review after submission of the application; and

[(9) such other assurances, goals, and objectives identified through scientifically based research that the State may reasonably require in accordance with the purpose of this part.

[(e) REVIEW OF APPLICATION.—

[(1) IN GENERAL.—In reviewing local applications under this section, a State educational agency shall use a peer review process or other methods of assuring the quality of such applications.

[(2) CONSIDERATIONS.—In determining whether to approve the application of a local educational agency under this section, a State educational agency shall consider the quality of application and the extent to which the application meets the principles of effectiveness described in section 4115(a).

[(f) APPROVAL PROCESS.—

[(1) DEEMED APPROVAL.—An application submitted by a local educational agency pursuant to this section shall be deemed to be approved by the State educational agency unless the State educational agency makes a written determination, prior to the expiration of the 120-day period beginning on the date on which the State educational agency received the application, that the application is not in compliance with this subpart.

[(2) DISAPPROVAL.—The State educational agency shall not finally disapprove the application, except after giving the local educational agency notice and opportunity for a hearing.

[(3) NOTIFICATION.—If the State educational agency finds that the application is not in compliance, in whole or in part, with this subpart, the State educational agency shall—

[(A) give the local educational agency notice and an opportunity for a hearing; and

[(B) notify the local educational agency of the finding of noncompliance, and in such notification, shall—

[(i) cite the specific provisions in the application that are not in compliance; and

[(ii) request additional information, only as to the noncompliant provisions, needed to make the application compliant.

[(4) RESPONSE.—If the local educational agency responds to the State educational agency's notification described in paragraph (3)(B) during the 45-day period beginning on the date on which the agency received the notification, and resubmits the application with the requested information described in paragraph (3)(B)(ii), the State educational agency shall approve or disapprove such application prior to the later of—

[(A) the expiration of the 45-day period beginning on the date on which the application is resubmitted; or

[(B) the expiration of the 120-day period described in paragraph (1).

[(5) FAILURE TO RESPOND.—If the local educational agency does not respond to the State educational agency's notification described in paragraph (3)(B) during the 45-day period begin-

ning on the date on which the agency received the notification, such application shall be deemed to be disapproved.]

[SEC. 4115. [20 U.S.C. 7115] AUTHORIZED ACTIVITIES.]

[(a) PRINCIPLES OF EFFECTIVENESS.—

[(1) IN GENERAL.—For a program or activity developed pursuant to this subpart to meet the principles of effectiveness, such program or activity shall—

[(A) be based on an assessment of objective data regarding the incidence of violence and illegal drug use in the elementary schools and secondary schools and communities to be served, including an objective analysis of the current conditions and consequences regarding violence and illegal drug use, including delinquency and serious discipline problems, among students who attend such schools (including private school students who participate in the drug and violence prevention program) that is based on ongoing local assessment or evaluation activities;

[(B) be based on an established set of performance measures aimed at ensuring that the elementary schools and secondary schools and communities to be served by the program have a safe, orderly, and drug-free learning environment;

[(C) be based on scientifically based research that provides evidence that the program to be used will reduce violence and illegal drug use;

[(D) be based on an analysis of the data reasonably available at the time, of the prevalence of risk factors, including high or increasing rates of reported cases of child abuse and domestic violence; protective factors, buffers, assets; or other variables in schools and communities in the State identified through scientifically based research; and

[(E) include meaningful and ongoing consultation with and input from parents in the development of the application and administration of the program or activity.

[(2) PERIODIC EVALUATION.—

[(A) REQUIREMENT.—The program or activity shall undergo a periodic evaluation to assess its progress toward reducing violence and illegal drug use in schools to be served based on performance measures described in section 4114(d)(2)(B).

[(B) USE OF RESULTS.—The results shall be used to refine, improve, and strengthen the program, and to refine the performance measures, and shall also be made available to the public upon request, with public notice of such availability provided.

[(3) WAIVER.—A local educational agency may apply to the State for a waiver of the requirement of subsection (a)(1)(C) to allow innovative activities or programs that demonstrate substantial likelihood of success.

[(b) LOCAL EDUCATIONAL AGENCY ACTIVITIES.—

[(1) PROGRAM REQUIREMENTS.—A local educational agency shall use funds made available under section 4114 to develop, implement, and evaluate comprehensive programs and activi-

ties, which are coordinated with other school and community-based services and programs, that shall—

[(A) foster a safe and drug-free learning environment that supports academic achievement;

[(B) be consistent with the principles of effectiveness described in subsection (a)(1);

[(C) be designed to—

[(i) prevent or reduce violence; the use, possession and distribution of illegal drugs; and delinquency; and

[(ii) create a well disciplined environment conducive to learning, which includes consultation between teachers, principals, and other school personnel to identify early warning signs of drug use and violence and to provide behavioral interventions as part of classroom management efforts; and

[(D) include activities to—

[(i) promote the involvement of parents in the activity or program;

[(ii) promote coordination with community groups and coalitions, and government agencies; and

[(iii) distribute information about the local educational agency's needs, goals, and programs under this subpart.

[(2) AUTHORIZED ACTIVITIES.—Each local educational agency, or consortium of such agencies, that receives a subgrant under this subpart may use such funds to carry out activities that comply with the principles of effectiveness described in subsection (a), such as the following:

[(A) Age appropriate and developmentally based activities that—

[(i) address the consequences of violence and the illegal use of drugs, as appropriate;

[(ii) promote a sense of individual responsibility;

[(iii) teach students that most people do not illegally use drugs;

[(iv) teach students to recognize social and peer pressure to use drugs illegally and the skills for resisting illegal drug use;

[(v) teach students about the dangers of emerging drugs;

[(vi) engage students in the learning process; and

[(vii) incorporate activities in secondary schools that reinforce prevention activities implemented in elementary schools.

[(B) Activities that involve families, community sectors (which may include appropriately trained seniors), and a variety of drug and violence prevention providers in setting clear expectations against violence and illegal use of drugs and appropriate consequences for violence and illegal use of drugs.

[(C) Dissemination of drug and violence prevention information to schools and the community.

[(D) Professional development and training for, and involvement of, school personnel, pupil services personnel,

parents, and interested community members in prevention, education, early identification and intervention, mentoring, or rehabilitation referral, as related to drug and violence prevention.

[(E) Drug and violence prevention activities that may include the following:

[(i) Community-wide planning and organizing activities to reduce violence and illegal drug use, which may include gang activity prevention.

[(ii) Acquiring and installing metal detectors, electronic locks, surveillance cameras, or other related equipment and technologies.

[(iii) Reporting criminal offenses committed on school property.

[(iv) Developing and implementing comprehensive school security plans or obtaining technical assistance concerning such plans, which may include obtaining a security assessment or assistance from the School Security and Technology Resource Center at the Sandia National Laboratory located in Albuquerque, New Mexico.

[(v) Supporting safe zones of passage activities that ensure that students travel safely to and from school, which may include bicycle and pedestrian safety programs.

[(vi) The hiring and mandatory training, based on scientific research, of school security personnel (including school resource officers) who interact with students in support of youth drug and violence prevention activities under this part that are implemented in the school.

[(vii) Expanded and improved school-based mental health services related to illegal drug use and violence, including early identification of violence and illegal drug use, assessment, and direct or group counseling services provided to students, parents, families, and school personnel by qualified school-based mental health service providers.

[(viii) Conflict resolution programs, including peer mediation programs that educate and train peer mediators and a designated faculty supervisor, and youth anti-crime and anti-drug councils and activities.

[(ix) Alternative education programs or services for violent or drug abusing students that reduce the need for suspension or expulsion or that serve students who have been suspended or expelled from the regular educational settings, including programs or services to assist students to make continued progress toward meeting the State academic achievement standards and to reenter the regular education setting.

[(x) Counseling, mentoring, referral services, and other student assistance practices and programs, including assistance provided by qualified school-based mental health services providers and the training of

teachers by school-based mental health services providers in appropriate identification and intervention techniques for students at risk of violent behavior and illegal use of drugs.

[(xi) Programs that encourage students to seek advice from, and to confide in, a trusted adult regarding concerns about violence and illegal drug use.

[(xii) Drug and violence prevention activities designed to reduce truancy.

[(xiii) Age-appropriate, developmentally-based violence prevention and education programs that address victimization associated with prejudice and intolerance, and that include activities designed to help students develop a sense of individual responsibility and respect for the rights of others, and to resolve conflicts without violence.

[(xiv) Consistent with the fourth amendment to the Constitution of the United States, the testing of a student for illegal drug use or the inspecting of a student's locker for weapons or illegal drugs or drug paraphernalia, including at the request of or with the consent of a parent or legal guardian of the student, if the local educational agency elects to so test or inspect.

[(xv) Emergency intervention services following traumatic crisis events, such as a shooting, major accident, or a drug-related incident that have disrupted the learning environment.

[(xvi) Establishing or implementing a system for transferring suspension and expulsion records, consistent with section 444 of the General Education Provisions Act (20 U.S.C. 1232g), by a local educational agency to any public or private elementary school or secondary school.

[(xvii) Developing and implementing character education programs, as a component of drug and violence prevention programs, that take into account the views of parents of the students for whom the program is intended and such students, such as a program described in subpart 3 of part D of title V.

[(xviii) Establishing and maintaining a school safety hotline.

[(xix) Community service, including community service performed by expelled students, and service-learning projects.

[(xx) Conducting a nationwide background check of each local educational agency employee, regardless of when hired, and prospective employees for the purpose of determining whether the employee or prospective employee has been convicted of a crime that bears upon the employee's fitness—

[(I) to be responsible for the safety or well-being of children;

[(II) to serve in the particular capacity in which the employee or prospective employee is or will be employed; or

[(III) to otherwise be employed by the local educational agency.

[(xxi) Programs to train school personnel to identify warning signs of youth suicide and to create an action plan to help youth at risk of suicide.

[(xxii) Programs that respond to the needs of students who are faced with domestic violence or child abuse.

[(F) The evaluation of any of the activities authorized under this subsection and the collection of objective data used to assess program needs, program implementation, or program success in achieving program goals and objectives.

[(c) LIMITATION.—

[(1) IN GENERAL.—Except as provided in paragraph (2), not more than 40 percent of the funds available to a local educational agency under this subpart may be used to carry out the activities described in clauses (ii) through (vi) of subsection (b)(2)(E), of which not more than 50 percent of such amount may be used to carry out the activities described in clauses (ii) through (v) of such subsection.

[(2) EXCEPTION.—A local educational agency may use funds under this subpart for activities described in clauses (ii) through (v) of subsection (b)(2)(E) only if funding for these activities is not received from other Federal agencies.

[(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit the use of funds under this subpart by any local educational agency or school for the establishment or implementation of a school uniform policy if such policy is part of the overall comprehensive drug and violence prevention plan of the State involved and is supported by the State's needs assessment and other scientifically based research information.]

[SEC. 4116. [20 U.S.C. 7116] REPORTING.]

[(a) STATE REPORT.—

[(1) IN GENERAL.—By December 1, 2003, and every 2 years thereafter, the chief executive officer of the State, in cooperation with the State educational agency, shall submit to the Secretary a report—

[(A) on the implementation and outcomes of State programs under section 4112(a)(1) and section 4112(c) and local educational agency programs under section 4115(b), as well as an assessment of their effectiveness;

[(B) on the State's progress toward attaining its performance measures for drug and violence prevention under section 4113(a)(10); and

[(C) on the State's efforts to inform parents of, and include parents in, violence and drug prevention efforts.

[(2) SPECIAL RULE.—The report required by this subsection shall be—

[(A) in the form specified by the Secretary;

[(B) based on the State's ongoing evaluation activities, and shall include data on the incidence and prevalence, age of onset, perception of health risk, and perception of social disapproval of drug use and violence by youth in schools and communities; and

[(C) made readily available to the public.

[(b) LOCAL EDUCATIONAL AGENCY REPORT.—

[(1) IN GENERAL.—Each local educational agency receiving funds under this subpart shall submit to the State educational agency such information that the State requires to complete the State report required by subsection (a), including a description of how parents were informed of, and participated in, violence and drug prevention efforts.

[(2) AVAILABILITY.—Information under paragraph (1) shall be made readily available to the public.

[(3) PROVISION OF DOCUMENTATION.—Not later than January 1 of each year that a State is required to report under subsection (a), the Secretary shall provide to the State educational agency all of the necessary documentation required for compliance with this section.]

[SEC. 4117. [20 U.S.C. 7117] PROGRAMS FOR NATIVE HAWAIIANS.]

[(a) GENERAL AUTHORITY.—From the funds made available pursuant to section 4111(a)(1)(C) to carry out this section, the Secretary shall make grants to or enter into cooperative agreements or contracts with organizations primarily serving and representing Native Hawaiians for the benefit of Native Hawaiians to plan, conduct, and administer programs, or portions thereof, that are authorized by and consistent with the provisions of this subpart.

[(b) DEFINITION OF NATIVE HAWAIIAN.—For the purposes of this section, the term "Native Hawaiian" means any individual any of whose ancestors were natives, prior to 1778, of the area which now comprises the State of Hawaii.]

[Subpart 2—National Programs]

[SEC. 4121. [20 U.S.C. 7131] FEDERAL ACTIVITIES.]

[(a) PROGRAM AUTHORIZED.—From funds made available to carry out this subpart under section 4003(2), the Secretary, in consultation with the Secretary of Health and Human Services, the Director of the Office of National Drug Control Policy, and the Attorney General, shall carry out programs to prevent the illegal use of drugs and violence among, and promote safety and discipline for, students. The Secretary shall carry out such programs directly, or through grants, contracts, or cooperative agreements with public and private entities and individuals, or through agreements with other Federal agencies, and shall coordinate such programs with other appropriate Federal activities. Such programs may include—

[(1) the development and demonstration of innovative strategies for the training of school personnel, parents, and members of the community for drug and violence prevention activities based on State and local needs;

[(2) the development, demonstration, scientifically based evaluation, and dissemination of innovative and high quality

drug and violence prevention programs and activities, based on State and local needs, which may include—

[(A) alternative education models, either established within a school or separate and apart from an existing school, that are designed to promote drug and violence prevention, reduce disruptive behavior, reduce the need for repeat suspensions and expulsions, enable students to meet challenging State academic standards, and enable students to return to the regular classroom as soon as possible;

[(B) community service and service-learning projects, designed to rebuild safe and healthy neighborhoods and increase students' sense of individual responsibility;

[(C) video-based projects developed by noncommercial telecommunications entities that provide young people with models for conflict resolution and responsible decisionmaking; and

[(D) child abuse education and prevention programs for elementary and secondary students;

[(3) the provision of information on drug abuse education and prevention to the Secretary of Health and Human Services for dissemination;

[(4) the provision of information on violence prevention and education and school safety to the Department of Justice for dissemination;

[(5) technical assistance to chief executive officers, State agencies, local educational agencies, and other recipients of funding under this part to build capacity to develop and implement high-quality, effective drug and violence prevention programs consistent with the principles of effectiveness in section 4115(a);

[(6) assistance to school systems that have particularly severe drug and violence problems, including hiring drug prevention and school safety coordinators, or assistance to support appropriate response efforts to crisis situations;

[(7) the development of education and training programs, curricula, instructional materials, and professional training and development for preventing and reducing the incidence of crimes and conflicts motivated by hate in localities most directly affected by hate crimes;

[(8) activities in communities designated as empowerment zones or enterprise communities that will connect schools to community-wide efforts to reduce drug and violence problems; and

[(9) other activities in accordance with the purpose of this part, based on State and local needs.

[(b) PEER REVIEW.—The Secretary shall use a peer review process in reviewing applications for funds under this section.]

[SEC. 4122. [20 U.S.C. 7132] IMPACT EVALUATION.]

[(a) BIENNIAL EVALUATION.—The Secretary, in consultation with the Safe and Drug-Free Schools and Communities Advisory Committee described in section 4124, shall conduct an independent biennial evaluation of the impact of programs assisted under this subpart and of other recent and new initiatives to combat violence and illegal drug use in schools. The evaluation shall report on

whether community and local educational agency programs funded under this subpart—

[(1) comply with the principles of effectiveness described in section 4115(a);

[(2) have appreciably reduced the level of illegal drug, alcohol, and tobacco use, and school violence and the illegal presence of weapons at schools; and

[(3) have conducted effective parent involvement and training programs.

[(b) DATA COLLECTION.—The National Center for Education Statistics shall collect data, that is subject to independent review, to determine the incidence and prevalence of illegal drug use and violence in elementary schools and secondary schools in the States. The collected data shall include incident reports by schools officials, anonymous student surveys, and anonymous teacher surveys.

[(c) BIENNIAL REPORT.—Not later than January 1, 2003, and every 2 years thereafter, the Secretary shall submit to the President and Congress a report on the findings of the evaluation conducted under subsection (a) together with the data collected under subsection (b) and data available from other sources on the incidence and prevalence, age of onset, perception of health risk, and perception of social disapproval of drug use and violence in elementary schools and secondary schools in the States. The Secretary shall include data submitted by the States pursuant to subsection 4116(a).]

[SEC. 4123. [20 U.S.C. 7133] HATE CRIME PREVENTION.]

[(a) GRANT AUTHORIZATION.—From funds made available to carry out this subpart under section 4003(2) the Secretary may make grants to local educational agencies and community-based organizations for the purpose of providing assistance to localities most directly affected by hate crimes.

[(b) USE OF FUNDS.—

[(1) PROGRAM DEVELOPMENT.—Grants under this section may be used to improve elementary and secondary educational efforts, including—

[(A) development of education and training programs designed to prevent and to reduce the incidence of crimes and conflicts motivated by hate;

[(B) development of curricula for the purpose of improving conflict or dispute resolution skills of students, teachers, and administrators;

[(C) development and acquisition of equipment and instructional materials to meet the needs of, or otherwise be part of, hate crime or conflict programs; and

[(D) professional training and development for teachers and administrators on the causes, effects, and resolutions of hate crimes or hate-based conflicts.

[(2) APPLICATION.—In order to be eligible to receive a grant under this section for any fiscal year, a local educational agency, or a local educational agency in conjunction with a community-based organization, shall submit an application to the Secretary in such form and containing such information as the Secretary may reasonably require.

[(3) REQUIREMENTS.—Each application under paragraph (2) shall include—

[(A) a request for funds for the purpose described in this section;

[(B) a description of the schools and communities to be served by the grants; and

[(C) assurances that Federal funds received under this section shall be used to supplement, and not supplant, non-Federal funds.

[(4) COMPREHENSIVE PLAN.—Each application shall include a comprehensive plan that contains—

[(A) a description of the hate crime or conflict problems within the schools or the community targeted for assistance;

[(B) a description of the program to be developed or augmented by such Federal and matching funds;

[(C) assurances that such program or activity shall be administered by or under the supervision of the applicant;

[(D) procedures for the proper and efficient administration of such program; and

[(E) fiscal control and fund accounting procedures as may be necessary to ensure prudent use, proper disbursement, and accurate accounting of funds received under this section.

[(c) AWARD OF GRANTS.—

[(1) SELECTION OF RECIPIENTS.—The Secretary shall consider the incidence of crimes and conflicts motivated by bias in the targeted schools and communities in awarding grants under this section.

[(2) GEOGRAPHIC DISTRIBUTION.—The Secretary shall attempt, to the extent practicable, to achieve an equitable geographic distribution of grant awards.

[(3) DISSEMINATION OF INFORMATION.—The Secretary shall attempt, to the extent practicable, to make available information regarding successful hate crime prevention programs, including programs established or expanded with grants under this section.

[(d) REPORTS.—The Secretary shall submit to Congress a report every 2 years that shall contain a detailed statement regarding grants and awards, activities of grant recipients, and an evaluation of programs established under this section.]

[SEC. 4124. [20 U.S.C. 7134] SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES ADVISORY COMMITTEE.]

[(a) ESTABLISHMENT.—

[(1) IN GENERAL.—There is hereby established an advisory committee to be known as the "Safe and Drug Free Schools and Communities Advisory Committee" (referred to in this section as the "Advisory Committee") to—

[(A) consult with the Secretary under subsection (b);

[(B) coordinate Federal school- and community-based substance abuse and violence prevention programs and reduce duplicative research or services;

[(C) develop core data sets and evaluation protocols for safe and drug-free school- and community-based programs;

[(D) provide technical assistance and training for safe and drug-free school- and community-based programs;

[(E) provide for the diffusion of scientifically based research to safe and drug-free school- and community-based programs; and

[(F) review other regulations and standards developed under this title.

[(2) COMPOSITION.—The Advisory Committee shall be composed of representatives from—

[(A) the Department of Education;

[(B) the Centers for Disease Control and Prevention;

[(C) the National Institute on Drug Abuse;

[(D) the National Institute on Alcoholism and Alcohol Abuse;

[(E) the Center for Substance Abuse Prevention;

[(F) the Center for Mental Health Services;

[(G) the Office of Juvenile Justice and Delinquency Prevention;

[(H) the Office of National Drug Control Policy;

[(I) State and local governments, including education agencies; and

[(J) researchers and expert practitioners.

[(3) CONSULTATION.—In carrying out its duties under this section, the Advisory Committee shall annually consult with interested State and local coordinators of school- and community-based substance abuse and violence prevention programs and other interested groups.

[(b) PROGRAMS.—

[(1) IN GENERAL.—From amounts made available under section 4003(2) to carry out this subpart, the Secretary, in consultation with the Advisory Committee, shall carry out scientifically based research programs to strengthen the accountability and effectiveness of the State, chief executive officer's, and national programs under this part.

[(2) GRANTS, CONTRACTS OR COOPERATIVE AGREEMENTS.—The Secretary shall carry out paragraph (1) directly or through grants, contracts, or cooperative agreements with public and private entities and individuals or through agreements with other Federal agencies.

[(3) COORDINATION.—The Secretary shall coordinate programs under this section with other appropriate Federal activities.

[(4) ACTIVITIES.—Activities that may be carried out under programs funded under this section may include—

[(A) the provision of technical assistance and training, in collaboration with other Federal agencies utilizing their expertise and national and regional training systems, for Governors, State educational agencies and local educational agencies to support high quality, effective programs that—

[(i) provide a thorough assessment of the substance abuse and violence problem;

[(ii) utilize objective data and the knowledge of a wide range of community members;

[(iii) develop measurable goals and objectives; and

[(iv) implement scientifically based research activities that have been shown to be effective and that meet identified needs;

[(B) the provision of technical assistance and training to foster program accountability;

[(C) the diffusion and dissemination of best practices and programs;

[(D) the development of core data sets and evaluation tools;

[(E) program evaluations;

[(F) the provision of information on drug abuse education and prevention to the Secretary of Health and Human Services for dissemination by the clearinghouse for alcohol and drug abuse information established under section 501(d)(16) of the Public Health Service Act; and

[(G) other activities that meet unmet needs related to the purpose of this part and that are undertaken in consultation with the Advisory Committee.]

[SEC. 4125. [20 U.S.C. 7135] NATIONAL COORDINATOR PROGRAM.]

[(a) IN GENERAL.—From funds made available to carry out this subpart under section 4003(2), the Secretary may provide for the establishment of a National Coordinator Program under which the Secretary shall award grants to local educational agencies for the hiring of drug prevention and school safety program coordinators.

[(b) USE OF FUNDS.—Amounts received under a grant under subsection (a) shall be used by local educational agencies to recruit, hire, and train individuals to serve as drug prevention and school safety program coordinators in schools with significant drug and school safety problems. Such coordinators shall be responsible for developing, conducting, and analyzing assessments of drug and crime problems at their schools, and administering the safe and drug-free grant program at such schools.]

[SEC. 4126. [20 U.S.C. 7136] COMMUNITY SERVICE GRANT PROGRAM.]

[(a) IN GENERAL.—From funds made available to carry out this subpart under section 4003(2), the Secretary may make grants to States to carry out programs under which students expelled or suspended from school are required to perform community service.

[(b) ALLOCATION.—From the amount described in subsection (a), the Secretary shall allocate among the States—

[(1) one-half according to the ratio between the school-aged population of each State and the school-aged population of all the States; and

[(2) one-half according to the ratio between the amount each State received under section 1124A for the preceding year and the sum of such amounts received by all the States.

[(c) MINIMUM.—For any fiscal year, no State shall be allotted under this section an amount that is less than one-half of 1 percent of the total amount allotted to all the States under this section.

[(d) REALLOTMENT.—The Secretary may reallot any amount of any allotment to a State if the Secretary determines that the State will be unable to use such amount within 2 years of such allot-

ment. Such reallotments shall be made on the same basis as allotments are made under subsection (b).

[(e) DEFINITION.—In this section, the term "State" means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.]

[SEC. 4127. [20 U.S.C. 7137] SCHOOL SECURITY TECHNOLOGY AND RESOURCE CENTER.]

[(a) CENTER.—From funds made available to carry out this subpart under section 4003(2), the Secretary, the Attorney General, and the Secretary of Energy may enter into an agreement for the establishment at the Sandia National Laboratories, in partnership with the National Law Enforcement and Corrections Technology Center—Southeast and the National Center for Rural Law Enforcement in Little Rock, Arkansas, of a center to be known as the "School Security Technology and Resource Center" (hereafter in this section "the Center").

[(b) ADMINISTRATION.—The Center established under subsection (a) shall be administered by the Attorney General.

[(c) FUNCTIONS.—The center established under subsection (a) shall be a resource to local educational agencies for school security assessments, security technology development, evaluation and implementation, and technical assistance relating to improving school security. The Center will also conduct and publish school violence research, coalesce data from victim communities, and monitor and report on schools that implement school security strategies.]

[SEC. 4128. [20 U.S.C. 7138] NATIONAL CENTER FOR SCHOOL AND YOUTH SAFETY.]

[(a) ESTABLISHMENT.—From funds made available to carry out this subpart under section 4003(2), the Secretary of Education and the Attorney General may jointly establish a National Center for School and Youth Safety (in this section referred to as the "Center"). The Secretary of Education and the Attorney General may establish the Center at an existing facility, if the facility has a history of performing two or more of the duties described in subsection (b). The Secretary of Education and the Attorney General shall jointly appoint a Director of the Center to oversee the operation of the Center.

[(b) DUTIES.—The Center shall carry out emergency response, anonymous student hotline, consultation, and information and outreach activities with respect to elementary and secondary school safety, including the following:

[(1) EMERGENCY RESPONSE.—The staff of the Center, and such temporary contract employees as the Director of the Center shall determine necessary, shall offer emergency assistance to local communities to respond to school safety crises. Such assistance shall include counseling for victims and the community, assistance to law enforcement to address short-term security concerns, and advice on how to enhance school safety, prevent future incidents, and respond to future incidents.

[(2) ANONYMOUS STUDENT HOTLINE.—The Center shall establish a toll-free telephone number for students to report criminal activity, threats of criminal activity, and other high-risk behaviors such as substance abuse, gang or cult affiliation, depression, or other warning signs of potentially violent behavior.

The Center shall relay the reports, without attribution, to local law enforcement or appropriate school hotlines. The Director of the Center shall work with the Attorney General to establish guidelines for Center staff to work with law enforcement around the Nation to relay information reported through the hotline.

[(3) CONSULTATION.—The Center shall establish a toll-free number for the public to contact staff of the Center for consultation regarding school safety. The Director of the Center shall hire administrative staff and individuals with expertise in enhancing school safety, including individuals with backgrounds in counseling and psychology, education, law enforcement and criminal justice, and community development to assist in the consultation.

[(4) INFORMATION AND OUTREACH.—The Center shall compile information about the best practices in school violence prevention, intervention, and crisis management, and shall serve as a clearinghouse for model school safety program information. The staff of the Center shall work to ensure local governments, school officials, parents, students, and law enforcement officials and agencies are aware of the resources, grants, and expertise available to enhance school safety and prevent school crime. The staff of the Center shall give special attention to providing outreach to rural and impoverished communities.]

[SEC. 4129. [20 U.S.C. 7139] GRANTS TO REDUCE ALCOHOL ABUSE.]

[(a) IN GENERAL.—The Secretary, in consultation with the Administrator of the Substance Abuse and Mental Health Services Administration, may award grants from funds made available to carry out this subpart under section 4003(2), on a competitive basis, to local educational agencies to enable such agencies to develop and implement innovative and effective programs to reduce alcohol abuse in secondary schools.

[(b) ELIGIBILITY.—To be eligible to receive a grant under subsection (a), a local educational agency shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including—

[(1) a description of the activities to be carried out under the grant;

[(2) an assurance that such activities will include one or more of the proven strategies for reducing underage alcohol abuse as determined by the Substance Abuse and Mental Health Services Administration;

[(3) an explanation of how activities to be carried out under the grant that are not described in paragraph (2) will be effective in reducing underage alcohol abuse, including references to the past effectiveness of such activities;

[(4) an assurance that the applicant will submit to the Secretary an annual report concerning the effectiveness of the programs and activities funded under the grant; and

[(5) such other information as the Secretary determines appropriate.

[(c) STREAMLINING OF PROCESS FOR LOW-INCOME AND RURAL LEAS.—The Secretary, in consultation with the Administrator of

the Substance Abuse and Mental Health Services Administration, shall develop procedures to make the application process for grants under this section more user-friendly, particularly for low-income and rural local educational agencies.

[(d) RESERVATIONS.—

[(1) SAMHSA.—The Secretary may reserve 20 percent of any amount used to carry out this section to enable the Administrator of the Substance Abuse and Mental Health Services Administration to provide alcohol abuse resources and start-up assistance to local educational agencies receiving grants under this section.

[(2) LOW-INCOME AND RURAL AREAS.—The Secretary may reserve 25 percent of any amount used to carry out this section to award grants to low-income and rural local educational agencies.]

[SEC. 4130. [20 U.S.C. 7140] MENTORING PROGRAMS.]

[(a) PURPOSE; DEFINITIONS.—

[(1) PURPOSE.—The purpose of this section is to make assistance available to promote mentoring programs for children with greatest need—

[(A) to assist such children in receiving support and guidance from a mentor;

[(B) to improve the academic achievement of such children;

[(C) to improve interpersonal relationships between such children and their peers, teachers, other adults, and family members;

[(D) to reduce the dropout rate of such children; and

[(E) to reduce juvenile delinquency and involvement in gangs by such children.

[(2) DEFINITIONS.—In this part:

[(A) CHILD WITH GREATEST NEED.—The term "child with greatest need" means a child who is at risk of educational failure, dropping out of school, or involvement in criminal or delinquent activities, or who lacks strong positive role models.

[(B) ELIGIBLE ENTITY.—The term "eligible entity" means—

[(i) a local educational agency;

[(ii) a nonprofit, community-based organization; or

[(iii) a partnership between a local educational agency and a nonprofit, community-based organization.

[(C) MENTOR.—The term "mentor" means a responsible adult, a postsecondary school student, or a secondary school student who works with a child—

[(i) to provide a positive role model for the child;

[(ii) to establish a supportive relationship with the child; and

[(iii) to provide the child with academic assistance and exposure to new experiences and examples of opportunity that enhance the ability of the child to become a responsible adult.

[(D) STATE.—The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

[(b) GRANT PROGRAM.—

[(1) IN GENERAL.—The Secretary may award grants from funds made available to carry out this subpart under section 4003(2) to eligible entities to assist such entities in establishing and supporting mentoring programs and activities for children with greatest need that—

[(A) are designed to link such children [(particularly children living in rural areas, high-crime areas, or troubled home environments, or children experiencing educational failure) with mentors who—

[(i) have received training and support in mentoring;

[(ii) have been screened using appropriate reference checks, child and domestic abuse record checks, and criminal background checks; and

[(iii) are interested in working with children with greatest need; and

[(B) are intended to achieve one or more of the following goals with respect to children with greatest need:

[(i) Provide general guidance.

[(ii) Promote personal and social responsibility.

[(iii) Increase participation in, and enhance the ability to benefit from, elementary and secondary education.

[(iv) Discourage illegal use of drugs and alcohol, violence, use of dangerous weapons, promiscuous behavior, and other criminal, harmful, or potentially harmful activity.

[(v) Encourage participation in community service and community activities.

[(vi) Encourage setting goals and planning for the future, including encouragement of graduation from secondary school and planning for postsecondary education or training.

[(viii) Discourage involvement in gangs.

[(2) USE OF FUNDS.—

[(A) IN GENERAL.—Each eligible entity awarded a grant under this subsection shall use the grant funds for activities that establish or implement a mentoring program, that may include—

[(i) hiring of mentoring coordinators and support staff;

[(ii) providing for the professional development of mentoring coordinators and support staff;

[(iii) recruitment, screening, and training of mentors;

[(iv) reimbursement to schools, if appropriate, for the use of school materials or supplies in carrying out the mentoring program;

[(v) dissemination of outreach materials;

[(vi) evaluation of the mentoring program using scientifically based methods; and

[(vii) such other activities as the Secretary may reasonably prescribe by rule.

[(B) PROHIBITED USES.—Notwithstanding subparagraph (A), an eligible entity awarded a grant under this section may not use the grant funds—

[(i) to directly compensate mentors;

[(ii) to obtain educational or other materials or equipment that would otherwise be used in the ordinary course of the eligible entity's operations;

[(iii) to support litigation of any kind; or

[(iv) for any other purpose reasonably prohibited by the Secretary by rule.

[(3) AVAILABILITY OF FUNDS.—Funds made available through a grant under this section shall be available for obligation for a period not to exceed 3 years.

[(4) APPLICATION.—Each eligible entity seeking a grant under this section shall submit to the Secretary an application that includes—

[(A) a description of the plan for the mentoring program the eligible entity proposes to carry out with such grant;

[(B) information on the children expected to be served by the mentoring program for which such grant is sought;

[(C) a description of the mechanism the eligible entity will use to match children with mentors based on the needs of the children;

[(D) an assurance that no mentor will be assigned to mentor so many children that the assignment will undermine the mentor's ability to be an effective mentor or the mentor's ability to establish a close relationship (a one-to-one relationship, where practicable) with each mentored child;

[(E) an assurance that the mentoring program will provide children with a variety of experiences and support, including—

[(i) emotional support;

[(ii) academic assistance; and

[(iii) exposure to experiences that the children might not otherwise encounter on their own;

[(F) an assurance that the mentoring program will be monitored to ensure that each child assigned a mentor benefits from that assignment and that the child will be assigned a new mentor if the relationship between the original mentor and the child is not beneficial to the child;

[(G) information regarding how mentors and children will be recruited to the mentoring program;

[(H) information regarding how prospective mentors will be screened;

[(I) information on the training that will be provided to mentors; and

[(J) information on the system that the eligible entity will use to manage and monitor information relating to the mentoring program's—

[(i) reference checks;

[(ii) child and domestic abuse record checks;

[(iii) criminal background checks; and

[(iv) procedure for matching children with mentors.

[(5) SELECTION.—

[(A) COMPETITIVE BASIS.—In accordance with this subsection, the Secretary shall award grants to eligible entities on a competitive basis.

[(B) PRIORITY.—In awarding grants under subparagraph (A), the Secretary shall give priority to each eligible entity that—

[(i) serves children with greatest need living in rural areas, high-crime areas, or troubled home environments, or who attend schools with violence problems;

[(ii) provides high quality background screening of mentors, training of mentors, and technical assistance in carrying out mentoring programs; or

[(iii) proposes a school-based mentoring program.

[(C) OTHER CONSIDERATIONS.—In awarding grants under subparagraph (A), the Secretary shall also consider—

[(i) the degree to which the location of the mentoring program proposed by each eligible entity contributes to a fair distribution of mentoring programs with respect to urban and rural locations;

[(ii) the quality of the mentoring program proposed by each eligible entity, including—

[(I) the resources, if any, the eligible entity will dedicate to providing children with opportunities for job training or postsecondary education;

[(II) the degree to which parents, teachers, community-based organizations, and the local community have participated, or will participate, in the design and implementation of the proposed mentoring program;

[(III) the degree to which the eligible entity can ensure that mentors will develop longstanding relationships with the children they mentor;

[(IV) the degree to which the mentoring program will serve children with greatest need in the 4th through 8th grades; and

[(V) the degree to which the mentoring program will continue to serve children from the 9th grade through graduation from secondary school, as needed; and

[(iii) the capability of each eligible entity to effectively implement its mentoring program.

[(D) GRANT TO EACH STATE.—Notwithstanding any other provision of this subsection, in awarding grants under subparagraph (A), the Secretary shall select not less than one

grant recipient from each State for which there is an eligible entity that submits an application of sufficient quality pursuant to paragraph (4).

[(6) MODEL SCREENING GUIDELINES.—

[(A) IN GENERAL.—Based on model screening guidelines developed by the Office of Juvenile Programs of the Department of Justice, the Secretary shall develop and distribute to each eligible entity awarded a grant under this section specific model guidelines for the screening of mentors who seek to participate in mentoring programs assisted under this section.

[(B) BACKGROUND CHECKS.—The guidelines developed under this subsection shall include, at a minimum, a requirement that potential mentors be subject to reference checks, child and domestic abuse record checks, and criminal background checks.]

[Subpart 3—Gun Possession]

[SEC. 4141. [20 U.S.C. 7151] GUN-FREE REQUIREMENTS.]

[(a) SHORT TITLE.—This subpart may be cited as the "Gun-Free Schools Act".

[(b) REQUIREMENTS.—

[(1) IN GENERAL.—Each State receiving Federal funds under any title of this Act shall have in effect a State law requiring local educational agencies to expel from school for a period of not less than 1 year a student who is determined to have brought a firearm to a school, or to have possessed a firearm at a school, under the jurisdiction of local educational agencies in that State, except that such State law shall allow the chief administering officer of a local educational agency to modify such expulsion requirement for a student on a case-by-case basis if such modification is in writing.

[(2) CONSTRUCTION.—Nothing in this subpart shall be construed to prevent a State from allowing a local educational agency that has expelled a student from such a student's regular school setting from providing educational services to such student in an alternative setting.

[(3) DEFINITION.—For the purpose of this section, the term "firearm" has the same meaning given such term in section 921(a) of title 18, United States Code.

[(c) SPECIAL RULE.—The provisions of this section shall be construed in a manner consistent with the Individuals with Disabilities Education Act.

[(d) REPORT TO STATE.—Each local educational agency requesting assistance from the State educational agency that is to be provided from funds made available to the State under any title of this Act shall provide to the State, in the application requesting such assistance—

[(1) an assurance that such local educational agency is in compliance with the State law required by subsection (b); and

[(2) a description of the circumstances surrounding any expulsions imposed under the State law required by subsection (b), including—

[(A) the name of the school concerned;

[(B) the number of students expelled from such school; and

[(C) the type of firearms concerned.

[(e) REPORTING.—Each State shall report the information described in subsection (d) to the Secretary on an annual basis.

[(f) DEFINITION.—For the purpose of subsection (d), the term "school" means any setting that is under the control and supervision of the local educational agency for the purpose of student activities approved and authorized by the local educational agency.

[(g) EXCEPTION.—Nothing in this section shall apply to a firearm that is lawfully stored inside a locked vehicle on school property, or if it is for activities approved and authorized by the local educational agency and the local educational agency adopts appropriate safeguards to ensure student safety.

[(h) POLICY REGARDING CRIMINAL JUSTICE SYSTEM REFERRAL.—

[(1) IN GENERAL.—No funds shall be made available under any title of this Act to any local educational agency unless such agency has a policy requiring referral to the criminal justice or juvenile delinquency system of any student who brings a firearm or weapon to a school served by such agency.

[(2) DEFINITION.—For the purpose of this subsection, the term "school" has the same meaning given to such term by section 921(a) of title 18, United States Code.]

[Subpart 4—General Provisions]

[SEC. 4151. [20 U.S.C. 7161] DEFINITIONS.]

[In this part:

[(1) CONTROLLED SUBSTANCE.—The term "controlled substance" means a drug or other substance identified under Schedule I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)).

[(2) DRUG.—The term "drug" includes controlled substances; the illegal use of alcohol and tobacco; and the harmful, abusive, or addictive use of substances, including inhalants and anabolic steroids.

[(3) DRUG AND VIOLENCE PREVENTION.—The term "drug and violence prevention" means—

[(A) with respect to drugs, prevention, early intervention, rehabilitation referral, or education related to the illegal use of drugs;

[(B) with respect to violence, the promotion of school safety, such that students and school personnel are free from violent and disruptive acts, including sexual harassment and abuse, and victimization associated with prejudice and intolerance, on school premises, going to and from school, and at school-sponsored activities, through the creation and maintenance of a school environment that is free of weapons and fosters individual responsibility and respect for the rights of others.

[(4) HATE CRIME.—The term "hate crime" means a crime as described in section 1(b) of the Hate Crime Statistics Act of 1990.

[(5) NONPROFIT.—The term "nonprofit", as applied to a school, agency, organization, or institution means a school, agency, organization, or institution owned and operated by one or more nonprofit corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

[(6) PROTECTIVE FACTOR, BUFFER, OR ASSET.—The terms "protective factor", "buffer", and "asset" mean any one of a number of the community, school, family, or peer-individual domains that are known, through prospective, longitudinal research efforts, or which are grounded in a well-established theoretical model of prevention, and have been shown to prevent alcohol, tobacco, or illegal drug use, as well as violent behavior, by youth in the community, and which promote positive youth development.

[(7) RISK FACTOR.—The term "risk factor" means any one of a number of characteristics of the community, school, family, or peer-individual domains that are known, through prospective, longitudinal research efforts, to be predictive of alcohol, tobacco, and illegal drug use, as well as violent behavior, by youth in the school and community.

[(8) SCHOOL-AGED POPULATION.—The term "school-aged population" means the population aged five through 17, as determined by the Secretary on the basis of the most recent satisfactory data available from the Department of Commerce.

[(9) SCHOOL BASED MENTAL HEALTH SERVICES PROVIDER.—The term "school based mental health services provider" includes a State licensed or State certified school counselor, school psychologist, school social worker, or other State licensed or certified mental health professional qualified under State law to provide such services to children and adolescents.

[(10) SCHOOL PERSONNEL.—The term "school personnel" includes teachers, principals, administrators, counselors, social workers, psychologists, nurses, librarians, and other support staff who are employed by a school or who perform services for the school on a contractual basis.

[(11) SCHOOL RESOURCE OFFICER.—The term "school resource officer" means a career law enforcement officer, with sworn authority, deployed in community oriented policing, and assigned by the employing police department to a local educational agency to work in collaboration with schools and community based organizations to—

[(A) educate students in crime and illegal drug use prevention and safety;

[(B) develop or expand community justice initiatives for students; and

[(C) train students in conflict resolution, restorative justice, and crime and illegal drug use awareness.]

[SEC. 4152. [20 U.S.C. 7162] MESSAGE AND MATERIALS.]

[(a) "WRONG AND HARMFUL" MESSAGE.—Drug and violence prevention programs supported under this part shall convey a clear and consistent message that the illegal use of drugs and acts of violence are wrong and harmful.

[(b) CURRICULUM.—The Secretary shall not prescribe the use of specific curricula for programs supported under this part.]

[SEC. 4153. [20 U.S.C. 7163] PARENTAL CONSENT.]

[Upon receipt of written notification from the parents or legal guardians of a student, the local educational agency shall withdraw such student from any program or activity funded under this part. The local educational agency shall make reasonable efforts to inform parents or legal guardians of the content of such programs or activities funded under this part, other than classroom instruction.]

[SEC. 4154. [20 U.S.C. 7164] PROHIBITED USES OF FUNDS.]

[No funds under this part may be used for—

[(1) construction (except for minor remodeling needed to accomplish the purposes of this part); or

[(2) medical services, drug treatment or rehabilitation, except for pupil services or referral to treatment for students who are victims of, or witnesses to, crime or who illegally use drugs.]

[SEC. 4155. [20 U.S.C. 7165] TRANSFER OF SCHOOL DISCIPLINARY RECORDS.]

[(a) NONAPPLICATION OF PROVISIONS.—This section shall not apply to any disciplinary records with respect to a suspension or expulsion that are transferred from a private, parochial or other nonpublic school, person, institution, or other entity, that provides education below the college level.

[(b) DISCIPLINARY RECORDS.—In accordance with the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g), not later than 2 years after the date of enactment of this part, each State receiving Federal funds under this Act shall provide an assurance to the Secretary that the State has a procedure in place to facilitate the transfer of disciplinary records, with respect to a suspension or expulsion, by local educational agencies to any private or public elementary school or secondary school for any student who is enrolled or seeks, intends, or is instructed to enroll, on a full- or part-time basis, in the school.]

PART A—IMPROVING LITERACY INSTRUCTION AND STUDENT ACHIEVEMENT

SEC. 4101. SHORT TITLE.

This part may be cited as the "Improving Literacy Instruction and Student Achievement Act".

SEC. 4102. PURPOSES.

The purposes of this part are—

(1) to improve student academic achievement in reading and writing by providing Federal support to State educational agencies to develop, coordinate, and implement comprehensive literacy plans that ensure high-quality instruction and effective strategies in reading and writing from early education through grade 12; and

(2) to assist State educational agencies in achieving the purpose described in paragraph (1) by—

(A) supporting the development and implementation of comprehensive early learning through grade 12 literacy programs in every State that are based on scientifically valid research, to ensure that every child can read and write at grade level or above;

(B) providing children with learning opportunities in high-quality, language rich, literature rich, informational text rich, culturally relevant, and developmentally appropriate environments so that the children develop the fundamental knowledge and skills necessary for literacy engagement, development, and achievement in kindergarten through grade 12;

(C) educating parents in the ways the parents can support their child's communication and literacy development;

(D) supporting efforts to link and align standards and research-based instruction and teaching practices in early learning programs;

(E) supporting high-quality and effective strategies for children to develop oral language, reading, and writing abilities through high-quality research-based instruction and teaching practices;

(F) improving academic achievement by establishing adolescent literacy initiatives that provide explicit and systematic instruction in oral language, reading, and writing development across the curriculum;

(G) identifying and supporting children reading and writing significantly below grade level by providing research-based, intensive interventions, including interventions conducted during extended learning time, to help the children acquire the language and literacy skills the children need to stay on track for graduation;

(H) providing assistance to local educational agencies in order to provide educators with ongoing, job embedded professional development, and other support, that focuses on—

(i) effective literacy instruction; and

(ii) the special knowledge and skills necessary to teach and support literacy development effectively across the developmental and age span;

(I) supporting State educational agencies and local educational agencies in improving reading, writing, and literacy-based academic achievement for children, especially children who are low-income individuals, are English learners, are migratory, are children with disabilities, are Indian or Alaskan Native, are neglected or delinquent, are homeless, are in the custody of the child welfare system, or have dropped out of school;

(J) supporting State educational agencies and local educational agencies in using age appropriate and developmentally and linguistically appropriate instructional materials and strategies that assist teachers as the teachers work with children to develop reading and writing competencies appropriate to the children's grade and skill levels;

(K) strengthening coordination among schools, early literacy programs, family literacy programs, juvenile justice programs, public libraries, and outside-of-school programs that provide children with strategies, curricula, interventions, and assessments designed to advance early and continuing language and literacy development in ways appropriate for each context;

(L) supporting professional development for educators based on scientific approaches to adult learning; and

(M) evaluating whether the professional development activities and approaches are effective in building knowledge and skills of educators and their use of appropriate and effective practices.

SEC. 4103. DEFINITIONS.

In this part:

(1) CHILD.—The term "child" means an individual from the age of birth through the final year for which the State provides free public education.

(2) CLASSROOM-BASED INSTRUCTIONAL ASSESSMENT.—The term "classroom-based instructional assessment" means an assessment for children from birth through grade 3 that—

(A) is valid and reliable for the age and population of children served in the program;

(B) is used to evaluate children's developmental progress and learning and includes systematic observations by teachers of children performing tasks, including academic and literacy tasks, that are part of the children's daily classroom experience; and

(C) is used to improve classroom instruction.

(3) COMPREHENSIVE LITERACY INSTRUCTION.—The term "comprehensive literacy instruction" means instruction that—

(A) incorporates effective literacy instruction; and

(B) is designed to support—

(i) developmentally appropriate, contextually explicit, systematic instruction, and frequent practice, in reading across content areas; and

(ii) developmentally appropriate and contextually explicit instruction, and frequent practice, in writing across content areas.

(4) DEVELOPMENTAL DELAY.—The term "developmental delay" has the meaning given the term in section 632 of the Individuals with Disabilities Education Act (20 U.S.C. 1432).

(5) EARLY LEARNING PROGRAM.—The term "early learning program" means a program serving children between the ages of birth and kindergarten entry.

(6) EFFECTIVE LITERACY INSTRUCTION.—

(A) IN GENERAL.—The term "effective literacy instruction" means literacy instruction that—

(i) includes age-appropriate, explicit, systematic, and intentional instruction in phonological awareness, phonic decoding, vocabulary, language structure, reading fluency, and reading comprehension;

(ii) includes age-appropriate, explicit instruction in writing, including opportunities for children to write

with clear purposes, with critical reasoning appropriate to the topic and purpose, and with specific instruction and feedback from instructional staff;

(iii) makes available and uses diverse, high-quality print materials that reflect the reading and development levels, and interests, of children;

(iv) uses differentiated instructional approaches, including individual and small group instruction and discussion;

(v) provides opportunities for children to use language with peers and adults in order to develop language skills, including developing vocabulary;

(vi) includes frequent practice of reading and writing strategies;

(vii) uses age-appropriate, valid, and reliable screening assessments, diagnostic assessments, formative assessments, and summative assessments to identify a child's learning needs, to inform instruction, and to monitor the child's progress and the effects of instruction;

(viii) uses strategies to enhance children's motivation to read and write and children's engagement in self-directed learning;

(ix) incorporates the principles of universal design for learning;

(x) depends on teachers' collaboration in planning, instruction, and assessing a child's progress and on continuous professional learning; and

(xi) links literacy instruction to the State college and career ready academic content standards under section 1111(a)(1), including the ability to navigate, understand, and write about, complex print and digital subject matter.

(B) BIRTH THROUGH KINDERGARTEN.—When used with respect to instruction for children from birth to kindergarten entry, the term "effective literacy instruction" also includes—

(i) developing such children's alphabet knowledge, reading aloud to children, discussing reading and writing with children, and modeling age and developmentally appropriate reading and writing strategies; and

(ii) encouraging children's early attempts at oral communication, reading, and writing.

(C) KINDERGARTEN THROUGH GRADE 12.—When used with respect to the instruction of children in kindergarten through grade 12, the term "effective literacy instruction" also includes—

(i) providing systematic and intensive interventions, which can be provided inside or outside the classroom as well as before, during, or after regular school hours, to supplement regular instruction for children reading below grade level;

(ii) providing reading and writing opportunities that build academic vocabulary and knowledge of different text structures in core academic subjects;

(iii) enabling children to write, communicate, and create knowledge, in ways that fit purpose, audience, occasion, discipline, and format, including practice in—

(I) adhering to language conventions, including spelling, punctuation, and grammar;

(II) planning and revising to improve clarity, coherence, logical development, and language usage; and

(III) writing individually and collaboratively with feedback from instructors and peers; and

(iv) cultivating shared responsibility for children's literacy learning by coordinating writing tasks, instructional practices, and criteria for feedback across academic content areas.

(7) ELIGIBLE ENTITY.—The term "eligible entity" means an entity—

(A) that serves high-need children; and

(B)(i) when used with respect to a subgrant under section 4108, that consists of—

(I) 1 or more local educational agencies providing early learning programs that have a demonstrated record of providing comprehensive literacy instruction for the age group such agencies or programs propose to serve;

(II) 1 or more public or private early learning programs, such as a Head Start program, a child care program, a State-funded prekindergarten program, a public library program, or a family literacy program, that have a demonstrated record of providing comprehensive literacy instruction for the age group such programs propose to serve; or

(III) 1 or more local educational agencies providing early learning programs, or 1 or more public or private early learning programs, such as a Head Start program, a child care program, a State-funded prekindergarten program, a public library program, or a family literacy program, in partnership with 1 or more public or private nonprofit organizations or agencies that have a demonstrated record of effectiveness—

(aa) in improving the early literacy development of children from birth through kindergarten entry; and

(bb) in providing professional development aligned with the activities described in section 4108(e)(1); or

(ii) when used with respect to a subgrant under section 4109—

(I) that is—

(aa) a local educational agency;

(bb) a consortium of local educational agencies; or

(cc) a local educational agency or consortium of local educational agencies acting in partnership with 1 or more public or private nonprofit organizations or agencies that have a demonstrated record of effectiveness in—

(AA) improving literacy achievement of children consistent with the purposes of their participation from kindergarten through grade 12; and

(BB) providing professional development aligned with the activities described in subsection (b) and (c) of section 4109; and

(II)(aa) has the highest numbers or proportion of children who are counted under section 1124(c), in comparison to other local educational agencies in the State;

(bb) is among or consists of the local educational agencies in the State with the highest numbers or percentages of children reading or writing below grade level, based on the most currently available State academic assessment data under section 1111(a); or

(cc) has jurisdiction over a significant number or percentage of schools that are identified as persistently low-achieving under section 1116(c)(2).

(8) ENGLISH LANGUAGE ACQUISITION.—

(A) IN GENERAL.—The term "English language acquisition" means the process by which a non-native English speaker acquires proficiency in speaking, listening, reading, and writing the English language.

(B) INCLUSIONS FOR ENGLISH LEARNERS IN SCHOOL.—For an English learner in school, such term includes not only the social language proficiency needed to participate in the school environment, but also the academic language proficiency needed to acquire literacy and academic content and demonstrate the child's learning.

(9) FAMILY LITERACY SERVICES.—The term "family literacy services" means literacy services provided to participants on a voluntary basis that are of sufficient intensity and quality, that better enable parents to support their children's learning needs, and that integrate—

(A) interactive literacy activities between or among family members who are primary caregivers and their children, including family literacy education to improve literacy of parents; and

(B) training for family members who are primary caregivers regarding how to be the primary teacher for their children and full partners in the education of their children.

(10) FORMATIVE ASSESSMENT.—The term "formative assessment" means an assessment that—

(A) is teacher-generated or selected by teachers or instructional leaders for use during learning;

(B) is embedded within the learning activity and linked directly to the intended outcomes of the current unit of instruction; and

(C) provides feedback to help adjust ongoing teaching and learning to improve children's achievement of intended instructional outcomes.

(11) HIGH-QUALITY PROFESSIONAL DEVELOPMENT.—The term "high-quality professional development" means professional development that—

(A) is job-embedded, ongoing, and based on scientifically valid research;

(B) is sustained, intensive, and classroom-focused, and is not limited in scope to a 1-day or short-term workshop or conference;

(C) is designed to increase the knowledge and expertise of teachers, early childhood educators and administrators, principals, other instructional leaders, and other program staff in applying—

(i) effective literacy instruction; and

(ii) instructional strategies and practices that are appropriate to the age, development, and needs of children and improve learning, including strategies and practices consistent with the principles of universal design for learning;

(D) includes and supports teachers in effectively administering age and developmentally appropriate assessments, and analyzing the results of these assessments for the purposes of planning, monitoring, adapting, and improving effective classroom instruction or teaching strategies to improve child literacy;

(E) includes instructional strategies utilizing one-to-one, small group, and classroom-based instructional materials and approaches based on scientifically valid research on literacy;

(F) provides ongoing instructional literacy coaching—

(i) to ensure high-quality implementation of comprehensive literacy instruction that is—

(I) content centered;

(II) integrated across the curriculum;

(III) collaborative; and

(IV) school, setting, and classroom embedded; and

(ii) that uses student data to improve instruction;

(G) includes and supports teachers in setting high reading and writing achievement goals for all children and provides the teachers with the instructional tools and skills to help children reach such goals;

(H) for educators serving children in kindergarten through grade 12—

(i) supports effective literacy instruction through core academic subjects, and through career and technical education subjects where such career and technical

education subjects provide for the integration of core academic subjects; and

(ii) includes explicit instruction in discipline-specific thinking and how to read and interpret discipline-specific text structures and features;

(I) is differentiated for educators working with children from birth through kindergarten entry, children in kindergarten through grade 3, and children in grades 4 through 12, and, as appropriate, based on the grade or needs of the children; and

(J) supports family literacy experiences and practices, and educating parents, teachers, and other caregivers about literacy development and child literacy development.

(12) INSTRUCTIONAL LEADER.—The term "instructional leader" means an individual who—

(A) is an employee or officer of a school; and

(B) is responsible for—

(i) the school's performance; and

(ii) the daily instructional and managerial operations of the school.

(13) LITERACY COACH.—The term "literacy coach" means a professional—

(A) who has—

(i) previous teaching experience; and

(ii)(I) a master's degree with a concentration in reading and writing education or demonstrated proficiency in teaching reading or writing in a core academic subject consistent with effective literacy instruction; or

(II) in the case of a literacy coach for children from birth through kindergarten entry, a concentration, credential, or significant experience in child development and early literacy development;

(B) who supports teachers to—

(i) apply research on how children become successful readers, writers, and communicators;

(ii) apply multiple forms of assessment to guide instructional decisionmaking and use data to improve literacy instruction;

(iii) improve children's writing and reading in and across content areas such as mathematics, science, social studies, and language arts;

(iv) develop and implement differentiated instruction and teaching approaches to serve the needs of the full range of learners, including English learners and children with disabilities;

(v) apply principles of universal design for learning;

(vi) employ best practices in engaging principals, early learning program educators and administrators, teachers, and other relevant professionals to change school cultures that encourage and support literacy development and achievement; and

(vii) set for children birth through kindergarten developmentally appropriate expectations for language and literacy development, and high reading and writ-

ing achievement goals for all children and select, acquire, and use instructional tools and skills to help children reach such goals; and

(C) whose role with teachers and professionals supporting literacy instruction is—

(i) to provide high-quality professional development, consistent with the definition of comprehensive literacy instruction;

(ii) to work cooperatively and collaboratively with principals, teachers, and other professionals in employing strategies to help teachers identify and support child literacy and language development needs and teach literacy across the content areas and developmental domains; and

(iii) to work cooperatively and collaboratively with other professionals in employing strategies to help teachers teach literacy across the content areas so that the teachers can meet the needs of all children, including children with disabilities, English learners, and children who are reading at or above grade level.

(14) LOCAL EDUCATIONAL AGENCY.—The term "local educational agency"—

(A) has the meaning given the term in section 9101; and

(B) includes any public charter school that constitutes a local educational agency under State law.

(15) READING.—The term "reading" means a complex system of deriving meaning from print that is developmentally appropriate, that requires all of the following:

(A) The skills and knowledge to understand how phonemes, or speech sounds, are connected to print.

(B) The ability to read with comprehension.

(C) The ability to decode unfamiliar words with fluency.

(D) The use of background knowledge and vocabulary to make meaning from a text.

(E) The development and use of appropriate active strategies to interpret and construct meaning from print.

(F) The development and maintenance of a motivation to read.

(16) SCIENTIFICALLY VALID RESEARCH.—The term "scientifically valid research" has the meaning given the term in section 200 of the Higher Education Act of 1965 (20 U.S.C. 1021).

(17) SCREENING ASSESSMENT.—The term "screening assessment" means an assessment that is—

(A) valid, reliable, and based on scientifically based reading research; and

(B) a brief procedure designed as a first step in identifying children who may be at high risk for delayed development or academic failure and in need of further diagnosis of their need for special services or additional reading instruction.

(18) STATE.—The term "State" means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

(19) STATE LITERACY LEADERSHIP TEAM.—

(A) IN GENERAL.—The term "State literacy leadership team" means a team that—

(i) is appointed and coordinated by the State educational agency;

(ii) assumes the responsibility to guide the development and implementation of a statewide, comprehensive literacy plan;

(iii) shall include, at a minimum—

(I) a school principal with literacy expertise;

(II) a teacher with literacy expertise;

(III) a teacher or administrator with expertise in special education;

(IV) a teacher or administrator with expertise in teaching the English language to English learners;

(V) a representative from the State educational agency who oversees literacy initiatives; and

(VI) a representative from higher education who is actively involved in research, development, or teacher preparation in comprehensive literacy instruction and intervention based on scientifically valid research;

(iv) may include—

(I) a literacy specialist serving in a school district within the State;

(II) a literacy coach;

(III) a librarian;

(IV) a representative with family literacy expertise;

(V) a representative from a State child-serving agency with expertise in comprehensive language and literacy instruction and strategies;

(VI) a school counselor;

(VII) a teacher of a core academic subject;

(VIII) a special education administrator;

(IX) a professor from a 4-year institution of higher education;

(X) a parent;

(XI) a business leader;

(XII) the Governor or a delegated representative of the Governor;

(XIII) a representative from the State board of education;

(XIV) a representative from the State legislature;

(XV) a representative of a nonprofit and community-based organization providing comprehensive literacy instruction and support; and

(XVI) a representative from a school district superintendent's office; and

(v) shall include, among the individuals selected to be members of the council pursuant to clauses (iii) and (iv), not less than 5 individuals who have literacy expertise in 1 of each of the areas of—

(I) birth through kindergarten entry, such as the State Head Start collaboration director;

(II) kindergarten entry through grade 3;
(III) grades 4 through 12;
(IV) English learners; and
(V) special education.

(B) INCLUSION OF A PREEXISTING PARTNERSHIP.—If, before the date of enactment of the Elementary and Secondary Education Reauthorization Act of 2011, a State educational agency established a consortium, partnership, or any other similar body that was considered a literacy partnership for purposes of subpart 1 or 2 of part B of title I (as such title was in effect on such date) and that includes the individuals required under clauses (iii) and (v) of subparagraph (A), such consortium, partnership, or body may be considered a State literacy leadership team for purposes of subparagraph (A).

(20) SUMMATIVE ASSESSMENT.—The term "summative assessment" means an assessment that—

(A) is valid, reliable, and based on scientifically valid research on literacy and English language acquisition; and

(B) for children from birth through kindergarten entry, measures how young children have progressed over time relative to developmental norms, and for children in kindergarten through grade 12, measures what children have learned over time, relative to academic content standards.

(21) WRITING.—The term "writing" means—

(A) composing meaning in print or through other media, including technologies, to communicate and to create new knowledge in ways appropriate to the context of the writing and the literacy development stage of the writer;

(B) composing ideas individually and collaboratively in ways that are appropriate for a variety of purposes, audiences, and occasions;

(C) choosing vocabulary, tone, genre, and conventions, such as spelling and punctuation, suitable to the purpose, audience, and occasion; and

(D) revising compositions for clarity of ideas, coherence, logical development, and precision of language use.

SEC. 4104. PROGRAM AUTHORIZED.

(a) RESERVATIONS AND AWARDS TO STATE EDUCATIONAL AGENCIES.—

(1) IN GENERAL.—From the amounts appropriated to carry out this part for a fiscal year, the Secretary shall—

(A) reserve not more than a total of 4 percent of such amounts for dissemination of information and technical assistance under section 4110;

(B) reserve not more than 5 percent of such amounts to award planning grants, on a competitive basis, to State educational agencies serving States, in accordance with section 4105;

(C) in the case of a fiscal year for which the amounts to carry out this part are less than $500,000,000, use the amount not reserved under subparagraphs (A) and (B) to make awards, on a competitive basis, to State educational agencies serving States that have applications approved

under section 4106 to enable the State educational agencies to carry out the activities described in section 4106(a); and

(D) in the case of a fiscal year for which the amounts appropriated to carry out this part are equal to or exceeding $500,000,000—

(i) reserve a total of 1 percent of such amount for—

(I) allotments for the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, to be distributed among such outlying areas on the basis of their relative need, as determined by the Secretary in accordance with the purposes of this part; and

(II) the Secretary of the Interior for programs under sections 4105 through 4109 in schools operated or funded by the Bureau of Indian Education; and

(ii) use the amount not reserved under clause (i) and subparagraphs (A) and (B) to make awards, as described in paragraph (2), to State educational agencies serving States that have applications approved under section 4106 to enable the State educational agencies to carry out the activities described in section 4106(a).

(2) SPECIAL RULES FOR YEARS WITH FUNDS EQUAL OR EXCEEDING $500,000,000.—

(A) PROPORTIONAL DIVISION.—In each fiscal year described in paragraph (1)(D), the amount reserved under paragraph (1)(D)(i) shall be divided between the uses described in subclauses (I) and (II) of such paragraph in the same proportion as the amount reserved under section 1121(a) is divided between the uses described in paragraphs (1) and (2) of such section for such fiscal year.

(B) CONSULTATION.—A State educational agency that receives an allotment under paragraph (1)(D)(ii) shall engage in timely and meaningful consultation with representatives of Indian tribes located in the State in order to improve the coordination and quality of activities designed to develop effective approaches to achieve the purposes of this part consistent with the cultural, language, and educational needs of Indian children.

(C) STATE ALLOTMENT FORMULA.—The Secretary shall allot the amount made available under paragraph (1)(D)(ii) for a fiscal year among the States in proportion to the number of children, from birth through age 17, who reside within the State and are from families with incomes below the poverty line for the most recent fiscal year for which satisfactory data are available, compared to the number of such children who reside in all States for that fiscal year.

(3) MINIMUM AWARD AMOUNT.—No State educational agency receiving an award under this section for a fiscal year may receive less than one-fourth of 1 percent of the total amount appropriated to carry out this part for the fiscal year.

(4) PUERTO RICO.—The amount allotted under paragraph (1)(C) to the Commonwealth of Puerto Rico for a fiscal year

may not exceed one-fourth of 1 percent of the total amount appropriated to carry out this part for such fiscal year.

(b) PEER REVIEW.—

(1) IN GENERAL.—The Secretary shall convene a peer review panel to evaluate the applications to carry out section 4105 or 4106 using the evaluation criteria described in paragraph (2).

(2) DEVELOPMENT OF EVALUATION CRITERIA.—The Secretary shall report to the authorizing committees regarding the peer review process and evaluation criteria that shall be used to evaluate the grant applications to carry out sections 4105 and 4106.

(3) MEMBERSHIP.—

(A) COMPOSITION.—A peer review panel convened under paragraph (1) shall be composed of not less than 9 members, of whom—

(i) 3 shall be appointed by the Secretary;

(ii) 3 shall be appointed by the Secretary from among individuals—

(I) recommended by the Chairman of the National Research Council of the National Academy of Sciences; and

(II) with expertise in comprehensive language and literacy instruction and strategies; and

(iii) 3 shall be appointed by the Secretary from among individuals—

(I) recommended by the Director of the National Institute of Child Health and Human Development; and

(II) with expertise concerning literacy development in children from birth through grade 12.

(B) COMPETENCY AND EXPERTISE; EXPERTISE.—The peer review panel convened under paragraph (1) may include—

(i) classroom teachers with expertise in literacy, and literacy coaches, including—

(I) special education teachers;

(II) teachers of children who are English learners; and

(III) early childhood educators;

(ii) experts who provide high-quality professional development to teachers and other instructional staff to support children's literacy development;

(iii) experts in the screening assessment, diagnostic assessment, and other assessment of children's literacy development; and

(iv) experts in comprehensive literacy instruction and strategies in reading and writing, language development, and English language acquisition, as appropriate, including reading and writing in core academic subjects.

(4) DISTRIBUTION OF RECOMMENDATIONS.—Not later than 120 days after a peer review panel submits to the Secretary the panel's recommendation regarding an application by a State educational agency for a grant under section 4105 or 4106, the Secretary shall notify the State educational agency that the appli-

cation has been approved or disapproved and shall provide to such State educational agency a copy of the peer review panel's recommendation.

(c) CONFLICTS OF INTEREST.—

(1) PEER REVIEW PANELS.—The Secretary shall ensure that each member of a peer review panel described in subsection (b) does not stand to benefit financially from a grant or subgrant awarded under this part.

(2) STATE LITERACY LEADERSHIP TEAMS.—Each State educational agency that receives funding under this part shall ensure that each member of a State literacy leadership team participating in a program or activity assisted under this part does not stand to benefit financially from a grant or subgrant awarded under this part.

(d) SUPPLEMENT NOT SUPPLANT.—Award funds provided under this part shall supplement, and not supplant, non-Federal funds that would, in the absence of such award funds, be made available for literacy instruction and support of children participating in programs assisted under this part.

(e) MAINTENANCE OF EFFORT.—Each State educational agency that receives a grant or allotment under this section, and each eligible entity that receives a subgrant under section 4108 or 4109, shall maintain for the fiscal year for which the grant or subgrant is received and for each subsequent fiscal year the expenditures of the State educational agency or eligible entity, respectively, for literacy instruction at a level not less than the level of such expenditures maintained by the State educational agency or eligible entity, respectively, for the fiscal year preceding such fiscal year for which the grant or subgrant is received.

SEC. 4105. STATE PLANNING GRANTS.

(a) PLANNING GRANTS AUTHORIZED.—

(1) IN GENERAL.—From amounts made available under section 4104(a)(1)(B), the Secretary may award planning grants to State educational agencies to enable the State educational agencies to complete comprehensive planning to carry out activities that improve literacy for children from birth through grade 12.

(2) GRANT PERIOD.—A planning grant awarded under this section shall be for a period of not more than 1 year.

(3) NONRENEWABILITY.—The Secretary shall not award a State educational agency more than 1 planning grant under this section.

(b) APPLICATION.—

(1) IN GENERAL.—Each State educational agency desiring a planning grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

(2) CONTENTS.—Each application submitted under this subsection shall, at a minimum, include a description of how the State educational agency will develop a plan for improving State efforts to develop, coordinate, implement, and assess comprehensive literacy activities that ensure high-quality instruction and effective strategies in reading and writing for all children in early learning programs and kindergarten through grade 12 programs. Such plan shall—

(A) describe the activities for which assistance under this section is sought, demonstrating a particular focus on children who are reading or writing below grade level and children whose early literacy skills are below the appropriate age or developmental level;

(B) provide a budget for the use of the planning grant funds to complete the required activities described in subsection (c);

(C) include an analysis of data on child literacy and language and student academic achievement in reading to identify and establish baseline and benchmark levels against which to monitor child progress and improvement in literacy; and

(D) provide an assurance that all State agencies responsible for administering early learning programs and services (including the State Head Start Collaboration Office and the State agency responsible for administering child care) and the State Advisory Council on Early Childhood Education and Care collaborated with the State educational agency to write the early learning portion of the grant application submitted under this subsection.

(3) APPROVAL OF APPLICATIONS.—The Secretary shall evaluate applications under this subsection based on the responsiveness of the applications to the requirements under this subsection.

(c) REQUIRED ACTIVITIES.—A State educational agency receiving planning grant funds under this section shall carry out each of the following activities:

(1) Reviewing reading, writing, or other language and literacy resources and programs, such as school library programs, and data across the State to identify any literacy needs and gaps in the State.

(2) Forming or designating a State literacy leadership team which shall execute the following functions:

(A) Creating a comprehensive State literacy plan that—

(i) is designed to improve language development, reading, writing, and academic achievement for children, especially children reading below grade level and children whose literacy skills are below the appropriate age or developmental level;

(ii) includes—

(I) a needs assessment and an implementation plan, including an analysis of data on child literacy and student academic achievement in reading to identify baseline and benchmark levels of literacy and early literacy skills in order to monitor progress and improvement; and

(II) a plan to improve reading achievement among all children;

(iii) ensures high-quality instruction, consistent with the characteristics of effective literacy instruction and strategies, in early learning programs and kindergarten through grade 12 programs; and

(iv) provides for activities designed to improve literacy achievement for children who read or write below grade level, including such children who—

(I) attend schools that are identified under section 1116(c)(2); or

(II) are counted under section 1124(c);

(B) Providing recommendations to guide the State educational agency in the State educational agency's process of strengthening State literacy standards and embedding State literacy standards with the State's college and career ready academic content standards and college and career ready student academic achievement standards, and early learning and development standards.

(C) Providing recommendations to guide the State educational agency in the State educational agency's process of measuring, assessing, and monitoring progress in literacy at the school, local educational agency, and State levels.

(D) Identifying criteria for high-quality professional development providers, which providers may include qualified teachers within the State, for the State educational agency and local educational agencies.

(E) Advising the State educational agency on how to help ensure that local educational agencies and schools provide timely and appropriate data to teachers to inform and improve instruction.

(F) Providing recommendations to guide the State educational agency in the State educational agency's planning process of building educators' capacity to provide high-quality comprehensive literacy instruction.

SEC. 4106. STATE IMPLEMENTATION GRANTS.

(a) IMPLEMENTATION GRANTS AUTHORIZED.—

(1) IN GENERAL.—From amounts made available under subparagraphs (C) or (D)(ii) of section 4104(a)(1) (as applicable), the Secretary shall award implementation grants to State educational agencies to enable the State educational agencies—

(A) to implement the comprehensive literacy plan that meets the criteria in section 4105(c)(2)(A) for early learning programs and kindergarten through grade 12 programs;

(B) to carry out State activities under section 4107; and

(C) to award subgrants under sections 4108 and 4109.

(2) LIMITATION.—The Secretary shall not award an implementation grant under this section to a State for any year for which the State has received a planning grant under section 4105.

(3) DURATION OF GRANTS.—An implementation grant under this section shall be awarded for a period of not more than 5 years.

(4) RENEWALS.—

(A) IN GENERAL.—The Secretary may renew a grant under this section for a period of not more than 2 years.

(B) CONDITIONS.—In order to be eligible to have an implementation grant renewed under this paragraph, the State educational agency shall demonstrate to the satisfaction of the Secretary that, during the project period—

(i) with respect to children from birth through kindergarten entry, the State educational agency has collaborated with the State agencies that oversee child care and other early learning programs, and has collaborated with the State Advisory Council on Early Childhood Education and Care, to comply with the terms of the grant, including using the funds—

(I) to increase access to high-quality professional development;

(II) for developmentally appropriate curricula and teaching materials; and

(III) for developmentally appropriate classroom-based instructional assessments and developmentally appropriate screening assessments and diagnostic assessments; and

(ii) with respect to children in kindergarten through grade 12, demonstrates that there has been significant progress in student academic achievement, as measured by appropriate assessments, including the assessments included in the State accountability system under section 1111(a)(3)(A).

(b) STATE APPLICATIONS.—

(1) IN GENERAL.—A State educational agency that desires to receive an implementation grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. The State educational agency shall collaborate with the State agency responsible for administering early learning programs and the State agency responsible for administering child care programs in the State in writing and implementing the early learning portion of the grant application under this subsection.

(2) CONTENTS.—An application described in paragraph (1) shall include the following:

(A) A description of the members of the State literacy leadership team and a description of how the State educational agency has developed a comprehensive State literacy plan, consistent with the requirements of section 4105(c)(2)(A).

(B) An implementation plan that includes a description of how the State educational agency will—

(i) carry out the State activities described in section 4107;

(ii) assist eligible entities with—

(I) providing strategic and intensive comprehensive literacy instruction based on scientifically valid research for children who are reading and writing below grade level, including through—

(aa) the use of multitiered systems of support; and

(bb) addressing the literacy needs of children with disabilities or developmental delays and English learners in programs serving children from birth through grade 12;

(II) providing training to parents, as appropriate, so that the parents can participate in the literacy related activities described in sections 4108 and 4109 to assist in the language and literacy development of their children;

(III) selecting and using reading and writing assessments;

(IV) providing classroom-based instruction that is supported by one-to-one and small group work;

(V) using curricular materials and instructional tools, which may include technology, to improve instruction and literacy achievement;

(VI) providing for high-quality professional development; and

(VII) using the principles of universal design for learning;

(iii) ensure that local educational agencies in the State have leveraged and are effectively leveraging the resources needed to implement effective comprehensive literacy instruction, and have the capacity to implement literacy initiatives effectively; and

(iv) continually coordinate and align the activities assisted under this part with reading, writing, and other literacy resources and programs across the State and locally that serve children and their families and promote comprehensive literacy instruction and learning, including strengthening partnerships among schools, libraries, local youth-serving agencies, and programs, in order to improve literacy for all children.

(C) A description of the key data metrics, and the performance targets for such metrics, that will be used and reported annually under section 4111(b)(1), which shall include—

(i) metrics established consistent with section 1111(a)(3)(A), for children in grades 3 through 12; and

(ii) the relevant program metrics and performance targets that the State shall use to monitor the implementation of its plan under section 4111.

(D) An assurance that the State educational agency, and any eligible entity receiving a subgrant from the State educational agency under section 4108 or 4109, will, if requested, participate in the national evaluation under section 4110.

(E) An assurance that the State educational agency will use implementation grant funds for literacy programs as follows:

(i) Not less than 10 percent of such grant funds shall be used for State and local programs and activities pertaining to children from birth through kindergarten entry.

(ii) Not less than 30 percent of such grant funds shall be used for State and local programs and activities, allocated equitably among the grades of kindergarten through grade 5.

(iii) Not less than 30 percent of such grant funds shall be used for State and local programs and activities, allocated equitably among grades 6 through 12.

(iv) Not more than 10 percent of such implementation grant funds shall be used for the State activities described in section 4107.

(F) An assurance that the State educational agency shall give priority to awarding a subgrant to an eligible entity—

(i) under section 4108 based on the number or percentage of children younger than the age of kindergarten entry who are—

(I) served by the eligible entity; and

(II) from families with income levels below the poverty line; and

(ii) under section 4109 based on—

(I) the number or percentage of children from birth through age 17 who are—

(aa) served by the eligible entity; and

(bb) from families with income levels below the poverty line; and

(II) the number or percentage of children in kindergarten through grade 12 served by the eligible entity who are reading and writing below grade level according to State assessments.

(c) APPROVAL OF APPLICATIONS.—

(1) IN GENERAL.—The Secretary shall evaluate State educational agency applications under subsection (b) based on the responsiveness of the applications to the application requirements under such subsection.

(2) PEER REVIEW.—The Secretary shall convene a peer review panel in accordance with section 4104(b) to evaluate applications for each implementation grant awarded to a State educational agency under this section.

(3) EARLY LEARNING.—In order for a State educational agency's application under this section to be approved by the Secretary, the application shall contain an assurance that the State agencies responsible for administering early learning programs and services, including the State agency responsible for administering child care programs, and the State Advisory Council on Early Childhood Education and Care, approve of and will be extensively consulted in the implementation of activities consistent with section 4108, with respect to the early learning portion of the application.

SEC. 4107. STATE ACTIVITIES.

(a) REQUIRED ACTIVITIES.—A State educational agency shall use the implementation grant funds described in section 4106(b)(2)(E)(iv) to carry out the activities proposed in a State's implementation plan under section 4106(b)(2)(B), including the following activities:

(1) In consultation with the State literacy leadership team, providing technical assistance, or engaging qualified providers to provide technical assistance, to eligible entities to enable the eligible entities to design and implement literacy programs under section 4108 or 4109.

(2) Consulting with the State literacy leadership team and coordinating with institutions of higher education in the State—

(A) in order to provide recommendations to strengthen and enhance preservice courses for students preparing, at institutions of higher education in the State, to teach children from birth through grade 12 in explicit, systematic, and intensive instruction in evidence-based literacy methods; and

(B) by following up on reviews completed by the State literacy leadership team with recommendations to ensure that such institutions offer courses that meet the highest standards.

(3) Reviewing and updating, in collaboration with teachers, statewide educational and professional organizations representing teachers, and statewide educational and professional organizations representing institutions of higher education, State licensure or certification standards in the area of literacy instruction in early education through grade 12.

(4) Making publicly available, including on the State educational agency's website, information on promising instructional practices to improve child literacy achievement.

(b) PERMISSIVE ACTIVITIES.—After carrying out the activities described in subsection (a), a State educational agency may use remaining implementation grant funds described in section 4106(b)(2)(E)(iv) to carry out 1 or more of the following activities:

(1) Training the personnel of eligible entities to use data systems to improve child literacy learning.

(2) Developing literacy coach training programs and training literacy coaches.

(3) Building public support among local educational agency personnel, early learning programs, and the community for comprehensive literacy instruction for children from birth through grade 12.

(4) Administration and evaluation of activities carried out under this part.

SEC. 4108. SUBGRANTS TO ELIGIBLE ENTITIES IN SUPPORT OF BIRTH THROUGH KINDERGARTEN ENTRY LITERACY.

(a) SUBGRANTS.—

(1) IN GENERAL.—A State educational agency, in consultation with the State agencies responsible for administering early learning programs and services, including the State agency responsible for administering child care programs, and the State Advisory Council on Early Childhood Education and Care, shall use a portion of implementation grant funds provided under subparagraph (C) or (D)(ii) of section 4104(a)(1) to award subgrants, on a competitive basis, to eligible entities to enable the eligible entities to support high-quality early literacy initiatives for children from birth through kindergarten entry.

(2) DURATION.—The term of a subgrant under this section shall be determined by the State educational agency awarding the subgrant.

(b) SUFFICIENT SIZE AND SCOPE.—Each subgrant awarded under this section shall be of sufficient size and scope to allow the eligible

entity to carry out high-quality early literacy initiatives for children from birth through kindergarten entry.

(c) LOCAL APPLICATIONS.—An eligible entity desiring to receive a subgrant under this section shall submit an application to the State educational agency, at such time, in such manner, and containing such information as the State educational agency may require. Such application shall include a description of—

(1) how the subgrant funds will be used to enhance the language and literacy development and school readiness of children, from birth through kindergarten entry, in early learning programs, which shall include an analysis of data that support the proposed use of subgrant funds;

(2) the programs that the eligible entity proposes to assist under the subgrant, including demographic and socioeconomic information on the children enrolled in the programs;

(3) a budget for the eligible entity that projects the cost of developing and implementing literacy initiatives to carry out the activities described in subsection (e);

(4) how, if the eligible entity is requesting a planning period, which shall not exceed 1 year, the eligible entity will use that planning period to prepare for successful implementation of a plan to support the development of learning and literacy consistent with the purposes of this part;

(5) the literacy initiatives, if any, in place and how these initiatives will be coordinated and integrated with activities supported under this section;

(6) how the subgrant funds will be used to prepare and provide ongoing assistance to staff in the programs, through high-quality professional development;

(7) how the subgrant funds will be used to provide services, incorporate activities, and select and use literacy instructional materials that—

(A) meet the diverse developmental and linguistic needs of children, including English learners and children with disabilities and developmental delays; and

(B) are based on scientifically valid research on child development and learning for children from birth through kindergarten entry;

(8) how the subgrant funds will be used to provide screening assessments, diagnostic assessments, and classroom-based instructional assessments and assessments of developmental progress;

(9) how families and caregivers will be involved, as appropriate, in supporting their child's literacy development, instruction, and assessment;

(10) how the subgrant funds will be used to help children, particularly children experiencing difficulty with spoken and written language, to make the transition from early childhood education programs to formal classroom instruction;

(11) how the activities assisted under the subgrant will be coordinated with comprehensive literacy instruction at the kindergarten through grade 12 levels;

(12) how the subgrant funds will be used—

(A) to evaluate the success of the activities assisted under the subgrant in enhancing the early language and literacy development of children from birth through kindergarten entry; and

(B) to evaluate data for program improvement; and

(13) such other information as the State educational agency may require.

(d) APPROVAL OF LOCAL APPLICATIONS.—The State educational agency, in consultation with the State agencies responsible for administering early learning programs, including the State agency responsible for administering child care programs and the State Advisory Council on Early Childhood Education and Care, shall—

(1) select applications for funding under this section based on the quality of the applications submitted, including the relationship between literacy activities proposed and the research base or data supporting such investments, as appropriate, and the recommendations of—

(A) the State literacy leadership team; and

(B) other experts in the area of early literacy; and

(2) place priority for funding programs based on the criteria in section 4106(b)(2)(F).

(e) LOCAL USES OF FUNDS.—

(1) IN GENERAL.—An eligible entity that receives a subgrant under this section shall use the subgrant funds, consistent with the entity's approved application under subsection (c), to—

(A) enhance and improve early learning programs to ensure that children in such programs are provided with high-quality oral language and literature- and print-rich environments in which to develop early literacy skills;

(B) carry out high-quality professional development opportunities for early childhood educators, teachers, and instructional leaders;

(C) acquire, provide training for, and implement screening assessments, diagnostic assessments, and classroom-based instructional assessments;

(D) select, develop, and implement a multitier system of support;

(E) integrate research-based instructional materials, activities, tools, and measures into the programs offered by the eligible entity to improve development of early learning language and literacy skills;

(F) train providers and personnel to support, develop, and administer high-quality early learning literacy initiatives that—

(i) utilize data—

(I) to inform instructional design; and

(II) to assess literacy needs; and

(ii) provide time and support for personnel to meet to plan comprehensive literacy instruction;

(G) provide family literacy services, as appropriate, and educate parents, teachers, and other caregivers about child literacy development;

(H) annually collect, summarize, and report to the State educational agency data—

(i) to document child progress in early literacy and language skills development as a result of activities carried out under this section;

(ii) to stimulate and accelerate improvement by identifying the programs served by the eligible entity that produce significant gains in skills development; and

(iii) for all subgroups of children and categories of children, including children in the subgroups described in section 1111(a)(2)(B)(ix), in a manner that—

(I) utilizes a variety of measures of child literacy and language skills development; and

(II) is consistent across the State; and

(I) coordinate the involvement of families, early learning program staff, principals, other instructional leaders, and teachers in literacy development of children served under this part.

(2) CURRICULA AND ASSESSMENT MATERIALS LIMITATION.—Each eligible entity that receives a subgrant under this section shall not use more than 20 percent of the subgrant funds in the first year of subgrant funding, and not more than 10 percent of the subgrant funds in each year thereafter, to purchase curricula and assessment materials.

(f) PROHIBITION.—The use of assessment items and data on any assessment authorized under this section to provide rewards or sanctions for individual children, early learning program providers, teachers, program directors, or principals is prohibited.

SEC. 4109. SUBGRANTS TO ELIGIBLE ENTITIES IN SUPPORT OF KINDERGARTEN THROUGH GRADE 12 LITERACY.

(a) SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.—

(1) SUBGRANTS.—A State educational agency shall use a portion of the implementation grant funds provided under subparagraph (C) or (D)(ii) of section 4104(a)(1) to award subgrants, on a competitive basis, to eligible entities to enable the eligible entities to carry out the authorized activities described in subsections (b) and (c).

(2) SUFFICIENT SIZE AND SCOPE.—A State educational agency shall award subgrants under this section of sufficient size and scope to allow the eligible entities to carry out high-quality literacy initiatives in each grade level for which the subgrant funds are provided.

(3) LOCAL APPLICATIONS.—An eligible entity desiring to receive a subgrant under this section shall submit an application to the State educational agency at such time, in such manner, and containing such information as the State educational agency may require. Such application shall include, for each school that the eligible entity identifies as participating in a subgrant program under this section, the following information:

(A) A description of the eligible entity's capacity survey conducted to identify how subgrant funds will be used to inform and improve comprehensive literacy instruction at the school.

(B) How the school, local educational agency, or a provider of high-quality professional development will provide ongoing high-quality professional development to all teach-

ers, including early childhood educators, principals, and other instructional leaders served by the school, including early learning program administrators.

(C) How the school will identify children in need of literacy interventions or other support services and provide appropriate scientifically valid instructional interventions or other support services which may include extended learning time for struggling children.

(D) A budget for the school that projects the cost of developing and implementing literacy initiatives to carry out the activities described in subsections (b) and (c) as applicable.

(E) An explanation of how the school will integrate comprehensive literacy instruction into core academic subjects.

(F) A description of how the school will coordinate comprehensive literacy instruction with early learning and after-school programs and activities in the area served by the local educational agency, such as school library programs.

(G) A description of the assessments that will be used in an assessment system to improve comprehensive literacy instruction and track child literacy progress.

(H) A description of how families and caregivers will be involved in supporting their children's literacy instruction and assessment.

(I) A description of how, if an eligible entity is requesting a planning period, the eligible entity will use that planning period to prepare for successful implementation of a plan to support the development of learning and literacy consistent with the purposes of this part.

(J) A description of the literacy initiatives, if any, in place and how these initiatives will be coordinated and integrated with activities supported under this section.

(K) An assurance that the eligible entity will, if requested, participate in the national evaluation described in section 4110.

(b) LOCAL USES OF FUNDS FOR KINDERGARTEN THROUGH GRADE 5.—An eligible entity that receives a subgrant under this section shall use the subgrant funds to carry out the following activities pertaining to children in kindergarten through grade 5:

(1) Developing and implementing a literacy plan across content areas that—

(A) serves the needs of all children, including children with disabilities and English learners, especially children who are reading or writing below grade level;

(B) provides intensive, supplemental, accelerated, and explicit intervention and support in reading and writing for children whose literacy skills are below grade level; and

(C) supports activities that are provided primarily during the regular school day but which may be augmented by after-school and out-of-school time instruction.

(2) Acquiring, providing training for, selecting, and administering assessments, and managing, monitoring, and planning instruction based on the assessment data.

(3) Providing high-quality professional development opportunities for teachers, literacy coaches, literacy specialists, English as a second language specialists (as appropriate), principals, and other program staff.

(4) Training principals, specialized instructional support personnel, and other school district personnel to support, develop, administer, and evaluate high-quality kindergarten through grade 5 literacy initiatives that—

(A) utilize data—

(i) to inform instructional decisions; and

(ii) to assess professional development needs; and

(B) provide time and support for teachers to meet to plan comprehensive literacy instruction.

(5) Coordinating the involvement of early learning program staff, principals, other instructional leaders, teachers, teacher literacy teams, English as a second language specialists (as appropriate), special educators, and school librarians in the literacy development of children served under this part.

(6) Engaging families and encouraging family literacy experiences and practices to support literacy development.

(7) Annually collecting, summarizing, and reporting to the State educational agency data—

(A) to document and monitor for the purpose of improving practice, improvements, or increases in children's reading and writing pursuant to activities carried out under this section;

(B) to stimulate and accelerate improvement by identifying the schools that produce significant gains in literacy achievement; and

(C) for all children and categories of children, including the subgroups of children described in section 1111(a)(2)(B)(ix), in a manner that utilizes a variety of measures and that is consistent across the State.

(c) LOCAL USES OF FUNDS FOR GRADES 6 THROUGH 12.—An eligible entity that receives a subgrant under this section shall use subgrant funds to carry out the following activities pertaining to children in grades 6 through 12:

(1) Developing and implementing a literacy plan described in paragraphs (1), (2), (3), (6), and (7) of subsection (b) for children in grades 6 through 12.

(2) Training principals, specialized instructional support personnel, and other instructional leaders to support, develop, administer, and evaluate high-quality adolescent literacy initiatives that—

(A) utilize data—

(i) to inform instructional decisions and allow for personalization of instruction based on a child's need; and

(ii) to assess professional development needs;

(B) assess the quality of adolescent comprehensive literacy instruction in core academic subjects, and career and technical education subjects where such career and technical education subjects provide for the integration of core academic subjects;

(C) provide time for teachers to meet to plan research-based adolescent comprehensive literacy instruction in core academic subjects, and career and technical education subjects where such career and technical education subjects provide for the integration of core academic subjects; and

(D) include explicit instruction in discipline-specific thinking and how to read and interpret discipline-specific text structures and features.

(3) Coordinating the involvement of principals, other instructional leaders, teachers, teacher literacy teams, English as a second language specialists (as appropriate), special educators, and school librarians in the literacy development of children served under this part.

(d) ALLOWABLE USES.—An eligible entity that receives a subgrant under this section may, in addition to carrying out the activities described in subsections (b) and (c), use subgrant funds to carry out the following activities pertaining to children in kindergarten through grade 12:

(1) Providing a planning period of not more than 1 year for eligible entities to establish the elements necessary for successful implementation of a literacy program for kindergarten through grade 12.

(2) Recruiting, placing, training, and compensating literacy coaches.

(3) Connecting out-of-school learning opportunities to in-school learning in order to improve the literacy achievement of the children.

(4) Training families and caregivers to support the improvement of adolescent literacy.

(5) Providing for a multitier system of support.

(6) Forming a school literacy leadership team to help implement, assess, and identify necessary changes to the literacy initiatives in 1 or more schools to ensure success.

(7) Providing high-quality, literacy-rich environments that engage children with materials and experiences at the children's reading and writing levels.

(8) Providing time for teachers (and other literacy staff, as appropriate, such as school librarians) to meet to plan comprehensive literacy instruction.

(e) LIMITATION OF USE TO CERTAIN SCHOOLS.—An eligible entity receiving a subgrant under this section shall, in distributing the subgrant funds, provide the subgrant funds only to schools, including public charter schools, that have the highest percentages or numbers of children counted under section 1124(c).

SEC. 4110. NATIONAL EVALUATION, INFORMATION DISSEMINATION, AND TECHNICAL ASSISTANCE.

(a) NATIONAL EVALUATION.—

(1) IN GENERAL.—From the amount reserved in accordance with section 9601, the Secretary shall enter into a contract with an organization independent of the Department for a 5-year national evaluation of the grant and subgrant programs assisted under this part. Such evaluation shall include scientifically valid research that applies rigorous and systematic procedures

to obtain valid knowledge relevant to the implementation and effect of the programs.

(2) CONTENTS OF EVALUATION.—The evaluation described in this subsection shall include an analysis of each of the following:

(A) The impact of the implementation of literacy initiatives and practices supported under this part on—

(i) increasing academic outcomes, including child literacy development in reading and writing, and speaking (as appropriate), grade promotion, and graduation to the extent predictable;

(ii) promoting the appropriate early literacy development of young children; and

(iii) strengthening the literacy skills of English learners and children with disabilities.

(B) The fidelity of implementation of core program features, such as coherence of the program across grades, quality of technical assistance, State and local educational agency leadership, professional development for teachers and administrators, use of quality materials and pedagogy, and use of assessment.

(C) The relationship between implementation of core features and children's academic outcomes.

(D) Other inquiries as designated by the Secretary, such as—

(i) the core functions of literacy initiatives that have demonstrated the greatest impact on child literacy achievement, especially among children reading below grade level;

(ii) effective strategies to integrate State and local standards, curricula, assessments, instruction, materials, and interventions to improve literacy;

(iii) the types of literacy activities and professional development that most effectively improve the early reading, writing, and language skills of children from birth through kindergarten entry;

(iv) the impact of adolescent literacy initiatives on adolescent motivation, engagement, and participation in adolescent literacy activities;

(v) the relationship between children's literacy achievement and secondary school success, including improving graduation rates; and

(vi) effective strategies to integrate school and public library programs to improve literacy.

(3) PROGRAM IMPROVEMENT.—The Secretary shall—

(A) provide the findings of the evaluation conducted under this section to State educational agencies and subgrant recipients for use in program improvement;

(B) make such findings publicly available, including on the Department's website; and

(C) submit such findings to the authorizing committees.

(b) INFORMATION DISSEMINATION AND TECHNICAL ASSISTANCE.—

(1) IN GENERAL.—From amounts reserved under section 4104(a)(1)(A), the Secretary, in collaboration with the regional

educational laboratories established under section 174 of the Education Sciences Reform Act of 2002, the comprehensive centers established under section 203 of the Educational Technical Assistance Act of 2002, and the Director of the National Institute of Child Health and Human Development, shall—

(A) distribute information on—

(i) comprehensive literacy instruction, including best practices and model programs identified in the evaluation;

(ii) other inquiries designated by the Secretary under subsection (a)(2)(D); or

(iii) other relevant Federal studies of literacy activities; and

(B) provide technical assistance in order to assist States and local educational agencies in improving comprehensive literacy instruction and learning.

(2) DISSEMINATION AND COORDINATION.—The Secretary shall disseminate the information described in paragraph (1)(A) to—

(A) recipients of Federal financial assistance under this part, the Head Start Act, the Individuals with Disabilities Education Act, and the Adult Education and Family Literacy Act; and

(B) each Bureau-funded school (as defined in section 1141 of the Education Amendments of 1978 (25 U.S.C. 2021)).

(3) USE OF NETWORKS.—In carrying out this subsection, the Secretary shall, to the extent practicable, use information and dissemination networks developed and maintained through other public and private entities.

SEC. 4111. CONSEQUENCES OF INSUFFICIENT PROGRESS, REPORTING REQUIREMENTS, AND CONFLICTS OF INTEREST.

(a) CONSEQUENCES OF INSUFFICIENT PROGRESS.—

(1) CONSEQUENCES FOR GRANT RECIPIENTS.—If the Secretary determines that a State educational agency receiving an award under subparagraph (C) or (D)(ii) of section 4104(a)(1), or an eligible entity receiving a subgrant under section 4108 or 4109, is not making significant progress in meeting the purposes of this part and the key data metrics identified by the State educational agency in section 4106(b)(2)(C) after the submission of a report described in subsection (b), then the Secretary may withhold, in whole or in part, further payments under this part in accordance with section 455 of the General Education Provisions Act or take such other action authorized by law as the Secretary determines necessary, including providing technical assistance upon request of the State educational agency, or eligible entity, respectively.

(2) CONSEQUENCES FOR SUBGRANT RECIPIENTS.—

(A) IN GENERAL.—A State educational agency receiving an award under subparagraph (C) or (D)(ii) of section 4104(a)(1) may refuse to award subgrant funds to an eligible entity under section 8 or 9 if the State educational agency finds that the eligible entity is not making significant progress in meeting the purposes of this part, after—

(i) affording the eligible entity notice, a period for correction, and an opportunity for a hearing; and

(ii) providing technical assistance to the eligible entity.

(B) FUNDS AVAILABLE.—Subgrant funds not awarded under subparagraph (A) shall be redirected to an eligible entity serving similar children in the same area or region as the eligible entity not awarded the subgrant funds, to the greatest extent practicable.

(b) REPORTING REQUIREMENTS.—

(1) STATE EDUCATIONAL AGENCY ANNUAL REPORTS.—Each State educational agency receiving an award under subparagraph (C) or (D)(ii) of section 4104(a)(1) shall report annually to the Secretary regarding the State educational agency's progress in addressing the purposes of this part. Such report shall include at a minimum data, for each subgrantee, and for the State, on the metrics identified under section 4106(b)(2)(C), such as—

(A) the number and percentage of children reading and writing on grade level by the end of grade 3;

(B) the percent of children served under the award who receive special education and related services; and

(C) the degree of appropriate developmental progress or literacy achievement growth of children, disaggregated by the subgroups described in section 1111(a)(2)(B)(ix).

(2) PERIODIC REPORTS.—Each State educational agency receiving an award under subparagraph (C) or (D)(ii) of section 4104(a)(1) shall periodically report to the Secretary regarding the State educational agency's progress in addressing the purposes of this part. Such reports shall be submitted at such times, and in such manner, as the Secretary shall establish, and shall, over the term of the grant, include descriptions of—

(A) the professional development activities provided under the award, including types of activities and entities involved in providing professional development to classroom teachers and other program staff, such as school librarians;

(B) instruction, strategies, activities, curricula, materials, and assessments used in the programs funded under the award;

(C) the types of programs funded under the award and demographic information, including ages, of the children served by the programs funded under the award, except that such information shall not be personally identifiable;

(D) the experience and qualifications of the program staff who provide comprehensive literacy instruction under the programs funded under the award, including the experience and qualifications of those staff working with children with disabilities or developmental delay, with English learners, and with children from birth to kindergarten entry; and

(E) student performance on relevant program metrics, as identified in the State educational agency's plan, such as—

(i) the number of children reading and writing on grade level by the end of the third grade;

(ii) the percent of students served under this part receiving special education services;

(iii) the instruction and activities delivered to at-risk students served under this part; and

(iv) the professional development activities provided to teachers participating under this part.

(3) ELIGIBLE ENTITY REPORTS.—Each eligible entity receiving a subgrant under section 4108 or 4109 shall report to the State educational agency regarding the eligible entity's progress in addressing the purposes of this part. Any such report shall be submitted at such time, and in such manner, as the State educational agency shall establish, consistent with the requirements of paragraphs (1) and (2) for reports submitted by the State educational agency to the Secretary, and shall, over the term of the subgrant, include, consistent with such requirements for the State educational agency reports, descriptions of—

(A) how the subgrant funds were used; and

(B) the results of an external evaluation, if the Secretary determines such evaluation to be applicable.

SEC. 4112. RULES OF CONSTRUCTION.

(a) CHILD ELIGIBILITY.—Nothing in this part shall be construed to prohibit children eligible for assistance under title I or III or children eligible for assistance under the Individuals with Disabilities Education Act from receiving literacy instruction and intervention under this part.

(b) IDEA EVALUATION.—The screening assessments, diagnostic assessments, and formative assessments of reading and writing authorized under this part shall not be construed to constitute an evaluation required under the Individuals with Disabilities Education Act, except that assessments administered under this Act may be used in conjunction with other assessments as part of an evaluation under the Individuals with Disabilities Education Act, provided that all assessment requirements of such Act are met.

PART B—IMPROVING SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS INSTRUCTION AND STUDENT ACHIEVEMENT

SEC. 4201. PURPOSE.

The purpose of this part is to improve student academic achievement in science, technology, engineering, and mathematics by—

(1) improving instruction in such subjects through grade 12;

(2) improving student engagement in, and increasing student access to, such subjects;

(3) improving the quality and effectiveness of classroom instruction by recruiting, training, and supporting highly rated teachers and providing robust tools and supports for students and teachers in such subjects; and

(4) closing student achievement gaps, and preparing more students to be college and career ready in such subjects.

SEC. 4202. DEFINITIONS.

In this part:

(1) ELIGIBLE ENTITY.—The term "eligible entity" means—

(A) a State educational agency; or

(B) a State educational agency in partnership with 1 or more other State educational agencies.

(2) ELIGIBLE SUBGRANTEE.—The term "eligible subgrantee" means—

(A) a high-need local educational agency;

(B) an educational service agency serving more than 1 high-need local educational agency;

(C) a consortium of high-need local educational agencies; or

(D) an entity described in subparagraph (A) or (C) of paragraph (3) that has signed a memorandum of agreement with an entity described in subparagraph (A), (B), or (C) of this paragraph to implement the requirements of this part in partnership with such entity.

(3) OUTSIDE PARTNER.—The term "outside partner" means an entity that has expertise and a demonstrated record of success in improving student learning and engagement in the identified subjects described in section 4204(b)(2), including any of the following:

(A) A nonprofit or community-based organization, which may include a cultural organization, such as a museum or learning center.

(B) A business.

(C) An institution of higher education.

(D) An educational service agency.

(4) STATE.—The term "State" means—

(A) any of the 50 States;

(B) the District of Columbia;

(C) the Bureau of Indian Education; or

(D) the Commonwealth of Puerto Rico.

SEC. 4203. GRANTS; ALLOTMENTS.

(a) RESERVATIONS.—

(1) IN GENERAL.—From the amounts appropriated for this part for a fiscal year, the Secretary shall reserve—

(A) not more than 2 percent to provide technical assistance to States; and

(B) not more than 5 percent for State capacity-building grants, if the Secretary is awarding such grants in accordance with paragraph (2).

(2) CAPACITY-BUILDING GRANTS.—

(A) IN GENERAL.—In any year for which funding is distributed competitively, as described in subsection (b)(1), the Secretary may award 1 capacity-building grant to each State that does not receive a grant under subsection (b), on a competitive basis, to enable such State to become more competitive in future years.

(B) DURATION.—Grants awarded under subparagraph (A) shall be for a period of 1 year.

(b) COMPETITIVE GRANTS.—

(1) IN GENERAL.—For each fiscal year for which the amount appropriated to carry out this part, and not reserved under subsection (a)(1), is less than $500,000,000, the Secretary shall award grants, on a competitive basis, to eligible entities to enable such eligible entities to carry out the activities described in this part.

(2) DURATION.—Grants awarded under this subsection shall be for a period of not more than 3 years.

(3) RENEWAL.—

(A) IN GENERAL.—If an eligible entity demonstrates progress, as measured by the metrics described in section 4206(a), the Secretary may renew a grant for an additional 2-year period.

(B) REDUCED FUNDING.—Grant funds awarded under subparagraph (A) shall be awarded at a reduced amount.

(c) FORMULA GRANTS.—

(1) IN GENERAL.—For each fiscal year for which the amount appropriated to carry out this part, and not reserved under subsection (a)(1), is equal to or more than $500,000,000, the Secretary shall award grants to States, based on the formula described in paragraph (2).

(2) DISTRIBUTION OF FUNDS.—The Secretary shall allot to each State—

(A) an amount that bears the same relationship to 35 percent of the excess amount described in paragraph (1) as the number of individuals ages 5 through 17 in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all such States, as so determined; and

(B) an amount that bears the same relationship to 65 percent of the excess amount as the number of individuals ages 5 through 17 from families with incomes below the poverty line, in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all such States, as so determined.

(3) FUNDING MINIMUM.—No State receiving an allotment under this subsection may receive less than one-half of 1 percent of the total amount allotted under paragraph (1) for a fiscal year.

(4) PUERTO RICO.—The amount allotted under paragraph (2) to the Commonwealth of Puerto Rico for a fiscal year may not exceed one-half of 1 percent of the total amount allotted under paragraph (1) for such fiscal year.

(5) REALLOTMENT OF UNUSED FUNDS.—If a State does not successfully apply, the Secretary shall reallot the amount of the State's allotment to the remaining States in accordance with this subsection.

SEC. 4204. APPLICATIONS.

(a) IN GENERAL.—Each eligible entity or State desiring a grant under this part, whether through a competitive grant under section 4203(b) or through an allotment under section 4203(c), shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

(b) CONTENTS.—At a minimum, an application submitted under subsection (a) shall include the following:

(1) A description of the needs, including assets, identified by the State or eligible entity, based on a State analysis, which—

(A) may include results from a relevant pre-existing analysis of science, technology, engineering, and mathematics education quality and outcomes in the State or States served by the eligible entity;

(B) shall include data for elementary school and secondary school grades, as applicable, to the extent that such data are available, on—

(i) student achievement in science and mathematics, including such data collected in accordance with the requirements of section 1111(a)(3)(A), and student achievement in technology and engineering;

(ii) science, technology, engineering, and mathematics teacher evaluations;

(iii) student access to mathematics and science courses needed to enroll in credit-bearing coursework at institutions of higher education in the State or States served by the eligible entity;

(iv) access to science, technology, engineering, and mathematics courses for students through grade 12 who—

(I) are eligible to receive a free or reduced priced lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.); or

(II) come from families with an income that is below the poverty line;

(v) student achievement gaps in science, technology, engineering, and mathematics subjects;

(vi) the percentage of students who successfully—

(I) complete Advanced Placement or International Baccalaureate courses in science, technology, engineering, and mathematics subjects; or

(II) complete rigorous postsecondary education courses in science, technology, engineering, and mathematics subjects;

(vii) the information collected under section 1111(d)(3)(B)(viii)(III);

(viii) available instructional systems and supports, such as curricula, instructional materials, professional development, teacher evaluation systems, and assessments;

(ix) science, technology, engineering, and mathematics teacher qualifications; and

(x) teacher shortages and teacher distribution among local educational agencies and schools in science, technology, engineering, and mathematics subjects;

(C) shall include labor market information regarding the industry and business workforce needs within the eligible entity;

(D) shall include an analysis of the quality of pre-service preparation at all public institutions of higher education

(including alternative pathways to teacher licensure or certification) for individuals preparing to teach science, technology, engineering, and mathematics subjects in a preschool, elementary school, or secondary school in the State; and

(E) shall include an analysis of the implementation of any multi-tiered systems of support that have been employed in the State or States served by the eligible entity to address the learning needs of students in any science, technology, engineering, and mathematics subjects.

(2) An identification of the specific science, technology, engineering, and mathematics subjects that the State or eligible entity will address through the activities described in section 4205, consistent with the needs identified under paragraph (1) (referred to in this part as "identified subjects").

(3) A description, in a manner that addresses any needs identified under paragraph (1), of—

(A) how grant funds will be used by the State or eligible entity to improve instruction in identified subjects using evidence-based programs of instruction that are aligned with the college and career ready standards and academic assessments under paragraphs (1) and (2) of section 1111(a);

(B) how grant funds will be used to support subgrantees and other high-need local educational agencies in the employment of multi-tiered systems of support to provide early intervening services, as described in section 613(a)(4)(A)(ii) of the Individuals with Disabilities Education Act, and to increase student achievement in identified subjects;

(C) the process that the State or eligible entity will use for awarding subgrants, including how relevant stakeholders will be involved;

(D) how the State's or eligible entity's activities and subgrants will be coordinated with other Federal, State, and local programs and activities, including career and technical education programs authorized under the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.);

(E) the technical assistance that the State or eligible entity will provide to subgrantees to support the activities undertaken by the subgrantees;

(F) how the State or eligible entity will evaluate the activities funded, both at the State and subgrantee level, with funds provided under this part, and in a manner consistent with any evaluation activities carried out by the Institute of Education Sciences under section 4207, or the National Science Foundation;

(G) how the State or eligible entity will allocate funds in a manner that will provide services to both elementary schools and secondary schools;

(H) how the State or eligible entity will provide targeted support to improve instruction in high-need local educational agencies and high-need schools;

(I) how the State or eligible entity's proposed project will ensure an increase in access for students who are members of groups underrepresented in science, technology, engineering, and mathematics subject fields to high-quality courses in 1 or more of the identified subjects; and

(J) how the State or eligible entity will continue to involve stakeholders in education reform efforts related to science, technology, engineering, and mathematics instruction.

(4) Assurances that the State or eligible entity will monitor implementation of approved subgrantee plans.

(c) ADDITIONAL FUNDING.—A State or eligible entity that submits a request to use the additional State activities reservation described in section 4205(d)(2), shall provide, in a manner that addresses the needs identified under subsection (b)(1), a description of the activities that the eligible entity will carry out with such funds, consistent with section 4205.

SEC. 4205. AUTHORIZED ACTIVITIES.

(a) REQUIRED ACTIVITIES.—Each State or eligible entity that receives a grant under this part shall use the grant funds to carry out each of the following activities:

(1) Increasing access for students through grade 12 who are members of groups underrepresented in science, technology, engineering, and mathematics subject fields to high-quality courses in the identified subjects.

(2) Implementing evidence-based programs of instruction based on high-quality standards and assessments in the identified subjects.

(3) Providing professional development and other comprehensive systems of support for teachers and school leaders to promote high-quality instruction and instructional leadership in the identified subjects.

(4) Providing technical assistance to subgrantees and other high-need schools and local educational agencies in order to improve student achievement and narrow achievement gaps in identified subjects, including through—

(A) the development and implementation of multi-tiered systems of support; and

(B) the development of curriculum or instructional materials consistent with the principals of universal design for learning, as defined in section 103 of the Higher Education Act of 1965.

(b) PERMISSIBLE ACTIVITIES.—Each State or eligible entity that receives a grant under this part may use the grant funds to carry out 1 or more of the following activities:

(1) Recruiting qualified teachers and instructional leaders who are trained in identified subjects, including teachers who have transitioned into the teaching profession from a career in science, technology, engineering, and mathematics fields.

(2) Providing induction and mentoring services to new teachers in identified subjects.

(3) Developing instructional supports, such as curricula and assessments, which shall be evidence-based and aligned with State college and career ready academic content standards

under section 1111(a)(1), and may include Internet-based curricula and Internet-based instructional supports.

(4) Implementing an interdisciplinary approach, by integrating instruction in 1 or more science, technology, engineering, and mathematics subjects with reading, English language arts, or instruction in other core academic subjects and noncore academic subjects.

(c) SUBGRANTS.—

(1) IN GENERAL.—Each State or eligible entity that receives a grant under this section shall award subgrants, on a competitive basis, to eligible subgrantees.

(2) MINIMUM SUBGRANT.—A State or eligible entity shall award subgrants under this subsection that are of sufficient size and scope to support high-quality, evidence-based, effective programs that are consistent with the purpose of this part.

(3) SUBGRANTEE APPLICATION.—

(A) IN GENERAL.—Each eligible subgrantee desiring a subgrant under this subsection shall submit an application to the State or eligible entity at such time, in such manner, and accompanied by such information as the State or eligible entity may require.

(B) CONTENTS OF SUBGRANTEE APPLICATION.—At a minimum, the application described in subparagraph (A) shall include the following:

(i) A description of the activities that the eligible subgrantee will carry out, and how such activities will improve teaching and student academic achievement in the identified subjects, in a manner consistent with scientifically valid research.

(ii) A description of how the eligible subgrantee will use funds provided under this subsection to serve students and teachers in high-need schools.

(iii) A description of how funds provided under this subsection will be coordinated with other Federal, State, and local programs and activities, including career and technical education programs authorized under the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.).

(iv) If the eligible subgrantee is working with outside partners, a description of how such outside partners will be involved in improving instruction and increasing access to high-quality learning experiences in the identified subjects.

(4) SUBGRANTEE USE OF FUNDS.—

(A) REQUIRED USE OF FUNDS.—Each subgrantee under this subsection shall use the subgrant funds to carry out activities for students through grade 12, consistent with the activities described in the subgrantee's application, which shall include—

(i) high-quality teacher and instructional leader recruitment, support, and evaluation in the identified subjects;

(ii) professional development, which may include development and support for instructional coaches, to en-

able teachers and instructional leaders to increase student achievement in identified subjects, through—

(I) implementation of classroom assessments; and

(II) differentiation of instruction in identified subjects for all students, including for students who are children with disabilities and students who are English learners;

(iii) activities to—

(I) improve the content knowledge of teachers; and

(II) facilitate professional collaboration, which may include providing time for such collaborations;

(iv) the development, adoption, and improvement of high-quality curricula and instructional supports that—

(I) are aligned with State college and career ready academic content standards under section 1111(a)(1); and

(II) the eligible subgrantee will use to improve student academic achievement in identified subjects;

(v) the development or improvement, and implementation, of multi-tiered systems of support to provide early intervening services and to increase student achievement in 1 or more of the identified subjects; and

(vi) integrating instruction in the identified subjects with instruction in reading, English language arts, or other core and noncore academic subjects.

(B) ALLOWABLE USE OF FUNDS.—In addition to the required activities described in subparagraph (A), each eligible subgrantee that receives a subgrant under this subsection, may also use the subgrant funds to—

(i) support the participation of low-income students in nonprofit competitions related to science, technology, engineering, and mathematics subjects (such as robotics, science research, invention, mathematics, computer science, and technology competitions); and

(ii) broaden secondary school students' access to, and interest in, careers that require academic preparation in 1 or more identified subjects.

(C) LIMITATION.—Each subgrantee that receives a subgrant under this subsection shall not expend more than 15 percent of the subgrant funds on the activities described in subparagraph (B).

(D) MATCHING FUNDS.—A State or eligible entity shall require an eligible subgrantee receiving a subgrant under this subsection to demonstrate that such subgrantee has obtained a commitment from 1 or more outside partners to match, using non-Federal funds or in-kind contributions, not less than 15 percent of the amount of subgrant funds. In the case of significant financial hardship, an eligible subgrantee may apply to the State or eligible entity for, and

the State or eligible entity may grant, a waiver of a portion of the minimum matching funds requirement.

(d) STATE ACTIVITIES.—

(1) IN GENERAL.—Each State or eligible entity that receives a grant under this part may use not more than 5 percent of grant funds for—

(A) administrative costs;

(B) monitoring the implementation of subgrants;

(C) providing technical assistance to subgrantees; and

(D) evaluating subgrants in coordination with the evaluation described in section 4207.

(2) RESERVATION.—Each State or eligible entity that receives a grant under this part may submit a request to the Secretary to reserve not more than 15 percent of grant funds, inclusive of the amount described in paragraph (1), for additional State activities, consistent with subsections (a) and (b).

SEC. 4206. PERFORMANCE METRICS; REPORT.

(a) ESTABLISHMENT OF PERFORMANCE METRICS.—The Secretary, acting through the Director of the Institute of Education Sciences, shall establish performance metrics to evaluate the effectiveness of the activities carried out under this part.

(b) ANNUAL REPORT.—Each State or eligible entity that receives a grant under this part shall prepare and submit an annual report to the Secretary, which shall include information relevant to the performance metrics described in subsection (a).

SEC. 4207. EVALUATION.

From the amount reserved in accordance with section 9601, the Secretary shall—

(1) acting through the Director of the Institute of Education Sciences, and in consultation with the Director of the National Science Foundation—

(A) evaluate the implementation and impact of the activities supported under this part, including progress measured by the metrics established under section 4206(a); and

(B) identify best practices to improve instruction in science, technology, engineering, and mathematics subjects; and

(2) disseminate, in consultation with the National Science Foundation, research on best practices to improve instruction in science, technology, engineering, and mathematics subjects.

SEC. 4208. SUPPLEMENT NOT SUPPLANT.

Funds received under this part shall be used to supplement, and not supplant, funds that would otherwise be used for activities authorized under this part.

SEC. 4209. MAINTENANCE OF EFFORT.

A State that receives funds under this part for a fiscal year shall maintain the fiscal effort provided by the State for the subjects supported by the funds under this part at a level equal to or greater than the level of such fiscal effort for the preceding fiscal year.

[PART C—ENVIRONMENTAL TOBACCO SMOKE]

[SEC. 4301. [20 U.S.C. 7181] SHORT TITLE.]

[This part may be cited as the "Pro-Children Act of 2001".]

[SEC. 4302. [20 U.S.C. 7182] DEFINITIONS.]

[As used in this part:

[(1) CHILDREN.—The term "children" means individuals who have not attained the age of 18.

[(2) CHILDREN'S SERVICES.—The term "children's services" means the provision on a routine or regular basis of health, day care, education, or library services—

[(A) that are funded, after the date of enactment of the No Child Left Behind Act of 2001, directly by the Federal Government or through State or local governments, by Federal grant, loan, loan guarantee, or contract programs—

[(i) administered by either the Secretary of Health and Human Services or the Secretary of Education (other than services provided and funded solely under titles XVIII and XIX of the Social Security Act); or

[(ii) administered by the Secretary of Agriculture in the case of a clinic (as defined in part 246.2 of title 7, Code of Federal Regulations (or any corresponding similar regulation or ruling)) under section 17(b)(6) of the Child Nutrition Act of 1966; or

[(B) that are provided in indoor facilities that are constructed, operated, or maintained with such Federal funds, as determined by the appropriate head of a Federal agency in any enforcement action carried out under this part,

except that nothing in clause (ii) of subparagraph (A) is intended to include facilities (other than clinics) where coupons are redeemed under the Child Nutrition Act of 1966.

[(3) INDOOR FACILITY.—The term "indoor facility" means a building that is enclosed.

[(4) PERSON.—The term "person" means any State or local subdivision of a State, agency of such State or subdivision, corporation, or partnership that owns or operates or otherwise controls and provides children's services or any individual who owns or operates or otherwise controls and provides such services.

[(5) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.]

[SEC. 4303. [20 U.S.C. 7183] NONSMOKING POLICY FOR CHILDREN'S SERVICES.]

[(a) PROHIBITION.—After the date of enactment of the No Child Left Behind Act of 2001, no person shall permit smoking within any indoor facility owned or leased or contracted for, and utilized, by such person for provision of routine or regular kindergarten, elementary, or secondary education or library services to children.

[(b) ADDITIONAL PROHIBITION.—

[(1) IN GENERAL.—After the date of enactment of the No Child Left Behind Act of 2001, no person shall permit smoking

within any indoor facility (or portion of such a facility) owned or leased or contracted for, and utilized by, such person for the provision of regular or routine health care or day care or early childhood development (Head Start) services.

[(2) EXCEPTION.—Paragraph (1) shall not apply to—

[(A) any portion of such facility that is used for inpatient hospital treatment of individuals dependent on, or addicted to, drugs or alcohol; and

[(B) any private residence.

[(c) FEDERAL AGENCIES.—

[(1) KINDERGARTEN, ELEMENTARY, OR SECONDARY EDUCATION OR LIBRARY SERVICES.—After the date of enactment of the No Child Left Behind Act of 2001, no Federal agency shall permit smoking within any indoor facility in the United States operated by such agency, directly or by contract, to provide routine or regular kindergarten, elementary, or secondary education or library services to children.

[(2) HEALTH OR DAY CARE OR EARLY CHILDHOOD DEVELOPMENT SERVICES.—

[(A) IN GENERAL.—After the date of enactment of the No Child Left Behind Act of 2001, no Federal agency shall permit smoking within any indoor facility (or portion of such facility) operated by such agency, directly or by contract, to provide routine or regular health or day care or early childhood development (Head Start) services to children.

[(B) EXCEPTION.—Subparagraph (A) shall not apply to—

[(i) any portion of such facility that is used for inpatient hospital treatment of individuals dependent on, or addicted to, drugs or alcohol; and

[(ii) any private residence.

[(3) APPLICATION OF PROVISIONS.—The provisions of paragraph (2) shall also apply to the provision of such routine or regular kindergarten, elementary or secondary education or library services in the facilities described in paragraph (2) not subject to paragraph (1).

[(d) NOTICE.—The prohibitions in subsections (a) through (c) shall be published in a notice in the Federal Register by the Secretary (in consultation with the heads of other affected agencies) and by such agency heads in funding arrangements involving the provision of children's services administered by such heads. Such prohibitions shall be effective 90 days after such notice is published, or 270 days after the date of enactment of the No Child Left Behind Act of 2001, whichever occurs first.

[(e) CIVIL PENALTIES.—

[(1) IN GENERAL.—Any failure to comply with a prohibition in this section shall be considered to be a violation of this section and any person subject to such prohibition who commits such violation may be liable to the United States for a civil penalty in an amount not to exceed $1,000 for each violation, or may be subject to an administrative compliance order, or both, as determined by the Secretary. Each day a violation continues shall constitute a separate violation. In the case of any civil penalty assessed under this section, the total amount

shall not exceed 50 percent of the amount of Federal funds received under any title of this Act by such person for the fiscal year in which the continuing violation occurred. For the purpose of the prohibition in subsection (c), the term "person", as used in this paragraph, shall mean the head of the applicable Federal agency or the contractor of such agency providing the services to children.

[(2) ADMINISTRATIVE PROCEEDING.—A civil penalty may be assessed in a written notice, or an administrative compliance order may be issued under paragraph (1), by the Secretary only after an opportunity for a hearing in accordance with section 554 of title 5, United States Code. Before making such assessment or issuing such order, or both, the Secretary shall give written notice of the assessment or order to such person by certified mail with return receipt and provide information in the notice of an opportunity to request in writing, not later than 30 days after the date of receipt of such notice, such hearing. The notice shall reasonably describe the violation and be accompanied with the procedures for such hearing and a simple form that may be used to request such hearing if such person desires to use such form. If a hearing is requested, the Secretary shall establish by such certified notice the time and place for such hearing, which shall be located, to the greatest extent possible, at a location convenient to such person. The Secretary (or the Secretary's designee) and such person may consult to arrange a suitable date and location where appropriate.

[(3) CIRCUMSTANCES AFFECTING PENALTY OR ORDER.—In determining the amount of the civil penalty or the nature of the administrative compliance order, the Secretary shall take into account, as appropriate—

[(A) the nature, circumstances, extent, and gravity of the violation;

[(B) with respect to the violator, any good faith efforts to comply, the importance of achieving early and permanent compliance, the ability to pay or comply, the effect of the penalty or order on the ability to continue operation, any prior history of the same kind of violation, the degree of culpability, and any demonstration of willingness to comply with the prohibitions of this section in a timely manner; and

[(C) such other matters as justice may require.

[(4) MODIFICATION.—The Secretary may, as appropriate, compromise, modify, or remit, with or without conditions, any civil penalty or administrative compliance order. In the case of a civil penalty, the amount, as finally determined by the Secretary or agreed upon in compromise, may be deducted from any sums that the United States or the agencies or instrumentalities of the United States owe to the person against whom the penalty is assessed.

[(5) PETITION FOR REVIEW.—Any person aggrieved by a penalty assessed or an order issued, or both, by the Secretary under this section may file a petition for judicial review of the order with the United States Court of Appeals for the District

of Columbia Circuit or for any other circuit in which the person resides or transacts business. Such person shall provide a copy of the petition to the Secretary or the Secretary's designee. The petition shall be filed within 30 days after the Secretary's assessment or order, or both, are final and have been provided to such person by certified mail. The Secretary shall promptly provide to the court a certified copy of the transcript of any hearing held under this section and a copy of the notice or order.

[(6) FAILURE TO COMPLY.—If a person fails to pay an assessment of a civil penalty or comply with an order, after the assessment or order, or both, are final under this section, or after a court has entered a final judgment under paragraph (5) in favor of the Secretary, the Attorney General, at the request of the Secretary, shall recover the amount of the civil penalty (plus interest at prevailing rates from the day the assessment or order, or both, are final) or enforce the order in an action brought in the appropriate district court of the United States. In such action, the validity and appropriateness of the penalty or order or the amount of the penalty shall not be subject to review.]

[SEC. 4304. [20 U.S.C. 7184] PREEMPTION.]

[Nothing in this part is intended to preempt any provision of law of a State or political subdivision of a State that is more restrictive than a provision of this part.]

PART C—INCREASING ACCESS TO A WELL-ROUNDED EDUCATION

SEC. 4301. PURPOSE.

The purpose of this part is to improve student achievement by giving students increased access to high-quality instruction for a well-rounded education.

SEC. 4302. DEFINITIONS.

In this part:

(1) COVERED SUBJECTS.—The term "covered subjects" means any of the following academic subjects:

(A) Arts.
(B) Civics and government.
(C) Economics.
(D) Environmental education.
(E) Financial literacy.
(F) Foreign languages.
(G) Geography.
(H) Health education.
(I) History.
(J) Physical education.
(K) Social studies.

(2) ELIGIBLE ENTITY.—The term "eligible entity" means a State educational agency in partnership with—

(A) a nonprofit organization with a demonstrated record of success in improving student achievement in 1 or more covered subjects;

(B) an institution of higher education;

(C) a local educational agency;

(D) an educational service agency; or

(E) 1 or more other State educational agencies.

(3) ELIGIBLE SUBGRANTEE.—The term "eligible subgrantee" means—

(A) a high-need local educational agency;

(B) an educational service agency serving more than 1 high-need local educational agency; or

(C) a consortium of high-need local educational agencies.

(4) LOW-INCOME STUDENT.—The term "low-income student" means a student—

(A) from a family with an income below the poverty line; or

(B) who is eligible for free or reduced-price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

SEC. 4303. GRANT PROGRAM.

(a) GRANTS TO ELIGIBLE ENTITIES.—From amounts appropriated to carry out this part for a fiscal year, and not reserved in accordance with section 9601, the Secretary shall make grants to eligible entities to enable the eligible entities to carry out the activities described in subsection (e).

(b) DURATION.—A grant under this section shall be for a period of not more than 5 years.

(c) PAYMENTS.—

(1) CONTINGENT PAYMENTS.—After the third year of a grant under this section, the Secretary shall make continued funding under the grant contingent upon the eligible entity's progress toward reaching the goals established under the metrics described in subsection (h)(1).

(2) FORMULA.—

(A) DISTRIBUTION TRIGGER.—

(i) AMOUNT TO TRIGGER FORMULA.—If the amount of funds appropriated to carry out this part for a fiscal year equals or exceeds $500,000,000, then the Secretary shall award grants to eligible entities based on the formula described under subparagraph (B).

(ii) AMOUNT TO TRIGGER COMPETITIVE GRANT PROCESS.—If the funds appropriated to carry out this part for a fiscal year are less than $500,000,000, then the Secretary shall award grants to eligible entities on a competitive basis.

(B) FORMULA.—From funds made available to carry out this part for a fiscal year, and not reserved in accordance with section 9601, the Secretary shall allot to each eligible entity having an application approved under subparagraph (C)—

(i) an amount that bears the same relationship to 80 percent of the remainder as the number of individuals ages 5 through 17 from families with incomes below the poverty line, in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all States

that have an application approved under such subparagraph; and

(ii) an amount that bears the same relationship to 20 percent of the remainder as the number of individuals ages 5 to 17 in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all States that have an application approved under such subparagraph.

(C) EXCEPTIONS.—

(i) MINIMUM GRANT AMOUNT.—Subject to clause (ii), no State receiving an allotment under subparagraph (B) may receive less than 1 percent of the total amount allotted under such subparagraph.

(ii) PUERTO RICO.—The percentage of the amount allotted under subparagraph (B) that is allotted to the Commonwealth of Puerto Rico for a fiscal year may not exceed the amount under clause (i).

(D) PEER REVIEW REQUIREMENTS.—The Secretary shall establish a peer review process to ensure that applications submitted for formula funding, as described in subparagraph (B), are of high quality and meet the requirements and purposes of this part.

(d) APPLICATION.—

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

(2) CONTENTS.—The application shall, at a minimum—

(A) describe the needs identified by the eligible entity, based on the eligible entity's analysis of—

(i) student access to, and quality of instruction in, covered subjects, including a comparison of such access and quality between low-income and non-low-income students in the State served by the eligible entity;

(ii) the capacity of high-need local educational agencies in such State to deliver high-quality instruction in covered subjects, including an analysis of instructional supports, curricula, teacher evaluation systems, and teacher qualifications, effectiveness, knowledge, and skills;

(iii) the capacity of the eligible entity to provide local educational agencies with the support, including professional development and technical assistance, needed to deliver high-quality instruction and curricula in covered subjects; and

(iv) standards, assessments, curricula, accommodations, and other supports used in such State in covered subjects;

(B) identify the covered subjects that the eligible entity will address through the activities described in subsection (e), consistent with the needs identified in subparagraph (A);

(C) describe, in a manner that addresses the needs identified in subparagraph (A)—

(i) how access to high-quality courses in the subjects identified in subparagraph (B) will be increased for low-income students in such State;

(ii) how the knowledge and skills of teachers will be evaluated and improved so that such teachers will deliver high-quality instruction in such subjects;

(iii) how the eligible entity will provide assistance to high-need local educational agencies to improve student access to, and achievement in, the subjects identified in subparagraph (B), including through principal training; and

(iv) how the eligible entity will ensure that all activities funded through a grant awarded under this section are evidence-based;

(D) describe how activities funded through a grant awarded under this section will be aligned with other Federal, State, and local funding, programs, and strategies, as appropriate; and

(E) if applicable, describe the eligible entity's plan for disbursing funds to eligible subgrantees to implement the activities described in subsection (e).

(3) COMPETITIVE PRIORITY.—If grants are awarded competitively, consistent with subsection (c)(2)(A)(ii), the Secretary shall give priority to applications from eligible entities that—

(A) include in the application a plan to implement an interdisciplinary approach, by integrating instruction in 1 or more covered subjects with reading, English, language arts, science, or mathematics instruction; and

(B) include in the application a plan to provide expanded learning time in the schools served by eligible subgrantees, in order to increase access to covered subjects.

(e) AUTHORIZED ACTIVITIES.—

(1) IN GENERAL.—Each eligible entity that receives a grant under this section shall use the grant funds to increase access for low-income students to high-quality courses in the subjects identified in subsection (d)(2)(B) by carrying out 1 or more of the following activities:

(A) Improving the knowledge and skills of teachers through rigorous evaluation systems, professional development, and other instructional supports in order to deliver high-quality instruction in such subjects, including to students who are English learners and students who are children with disabilities.

(B) Providing assistance to high-need local educational agencies to improve low-income student access to, and achievement in, such subjects.

(C) Developing and implementing, or building local capacity to develop and implement, high-quality curricula, instructional supports, and assessments that are aligned with the State college and career ready academic content and achievement standards, consistent with section 1111(a)(1), in such subjects.

(2) SPECIAL RULE.—Each eligible entity that receives a grant under this section shall use grant funds to meet the needs identified in subsection (d)(2)(A) and the Secretary shall not require any eligible entity to address a specific subject or to address all covered subjects.

(3) STATE ADMINISTRATION.—Each eligible entity that receives a grant under this section may reserve not more than 4 percent of grant funds for administration costs of the grant.

(f) SUBGRANTS.—

(1) IN GENERAL.—Each eligible entity that receives a grant under this section may, in accordance with paragraph (2), award subgrants, on a competitive basis, to eligible subgrantees to enable such eligible subgrantees to carry out the activities described in subsection (e).

(2) MINIMUM GRANT.—Each subgrant under this subsection shall be of sufficient size and scope to support a high-quality, effective program that is consistent with the purpose of this part.

(g) EVALUATION.—From the amount reserved in accordance with section 9601, the Secretary shall—

(1) acting through the Director of the Institute of Education Sciences—

(A) evaluate, in consultation with the relevant program office at the Department of Education, the implementation and impact of the activities supported under this section, including progress as measured by the metrics established under subsection (h)(1); and

(B) identify best practices to improve instruction in covered subjects; and

(2) disseminate research on best practices to improve instruction in covered subjects.

(h) ACCOUNTABILITY.—

(1) PERFORMANCE METRICS.—The Secretary, acting through the Director of the Institute of Education Sciences, shall, in consultation with the relevant program office at the Department, establish performance metrics to evaluate the outcomes of grant projects that are assisted under this part.

(2) ANNUAL REPORTS.—Each eligible entity that receives a grant under this section shall prepare and submit an annual report to the Secretary, which shall include information about the performance metrics described in paragraph (1).

(i) SUPPLEMENT NOT SUPPLANT.—An eligible entity shall use Federal funds received under this section only to supplement the funds that would, in the absence of such Federal funds, be made available from other Federal and non-Federal sources for the activities described in this section, and not to supplement such funds.

(j) MAINTENANCE OF EFFORT.—A State that receives assistance under this part shall maintain the fiscal effort provided by the State for the subjects supported by a grant under this part at a level equal to or greater than the level of such fiscal effort for the preceding fiscal year.

PART D—SUCCESSFUL, SAFE, AND HEALTHY STUDENTS

SEC. 4401. PURPOSE.

The purpose of this part is to assist States and local educational agencies in developing and implementing comprehensive programs and strategies to foster positive conditions for learning in public schools, in order to increase academic achievement for all students through activities that—

(1) promote student physical health and well-being, nutrition, and fitness;

(2) promote student mental health and well-being;

(3) prevent school violence and harassment, and reduce substance abuse among students; and

(4) promote safe and supportive schools.

SEC. 4402. DEFINITIONS.

In this part:

(1) CONTROLLED SUBSTANCE.—The term "controlled substance" means a drug or other substance identified under Schedule I, II, III, IV, or V of section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)).

(2) DRUG.—The term "drug" includes—

(A) a controlled substance;

(B) with respect to alcohol and tobacco, the illegal use of such substances; and

(C) with respect to inhalants and anabolic steroids, the harmful, abusive, or addictive use of such substances.

(3) DRUG AND VIOLENCE PREVENTION.—The term "drug and violence prevention" means—

(A) with respect to drugs, prevention, early intervention, rehabilitation referral, or education related to the abuse and illegal use of drugs; and

(B) with respect to violence, the promotion of school safety, such that students and school personnel are free from violent and disruptive acts, including sexual harassment and abuse, and victimization associated with prejudice and intolerance, on school premises, going to and from school, at school sponsored activities, and via communications made available through electronic means, through the creation and maintenance of a school environment that is free of weapons and fosters individual responsibility and respect for the rights of others, and employs positive, preventative approaches to school discipline that minimize students' removal from instruction and reduce disparities among the subgroups of students described in section 1111(a)(2)(B)(ix).

(4) ELIGIBLE LOCAL APPLICANT.—The term "eligible local applicant" means—

(A) a local educational agency;

(B) a consortium of local educational agencies; or

(C) a local educational agency or consortium of local educational agencies in partnership with a nonprofit organiza-

tion that has a demonstrated record of success in implementing activities consistent with the purpose of this part.

(5) PHYSICAL EDUCATION INDICATORS.—The term "physical education indicators" means a set of measures for instruction on physical activity, health-related fitness, physical competence, and cognitive understanding about physical activity that—

(A) are publicly reported annually in the State's conditions for learning measurement system described in section 4404(g); and

(B) include, for the State, for each local educational agency in the State, and for each school in the State, the average number of minutes that all students engage in moderate to vigorous physical activity, as measured against established recommended guidelines of the Centers for Disease Control and Prevention and the Department of Health and Human Services.

(6) PROGRAMS TO PROMOTE MENTAL HEALTH.—The term "programs to promote mental health" means programs that—

(A) develop students' social and emotional competencies; and

(B) link students with, as applicable, school-based or local mental health systems, including by—

(i) enhancing, improving, or developing collaborative efforts between school-based systems and mental health systems;

(ii) improving the availability of crisis intervention services and appropriate referrals for students potentially in need of mental health services;

(iii) providing training for mental health professionals and other school-based specialized instructional support personnel who will participate in the program; and

(iv) providing services that establish or expand the availability of counseling and mental health programs for students.

(7) PROGRAMS TO PROMOTE PHYSICAL ACTIVITY, EDUCATION, FITNESS, AND NUTRITION.—The term "programs to promote physical activity, education, fitness, and nutrition" means programs that increase and enable active student participation in physical well-being activities, provide teacher professional development, are comprehensive in nature, and include opportunities for professional development for teachers of physical education to stay abreast of the latest research, issues, and trends in the field of physical education, and include 1 or more of the following activities:

(A) Fitness education and assessment to help students understand, improve, or maintain their physical well-being.

(B) Instruction in a variety of motor skills and physical activities designed to enhance the physical, mental, social, and emotional development of every student.

(C) Development of, and instruction in, cognitive concepts about motor skill and physical fitness that support a lifelong healthy lifestyle.

(D) Opportunities to develop positive social and cooperative skills through physical activity.

(E) Instruction in healthy eating habits and good nutrition.

SEC. 4403. RESERVATIONS.

From amounts made available to carry out this part, the Secretary shall reserve—

(1) for the first 3 years for which funding is made available to carry out this part—

(A) not more than 30 percent of such amounts or $30,000,000, whichever amount is greater, for State conditions for learning measurement systems grants, distributed to every State (by an application process consistent with section 4404) in an amount proportional to each State's share of funding under part A of title I of this Act, to develop or improve the State's conditions for learning measurement system described in section 4404(g), and to conduct a needs analysis to meet the requirements of section 4404(c)(2); and

(B) not more than 68 percent of such amounts for Successful, Safe, and Healthy Students State Grants under section 4404;

(2) for the fourth year and each subsequent year for which funding is made available to carry out this part, not less than 98 percent of such amounts for Successful, Safe, and Healthy Students State Grants under section 4404; and

(3) in each year for which funding is made available to carry out this part, not more than 2 percent of such amounts for technical assistance.

SEC. 4404. SUCCESSFUL, SAFE, AND HEALTHY STUDENTS STATE GRANTS.

(a) PURPOSE.—The purpose of this section is to provide funding to States to implement comprehensive programs that address conditions for learning in schools in the State. Such programs shall be based on—

(1) scientifically valid research; and

(2) an analysis of need that considers, at a minimum, the indicators in the State's conditions for learning measurement system described in subsection (g).

(b) STATE GRANTS.—

(1) IN GENERAL.—From amounts reserved under section 4403 for Successful, Safe, and Healthy Students State Grants, the Secretary shall award grants to States to carry out the purpose of this section.

(2) AWARDS TO STATES.—

(A) FORMULA GRANTS.—Except as provided in subparagraph (B), if the total amount reserved under section 4404 for Successful, Safe, and Healthy Students State Grants for a fiscal year is $500,000,000 or greater, the Secretary shall allot to each State with an approved application an amount that bears the same relationship to such total amount as the amount received under part A of title I by such State

for the preceding fiscal year bears to the amount received under such part for the preceding fiscal year by all States.

(B) MINIMUM STATE ALLOTMENT.—

(i) IN GENERAL.—No State receiving an allotment under subparagraph (A) may receive less than one-half of 1 percent of the total amount allotted under such subparagraph.

(ii) PUERTO RICO.—The amount allotted under subparagraph (A) to the Commonwealth of Puerto Rico for a fiscal year may not exceed one-half of 1 percent of the total amount allotted under such subparagraph for such fiscal year.

(C) COMPETITIVE GRANTS.—

(i) IN GENERAL.—If the total amount reserved under section 4404 for Successful, Safe, and Healthy Students State Grants for a fiscal year is less than $500,000,000, the Secretary shall award grants under this section on a competitive basis.

(ii) SUFFICIENT SIZE AND SCOPE.—In awarding grants on a competitive basis pursuant to clause (i), the Secretary shall ensure that grant awards are of sufficient size and scope to carry out required and approved activities under this section.

(c) APPLICATIONS.—

(1) IN GENERAL.—A State that desires to receive a grant under this section shall submit an application at such time, in such manner, and containing such information as the Secretary may require.

(2) CONTENT OF APPLICATION.—At a minimum, the application shall include—

(A) a plan for improving conditions for learning in schools in the State in a manner consistent with the requirements of the program that may be a part of a broader statewide child and youth plan, if such a plan exists and is consistent with the requirements of this part;

(B) a needs analysis of the conditions for learning in schools in the State, which—

(i) shall include a description of, and data measuring, the State's conditions for learning; and

(ii) may be a part of a broader statewide child and youth needs analysis, if such an analysis exists and is consistent with the requirements of this part;

(C) a description of how the activities the State proposes to implement with grant funds are responsive to the results of the needs analysis described in subparagraph (B); and

(D) a description of how the State will—

(i) develop, adopt, adapt, or implement the State's conditions for learning measurement system described in subsection (g), and how the State will ensure that all local educational agencies and schools in the State participate in such system;

(ii) ensure the quality and validity of the State's conditions for learning data collection;

(iii) coordinate the proposed activities with other Federal and State programs, including programs funded under this part, which may include programs to expand learning time and for before- and after-school programming;

(iv) assist local educational agencies to align activities with funds the agencies receive under the program with other funding sources in order to support a coherent and nonduplicative program;

(v) solicit and approve subgrant applications, including how the State will—

(I) allocate funds for statewide activities and subgrants for each year of the grant, consistent with allocation requirements under subsection (h)(2); and

(II) consider the results of the analysis described in subparagraph (B) in the State's distribution of subgrants;

(vi) address the needs of diverse geographic areas in the State, including rural and urban communities;

(vii) provide assistance to local educational agencies and schools in their efforts to prevent and appropriately respond to incidents of harassment, including building the capacity of such agencies and schools to educate family and community members regarding the agencies' and schools' respective roles in preventing and responding to such incidents; and

(viii) provide assistance to local educational agencies and schools in their approaches to school discipline.

(3) APPLICATION REVIEW PROCESS.—The Secretary shall establish a process to review applications submitted under this subsection.

(d) DURATION.—

(1) IN GENERAL.—A State that receives a grant under this section may receive funding for not more than 5 years in accordance with this subsection.

(2) INITIAL PERIOD.—The Secretary shall award grants under this section for an initial period of not more than 3 years.

(3) GRANT EXTENSION.—The Secretary may extend a competitive grant awarded to a State under this section for not more than an additional 2 years if the State shows sufficient improvement, as determined by the Secretary, against baseline data for the performance metrics established under subsection (i).

(e) RESERVATION AND USE OF FUNDS.—A State that receives a grant under this section shall—

(1) reserve not more than 7½ percent of the grant funds for administration of the program, technical assistance, and the development, improvement, and implementation of the State's conditions for learning measurement system, as described in subsection (g); and

(2) use the remainder of grant funds after making the reservation under paragraph (1) to award subgrants, on a competitive basis, to eligible local applicants.

(f) REQUIRED STATE ACTIVITIES.—A State that receives a grant under this section shall—

(1) establish a statewide physical education requirement that is consistent with widely recognized standards;

(2) require all local educational agencies in the State to—

(A) establish policies that prevent and prohibit conduct that is sufficiently severe, persistent, or pervasive to limit a student's ability to participate in or benefit from a program or activity of a public school or educational agency, or to create a hostile or abusive educational environment at a program or activity of a public school or educational agency, including acts of verbal, nonverbal, or physical aggression, intimidation, or hostility; and

(B) provide—

(i) annual notice to parents and students describing the full range of prohibited conduct contained in such local educational agency's discipline policies; and

(ii) grievance procedures for students or parents to register complaints regarding the prohibited conduct contained in such local educational agency's discipline policies, including—

(I) the name of the local educational agency officials who are designated as responsible for receiving such complaints; and

(II) timelines that the local educational agency will follow in the resolution of such complaints;

(3) not later than 1 year after receipt of the grant, develop, adapt, improve, or adopt and implement the statewide conditions for learning measurement system described in subsection (g) (unless the State can demonstrate, to the satisfaction of the Secretary, that an appropriate system has already been implemented) that annually measures the State's progress in the conditions for learning for every public school in the State;

(4) collect information in each year of the grant on the conditions for learning at the school-building level;

(5) collect annual incident data at the school-building level that are accurate and complete;

(6) publicly report, at the school level and local educational agency level, the data collected in the State's conditions for learning measurement system, described in subsection (g), each year in a timely and highly accessible manner, and in a manner that does not reveal personally identifiable information;

(7) use the results of the data collected in the State's conditions for learning measurement system to—

(A) identify and address conditions for learning statewide;

(B) help subgrantees identify and address school and student needs; and

(C) provide individualized assistance to schools identified under section 1116 and schools with significant conditions for learning weaknesses;

(8) award subgrants, consistent with subsection (h), to eligible local applicants; and

(9) monitor subgrants and provide technical assistance to subgrantees on the implementation of grant activities.

(g) CONDITIONS FOR LEARNING MEASUREMENT SYSTEM.—

(1) IN GENERAL.—Each State that receives a grant under this part shall establish a State reporting and information system that measures conditions for learning in the State and is, to the extent practicable, part of the State's statewide longitudinal data system and with the State's system for reporting the data required under section 1111.

(2) SYSTEM ACTIVITIES.—The State reporting and information system described in paragraph (1) shall—

(A) contain, at a minimum, data from valid and reliable surveys of students and staff and the indicators in subparagraph (B) that allow staff at the State, local educational agencies, and schools to examine and improve school-level conditions for learning;

(B) collect school-level data on—

(i) physical education indicators;

(ii) student attendance and truancy;

(iii) in-school suspensions, out-of-school suspensions, expulsions, referrals to law enforcement, school-based arrests, and disciplinary transfers (including placements in alternative schools) by student;

(iv) the frequency, seriousness, and incidence of violence and drug-related offenses resulting in disciplinary action in elementary schools and secondary schools in the State; and

(v) the incidence and prevalence, age of onset, perception of health risk, and perception of social disapproval of drug use and violence, including harassment, by youth and school personnel in schools and communities;

(C) collect and report data, including, at a minimum, the data described in clauses (ii), (iii), and (v) of subparagraph (B), in the aggregate and disaggregated by the categories of race, ethnicity, gender, disability status, migrant status, English proficiency, and status as economically disadvantaged, and cross tabulated across all of such categories by gender and by disability;

(D) protect student privacy, consistent with applicable data privacy laws and regulations, including section 444 of the General Education Provisions Act (20 U.S.C. 1232g, commonly known as the "Family Educational Rights and Privacy Act of 1974"); and

(E) to the extent practicable, utilize a web-based reporting system.

(3) COMPILING STATISTICS.—In compiling the statistics required to measure conditions for learning in the State—

(A) the offenses described in paragraph (2)(B)(iv) shall be defined pursuant to the State's criminal code, and aligned to the extent possible, with the Federal Bureau of Investigation's Uniform Crime Reports categories, but shall not identify victims of crimes or persons accused of crimes and the collected data shall include incident reports by school offi-

cials, anonymous student surveys, and anonymous teacher surveys;

(B) the performance metrics that are established under subsection (i) shall be collected and the performance on such metrics shall be defined and reported uniformly statewide;

(C) the State shall collect, analyze, and use the data under paragraph (2)(B) at least annually, except the indicators under paragraph (2)(B)(v) may be collected, at a minimum, every 2 years; and

(D) grant recipients and subgrant recipients shall use the data for planning and continuous improvement of activities implemented under this part, and may collect data for indicators that are locally defined, and that are not reported to the State, to meet local needs (so long as such indicators are aligned with the conditions for learning).

(h) SUBGRANTS.—

(1) IN GENERAL.—

(A) AWARDING OF SUBGRANTS.—A State that receives a grant under this section shall award subgrants, on a competitive basis, to eligible local applicants—

(i) based on need as identified by the State's conditions for learning measurement system described in subsection (g);

(ii) that are of sufficient size and scope to enable subgrantees to carry out approved activities; and

(iii) to implement programs that—

(I) are comprehensive in nature;

(II) are based on scientifically valid research;

(III) improve conditions for learning; and

(IV) are part of a strategy to achieve all the conditions for learning.

(B) ASSISTANCE.—A State that receives a grant under this section shall provide assistance to subgrant applicants and recipients in the selection of scientifically valid programs and interventions.

(2) ALLOCATION.—

(A) IN GENERAL.—In awarding subgrants under this section, each State shall ensure that, for the aggregate of all subgrants awarded by the State, not less than 20 percent of the subgrant funds are allocated to carry out programs to promote physical activity, education, fitness, and nutrition.

(B) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to require States, in making subgrants to eligible local applicants, to require subgrant recipients to use 20 percent of subgrant funds for the promotion of physical activity, education, fitness, and nutrition.

(3) APPLICATIONS.—An eligible local applicant that desires to receive a subgrant under this subsection shall submit to the State an application at such time, in such manner, and containing such information as the State may require.

(4) PRIORITY.—In awarding subgrants under this subsection, a State shall give priority to applications that—

(A) demonstrate the greatest need according to the results of the local needs assessment; and

(B) propose to serve schools with the highest concentrations of poverty, based on the percentage of students receiving or are eligible to receive a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

(5) ACTIVITIES OF SUBGRANT RECIPIENTS.—Each recipient of a subgrant under this subsection shall, for the duration of the subgrant, provide for the following:

(A) Carry out activities—

(i) the need for which has been identified, at a minimum, through the State's conditions for learning measurement system described in subsection (g);

(ii) that are part of a comprehensive strategy or framework to address such need; and

(iii) that include 1 or more of the following:

(I) Drug and violence prevention;

(II) Programs to promote mental health.

(III) Programs to promote physical activity, education, fitness, and nutrition.

(B) Ensure that each framework, intervention, or program selected be based on scientifically valid research and be used for the purpose for which such framework, intervention, or program was found to be effective.

(C) Use school-level data from the State's conditions for learning measurement system, described in subsection (g), to inform the implementation and continuous improvement of activities carried out under this part.

(D) Collect and report to the State educational agency, data for schools served by the subgrant recipient, in a manner consistent with the State's conditions for learning measurement system, described in subsection (g).

(E) Establish policies to expand access to quality physical activity opportunities, including local school wellness policies consistent with the requirements of section 9A of the Richard B. Russell National School Lunch Act. For purposes of this part, school wellness councils established consistent with section 9A of the Richard B. Russell National School Lunch Act may be part of existing school councils, if such councils exist and have the capacity and willingness to address school wellness.

(F) Engage family members and community-based organizations in the development of conditions for learning surveys, and in the planning, implementation, and review of the subgrant recipient's efforts under this part.

(G) Consider and accommodate the unique needs of students with disabilities and English learners in implementing activities.

(i) ACCOUNTABILITY.—

(1) ESTABLISHMENT OF PERFORMANCE METRICS.—The Secretary, acting through the Director of the Institute of Education Sciences, shall establish program performance metrics to measure the effectiveness of the activities carried out under this part.

(2) ANNUAL REPORT.—Each State that receives a grant under this part shall prepare and submit an annual report to the Secretary, which shall include information relevant to the conditions for learning, including on progress towards meeting outcomes for the metrics established under paragraph (1).

(j) EVALUATION.—From the amount reserved in accordance with section 9601, the Secretary, acting through the Director of the Institute of Education Sciences, shall conduct an evaluation of the impact of the practices funded or disseminated under this section.

SEC. 4405. TECHNICAL ASSISTANCE.

From the amount reserved under section 4403(3), the Secretary shall provide technical assistance to applicants, recipients, and subgrant recipients of the programs funded under this part.

SEC. 4406. PROHIBITED USES OF FUNDS.

No funds appropriated under this part may be used to pay for—

(1) school resource officer or other security personnel salaries, metal detectors, security cameras, or other security-related salaries, equipment, or expenses;

(2) drug testing programs; or

(3) the development, establishment, implementation, or enforcement of zero-tolerance discipline policies, other than those expressly required under the Gun-Free Schools Act (20 U.S.C. 7151 et seq.).

SEC. 4407. FEDERAL AND STATE NONDISCRIMINATION LAWS.

Nothing in this part shall be construed to invalidate or limit nondiscrimination principles or rights, remedies, procedures, or legal standards available to victims of discrimination under any other Federal law or law of a State or political subdivision of a State, including title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), section 504 or 505 of the Rehabilitation Act of 1973 (29 U.S.C. 794 and 794a), or the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.). The obligations imposed by this part are in addition to those imposed by title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), and the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

PART [B]*E*—21ST CENTURY COMMUNITY LEARNING CENTERS

SEC. [4201]*4501*. PURPOSE; DEFINITIONS.

(a) PURPOSE.—The purpose of this part is [to provide]*to assist States in providing* opportunities for [communities]*eligible entities* to establish or expand activities in community learning centers that—

(1) provide *students with before school, after school, or summer learning* opportunities for academic enrichment, including providing tutorial services to help students[, particularly students] who attend low-performing schools[,] to meet State and

local student academic achievement standards in core academic subjects, such as reading and mathematics;

(2) offer students *who attend low-performing schools* a broad array of additional services, programs, and activities, such as youth development activities, drug and violence prevention programs, counseling programs, art, music, and recreation programs, technology education programs, and character education programs, that are designed to reinforce and complement the regular academic program of participating students; [and]

[(3) offer families of students served by community learning centers opportunities for literacy and related educational development.]

(3) significantly increase the number of hours in a regular school day, week, or year in order to provide students with additional time for academic work and for additional subjects and enrichment activities that increase student achievement and engagement; and

(4) comprehensively redesign and implement an expanded school day, expanded school week, or expanded school year schedule for all students in a high-need school, to provide additional time for—

(A) instruction in core academic subjects;

(B) instruction in additional subjects and enrichment activities; and

(C) teachers and staff to collaborate, plan, and engage in professional development within and across grades and subjects.

(b) DEFINITIONS.—In this part:

(1) COMMUNITY LEARNING CENTER.—The term "community learning center" means an entity [that—]*that provides 1 or more of the following:*

(A) [assists]*Before school, after school, or summer learning programs that assist* students in meeting State and local academic achievement standards in core academic subjects, such as reading and mathematics, by providing the students with opportunities for academic enrichment activities and a broad array of other activities (such as drug and violence prevention, counseling, art, music, recreation, technology, and character education programs) during nonschool hours or periods when school is not in session [(such as before and after school or during summer recess)]that reinforce and complement the regular academic programs of the schools attended by the students served[; and].

[(B) offers families of students served by such center opportunities for literacy and related educational development.]

(B) Expanded learning time programs that significantly increase the total number of hours in a regular school day, week, or year, in order to provide students with the greatest academic needs with—

(i) additional time to participate in academic activities that—

(I) are aligned with the instruction that such students receive during the regular school day; and

(II) are targeted to the academic needs of such students; and

(ii) time to engage in enrichment and other activities that complement the academic program and contribute to a well-rounded education, which may include music and the arts, physical education, and experiential and work-based learning opportunities.

(C) Expanded learning time initiatives that use an expanded school day, expanded school week, or expanded school year schedule to increase the total number of school hours for the school year at a high-need school by not less than 300 hours and redesign the school's program in a manner that includes additional time—

(i) for academic work, and to support innovation in teaching, in order to improve the proficiency of participating students, particularly struggling students, in core academic subjects;

(ii) to advance student learning for all students in all grades;

(iii) for additional subjects and enrichment activities that contribute to a well-rounded education, which may include music and the arts, physical education, and experiential and work-based learning opportunities; and

(iv) for teachers to engage in collaboration and professional planning, within and across grades and subjects.

[(2) COVERED PROGRAM.—The term "covered program" means a program for which—

[(A) the Secretary made a grant under part I of title X (as such part was in effect on the day before the date of enactment of the No Child Left Behind Act of 2001); and

[(B) the grant period had not ended on that date of enactment.

[(3) ELIGIBLE ENTITY.—The term "eligible entity" means a local educational agency, community-based organization, another public or private entity, or a consortium of two or more of such agencies, organizations, or entities.**]**

(2) ELIGIBLE ENTITY.—

(A) IN GENERAL.—The term "eligible entity" means a partnership of—

(i) 1 or more high-need local educational agencies in partnership with 1 or more nonprofit organizations with a demonstrated record of success in designing and implementing before school, after school, summer learning, or expanded learning time activities; or

(ii) 1 or more nonprofit organizations with a demonstrated record of success in designing and implementing before school, after school, summer learning, or expanded learning time activities, in partnership with 1 or more high-need local educational agencies.

(B) SPECIAL RULE.—A State educational agency shall deem a rural local educational agency applying for a grant under section 4504 without a partnering public or nonprofit entity to be an eligible entity if the rural local educational agency demonstrates that such agency is unable to partner with a public or nonprofit organization in reasonable geographic proximity or of sufficient quality to meet the requirements of this part.

[(4)**]***(3)* STATE.—The term "State" means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

SEC. [4202]*4502*. ALLOTMENTS TO STATES.

(a) RESERVATION.—From the funds appropriated **[**under section 4206**]***to carry out this part* for any fiscal year, the Secretary shall reserve—

[(1) such amount as may be necessary to make continuation awards to grant recipients under covered programs (under the terms of those grants);**]**

[(2)**]***(1)* not more than 1 percent for national activities, which the Secretary may carry out directly or through grants and contracts, such as providing technical assistance to eligible entities carrying out programs under this part or conducting a national evaluation; and

[(3)**]***(2)* not more than 1 percent for payments to the outlying areas and the **[**Bureau of Indian Affairs**]***Bureau of Indian Education*, to be allotted in accordance with their respective needs for assistance under this part, as determined by the Secretary, to enable the outlying areas and the Bureau to carry out the purpose of this part.

(b) STATE ALLOTMENTS.—

(1) DETERMINATION.—From the funds appropriated **[**under section 4206**]***to carry out this part* for any fiscal year and remaining after the Secretary makes reservations under subsection (a), the Secretary shall allot to each State for the fiscal year an amount that bears the same relationship to the remainder as the amount the State received under subpart 2 of part A of title I for the preceding fiscal year bears to the amount all States received under that subpart for the preceding fiscal year, except that no State shall receive less than an amount equal to one-half of 1 percent of the total amount made available to all States under this subsection.

(2) REALLOTMENT OF UNUSED FUNDS.—* * *

(c) STATE USE OF FUNDS.—

(1) IN GENERAL.—Each State that receives an allotment under this part shall reserve not less than 95 percent of the amount allotted to such State under subsection (b), for each fiscal year for awards to eligible entities under section **[**4204**]***4504*.

(2) STATE ADMINISTRATION.—A State educational agency may use not more than 2 percent of the amount made available to the State under subsection (b) for—

(A) * * *

(B) establishing and implementing a peer review process for grant applications described in section

[4204(b)]*4504(b)* (including consultation with the Governor and other State agencies [responsible for administering youth development programs and adult learning activities]*as applicable*); and

[supervising the awarding of funds to eligible entities (in consultation with the Governor and other State agencies responsible for administering youth development programs and adult learning activities).]

(C) supervising the awarding of funds to eligible entities (in consultation with the Governor and other State agencies responsible for administering youth development programs and adult learning activities).

(3) STATE ACTIVITIES.—* * *

(A) Monitoring and *comprehensive* evaluation *(directly, or through a grant or contract) of the effectiveness* of programs and activities assisted under this part.

[(B) Providing capacity building, training, and technical assistance under this part.]

(B) Providing capacity building, training, professional development, and technical assistance under this part to eligible entities, relating to activities such as—

(i) coordinating activities carried out under this part with other Federal, State, and local programs so as to implement high-quality programs; and

(ii) aligning activities carried out under this part with State academic content standards.

[(C) Comprehensive evaluation (directly, or through a grant or contract) of the effectiveness of programs and activities assisted under this part.

[(D) Providing training and technical assistance to eligible entities who are applicants for or recipients of awards under this part.]

SEC. [4203]*4503*. STATE APPLICATION.

(a) IN GENERAL.—In order to receive an allotment under section [4202]*4502* for any fiscal year, a State shall submit to the Secretary, at such time as the Secretary may require, an application that—

(1) * * *

* * * * * * *

(2) describes how the State educational agency will use funds received under this part, including funds reserved for State-level activities;

(3) contains an assurance that the State educational agency will make awards under this part only to eligible entities that propose to [serve—

[(A) students who primarily attend—

[(i) schools eligible for schoolwide programs under section 1114; or

[(ii) schools that serve a high percentage of students from low-income families; and

[(B) the families of students described in subparagraph (A)]*serve students who primarily attend high-need schools and schools that are identified through a State's account-*

ability and improvement system under subsection (b) or (c)(2) of section 1116;

(4) describes *the State's rigorous, high-quality competition for grants under section 4204, including* the procedures and criteria the State educational agency will use for reviewing applications and awarding funds to eligible entities on a competitive basis[, which shall include procedures and criteria that take into consideration the likelihood that a proposed community learning center will help participating students meet local content and student academic achievement standards];

[(5) describes how the State educational agency will ensure that awards made under this part are—

[(A) of sufficient size and scope to support high-quality, effective programs that are consistent with the purpose of this part; and

[(B) in amounts that are consistent with section 4204(h);]

(5) describes how the State educational agency will ensure that awards made under this part are of sufficient size and scope to support high-quality, effective programs that are consistent with the purpose of this part;

(6) * * *

[(7) describes how programs under this part will be coordinated with programs under this Act, and other programs as appropriate;]

(7) describes how the State educational agency will assist eligible entities in coordinating funds received through the grant with other funding streams, in order to support a coherent and sustainable approach to funding and implementing programs and activities under this part and other programs under this Act;

(8) contains an assurance that the State educational agency—

(A) will make awards for programs for a period of [not less than 3 years and not more than 5 years]*not more than 3 years, and may extend a grant for an additional period of not more than 2 years if the eligible entity is achieving the intended outcomes of the grant*; and

(B) * * *

(9) * * *

(10) contains an assurance that the State educational agency will require eligible entities to describe in their applications under section [4204(b)]*4504(b)* how the transportation needs*, if any,* of participating students will be addressed;

(11) provides an assurance that the application was developed in consultation and coordination with appropriate State officials, including the chief State school officer, and other State agencies administering [before and after school (or summer school) programs, the heads of the State health and mental health agencies or their designees,]*before school, after school, summer learning, and expanded learning time programs and initiatives,* and representatives of teachers, parents, students, the business community, and community-based organizations;

(12) describes the results of the State's needs and resources assessment for [before and after school]*before school, after school, summer learning, and expanded learning time* activities, which shall be based on the results of on-going State evaluation activities;

(13) describes how the State educational agency will evaluate*, on a regular basis, and not less than every 3 years after the receipt of the grant* the effectiveness of programs and activities carried out under this part, which shall include, at a minimum—

[(A) a description of the performance indicators and performance measures that will be used to evaluate programs and activities; and]

(A) a description of the benchmarks and performance goals that will be used to hold eligible entities accountable and to determine whether to provide eligible entities receiving a grant under section 4504 with an additional 2-year period of grant funding after the initial 3-year grant; and

(B) public dissemination of the evaluations of programs and activities carried out under this part; [and]

(14) provides for timely public notice of intent to file an application and an assurance that the application will be available for public review after submission[.]*; and*

(15) contains an assurance that each eligible entity that applies for an award under section 4504 shall have the flexibility to apply for funds to carry out programs described in subparagraph (A), (B), or (C) of section 4501(b)(1).

(b) DEEMED APPROVAL.—* * *

* * * * * * *

SEC. [4204]*4504*. LOCAL COMPETITIVE GRANT PROGRAM.

(a) IN GENERAL.—A State that receives funds under this part for a fiscal year shall provide the amount made available under section [4202(c)(1)]*4502(c)(1)* to eligible entities for community learning centers in accordance with this part.

(b) APPLICATION.—

(1) IN GENERAL.—* * *

(2) CONTENTS.—Each application submitted under paragraph (1) shall include—

[(A) a description of the before and after school or summer recess activities to be funded, including—

[(i) an assurance that the program will take place in a safe and easily accessible facility;

[(ii) a description of how students participating in the program carried out by the community learning center will travel safely to and from the center and home; and

[(iii) a description of how the eligible entity will disseminate information about the community learning center (including its location) to the community in a manner that is understandable and accessible;]

(A) a description of the before school, after school, summer learning, or expanded learning time activities to be funded, including—

(i) evidence that research-based strategies for student achievement and engagement will be utilized in the program;

(ii) as applicable, an explanation of how the program will offer students—

(I) academic instruction that is aligned with the academic needs of the students; and

(II) engaging enrichment activities that are aligned with the developmental needs and interests of the students, and that contribute to a well-rounded education;

(iii) an assurance that the program will take place in a safe learning environment and an easily accessible facility;

(iv) if applicable, a description of how students participating in the program will travel safely to and from home; and

(v) a description of how the eligible entity will disseminate information about the program to the community in a manner that is understandable and accessible;

(B) a description of how the ❚activity❚*program* is expected to improve student academic achievement *and help keep students on track to college and career readiness*;

(C) * * *

* * * * * * *

❚(E) a description of how the activities will meet the principles of effectiveness described in section 4205(b);❚

(E) as applicable, an explanation of how the program will offer students—

(i) academic instruction that is aligned with the academic needs of the students; and

(ii) engaging enrichment activities that are aligned with the developmental needs and interests of the students, and that contribute to a well-rounded education;

(F) an assurance that the program will primarily target students who attend ❚schools eligible for schoolwide programs under section 1114 and the families of such students❚*high-need schools and schools that are identified through a State's accountability and improvement system under subsections (b) or (c)(2) of section 1116*;

(G) * * *

❚(H) a description of the partnership between a local educational agency, a community-based organization, and another public entity or private entity, if appropriate;❚

(H) a description of the capacity of the eligible entity partners described in section 4501(b)(2)(A)(ii) to successfully implement the program, including the quality and experience of the management team of such partners;

(I) an evaluation of the community needs and available resources for the community learning center and a descrip-

tion of how the program proposed to be carried out [in the center]will address those needs [(including the needs of working families)];

[(J) a demonstration that the eligible entity has experience, or promise of success, in providing educational and related activities that will complement and enhance the academic performance, achievement, and positive youth development of the students;]

(J) a description of the education and training activities that program staff and teachers, as applicable, have received or will receive to effectively administer the proposed program;

(K) * * *

[(L) an assurance that the community will be given notice of an intent to submit an application and that the application and any waiver request will be available for public review after submission of the application;

[(M) if the eligible entity plans to use senior volunteers in activities carried out through the community learning center, a description of how the eligible entity will encourage and use appropriately qualified seniors to serve as the volunteers; and]

[(N)]*(L)* such other information and assurances as the State educational agency may reasonably require.

(c) APPROVAL OF CERTAIN APPLICATIONS.—* * *

[(d) PERMISSIVE LOCAL MATCH.—

[(1) IN GENERAL.—A State educational agency may require an eligible entity to match funds awarded under this part, except that such match may not exceed the amount of the grant award and may not be derived from other Federal or State funds.

[(2) SLIDING SCALE.—The amount of a match under paragraph (1) shall be established based on a sliding fee scale that takes into account—

[(A) the relative poverty of the population to be targeted by the eligible entity; and

[(B) the ability of the eligible entity to obtain such matching funds.

[(3) IN-KIND CONTRIBUTIONS.—Each State educational agency that requires an eligible entity to match funds under this subsection shall permit the eligible entity to provide all or any portion of such match in the form of in-kind contributions.

[(4) CONSIDERATION.—Notwithstanding this subsection, a State educational agency shall not consider an eligible entity's ability to match funds when determining which eligible entities will receive awards under this part.]

[(e)]*(d)* PEER REVIEW.—In reviewing local applications under this section, a State educational agency shall use a peer review process or other methods of assuring the quality of such applications.

[(f)]*(e)* GEOGRAPHIC DIVERSITY.—To the extent practicable, a State educational agency shall distribute funds under this part equitably among geographic areas within the State, including urban and rural communities.

[(g)]*(f)* DURATION OF AWARDS.—Grants under this part may be awarded for a period of [not less than 3 years and not more than 5 years]*not more than 3 years, and may be extended for an additional period of not more than 2 years, if an eligible entity is achieving the intended outcomes of the grant*.

[(h) AMOUNT OF AWARDS.—A grant awarded under this part may not be made in an amount that is less than $50,000.]

[(i)]*(g)* PRIORITY.—

[(1) IN GENERAL.—In awarding grants under this part, a State educational agency shall give priority to applications—

[(A) proposing to target services to students who attend schools that have been identified as in need of improvement under section 1116; and

[(B) submitted jointly by eligible entities consisting of not less than 1—

[(i) local educational agency receiving funds under part A of title I; and

[(ii) community-based organization or other public or private entity.

[(2) SPECIAL RULE.—The State educational agency shall provide the same priority under paragraph (1) to an application submitted by a local educational agency if the local educational agency demonstrates that it is unable to partner with a community-based organization in reasonable geographic proximity and of sufficient quality to meet the requirements of this part.]

(g) PRIORITY.—

(1) IN GENERAL.—In awarding grants under this part, a State educational agency shall give priority to high-quality applications that—

(A) are based on strong research evidence for improving student learning, as measured by student achievement and other measures of student learning and development that are appropriate for, and aligned to, the program's goals and design;

(B) propose to serve the highest percentage of students from low-income families;

(C) include a partnership agreement, signed by each partner of the eligible entity, that—

(i) shows that the staff of each partner are committed to work collaboratively to implement the proposed activities, including through coordinated planning, collaborative implementation, and joint professional development and training opportunities;

(ii) sets clear expectations, including measurable goals for each partner;

(iii) requires the collection and reporting of data about the outcomes of programs funded under this part, in order to monitor progress toward achieving such goals and inform implementation; and

(iv) specifies how student information will be shared to advance the goals of the proposed program and activities, including student academic achievement and engagement data, as appropriate and in accordance with Federal, State, and local laws; and

(D) are submitted by eligible entities that will provide matching funds to carry out the activities supported by the grant, as described in paragraph (2).

(2) MATCHING FUNDS.—

(A) AMOUNT OF MATCHING FUNDS.—In awarding grants under this section, a State educational agency shall give priority to applications from eligible entities that, in addition to meeting the requirements of paragraph (1), provide matching funds in an amount not less than—

(i) for the first year of an initial grant under this section, 10 percent of the cost of the activities;

(ii) for the second year of such grant, 20 percent of the cost of the activities;

(iii) for the third year of such grant, and for the first year of a subsequent grant under this section, 30 percent of the cost of the activities; and

(iv) for the second or any succeeding year of such subsequent grant, 40 percent of the cost of the activities.

(B) CASH OR IN-KIND.—The eligible entity may provide the matching funds described in subparagraph (A) in cash or in-kind, fairly evaluated, including plant, equipment, or services, but may not provide more than 50 percent of the matching funds in-kind.

(C) WAIVER.—A State educational agency may waive all or part of the matching requirement for priority described in this paragraph, on a case-by-case basis, upon a showing of serious financial hardship.

(h) SPECIAL RULE.—In implementing 21st Century Community Learning Centers, the Department shall not give priority to, show preference for, or provide direction about whether communities use 21st Century Community Learning Centers funds for eligible entities described in subparagraph (A), (B), or (C) of section 4501(b)(1).

SEC. [4205]*4505*. LOCAL ACTIVITIES.

(a) AUTHORIZED ACTIVITIES.—Each eligible entity that receives an award under this part may use the award funds to carry out a broad array of [before and after school activities (including during summer recess periods)]*before school, after school, summer learning, or expanded learning time activities* that advance student academic achievement, including—

(1) high-quality expanded learning time programs or initiatives;

[(1)]*(2)* * * *

[(2)]*(3)* * * *

[(3)]*(4)* * * *

[(4)]*(5)* * * *

[(5)]*(6)* tutoring services [(including those provided by senior citizen volunteers)]and mentoring programs;

[(6)]*(7)* programs that provide after school activities for [limited English proficient students]*English learners* that emphasize language skills and academic achievement;

[(7)]*(8)* * * *

[(8)]*(9)* * * *

[(9)]*(10)* * * *

[(10)]*(11)* * * *
[(11)]*(12)* * * *
[(12)]*(13)* * * *

[(b) PRINCIPLES OF EFFECTIVENESS.—

[(1) IN GENERAL.—For a program or activity developed pursuant to this part to meet the principles of effectiveness, such program or activity shall—

[(A) be based upon an assessment of objective data regarding the need for before and after school programs (including during summer recess periods) and activities in the schools and communities;

[(B) be based upon an established set of performance measures aimed at ensuring the availability of high quality academic enrichment opportunities; and

[(C) if appropriate, be based upon scientifically based research that provides evidence that the program or activity will help students meet the State and local student academic achievement standards.

[(2) PERIODIC EVALUATION.—

[(A) IN GENERAL.—The program or activity shall undergo a periodic evaluation to assess its progress toward achieving its goal of providing high quality opportunities for academic enrichment.

[(B) USE OF RESULTS.—The results of evaluations under subparagraph (A) shall be—

[(i) used to refine, improve, and strengthen the program or activity, and to refine the performance measures; and

[(ii) made available to the public upon request, with public notice of such availability provided.]

(b) PERFORMANCE INDICATORS.—Each State educational agency that receives a grant under this part shall collect, and annually report to the Secretary, information on the following performance indicators, disaggregated, as appropriate, by the subgroups described in section 1111(a)(2)(B)(ix):

(1) The average time added to the school day, school week, or school year, if applicable.

(2) Student participation and attendance rates for the programs funded under this part.

(3) Student achievement in core academic subjects and high school graduation rates, as applicable, for students who participate in such programs.

[SEC. 4206. [20 U.S.C. 7176] AUTHORIZATION OF APPROPRIATIONS.]

[There are authorized to be appropriated—

[(1) $1,250,000,000 for fiscal year 2002;
[(2) $1,500,000,000 for fiscal year 2003;
[(3) $1,750,000,000 for fiscal year 2004;
[(4) $2,000,000,000 for fiscal year 2005;
[(5) $2,250,000,000 for fiscal year 2006; and
[(6) $2,500,000,000 for fiscal year 2007.]

* * * * * * *

PART F—PROMISE NEIGHBORHOODS

SEC. 4601. SHORT TITLE.

This part may be cited as the "Promise Neighborhoods Act of 2011".

SEC. 4602. PURPOSE.

The purpose of this part is to significantly improve academic outcomes, including school readiness, high school graduation, and college and career readiness of children living in our Nation's most distressed neighborhoods, by using data-driven decisionmaking and existing external resources to provide children in such neighborhoods with access to a community-based continuum of high-quality pipeline services that include access to early learning opportunities, high-quality schools, and evidence-based practices that address the needs of such children from birth through college and career.

SEC. 4603. DEFINITIONS.

In this part:

(1) COLLEGE AND CAREER READINESS.—The term "college and career readiness" means the level of preparation a student needs in order to meet the State academic content and achievement standards under section 1111(a)(1).

(2) COMMUNITY OF PRACTICE.—The term "community of practice" means a group of entities that interact regularly to share best practices to address 1 or more persistent problems, or improve practice with respect to such problems, in 1 or more neighborhoods.

(3) EXPANDED LEARNING TIME.—The term "expanded learning time" means the activities and programs described in subparagraphs (A), (B), and (C) of section 4501(b)(1).

(4) FAMILY AND STUDENT SUPPORTS.—The term "family and student supports" includes—

(A) health programs (including both mental health and physical health services);

(B) school-, public-, and child-safety programs;

(C) programs that improve family stability;

(D) workforce development programs (including those that meet local business needs, such as internships and externships);

(E) social service programs;

(F) legal aid programs;

(G) financial literacy education programs;

(H) adult education and family literacy programs;

(I) parent, family, and community engagement programs; and

(J) programs that increase access to learning technology and enhance the digital literacy skills of students.

(5) INTEGRATED STUDENT SUPPORTS.—The term "integrated student supports" means services, supports, and community resources, which shall be offered through a site coordinator for at-risk students, that have been shown by evidence-based research—

(A) to increase academic achievement and engagement;

(B) to support positive child and youth development; and

(C) to increase student preparedness for success in college and the workforce.

(6) NEIGHBORHOOD.—The term "neighborhood" means a defined geographical area in which there are multiple signs of distress, demonstrated by indicators of need, including poverty, childhood obesity rates, academic failure, and rates of juvenile delinquency, adjudication, or incarceration.

(7) PIPELINE SERVICES.—The term "pipeline services" means a continuum of supports and services for children from birth through college entry, college success, and career attainment, including, at a minimum, strategies to address through services or programs (including integrated student supports and wrap-around services) the following:

(A) Prenatal education and support for expectant parents.

(B) High-quality early learning opportunities.

(C) High-quality schools and out-of-school-time programs and strategies.

(D) Support for a child's transition to elementary school, between elementary school to middle school, from middle school to high school, and from high school into and through college and into the workforce.

(E) Parent, family, and community engagement.

(F) Parent, family, and student supports.

(G) Activities that support college and career readiness, including coordination between such activities, such as—

(i) assistance with college admissions, financial aid, and scholarship applications, especially for low-income and low-achieving students; and

(ii) career preparation services and supports and wrap around services.

Subpart 1—Promise Neighborhood Partnership Grants

SEC. 4611. PROGRAM AUTHORIZED.

(a) IN GENERAL.—

(1) PROGRAM AUTHORIZED.—From amounts appropriated to carry out this subpart, the Secretary shall award grants, on a competitive basis, to eligible entities to implement a comprehensive, evidence-based continuum of coordinated services and supports that engages community partners to improve academic achievement, student development, and college and career readiness, measured by common outcomes, by carrying out the activities described in section 4614 in neighborhoods with high concentrations of low-income individuals and persistently low-achieving schools or schools with an achievement gap.

(2) SUFFICIENT SIZE AND SCOPE.—Each grant awarded under this subpart shall be of sufficient size and scope to allow the eligible entity to carry out the purpose of this part.

(b) DURATION.—Grants awarded under this subpart shall be for a period of not more than 5 years and may be renewed for not more than 1 additional grant period.

(c) CONTINUED FUNDING.—Continued funding after the third year of the grant period shall be contingent on the eligible entity's

progress toward meeting the performance metrics described in section 4616(a).

(d) MATCHING REQUIREMENT.—Each eligible entity receiving a grant under this subpart shall contribute matching funds in an amount equal to not less than 100 percent of the amount of the grant. Such matching funds shall come from non-Federal sources. The Secretary shall require that a portion of such matching funds come from private sources.

(e) FINANCIAL HARDSHIP WAIVER.—The Secretary may waive or reduce, on a case-by-case basis, the matching requirement described in subsection (d), for a period of 1 year at a time, if the eligible entity demonstrates significant financial hardship.

SEC. 4612. ELIGIBLE ENTITIES.

In this subpart, the term "eligible entity" means not less than 1 nonprofit entity in partnership with not less than 1 high-need local educational agency. Such partnership may also include any of the following entities:

(1) A charter school funded by the Bureau of Indian Education that is not a local educational agency, except that such school shall not be the fiscal agent for the eligible entity partnership.

(2) An institution of higher education, as defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002).

(3) The office of a chief elected official of a unit of local government.

(4) An Indian tribe or tribal organization, as defined under section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

SEC. 4613. APPLICATION REQUIREMENTS.

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

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

(1) A plan to significantly improve the academic outcomes of children living in a neighborhood that is served by the eligible entity, by providing a continuum of services and supports that addresses the needs of children in the neighborhood, as identified by the needs analysis described in paragraph (4) and supported by evidence-based practices.

(2) A description of the neighborhood that the eligible entity will serve.

(3) Measurable annual goals for the outcomes of the grant, including—

(A) performance goals, in accordance with the metrics described in section 4616(a), for each year of the grant; and

(B) projected participation rates and any plans to expand the number of children served or the neighborhood proposed to be served by the grant program.

(4) An analysis of the needs and assets of the neighborhood identified in paragraph (2), including—

(A) a description of the process through which the needs analysis was produced, including a description of how parents, family, and community members were engaged in such analysis;

(B) an analysis of community assets, including programs already provided from Federal and non-Federal sources, within, or accessible to, the neighborhood, including, at a minimum—

(i) early learning programs, including high-quality child care, Early Head Start programs, Head Start programs, and prekindergarten programs;

(ii) the availability of healthy food options and opportunities for physical activity;

(iii) existing family and student supports;

(iv) locally owned businesses and employers; and

(v) institutions of higher education;

(C) evidence of successful collaboration within the neighborhood;

(D) the steps that the eligible entity is taking, at the time of the application, to address the needs identified in the needs analysis; and

(E) any barriers the eligible entity, public agencies, and other community-based organizations have faced in meeting such needs.

(5) A description of the data used to identify the pipeline services to be provided, including data regarding—

(A) school readiness;

(B) academic achievement and college and career readiness;

(C) graduation rates;

(D) health indicators;

(E) college enrollment, persistence, and completion rates, as available; and

(F) conditions for learning, including school climate surveys, discipline rates, and student attendance and incident data.

(6) A description of the process used to develop the application, including the involvement of family and community members.

(7) An estimate of—

(A) the number of children, by age, who will be served by each pipeline service; and

(B) for each age group, the percentage of children (of such age group), within the neighborhood, who the eligible entity proposes to serve, disaggregated by each service, and the goals for increasing such percentage over time.

(8) A description of how the pipeline services will facilitate the coordination of the following activities:

(A) Providing high-quality early learning opportunities for children, beginning prenatally and extending through grade 3, by—

(i) supporting high-quality early learning opportunities that provide children with access to programs that support the cognitive and developmental skills, includ-

ing social and emotional skills, needed for success in elementary school;

(ii) providing for opportunities, through parenting classes, baby academies, home visits, or other evidence-based strategies, for families and expectant parents to—

(I) acquire the skills to promote early learning, development, and health and safety, including learning about child development and positive discipline strategies (such as through the use of technology and public media programming);

(II) learn about the role of families and expectant parents in their child's education; and

(III) become informed about educational opportunities for their children, including differences in quality among early learning opportunities;

(iii) ensuring successful transitions between early learning programs and elementary school, including through the establishment of memoranda of understanding between early learning providers and local educational agencies serving young children and families;

(iv) ensuring appropriate screening, diagnostic assessments, and referrals for children with disabilities, developmental delays, or other special needs, consistent with the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), where applicable;

(v) improving the early learning workforce in the community, including through—

(I) investments in the recruitment, retention, distribution, and support of high-quality professionals, especially those with certification and experience in child development;

(II) the provision of high-quality teacher preparation and professional development; or

(III) the use of joint professional development for early learning providers and elementary school teachers and administrators; and

(vi) enhancing data systems and data sharing among the eligible entity, partners, early learning providers, schools, and local educational agencies operating in the neighborhood.

(B) Supporting, enhancing, operating, or expanding rigorous and comprehensive education reforms designed to significantly improve educational outcomes for children and youth in early learning programs through grade 12, which may include—

(i) operating schools or working in close collaboration with local schools to provide high-quality academic programs, curricula, and integrated student supports;

(ii) providing expanded learning time; and

(iii) providing programs and activities that ensure that students—

(I) are prepared for the college admissions, scholarship, and financial aid application processes; and

(II) graduate college and career ready.

(C) Supporting access to a healthy lifestyle, which may include—

(i) the provision of high-quality and nutritious meals;

(ii) access to programs that promote physical activity, physical education, and fitness; and

(iii) education to promote a healthy lifestyle and positive body image.

(D) Providing social, health, and mental health services and supports, including referrals for essential care and preventative screenings, for children, family, and community members, which may include—

(i) dental services;

(ii) vision care; and

(iii) speech, language, and auditory screenings and referrals.

(E) Supporting students and family members as the students transition from early learning programs into elementary school, from elementary school to middle school, from middle school to high school, from high school into and through college and into the workforce, including through evidence-based strategies to address challenges that students may face as they transition, such as the following:

(i) Early college high schools.

(ii) Dual enrollment programs.

(iii) Career academies.

(iv) Counseling and support services.

(v) Dropout prevention and recovery strategies.

(vi) Collaboration with the juvenile justice system and reentry counseling for adjudicated youth.

(vii) Advanced Placement or International Baccalaureate courses.

(viii) Teen parent classrooms.

(ix) Graduation and career coaches.

(9) A description of the strategies that will be used to provide pipeline services (including a description of the process used to identify such strategies and the outcomes expected and a description of which programs and services will be provided to children, family members, community members, and children not attending schools or programs operated by the eligible entity or its partner providers) to support the purpose of this part.

(10) An explanation of the process the eligible entity will use to establish and maintain family and community engagement.

(11) An explanation of how the eligible entity will continuously evaluate and improve the continuum of high-quality pipeline services, including—

(A) a description of the metrics, consistent with section 4616(a), that will be used to inform each component of the pipeline; and

(B) the processes for using data to improve instruction, optimize integrated student supports, provide for continuous program improvement, and hold staff and partner organizations accountable.

(12) An identification of the fiscal agent, which may be any entity described in section 4612 (not including paragraph (1) of such section).

(13) A list of the non-Federal sources of funding that the eligible entity will secure to comply with the matching funds requirement described in section 4611(d), in addition to other programs from which the eligible entity has already secured funding, including those funded by the Department or programs in the Department of Health and Human Services, the Department of Housing and Urban Development, the Department of Justice, or the Department of Labor.

(c) MEMORANDUM OF UNDERSTANDING.—An eligible entity, as part of the application described in this section, shall submit a preliminary memorandum of understanding, signed by each partner entity or agency. The preliminary memorandum of understanding shall describe, at a minimum—

(1) each partner's financial and programmatic commitment with respect to the strategies described in the application, including an identification of the fiscal agent;

(2) each partner's long-term commitment to providing pipeline services that, at a minimum, accounts for the cost of supporting the continuum of supports and services (including a plan for how to support services and activities after grant funds are no longer available) and potential changes in local government;

(3) each partner's mission and the plan that will govern the work that the partners do together;

(4) each partner's long-term commitment to supporting the continuum of supports and services through data collection, monitoring, reporting, and sharing; and

(5) each partner's commitment to ensure sound fiscal management and controls, including evidence of a system of supports and personnel.

SEC. 4614. USE OF FUNDS.

(a) IN GENERAL.—Each eligible entity that receives a grant under this subpart shall use the grant funds to—

(1) implement the pipeline services, as described in the application under section 4613; and

(2) continuously evaluate the success of the program and improve the program based on data and outcomes.

(b) SPECIAL RULES.—

(1) FUNDS FOR PIPELINE SERVICES.—Each eligible entity that receives a grant under this subpart shall, in the second year of the grant and each subsequent year, including each year of a renewal grant, use not less than 80 percent of grant funds to carry out the activities described in subsection (a)(1).

(2) OPERATIONAL FLEXIBILITY.—Each eligible entity that operates a school in a neighborhood served by a grant program under this subpart shall provide such school with the operational flexibility, including autonomy over staff, time, and

budget, needed to effectively carry out the activities described in the application under section 4613.

SEC. 4615. REPORT AND PUBLICLY AVAILABLE DATA.

(a) REPORT.—Each eligible entity that receives a grant under this subpart shall prepare and submit an annual report to the Secretary, which shall include—

(1) information about the number and percentage of children in the neighborhood who are served by the grant program, including a description of the number and percentage of children accessing each of the pipeline services;

(2) data (disaggregated by the categories described in section 1111(a)(2)(B)(ix)) about the grant program's success in—

(A) narrowing achievement gaps and improving student achievement;

(B) ensuring school readiness and healthy socio-emotional development;

(C) increasing student persistence;

(D) increasing student attendance, and decreasing incidences of violence, suspension, and expulsion;

(E) improving conditions for learning, as measured by a school climate survey; and

(F) increasing secondary school graduation rates and college entry;

(3) information relating to the performance metrics described in section 4616(a); and

(4) other indicators that may be required by the Secretary, in consultation with the Director of the Institute of Education Sciences.

(b) PUBLICLY AVAILABLE DATA.—Each eligible entity that receives a grant under this subpart shall make publicly available, including through electronic means, the information described in subsection (a). To the extent practicable, such information shall be provided in a form and language accessible to parents and families in the neighborhood, and such information shall be a part of statewide longitudinal data systems.

SEC. 4616. ACCOUNTABILITY.

(a) PERFORMANCE METRICS.—The Secretary shall establish performance metrics relevant to the evaluation of the grant program under this subpart.

(b) EVALUATION.—The Secretary shall evaluate the implementation and impact of the activities funded under this subpart, in accordance with section 9601.

Subpart 2—Promise School Grants

SEC. 4621. PROGRAM AUTHORIZED.

(a) IN GENERAL.—

(1) PROGRAM AUTHORIZED.—From amounts appropriated to carry out this subpart, the Secretary shall award grants, on a competitive basis, to eligible entities to implement school-centered, evidence-based strategies and integrated student supports that leverage community partnerships to improve student achievement and child and youth development by carrying out

the activities described in section 4624 in schools with high concentrations of low-income children.

(2) SUFFICIENT SIZE AND SCOPE.—Each grant awarded under this subpart shall be of sufficient size and scope to allow the eligible entity to carry out the purpose of this part.

(b) GENERAL PROVISIONS.—The requirements of subsections (b), (c), (d), and (e) of section 4611 and section 4614(b) shall apply to a grant under this subpart in the same manner as such subsections apply to a grant under subpart 1, except that the performance metrics used for section 4611(c) shall be the metrics under section 4626(a).

SEC. 4622. DEFINITION OF ELIGIBLE ENTITY.

In this subpart, the term "eligible entity" means—

(1) not less than 1 high-need local educational agency (including a charter school that is a local educational agency) in partnership with 1 or more nonprofit entities or institutions of higher education; or

(2) a school funded by the Bureau of Indian Education that falls under the definition of a local educational agency in partnership with 1 or more nonprofit entities or institutions of higher education.

SEC. 4623. APPLICATION REQUIREMENTS; PRIORITY.

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

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

(1) A description of the local educational agency, schools, and students that will be served by the subgrant program.

(2) A description of the steps that the eligible entity is taking—

(A) to meet the needs identified in the analysis described in paragraph (4); and

(B) to remove any barriers that the eligible entity has identified in meeting such needs.

(3) The designation of a site coordinator, with appropriate qualifications and appropriate time, autonomy, and support to provide—

(A) leadership in building relationships and establishing and sustaining partnerships that support school improvement, school turnaround efforts in accordance with section 1116(c), increases in student achievement, positive child and youth development, and parent, family, and community engagement; and

(B) effective coordination of student services at all stages of the continuum of high-quality pipeline services.

(4) An analysis of the needs and assets of the schools and communities that will be assisted under this subpart. Such analysis shall include—

(A) student data, including information about—

(i) school readiness;

(ii) academic achievement;

(iii) credit accumulation;
(iv) grade-to-grade promotion;
(v) graduation;
(vi) attendance; and
(vii) discipline; and

(B) information about the assets described in section 4613(b)(4)(B) with respect to such schools and communities.

(5) An explanation of how the eligible entity and its program partners will use evidence-based practice, data, and research to leverage partnerships to implement integrated student supports and wraparound services to—

(A) address the needs identified in paragraph (4);

(B) encourage parents, family members, and community members to—

(i) participate in the education of their children and become an integral part of the school culture, school improvement, and decisionmaking; and

(ii) promote strategies that include the educational and financial literacy information that is necessary to increase access to, and success in, postsecondary education;

(C) enable teachers and administrators, including early learning providers, to complement and enrich efforts to help children—

(i) achieve learning gains;
(ii) prepare for graduation; and
(iii) plan for the future, including preparing for college and careers; and

(D) coordinate and leverage other programs that serve children, the schools served by the grant, and the neighborhood.

(6) An explanation of the extent to which the eligible entity and its program partners will serve or involve children residing in the neighborhood regardless of whether such children attend a school served by the grant (including by, as appropriate, providing high-quality early learning opportunities for children, beginning at birth and extending through grade 3) by—

(A) carrying out the activities described in section 4613(b)(8)(A), as appropriate; and

(B) carrying out the activities described in subparagraphs (B) through (E) of section 4613(b)(8).

(7) A description of the capacity of the eligible entity for measuring student outcomes and school-specific outcomes.

(8) A description of how the strategies supported with funds under this subpart will be—

(A) coordinated with other programs and strategies carried out by the local educational agency; and

(B) to the greatest extent practicable, coordinated with other agencies, such as agencies that provide reentry services to adjudicated youth.

(9) A description of the strategy the eligible entity will use to—

(A) support family and community engagement; and

(B) make schools the centers of their respective communities.

(10) A list of the non-Federal sources of funding that the eligible entity will secure to comply with the matching funds requirement described in section 4611(d), in addition to other programs the eligible entity has already secured funding from, including those funded by the Department, or programs in the Department of Health and Human Services, the Department of Housing and Urban Development, the Department of Justice, or the Department of Labor.

(c) MEMORANDUM OF UNDERSTANDING.—An eligible entity, as part of the application described in this section, shall submit a preliminary memorandum of understanding that meets the requirements of section 4613(c).

(d) PRIORITY.—In awarding grants under this subpart, the Secretary shall give priority to applicants that—

(1) propose to provide a continuum of high-quality education and student support services for children beginning in prekindergarten and extending through high school graduation;

(2) propose to include significant investments in high-quality early learning programs, consistent with subsection (b)(6)(A); and

(3) provide schools served by the grant with the operational flexibility, including autonomy over staff, time, and budget, needed to effectively carry out the activities described in the application under this section.

SEC. 4624. USE OF FUNDS.

Each eligible entity that receives a grant under this subpart shall use the grant funds to—

(1) implement the activities described in the application under section 4623; and

(2) continuously evaluate the success of the grant program and improve the grant program based on data and outcomes.

SEC. 4625. REPORT AND PUBLICLY AVAILABLE DATA.

(a) REPORT.—Each eligible entity that receives a grant under this subpart shall prepare and submit an annual report to the Secretary, which shall include—

(1) information about the number and percentage of children served by the grant program, disaggregated the subgroups described in section 1111(b)(2)(B)(ix);

(2) data about the grant program's success in—

(A) narrowing achievement gaps;

(B) ensuring school readiness and healthy socio-emotional development;

(C) improving academic achievement;

(D) increasing student persistence in elementary school and secondary school;

(E) increasing on-time secondary school graduation rates and college entry; and

(F) increasing student attendance and decreasing incidents of violence, suspension, and expulsion; and

(3) other indicators that may be required by the Secretary, in consultation with the Director of the Institute of Education Sciences.

(b) PUBLICLY AVAILABLE DATA.—Each eligible entity that receives a grant under this subpart shall make publicly available, including through electronic means, the information described in subsection (a). To the extent practicable, such information shall be provided in a form and language accessible to parents and families in the neighborhood.

SEC. 4626. ACCOUNTABILITY.

(a) PERFORMANCE METRICS.—The Secretary shall establish performance metrics relevant to the evaluation of the grant program under this subpart.

(b) EVALUATION.—The Secretary shall evaluate the implementation and impact of the activities funded under this subpart, in accordance with section 9601.

Subpart 3—General Provisions

SEC. 4631. NATIONAL ACTIVITIES.

From the amounts appropriated to carry out this part for a fiscal year, in addition to the amounts that may be reserved in accordance with section 9601, the Secretary may reserve not more than 5 percent for national activities, which may include—

(1) research on the activities carried out under subparts 1 and 2;

(2) identification and dissemination of best practices;

(3) technical assistance;

(4) professional development; and

(5) other activities consistent with the purpose of this part.

PART G—PARENT AND FAMILY INFORMATION AND RESOURCE CENTERS

SEC. 4701. PURPOSE.

The purpose of this part is to increase and enhance parent and family engagement in education by—

(1) providing support and technical assistance to State educational agencies;

(2) supporting a community of practice related to effective parent and family engagement strategies and practices; and

(3) as appropriate, providing information and training to local educational agencies, schools, parents and families, and community members.

SEC. 4702. DEFINITION OF ELIGIBLE ENTITY.

In this part, the term "eligible entity" means—

(1) a nonprofit organization (including a statewide nonprofit organization); or

(2) a consortium consisting of a nonprofit organization (including a statewide nonprofit organization) and a State educational agency or local educational agency.

SEC. 4703. GRANTS AUTHORIZED.

(a) PARENT AND FAMILY INFORMATION AND RESOURCE CENTERS.—The Secretary is authorized to award grants, on a competitive basis, to eligible entities to enable such eligible entities to operate State parent and family information and resource centers that—

(1) assist the State educational agency in identifying, implementing, and replicating effective evidence-based parent, family, and community engagement strategies, including assisting the State educational agency in carrying out parent and family engagement strategies that are funded under section 1118 and other provisions of this Act;

(2) provide technical assistance, training, information, and support, as appropriate (including support in turning around schools), to, at a minimum, high-need schools and schools that are served by high-need local educational agencies; and

(3) strengthen partnerships among parents, family members, community-based organizations (including faith-based organizations), schools, local educational agencies, employers, and other appropriate community members who are committed to improving and enhancing parent, family, and community engagement in order to improve student achievement and support positive child development.

(b) DURATION.—Grants awarded under this part shall be for a period of 5 years.

(c) GEOGRAPHIC DISTRIBUTION.—In awarding grants under this part, the Secretary shall ensure that not less than 1 grant is awarded to an eligible entity in each State.

(d) PRIORITY.—In awarding grants under this part, the Secretary shall give priority to applications from eligible entities that have a demonstrated record of effectiveness in increasing and enhancing the engagement of parents and families whose children attend a high-need school or a school that is served by a high-need local educational agency.

SEC. 4704. APPLICATIONS.

(a) SUBMISSION.—Each eligible entity that desires a grant under this part shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

(b) ASSURANCES.—Each application submitted under subsection (a) shall include, at a minimum, an assurance that the eligible entity will—

(1)(A) be governed by a board of directors, of which not less than 50 percent is comprised of members who are—

(i) parents or family members of school-aged children in the State that the eligible entity serves, including educationally and economically disadvantaged parents; and

(ii) community stakeholders who are committed to improving schools and increasing parent and family engagement; or

(B) be an organization or consortium that represents the interests of parents and family members of school-aged children;

(2) use not less than 75 percent of the funds received under this part for each fiscal year to serve areas with a demonstrated high concentration of low-income families;

(3) reserve not less than 20 percent of the funds received under this part for each fiscal year to establish, expand, or operate parent education programs for parents whose children attend early childhood education and care programs;

(4) operate a parent and family information and resource center of sufficient size, scope, and quality to effectively carry out the purpose of this part;

(5) ensure that parents and family members, including economically disadvantaged parents and family members with children who attend high-need schools or schools that are served by high-need local educational agencies, have access to leadership development training and other evidence-based strategies that provide the skills and resources parents and family members need to support school improvement, increase student achievement, and promote positive student development; and

(6) demonstrate to the Secretary that a portion of the services provided by the eligible entity under the grant is supported through non-Federal contributions, which contributions may be in cash or in-kind.

(c) CONTENTS.—In addition to the requirements described in subsection (b), each application submitted under subsection (a) shall, at a minimum—

(1) describe how the eligible entity will serve both urban and rural areas throughout the State that is served by the eligible entity;

(2) demonstrate the eligible entity's record of effectiveness in carrying out parent and family engagement activities, including the provision of high-quality technical assistance to State educational agencies and local educational agencies;

(3) describe the process through which the eligible entity will—

(A) leverage relationships with, and collect and exchange information among, partners; and

(B) disseminate information about evidence-based best practices to support parent and family engagement strategies;

(4) describe the eligible entity's strategy for serving parents and family members of children in the area served by the eligible entity, including parents and family members of students who are served by high-need local educational agencies;

(5) describe how the eligible entity will assist the State educational agency in effectively supporting high-need local educational agencies in—

(A) increasing parent and family member understanding of, and opportunities to develop the knowledge and skills to engage as full partners in, supporting academic achievement, child development, and school improvement; and

(B) employing evidence-based strategies to—

(i) increase the participation of economically disadvantaged and English learner parents and family members in school activities; and

(ii) improve parent and family engagement strategies in low-performing schools served by high-need local educational agencies; and

(6) identify the Federal, State, and local services and programs that prepare children to be ready for institutions of higher education and careers with which the eligible entity will coordinate, including—

(A) programs supported under this Act;

(B) violence prevention programs;

(C) programs that serve at-risk or out-of-school youth;

(D) nutrition programs;

(E) housing programs;

(F) Head Start and other early childhood care and education programs;

(G) adult education and literacy activities (as defined in section 203 of the Adult Education and Family Literacy Act); and

(H) workforce development programs.

SEC. 4705. USES OF FUNDS.

(a) REQUIRED ACTIVITIES.—Each eligible entity that receives a grant under this part shall use such grant funds to provide services to parents, family members, educators, and community members and to assist State educational agencies, local educational agencies, and, where applicable, districtwide parent advisory committees in supporting parent and family engagement in education by carrying out the following activities:

(1) Providing technical assistance to State educational agencies in—

(A) reviewing and responding to local parent and family engagement plans described in section 1118(a) (including, at a minimum, such plans submitted by high-need local educational agencies) in order to support evidence-based strategies and best practices in parent and family engagement;

(B) the implementation of Federal and State laws, regulations, and guidance relating to parent and family engagement;

(C) the implementation or replication of statewide evidence-based programs and strategies, especially for parents who are educationally and economically disadvantaged; and

(D) applicable evaluation, reporting, and accountability processes.

(2) Obtaining and disseminating information about the range of options, programs, services, and resources (including curricula) that are available at the national level, the State level, and the local level to assist school and local educational agency personnel in implementing evidence-based parent and family engagement strategies.

(3) Coordinating parent and family engagement strategies with relevant Federal, State, and local services and programs.

(4) Working with individuals and organizations with expertise in identifying and implementing evidence-based practices to improve parent and family engagement.

(5) Coordinating and integrating early care and education programs with school-age programs, especially those programs focusing on supporting the transition of young children into

kindergarten through grade 3, such as by increasing awareness of school readiness expectations among family and community members.

(6) Implementing parent institutes or other leadership development strategies to ensure that parents and family members have the skills and resources needed to understand student and school data in order to make decisions, effectively communicate with school officials and educators, support school improvement, and increase student achievement.

(b) PERMISSIVE ACTIVITIES.—In addition to the activities required under subsection (a), each eligible entity that receives a grant under this part may use such grant funds to carry out the following activities:

(1) Assisting parents and family members in the State to participate effectively in their children's education through the provision of direct services to parents and family members.

(2) Developing and disseminating templates for schools and local educational agencies to use to provide information about curricula, academic expectations, academic assessments, and the results of academic assessments to family members in a manner and a language that such family members can understand.

(3) Providing training, information, and support to organizations that support partnerships among schools, parents, family members, and districtwide parent advisory committees, as applicable.

(4) Providing professional development to school and local educational agency staff (which may be provided jointly to educators and family members) to assist school and agency staff in developing and implementing strategies to increase and strengthen ongoing communication with parents and family members, including professional development opportunities that prepare teachers to have more focused, goal-oriented, and reciprocal parent-teacher conferences.

SEC. 4706. ADMINISTRATIVE PROVISIONS.

(a) MATCHING FUNDS FOR GRANT RENEWAL.—For each fiscal year after the first fiscal year for which an eligible entity receives assistance under this part, the eligible entity shall demonstrate that a portion of the services provided by the eligible entity is supported through non-Federal contributions, which contributions may be in cash or in-kind.

(b) PERFORMANCE ACCOUNTABILITY.—

(1) PERFORMANCE INDICATORS.—Each eligible entity receiving a grant under this part shall submit to the Secretary an annual report regarding the parent and family information and resource centers assisted under this part. Such report shall be made publicly available, including through electronic means, and shall include, at a minimum, a description of how each parent and family information and resource center has performed with respect to the following indicators:

(A) The number of local educational agencies or other entities that received assistance or support in the previous academic year.

(B) The number of parents and family members whose children participated in the previous academic year in programs, activities, or strategies supported by the parent and family information and resource center, and—

(i) the number of such parents whose children are eligible to be counted under section 1124(c)(1)(A);

(ii) the number of such parents whose children are English learners; and

(iii) the number of such parents who are parents of children with disabilities.

(C) The outcomes directly attributable to the provision of assistance or support provided by the parent and family information and resource center, such as increased parent and family member participation in school planning activities, parent-teacher conferences, or the local educational agency budgeting process.

(D) Other evidence-based indicators that the Secretary may reasonably require.

(2) PERFORMANCE GOALS.—

(A) IN GENERAL.—Each eligible entity that is awarded a grant under this part shall establish, in consultation with the Secretary, annual performance goals for each of the indicators described in paragraph (1). Such performance goals shall be made publicly available, including through electronic means.

(B) TERMINATION.—If an eligible entity receiving grant funds under this part does not meet the performance goals established under this paragraph for 2 consecutive years, after the provision of technical assistance in the second consecutive year, the Secretary shall terminate the grant and conduct a new competition for the grant.

(C) LOSS OF ELIGIBILITY.—If an eligible entity has received a grant under this part and such grant has been terminated in accordance with subparagraph (B), the eligible entity shall not be eligible to participate in future grant competitions, or receive grant funds, under this part.

(3) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to each eligible entity receiving a grant under this part that does not meet the performance goals established under paragraph (2).

(c) REPORT TO CONGRESS.—The Secretary shall prepare and submit an annual report to the authorizing committees, which shall—

(1) include the information that each eligible entity submits to the Secretary in accordance with subsection (b)(1);

(2) summarize and synthesize the best practices collected by the parent and family information and resource centers for increasing and improving parent, family, and community engagement; and

(3) be made available to the public (including through electronic means).

(d) RULE OF CONSTRUCTION.—Nothing in this part shall be construed to prohibit a parent and family information and resource center from—

(1) allowing its employees or agents to meet with family members at a site that is not on school grounds; or

(2) working with another public or nonprofit agency that serves children.

(e) PARENTAL RIGHTS.—Notwithstanding any other provision of this part—

(1) no individual (including a parent who educates a child at home, parent of a public school student, or parent of a private school student) shall be required to participate in any program of parent or family education or developmental screening under this part; and

(2) a program or center assisted under this part shall not take any action that infringes in any manner on the right of a parent to direct the education of such parent's child.

[Subpart 3—Ready-to-Learn Television]*PART H—READY TO LEARN*

SEC. [2431]*4801*. [READY-TO-LEARN TELEVISION.]*READY-TO-LEARN.*

(a) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—The Secretary is authorized to award grants to, or enter into contracts or cooperative agreements with, eligible entities described in paragraph (3) to enable such entities—

(A) to develop, produce, and distribute educational and instructional video programming for preschool and elementary school children and their parents in order to facilitate student academic achievement;

(B) to facilitate the development, directly or through contracts with producers of children and family educational television programming, of educational programming for preschool and elementary school children, and the accompanying support materials and services that promote the effective use of such programming;

(C) to facilitate the development of programming and digital content containing Ready-to-Learn-based children's programming and resources for parents and caregivers that is specially designed for nationwide distribution over public television stations' digital broadcasting channels and the Internet;

(D) to contract with entities (such as public telecommunications entities) so that programs developed under this section are disseminated and distributed to the widest possible audience appropriate to be served by the programming, and through the use of the most appropriate distribution technologies; and

(E) to develop and disseminate education and training materials, including interactive programs and programs adaptable to distance learning technologies, that are designed—

(i) to promote school readiness; and

(ii) to promote the effective use of materials developed under subparagraphs (B) and (C) among parents, teachers, Head Start providers, [Even Start pro-

viders,]*providers of* [family literacy services]*family literacy activities, child care providers, early childhood development personnel, elementary school teachers, public libraries, and after-school program personnel caring for preschool and elementary school children.*

(2) AVAILABILITY.—In awarding grants, contracts, or cooperative agreements under this section, the Secretary shall ensure that eligible entities make programming widely available, with support materials as appropriate, to young children, parents, child care workers, Head Start providers, [Even Start providers,]*and providers of* [family literacy services]*family literacy activities to increase the effective use of such programming.*

(3) ELIGIBLE ENTITIES.—To be eligible to receive a grant, contract, or cooperative agreements under this section, an entity shall be a public telecommunications entity that is able to demonstrate each of the following:

(A) A capacity for the development and national distribution of educational and instructional television programming of high quality that is accessible by a large majority of disadvantaged preschool and elementary school children.

(B) A capacity to contract with the producers of children's television programming for the purpose of developing educational television programming of high quality.

(C) A capacity, consistent with the entity's mission and nonprofit nature, to negotiate such contracts in a manner that returns to the entity an appropriate share of any ancillary income from sales of any program-related products.

(D) A capacity to localize programming and materials to meet specific State and local needs and to provide educational outreach at the local level.

(4) COORDINATION OF ACTIVITIES.—An entity receiving a grant, contract, or cooperative agreement under this section shall consult with the Secretary and the Secretary of Health and Human Services—

(A) to maximize the utilization of quality educational programming by preschool and elementary school children, and make such programming widely available to federally funded programs serving such populations; and

(B) to coordinate activities with Federal programs that have major training components for early childhood development, including programs under the Head Start Act (42 U.S.C. 9831 et seq.) and [Even Start, and]State training activities funded under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.), regarding the availability and utilization of materials developed under paragraph (1)(E) to enhance parent and child care provider skills in early childhood development and education.

(b) APPLICATIONS.—To be eligible to receive a grant, contract, or cooperative agreement under subsection (a), an entity shall submit to the Secretary an application at such time, in such manner, and

containing such information as the Secretary may reasonably require.

(c) REPORTS AND EVALUATIONS.—

(1) ANNUAL REPORT TO THE SECRETARY.—An entity receiving a grant, contract, or cooperative agreement under this section shall prepare and submit to the Secretary an annual report that contains such information as the Secretary may require. At a minimum, the report shall describe the program activities undertaken with funds received under the grant, contract, or cooperative agreement, including each of the following:

(A) The programming that has been developed, directly or indirectly, by the eligible entity, and the target population of the programs developed.

(B) The support and training materials that have been developed to accompany the programming, and the method by which the materials are distributed to consumers and users of the programming.

(C) The means by which programming developed under this section has been distributed, including the distance learning technologies that have been utilized to make programming available, and the geographic distribution achieved through such technologies.

(D) The initiatives undertaken by the entity to develop public-private partnerships to secure non-Federal support for the development, distribution, and broadcast of educational and instructional programming.

(2) REPORT TO CONGRESS.—The Secretary shall prepare and submit to the [relevant committees of Congress]*authorizing committees a biannual report that includes the following:*

(A) A summary of the activities assisted under subsection (a).

(B) A description of the education and training materials made available under subsection (a)(1)(E), the manner in which outreach has been conducted to inform parents and child care providers of the availability of such materials, and the manner in which such materials have been distributed in accordance with such subsection.

(d) ADMINISTRATIVE COSTS.—An entity that receives a grant, contract, or cooperative agreement under this section may use up to 5 percent of the amount received under the grant, contract, or agreement for the normal and customary expenses of administering the grant, contract, or agreement.

[(e) AUTHORIZATION OF APPROPRIATIONS.—

[(1) IN GENERAL.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2002, and for each of the 5 succeeding fiscal years.

[(2) FUNDING RULE.—Not less than 60 percent of the amount appropriated under paragraph (1) for each fiscal year shall be used to carry out activities under subparagraphs (B) through (D) of subsection (a)(1).]

(e) FUNDING RULE.—Not less than 60 percent of the amount appropriated to carry out this section for each fiscal year shall be used to carry out activities under subparagraphs (B) through (D) of subsection (a)(1).

[Subpart 1—Fund for the Improvement of Education]

PART I—PROGRAMS OF NATIONAL SIGNIFICANCE

SEC. [5411]*4901.* PROGRAMS AUTHORIZED.

(a) AUTHORIZATION.—The Secretary is authorized to support nationally significant programs to improve the quality of elementary and secondary education at the State and local levels and help all children meet [challenging State academic content and student academic achievement standards]*college and career ready academic content and student academic achievement standards under section 1111(a)(1)*. The Secretary may carry out such programs directly, or through grants to, or contracts with—

(1) States or local educational agencies;

(2) institutions of higher education; and

(3) other public and *nonprofit* private agencies, organizations, and institutions.

[(b) USES OF FUNDS.—Funds made available under section 5401 to carry out this subpart may be used for any of the following programs:

[(1) Activities to promote systemic education reform at the State and local levels, including scientifically based research, development, and evaluation designed to improve—

[(A) student academic achievement at the State and local level; and

[(B) strategies for effective parent and community involvement.

[(2) Programs at the State and local levels that are designed to yield significant results, including programs to explore approaches to public school choice and school-based decision-making.

[(3) Recognition programs, which may include financial awards to States, local educational agencies, and schools that have made the greatest progress, based on the Secretary's determination or on a nomination by the State in which the school is located (or in the case of a Bureau funded school, by the Secretary of the Interior) in—

[(A) improving the academic achievement of economically disadvantaged students and students from major racial and ethnic minority groups; and

[(B) closing the academic achievement gap for those groups of students farthest away from the proficient level on the academic assessments administered by the State under section 1111.

[(4) Scientifically based studies and evaluations of education reform strategies and innovations, and the dissemination of information on the effectiveness of such strategies and innovations.

[(5) Identification and recognition of exemplary schools and programs, such as Blue Ribbon Schools, including programs to evaluate the effectiveness of using the best practices of exem-

plary or Blue Ribbon Schools to improve academic achievement.

[(6) Activities to support Scholar-Athlete Games programs, including the World Scholar-Athlete Games and the U.S. Scholar-Athlete Games.

[(7) Programs to promote voter participation in American elections through programs, such as the National Student/Parent Mock Election and Kids Voting USA.

[(8) Demonstrations relating to the planning and evaluation of the effectiveness of programs under which local educational agencies or schools contract with private management organizations to reform a school or schools.

[(9) Other programs that meet the purposes of this Act.]

(b) USES OF FUNDS.—A nonprofit entity receiving a grant under subsection (a) shall use the grant funds to carry out 1 of the following activities:

(1) Providing funding for economically disadvantaged students, including students from military families and recent immigrants, and their teachers, to participate in programs based in Washington, DC that increase civic responsibility and understanding of the Federal Government among young people.

(2) Developing, implementing, evaluating, and disseminating innovative, research-based approaches to civic learning, which may include hands-on civic engagement activities, for low-income elementary school and secondary school students that demonstrate innovation, scalability, accountability, and a focus on underserved populations.

(3) Supporting a national principal and teacher certification process that provides a framework for measuring and improving teaching and instructional leadership with a focus on educators working in schools that are eligible for funding under part A of title I, including comprehensive rigorous teaching standards and assessment systems designed to reward educator effectiveness and deliver high-quality professional development across all academic subjects and grades.

(4) Creating a national teacher corps of outstanding college graduates to teach in underserved communities in order to—

(A) increase the supply of effective teachers in low-income communities; and

(B) provide and support the retention of teachers for high-need fields.

(5) Supporting a national network of providers of high-quality, evidence-based professional development in writing instruction for teachers across all academic subjects and grades.

(6) Encouraging parents and caregivers to read aloud to their children by supporting programs through which, during pediatric exams, doctors and nurses train parents and caregivers who may not be skilled readers.

(7) Preparing young children from low-income families for reading success by the third grade by—

(A) distributing inexpensive books;

(B) training volunteers to serve at-risk children;

(C) developing motivational literacy activities for at-risk children; and

(D) providing information on literacy resources, such as those provided by local libraries and other community-based organizations.

(8) Supporting model projects and programs that encourage involvement in the performing and visual arts, for—

(A) persons with disabilities, by—

(i) increasing access to all forms of the arts for all persons, including those living with intellectual, physical, and sensory disabilities; and

(ii) fostering a greater awareness of the need for arts programs for individuals with disabilities; and

(B) children, youth, and educators.

(9) Implementing a coordinated program of scientifically based research, demonstration projects, innovative strategies, and professional development for teachers and other instructional leaders working in high-poverty schools to—

(A) enhance the ability of educators to meet the special educational needs of gifted and talented students, including high-ability students who have not been formally identified as gifted; and

(B) prioritize students who have been underrepresented in gifted education programs, including students who are economically disadvantaged, of minority backgrounds, English learners, students with disabilities, and students in rural communities.

(10) Promoting gender equity in education by supporting educational agencies and institutions in meeting the requirements of title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.).

(11) Other high-quality, nationally significant programs that meet the purposes of this Act.

(c) BASIS OF AWARDS.—The Secretary is authorized to—

(1) make awards under this [subpart]*part* on the basis of competitions announced by the Secretary; and

(2) support meritorious unsolicited proposals for awards under this [subpart]*part.*

(d) EFFECTIVENESS OF PROGRAMS.—The Secretary shall ensure that programs supported under this [subpart]*part* are designed so that their effectiveness is readily ascertainable, and shall ensure that such effectiveness is assessed using rigorous, scientifically based research and evaluations.

SEC. [5412]*4902.* APPLICATIONS.

(a) SUBMISSION.—To be eligible for an award under this [subpart]*part*, an entity shall submit an application to the Secretary, at such time, in such manner, and containing such information as the Secretary may require.

(b) CONTENTS.—Each application submitted under subsection (a) shall—

(1) establish clear objectives, which are based on scientifically based research, for the proposed program; and

(2) describe the activities the applicant will carry out in order to meet the objectives described in paragraph (1).

(c) PEER REVIEW.—The Secretary shall use a peer review process in reviewing applications for awards under this [subpart]*part*

[and in recognizing States, local educational agencies, and schools under section 5411(b)(3), only if funds are used for such recognition programs]. The Secretary may use funds appropriated under this [subpart]*part* for the cost of such peer review.

SEC. [5413]*4903.* PROGRAM REQUIREMENTS.

(a) EVALUATIONS.—A recipient of an award under this [subpart]*part* shall—

(1) evaluate the effectiveness of the program funded under the award in achieving the objectives stated in applications submitted under section [5412]*4902*; and

(2) report to the Secretary such information as may be required to determine the effectiveness of such program, including evidence of progress toward meeting such objectives.

(b) DISSEMINATION OF EVALUATION RESULTS.—The Secretary shall provide for the dissemination of the evaluations of programs funded under this [subpart]*part* by making the evaluations publicly available upon request, and shall provide public notice that the evaluations are so available.

(c) MATCHING FUNDS.—The Secretary may require recipients of awards under this [subpart]*part* to provide matching funds from non-Federal sources, and shall permit the recipients to match funds in whole or in part with in-kind contributions.

[(d) SPECIAL RULE FOR RECOGNITION PROGRAMS.—The application requirements of section 5412(b), and the evaluation requirements of subsections (a) and (b) of this section, do not apply to recognition programs under section 5411(b)(3).]

[SEC. 5414. [20 U.S.C. 7243c] STUDIES OF NATIONAL SIGNIFICANCE.]

[(a) STUDIES.—The Secretary shall conduct the following studies of national significance:

[(1) UNHEALTHY PUBLIC SCHOOL BUILDINGS.—A study regarding the health and learning impacts of environmentally unhealthy public school buildings on students and teachers. The study shall include the following information:

[(A) The characteristics of those public elementary school and secondary school buildings that contribute to unhealthy school environments.

[(B) The health and learning impacts of environmental unhealthy public school buildings on students that are attending or that have attended such schools.

[(C) Recommendations to Congress on how to assist schools that are out of compliance with Federal or State health and safety codes, and a cost estimate of bringing up environmentally unhealthy public school buildings to minimum Federal health and safety building standards.

[(2) EXPOSURE TO VIOLENT ENTERTAINMENT.—A study regarding how exposure to violent entertainment (such as in movies, music, television, Internet content, video games, and arcade games) affects children's cognitive development and educational achievement.

[(3) SEXUAL ABUSE IN SCHOOLS.—A study regarding the prevalence of sexual abuse in schools, including recommendations and legislative remedies for addressing the problem of sexual abuse in schools.

[(b) COMPLETION DATE.—The studies under subsection (a) shall be completed not later than 18 months after the date of enactment of the No Child Left Behind Act of 2001.

[(c) PUBLIC DISSEMINATION.—The Secretary shall make the study conducted under subsection (a)(1) available to the public through the Educational Resources Information Center National Clearinghouse for Educational Facilities of the Department.]

* * * * * * *

TITLE III—LANGUAGE INSTRUCTION FOR [LIMITED ENGLISH PROFICIENT] *ENGLISH LEARNERS* AND IMMIGRANT STUDENTS

[SEC. 3001. [20 U.S.C. 6801] AUTHORIZATIONS OF APPROPRIATIONS; CONDITION ON EFFECTIVENESS OF PARTS.]

[(a) AUTHORIZATIONS OF APPROPRIATIONS.—

[(1) IN GENERAL.—Subject to subsection (b), there are authorized to be appropriated to carry out this title, except for subpart 4 of part B, $750,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years.

[(2) EMERGENCY IMMIGRANT EDUCATION PROGRAM.—There are authorized to be appropriated to carry out subpart 4 of part B (when such part is in effect) such sums as may be necessary for fiscal year 2002 and each of the 5 succeeding fiscal years.

[(b) CONDITIONS ON EFFECTIVENESS OF PARTS A AND B.—

[(1) PART A.—Part A shall be in effect for any fiscal year for which the amount appropriated under paragraphs (1) and (2) of subsection (a) equals or exceeds $650,000,000.

[(2) PART B.—Part B shall be in effect only for a fiscal year for which part A is not in effect.

[(c) REFERENCES.—In any fiscal year for which part A is in effect, references in Federal law (other than this title) to part B shall be considered to be references to part A. In any fiscal year for which part B is in effect, references in Federal law (other than this title) to part A shall be considered to be references to part B.]

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

SEC. 3101. SHORT TITLE.

This part may be cited as the "English Language Acquisition, Language Enhancement, and Academic Achievement Act".

[SEC. 3102. PURPOSES.]

[The purposes of this part are—

[(1) to help ensure that children who are limited English proficient, including immigrant children and youth, attain English proficiency, develop high levels of academic attainment

in English, and meet the same challenging State academic content and student academic achievement standards as all children are expected to meet;

[(2) to assist all limited English proficient children, including immigrant children and youth, to achieve at high levels in the core academic subjects so that those children can meet the same challenging State academic content and student academic achievement standards as all children are expected to meet, consistent with section 1111(b)(1);

[(3) to develop high-quality language instruction educational programs designed to assist State educational agencies, local educational agencies, and schools in teaching limited English proficient children and serving immigrant children and youth;

[(4) to assist State educational agencies and local educational agencies to develop and enhance their capacity to provide high-quality instructional programs designed to prepare limited English proficient children, including immigrant children and youth, to enter all-English instruction settings;

[(5) to assist State educational agencies, local educational agencies, and schools to build their capacity to establish, implement, and sustain language instruction educational programs and programs of English language development for limited English proficient children;

[(6) to promote parental and community participation in language instruction educational programs for the parents and communities of limited English proficient children;

[(7) to streamline language instruction educational programs into a program carried out through formula grants to State educational agencies and local educational agencies to help limited English proficient children, including immigrant children and youth, develop proficiency in English, while meeting challenging State academic content and student academic achievement standards;

[(8) to hold State educational agencies, local educational agencies, and schools accountable for increases in English proficiency and core academic content knowledge of limited English proficient children by requiring—

[(A) demonstrated improvements in the English proficiency of limited English proficient children each fiscal year; and

[(B) adequate yearly progress for limited English proficient children, including immigrant children and youth, as described in section 1111(b)(2)(B); and

[(9) to provide State educational agencies and local educational agencies with the flexibility to implement language instruction educational programs, based on scientifically based research on teaching limited English proficient children, that the agencies believe to be the most effective for teaching English.]

SEC. 3102. PURPOSES.

The purposes of this part are—

(1) to support the provision of education to meet the needs of English learners and immigrant students and provide English learners and immigrant students with high-quality, evidence-

based services, which also supplement services and supports provided under title I, to ensure that English learners, including those English learners who are also immigrants, acquire the English language proficiency and academic content knowledge they need to meet the State's college and career ready academic content standards and for State academic assessments;

(2) to support the efforts of State educational agencies and local educational agencies to enhance their capacity to provide high-quality educational programs that are effective for English learners and that reflect the diversity of the English learner population;

(3) to support the efforts of teachers, school leaders, State educational agencies, and local educational agencies to develop and enhance the capacity and flexibility needed to—

(A) provide evidence-based, linguistically and culturally appropriate services to assist English learners supported under this part in—

(i) attaining English language proficiency; and

(ii) meeting State college and career ready academic content standards;

(B) implement such services effectively;

(C) evaluate the impact of such services on student English language proficiency and academic content knowledge; and

(D) modify such services as appropriate to meet the needs of students;

(4) to ensure that rigorous and consistent standards, assessments, and State accountability systems are in place for programs serving English learners; and

(5) to promote parental and community participation in language instruction educational programs in communities for parents of children who are English learners.

Subpart 1—Grants and Subgrants for English Language Acquisition and Language Enhancement

SEC. 3111. FORMULA GRANTS TO STATES.

(a) IN GENERAL.—* * *

(b) USE OF FUNDS.—

(1) SUBGRANTS TO ELIGIBLE ENTITIES.—* * *

* * * * * * *

[(2) STATE ACTIVITIES.—Subject to paragraph (3), each State educational agency receiving a grant under subsection (a) may reserve not more than 5 percent of the agency's allotment under subsection (c) to carry out one or more of the following activities:

[(A) Professional development activities, and other activities, that assist personnel in meeting State and local certification and licensing requirements for teaching limited English proficient children.

[(B) Planning, evaluation, administration, and interagency coordination related to the subgrants referred to in paragraph (1).

[(C) Providing technical assistance and other forms of assistance to eligible entities that are receiving subgrants from a State educational agency under this subpart, including assistance in—

[(i) identifying and implementing language instruction educational programs and curricula that are based on scientifically based research on teaching limited English proficient children;

[(ii) helping limited English proficient children meet the same challenging State academic content and student academic achievement standards as all children are expected to meet;

[(iii) identifying or developing, and implementing, measures of English proficiency; and

[(iv) promoting parental and community participation in programs that serve limited English proficient children.

[(D) Providing recognition, which may include providing financial awards, to subgrantees that have exceeded their annual measurable achievement objectives pursuant to section 3122.]

(2) STATE ACTIVITIES.—

(A) IN GENERAL.—Subject to subparagraph (B), each State educational agency receiving a grant under subsection (a) may reserve not more than 5 percent of the agency's allotment under subsection (c) to provide technical assistance and other forms of assistance to eligible entities that are receiving subgrants from a State educational agency under this subpart, including in—

(i) identifying and implementing effective and high-quality language instruction educational programs and curricula and academic content instruction programs that are based on scientifically valid research on teaching English learners;

(ii) program evaluation to ensure that the language instruction educational programs and academic content instruction programs selected by subgrantees are appropriate for the needs of the English learners served;

(iii) teacher and principal preparation, professional development activities, and other evidence-based activities, which may include activities that—

(I) support the implementation of professional teaching standards and teacher evaluation systems for teachers of English learners; and

(II) assist such teachers in meeting State and local certification and licensing requirements for teaching English learners;

(iv) strengthening and increasing parent, family, and community engagement;

(v) developing, enhancing, aligning, and implementing English language proficiency standards and assessments, particularly helping to ensure uniform

implementation of English language proficiency standards within the State;

(vi) providing recognition, which may include providing financial awards, to subgrantees that significantly improve the rate at which English learners acquire English language proficiency and are able to demonstrate the English language proficiency needed for core content mastery; and

(vii) planning, evaluation, administration, and interagency coordination.

(B) LIMITATION.—A State may use not more than 40 percent of the amount reserved under subparagraph (A) or $175,000, whichever is greater, for the activities described in subparagraph (A)(vii).

[(3) ADMINISTRATIVE EXPENSES.—From the amount reserved under paragraph (2), a State educational agency may use not more than 60 percent of such amount or $175,000, whichever is greater, for the planning and administrative costs of carrying out paragraphs (1) and (2).]

(c) RESERVATIONS AND ALLOTMENTS.—

[(1) RESERVATIONS.—From the amount appropriated under section 3001(a) for each fiscal year, the Secretary shall reserve—

[(A) 0.5 percent or $5,000,000 of such amount, whichever is greater, for payments to eligible entities that are defined under section 3112(a) for activities, approved by the Secretary, consistent with this subpart;

[(B) 0.5 percent of such amount for payments to outlying areas, to be allotted in accordance with their respective needs for assistance under this subpart, as determined by the Secretary, for activities, approved by the Secretary, consistent with this subpart;

[(C) 6.5 percent of such amount for national activities under sections 3131 and 3303, except that not more than 0.5 percent of such amount shall be reserved for evaluation activities conducted by the Secretary and not more than $2,000,000 of such amount may be reserved for the National Clearinghouse for English Language Acquisition and Language Instruction Educational Programs described in section 3303; and

[(D) such sums as may be necessary to make continuation awards under paragraph (2).]

(1) RESERVATIONS.—From the amount appropriated under section 3(i) for each fiscal year, the Secretary shall reserve—

(A) 0.5 percent or $5,000,000 of such amount, whichever is greater, for payments to eligible entities that are defined under section 3112(a) for activities, approved by the Secretary, consistent with this subpart;

(B) 0.5 percent of such amount for payments to outlying areas, to be allotted in accordance with their respective needs for assistance under this subpart (as determined by the Secretary) for activities that are approved by the Secretary and consistent with the purposes of this subpart; and

(C) 6.5 percent of such amount for national activities under sections 3131, 3132, and 3203, except that not more than 0.5 percent of such amount shall be reserved for evaluation activities conducted by the Secretary and not more than $2,000,000 of such amount may be reserved for the National Clearinghouse for English Language Acquisition and Language Instruction Educational Programs described in section 3203.

[(2) CONTINUATION AWARDS.—

[(A) IN GENERAL.—Before making allotments to State educational agencies under paragraph (3) for any fiscal year, the Secretary shall use the sums reserved under paragraph (1)(D) to make continuation awards to recipients who received grants or fellowships for the fiscal year preceding any fiscal year described in section 3001(b)(1)(A) under—

[(i) subparts 1 and 3 of part A of title VII (as in effect on the day before the date of enactment of the No Child Left Behind Act of 2001); or

[(ii) subparts 1 and 3 of part B of this title.

[(B) USE OF FUNDS.—The Secretary shall make the awards in order to allow such recipients to receive awards for the complete period of their grants or fellowships under the appropriate subparts.]

[(3)]*(2)* STATE ALLOTMENTS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), from the amount appropriated under section [3001(a)]*3(j)* for each fiscal year that remains after making the reservations under paragraph (1), the Secretary shall allot to each State educational agency having a plan approved under section 3113(c)—

(i) an amount that bears the same relationship to 80 percent of the remainder as the number of [limited English proficient children]*English learners* in the State bears to the number of such children in all States*, as determined by data available from the American Community Survey conducted by the Department of Commerce or State-reported data*; and

(ii) an amount that bears the same relationship to 20 percent of the remainder as the number of immigrant children and youth in the State bears to the number of such children and youth in all States*, as determined based only on data available from the American Community Survey conducted by the Department of Commerce*.

(B) MINIMUM ALLOTMENTS.—* * *

[(C) REALLOTMENT.—If any State educational agency described in subparagraph (A) does not submit a plan to the Secretary for a fiscal year, or submits a plan (or any amendment to a plan) that the Secretary, after reasonable notice and opportunity for a hearing, determines does not satisfy the requirements of this subpart, the Secretary—

[(i) shall endeavor to make the State's allotment available on a competitive basis to specially qualified

agencies within the State to satisfy the requirements of section 3115 (and any additional requirements that the Secretary may impose), consistent with the purposes of such section, and to carry out required and authorized activities under such section; and

[(ii) shall reallot any portion of such allotment remaining after the application of clause (i) to the remaining State educational agencies in accordance with subparagraph (A).]

(C) REALLOTMENT.—If any State educational agency described in subparagraph (A) does not submit a plan to the Secretary for a fiscal year, or submits a plan (or any amendment to a plan) that the Secretary, after reasonable notice and opportunity for a hearing, determines does not satisfy the requirements of this subpart, the Secretary shall reallot any portion of such allotment to the remaining State educational agencies in accordance with subparagraph (A).

(D) SPECIAL RULE FOR PUERTO RICO.—* * *

[(4)]*(3)* USE OF DATA FOR DETERMINATIONS.—

[(A) IN GENERAL.—In making State allotments under paragraph (3), for the purpose of determining the number of limited English proficient children in a State and in all States, and the number of immigrant children and youth in a State and in all States, for each fiscal year, the Secretary shall use data that will yield the most accurate, up-to-date numbers of such children and youth.

[(B) SPECIAL RULE.—

[(i) FIRST 2 YEARS.—In making determinations under subparagraph (A) for the 2 fiscal years following the date of enactment of the No Child Left Behind Act of 2001, the Secretary shall determine the number of limited English proficient children in a State and in all States, and the number of immigrant children and youth in a State and in all States, using data available from the Bureau of Census or submitted by the States to the Secretary.

[(ii) SUBSEQUENT YEARS.—For subsequent fiscal years, the Secretary shall determine the number of limited English proficient children in a State and in all States, and the number of immigrant children and youth in a State and in all States, using the more accurate of—

[(I) the data available from the American Community Survey available from the Department of Commerce; or

[(II) the number of children being assessed for English proficiency in a State as required under section 1111(b)(7).]

(3) USE OF DATA FOR DETERMINATIONS.—In making State allotments under paragraph (2), for each fiscal year, the Secretary shall determine the number of English learners in a State and in all States, for each fiscal year, using the most accurate, up-to-date data, which may be—

(A) data available from the American Community Survey conducted by the Department of Commerce, which may be multiyear estimates;

(B) the number of students assessed as not having attained English language proficiency, based on the State's English language proficiency assessment under section 1111(a)(2)(D), which may be multiyear estimates; or

(C) a combination of data available under subparagraphs (A) and (B).

* * * * * * *

SEC. 3112. NATIVE AMERICAN AND ALASKA NATIVE CHILDREN IN SCHOOL.

(a) ELIGIBLE ENTITIES.—* * *

(1) * * *

* * * * * * *

(4) An elementary school or secondary school that is operated or funded by the Bureau of [Indian Affairs]*Indian Education of the Department of the Interior*, or a consortium of such schools.

(5) An elementary school or secondary school operated under a contract with or grant from the Bureau of [Indian Affairs]*Indian Education of the Department of the Interior*, in consortium with another such school or a tribal or community organization.

(6) An elementary school or secondary school operated by the Bureau of [Indian Affairs]*Indian Education of the Department of the Interior* and an institution of higher education, in consortium with an elementary school or secondary school operated under a contract with or grant from the Bureau of [Indian Affairs]*Indian Education of the Department of the Interior* or a tribal or community organization.

(b) SUBMISSION OF APPLICATIONS FOR ASSISTANCE.—Notwithstanding any other provision of this part, [an entity that is considered to be an eligible entity under subsection (a), and that]*an eligible entity that* desires to receive Federal financial assistance under this subpart, shall submit an application to the Secretary.

[(c) SPECIAL RULE.—An eligible entity described in subsection (a) that receives Federal financial assistance pursuant to this section shall not be eligible to receive a subgrant under section 3114.]

(c) SPECIAL RULES.—

(1) INELIGIBILITY FOR MULTIPLE AWARDS FOR SAME PERIOD.—An eligible entity that receives a grant under this section shall not be eligible to receive a subgrant under section 3114 for the same period.

(2) NATIVE AMERICAN LANGUAGE PROGRAMS.—An eligible entity that receives a grant under this section may, in addition to other activities supported under this subpart, use the grant funds to support Native American language immersion programs and Native American language restoration programs, which may be taught by traditional or tribal leaders.

* * * * * * *

[SEC. 3113. [20 U.S.C. 6823] STATE AND SPECIALLY QUALIFIED AGENCY PLANS.]

[(a) PLAN REQUIRED.—Each State educational agency and specially qualified agency desiring a grant under this subpart shall submit a plan to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

[(b) CONTENTS.—Each plan submitted under subsection (a) shall—

[(1) describe the process that the agency will use in making subgrants to eligible entities under section 3114(d)(1);

[(2) describe how the agency will establish standards and objectives for raising the level of English proficiency that are derived from the four recognized domains of speaking, listening, reading, and writing, and that are aligned with achievement of the challenging State academic content and student academic achievement standards described in section 1111(b)(1);

[(3) contain an assurance that—

[(A) in the case of a State educational agency, the agency consulted with local educational agencies, education-related community groups and nonprofit organizations, parents, teachers, school administrators, and researchers, in developing the annual measurable achievement objectives described in section 3122;

[(B) in the case of a specially qualified agency, the agency consulted with education-related community groups and nonprofit organizations, parents, teachers, and researchers, in developing the annual measurable achievement objectives described in section 3122;

[(C) the agency will ensure that eligible entities receiving a subgrant under this subpart comply with the requirement in section 1111(b)(7) to annually assess in English children who have been in the United States for 3 or more consecutive years;

[(D) the agency will ensure that eligible entities receiving a subgrant under this subpart annually assess the English proficiency of all limited English proficient children participating in a program funded under this subpart, consistent with section 1111(b)(7);

[(E) in awarding subgrants under section 3114, the agency will address the needs of school systems of all sizes and in all geographic areas, including school systems with rural and urban schools;

[(F) subgrants to eligible entities under section 3114(d)(1) will be of sufficient size and scope to allow such entities to carry out high-quality language instruction educational programs for limited English proficient children; and

[(G) the agency will require an eligible entity receiving a subgrant under this subpart to use the subgrant in ways that will build such recipient's capacity to continue to offer high-quality language instruction educational programs that assist limited English proficient children in meeting challenging State academic content and student academic

achievement standards once assistance under this subpart is no longer available;

[(4) describe how the agency will coordinate its programs and activities under this subpart with its other programs and activities under this Act and other Acts, as appropriate;

[(5) describe how the agency will hold local educational agencies, eligible entities, elementary schools, and secondary schools accountable for—

[(A) meeting all annual measurable achievement objectives described in section 3122;

[(B) making adequate yearly progress for limited English proficient children, as described in section 1111(b)(2)(B); and

[(C) achieving the purposes of this part; and

[(6) describe how eligible entities in the State will be given the flexibility to teach limited English proficient children—

[(A) using a language instruction curriculum that is tied to scientifically based research on teaching limited English proficient children and that has been demonstrated to be effective; and

[(B) in the manner the eligible entities determine to be the most effective.

[(c) APPROVAL.—The Secretary, after using a peer review process, shall approve a plan submitted under subsection (a) if the plan meets the requirements of this section.

[(d) DURATION OF PLAN.—

[(1) IN GENERAL.—Each plan submitted by a State educational agency or specially qualified agency and approved under subsection (c) shall—

[(A) remain in effect for the duration of the agency's participation under this part; and

[(B) be periodically reviewed and revised by the agency, as necessary, to reflect changes to the agency's strategies and programs carried out under this part.

[(2) ADDITIONAL INFORMATION.—

[(A) AMENDMENTS.—If the State educational agency or specially qualified agency amends the plan, the agency shall submit such amendment to the Secretary.

[(B) APPROVAL.—The Secretary shall approve such amendment to an approved plan, unless the Secretary determines that the amendment will result in the agency not meeting the requirements, or fulfilling the purposes, of this part.

[(e) CONSOLIDATED PLAN.—A plan submitted under subsection (a) may be submitted as part of a consolidated plan under section 9302.

[(f) SECRETARY ASSISTANCE.—The Secretary shall provide technical assistance, if requested, in the development of English proficiency standards, objectives, and assessments.]

SEC. 3113. STATE EDUCATIONAL AGENCY PLANS.

(a) PLAN REQUIRED.—Each State educational agency desiring a grant under this subpart shall submit a plan to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(b) CONTENTS.—Each plan submitted under subsection (a) shall—

(1) describe the process that the agency will use in awarding subgrants to eligible entities under section 3114(d)(1);

(2) describe the process by which, within a period established by the Secretary, the agency will establish uniform statewide criteria for local educational agencies to use in—

(A) identifying English learners who need services under this part;

(B) determining when such students no longer need those services; and

(C) including the same standards of achievement for all English learners in all local educational agencies in the State;

(3) describe the process through which the State educational agency will support local educational agencies in assisting English learners in acquiring proficiency in each of the 4 language domains of reading, writing, speaking, and listening, as measured by the State's English language proficiency assessment;

(4) provide an assurance that if the State adopts new academic content standards, the State educational agency will, not later than 1 year after the date of adoption of such standards—

(A) update the State English language proficiency standards to ensure that such standards align with the new academic content standards; and

(B) provide the Secretary with evidence of such alignment;

(5) provide an assurance that the State English language proficiency assessment system is valid and reliable and meets the appropriate requirements of paragraph (10);

(6) include criteria for defining the performance standard that students at lower levels of English language proficiency must meet to attain the level that the State defines as English language proficient;

(7) describe how the agency will coordinate programs and activities carried out under this subpart with the other programs and activities that such agency carries out under this Act;

(8) describe how the agency will assist eligible entities in increasing the extent to which English learners acquire English language proficiency within a reasonable time frame, as informed by evidence and best practices;

(9) provide an assurance that eligible entities in the State will be given the flexibility to teach English learners using a language instruction curriculum that has been demonstrated to be effective, consistent with section 3115(f);

(10) describe how the agency will manage subgrants awarded under this subpart, including—

(A) how the agency will ensure that subgrant funds are expended to support the provision of services to help English learners acquire the English language proficiency and the academic content knowledge they need to meet the State's college and career ready academic content standards and to advance to postsecondary education and careers, which may include using a scientifically valid lan-

guage instruction curriculum to improve language acquisition and content mastery for English learners;

(B) how the agency will ensure that eligible entities receiving a subgrant under this subpart comply with the requirement under section 1111(a)(2)(B)(vi) to annually assess in English, children who have been in the United States for 3 or more consecutive years;

(C) how the agency will monitor eligible entities receiving a subgrant under this part to ensure compliance with applicable Federal fiscal requirements, including the requirements under subsections (f) (g), and (h) of section 3115;

(D) how the agency will, in awarding subgrants under section 3114, address the needs of local educational agencies of all sizes and in all geographic areas, including local educational agencies that serve rural and urban schools; and

(E) an assurance that the agency will require an eligible entity receiving a subgrant under this subpart to use the subgrant in ways that will build such eligible entity's capacity to continue to offer high-quality language instruction educational programs and academic content instruction programs that assist English learners in meeting State academic content and student academic achievement standards to become on track to college and career readiness;

(11) provide an assurance that the State's English language proficiency standards are aligned with the academic content and academic achievement standards described in section 1111; and

(12) provide an assurance that the plan has been developed in consultation with local educational agencies, teachers, administrators of programs described under this part, parents, family members, and other relevant stakeholders.

(c) APPROVAL.—The Secretary, after using a peer review process, shall approve a plan submitted under subsection (a) if the plan meets the requirements of this section.

(d) DURATION OF PLAN.—

(1) IN GENERAL.—Each plan submitted by a State educational agency and approved under subsection (c) shall—

(A) remain in effect for the duration of the State educational agency's participation under this part; and

(B) be periodically reviewed and revised by the agency to reflect changes to the agency's strategies and programs carried out under this part.

(2) ADDITIONAL INFORMATION.—

(A) AMENDMENTS.—If a State educational agency amends the plan approved under subsection (c), the agency shall submit the amendment to the Secretary.

(B) APPROVAL.—The Secretary shall approve an amendment to an approved plan, unless the Secretary determines that the amendment will result in the agency not meeting the requirements, or fulfilling the purposes, of this part.

(e) CONSOLIDATED PLAN.—A plan submitted under subsection (a) may be submitted as part of a consolidated plan under section 9302.

(f) SECRETARY ASSISTANCE.—The Secretary shall provide technical assistance, if requested, in the development of English language proficiency standards, objectives, and assessments.

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SEC. 3114. WITHIN-STATE ALLOCATIONS.

(a) IN GENERAL.—After making the reservation required under subsection (d)(1), each State educational agency receiving a grant under [section 3111(c)(3)]*section 3111(c)(2)* shall award subgrants for a fiscal year by allocating*, in a timely manner,* to each eligible entity in the State having a plan approved under section 3116 an amount that bears the same relationship to the amount received under the grant and remaining after making such reservation as the population of [limited English proficient children]*English learners* in schools served by the eligible entity bears to the population of [limited English proficient children]*English learners* in schools served by all eligible entities in the State.

(b) LIMITATION.—* * *

* * * * * * *

(d) REQUIRED RESERVATION.—A State educational agency receiving a grant under this subpart for a fiscal year—

(1) shall reserve not more than 15 percent of the agency's allotment under [section 3111(c)(3)]*section 3111(c)(2)* to award subgrants to eligible entities in the State that have experienced a significant increase, as compared to the average of the 2 preceding fiscal years, in the percentage or number of immigrant children and youth, who have enrolled, during the fiscal year preceding the fiscal year for which the subgrant is made, in public and nonpublic elementary schools and secondary schools in the geographic areas under the jurisdiction of, or served by, such entities; and

(2) in awarding subgrants under paragraph (1)—

(A) shall [equally]consider eligible entities that satisfy the requirement of such paragraph but have limited or no experience in serving immigrant children and youth; [and]

(B) shall consider eligible entities that experience a significant increase in the percentage of immigrant children and youth served, and eligible entities that experience a significant increase in the number of immigrant children and youth served; and

[(B)] *(C)* shall consider the quality of each local plan under section 3116 and ensure that each subgrant is of sufficient size and scope to meet the purposes of this part.

[SEC. 3115. SUBGRANTS TO ELIGIBLE ENTITIES.]

[(a) PURPOSES OF SUBGRANTS.—A State educational agency may make a subgrant to an eligible entity from funds received by the agency under this subpart only if the entity agrees to expend the funds to improve the education of limited English proficient children, by assisting the children to learn English and meet challenging State academic content and student academic achievement standards. In carrying out activities with such funds, the entity shall use approaches and methodologies based on scientifically

based research on teaching limited English proficient children and immigrant children and youth for the following purposes:

[(1) Developing and implementing new language instruction educational programs and academic content instruction programs for such children, and such children and youth, including programs of early childhood education, elementary school programs, and secondary school programs.

[(2) Carrying out highly focused, innovative, locally designed activities to expand or enhance existing language instruction educational programs and academic content instruction programs for such children, and such children and youth.

[(3) Implementing, within an individual school, schoolwide programs for restructuring, reforming, and upgrading all relevant programs, activities, and operations relating to language instruction educational programs and academic content instruction for such children, and such children and youth.

[(4) Implementing, within the entire jurisdiction of a local educational agency, agencywide programs for restructuring, reforming, and upgrading all relevant programs, activities, and operations relating to language instruction educational programs and academic content instruction for such children, and such children and youth.

[(b) ADMINISTRATIVE EXPENSES.—Each eligible entity receiving funds under section 3114(a) for a fiscal year may use not more than 2 percent of such funds for the cost of administering this subpart.

[(c) REQUIRED SUBGRANTEE ACTIVITIES.—An eligible entity receiving funds under section 3114(a) shall use the funds—

[(1) to increase the English proficiency of limited English proficient children by providing high-quality language instruction educational programs that are based on scientifically based research demonstrating the effectiveness of the programs in increasing—

[(A) English proficiency; and

[(B) student academic achievement in the core academic subjects; and

[(2) to provide high-quality professional development to classroom teachers (including teachers in classroom settings that are not the settings of language instruction educational programs), principals, administrators, and other school or community-based organizational personnel, that is—

[(A) designed to improve the instruction and assessment of limited English proficient children;

[(B) designed to enhance the ability of such teachers to understand and use curricula, assessment measures, and instruction strategies for limited English proficient children;

[(C) based on scientifically based research demonstrating the effectiveness of the professional development in increasing children's English proficiency or substantially increasing the subject matter knowledge, teaching knowledge, and teaching skills of such teachers; and

[(D) of sufficient intensity and duration (which shall not include activities such as one-day or short-term workshops

and conferences) to have a positive and lasting impact on the teachers' performance in the classroom, except that this subparagraph shall not apply to an activity that is one component of a long-term, comprehensive professional development plan established by a teacher and the teacher's supervisor based on an assessment of the needs of the teacher, the supervisor, the students of the teacher, and any local educational agency employing the teacher.

[(d) AUTHORIZED SUBGRANTEE ACTIVITIES.—Subject to subsection (c), an eligible entity receiving funds under section 3114(a) may use the funds to achieve one of the purposes described in subsection (a) by undertaking one or more of the following activities:

[(1) Upgrading program objectives and effective instruction strategies.

[(2) Improving the instruction program for limited English proficient children by identifying, acquiring, and upgrading curricula, instruction materials, educational software, and assessment procedures.

[(3) Providing—

[(A) tutorials and academic or vocational education for limited English proficient children; and

[(B) intensified instruction.

[(4) Developing and implementing elementary school or secondary school language instruction educational programs that are coordinated with other relevant programs and services.

[(5) Improving the English proficiency and academic achievement of limited English proficient children.

[(6) Providing community participation programs, family literacy services, and parent outreach and training activities to limited English proficient children and their families—

[(A) to improve the English language skills of limited English proficient children; and

[(B) to assist parents in helping their children to improve their academic achievement and becoming active participants in the education of their children.

[(7) Improving the instruction of limited English proficient children by providing for—

[(A) the acquisition or development of educational technology or instructional materials;

[(B) access to, and participation in, electronic networks for materials, training, and communication; and

[(C) incorporation of the resources described in subparagraphs (A) and (B) into curricula and programs, such as those funded under this subpart.

[(8) Carrying out other activities that are consistent with the purposes of this section.

[(e) ACTIVITIES BY AGENCIES EXPERIENCING SUBSTANTIAL INCREASES IN IMMIGRANT CHILDREN AND YOUTH.—

[(1) IN GENERAL.—An eligible entity receiving funds under section 3114(d)(1) shall use the funds to pay for activities that provide enhanced instructional opportunities for immigrant children and youth, which may include—

[(A) family literacy, parent outreach, and training activities designed to assist parents to become active participants in the education of their children;

[(B) support for personnel, including teacher aides who have been specifically trained, or are being trained, to provide services to immigrant children and youth;

[(C) provision of tutorials, mentoring, and academic or career counseling for immigrant children and youth;

[(D) identification and acquisition of curricular materials, educational software, and technologies to be used in the program carried out with funds;

[(E) basic instruction services that are directly attributable to the presence in the school district involved of immigrant children and youth, including the payment of costs of providing additional classroom supplies, costs of transportation, or such other costs as are directly attributable to such additional basic instruction services;

[(F) other instruction services that are designed to assist immigrant children and youth to achieve in elementary schools and secondary schools in the United States, such as programs of introduction to the educational system and civics education; and

[(G) activities, coordinated with community-based organizations, institutions of higher education, private sector entities, or other entities with expertise in working with immigrants, to assist parents of immigrant children and youth by offering comprehensive community services.

[(2) DURATION OF SUBGRANTS.—The duration of a subgrant made by a State educational agency under section 3114(d)(1) shall be determined by the agency in its discretion.

[(f) SELECTION OF METHOD OF INSTRUCTION.—

[(1) IN GENERAL.—To receive a subgrant from a State educational agency under this subpart, an eligible entity shall select one or more methods or forms of instruction to be used in the programs and activities undertaken by the entity to assist limited English proficient children to attain English proficiency and meet challenging State academic content and student academic achievement standards.

[(2) CONSISTENCY.—Such selection shall be consistent with sections 3125 through 3127.

[(g) SUPPLEMENT, NOT SUPPLANT.—Federal funds made available under this subpart shall be used so as to supplement the level of Federal, State, and local public funds that, in the absence of such availability, would have been expended for programs for limited English proficient children and immigrant children and youth and in no case to supplant such Federal, State, and local public funds.]

SEC. 3115. SUBGRANTS TO ELIGIBLE ENTITIES.

(a) PURPOSES OF SUBGRANTS.—A State educational agency may make a subgrant to an eligible entity from funds received by the agency under this subpart only if the entity agrees to expend the funds to supplement the education of English learners by helping them learn English and meet the State college and career ready academic content and student academic achievement standards. The eligible subgrantee shall carry out activities with such funds, using

evidence-based approaches and methodologies that have been demonstrated to be effective for teaching English learners and immigrant children and youth, for the following purposes:

(1) Developing and implementing new language instruction educational programs and academic content instruction programs for such children and youth, including early childhood education and care programs, elementary school programs, and secondary school programs.

(2) Carrying out highly focused, innovative, locally designed, evidence-based activities to expand or enhance existing language instruction educational programs and academic content instruction programs for such children and youth.

(3) Implementing, within an individual school, whole school programs for restructuring, reforming, and upgrading all relevant programs, activities, and operations relating to language instruction educational programs and academic content instruction for such children and youth.

(4) Implementing, within the entire jurisdiction of a local educational agency, agencywide programs for restructuring, reforming, and upgrading all relevant programs, activities, and operations relating to language instruction educational programs and academic content instruction for such children and youth.

(b) ADMINISTRATIVE EXPENSES.—Each eligible entity receiving funds under section 3114(a) for a fiscal year may use not more than 2 percent of such funds for the direct cost of administering this subpart.

(c) REQUIRED SUBGRANTEE ACTIVITIES.—An eligible entity receiving funds under section 3114(a) shall use the funds for 2 or more of the following activities:

(1) Increasing the English language proficiency of English learners by providing high-quality evidence-based language instruction educational programs and academic content instruction programs that meet the needs of the specific English learners served, and by identifying, acquiring, and upgrading curricula, instructional materials, educational software, and assessment practices that are proven effective in—

(A) increasing English language proficiency;

(B) increasing student academic achievement in the core academic subjects; and

(C) supporting students so that the students are college and career ready.

(2) Providing high-quality professional development to teachers (including teachers of language instruction educational programs and academic content instruction programs, teachers of other academic subjects, and special education teachers), principals, administrators, and other school or community-based organization personnel that is—

(A) designed to improve the instruction and assessment of English learners;

(B) designed to enhance the ability of teachers and school leaders to understand and effectively implement curricula, assessment practices and measures, and instructional strategies for English learners;

(C) aligned with the instructional program used by teachers that is responsive to the needs of the English learners served;

(D) based on scientifically valid research demonstrating the effectiveness of the professional development in increasing children's English language proficiency or substantially increasing the subject matter knowledge, teaching knowledge, and teaching skills of teachers; and

(E) of sufficient intensity and duration (which shall not include activities such as 1-day or short-term workshops and conferences) to have a positive and lasting impact on the performance of teachers in the classroom, except that this subparagraph shall not apply to an activity that is 1 component of a long-term, comprehensive professional development plan established by a teacher and the teacher's supervisor based on an assessment of the needs of the teacher, the supervisor, the students of the teacher, and any local educational agency employing the teacher, as appropriate.

(3) Carrying out other highly focused, evidence-based, proven effective activities and strategies that expand, enhance, or supplement existing language instruction educational programs and academic content instruction programs for English learners, including activities that enhance and increase parent, family, and community participation, maximize coordination and alignment among related programs, and build partnerships between schools and community-based early learning programs serving English learners.

(d) AUTHORIZED SUBGRANTEE ACTIVITIES.—Subject to subsection (c), an eligible entity receiving funds under section 3114(a) may use the funds to achieve 1 of the purposes described in subsection (a) by undertaking 1 or more of the following activities:

(1) Upgrading program objectives and effective instruction strategies.

(2) Providing to English learners—

(A) tutorials and academic or career and technical education; and

(B) intensified instruction.

(3) Developing and implementing preschool, elementary school, or secondary school language instruction educational programs and academic content instruction programs that are coordinated with other relevant programs and services.

(4) Improving the English language proficiency and academic achievement of children who are English learners.

(5) Improving the instruction of English learners, including English learners who are children with disabilities, by providing for—

(A) the acquisition or development of educational technology or instructional materials;

(B) access to, and participation in, electronic networks for materials, training, and communication; and

(C) incorporation of the resources described in subparagraphs (A) and (B) into curricula and programs, such as curricula and programs funded under this subpart.

(6) Providing community participation programs, family literacy activities, and parent and family outreach and training activities to children who are English learners and their families—

(A) to improve the English language skills of children who are English learners; and

(B) to assist parents in—

(i) helping their children to improve their academic achievement; and

(ii) becoming active participants in the education of their children.

(7) Carrying out other activities that are consistent with the purposes of this subpart.

(e) ACTIVITIES BY AGENCIES EXPERIENCING SUBSTANTIAL INCREASES IN IMMIGRANT CHILDREN AND YOUTH.—

(1) IN GENERAL.—An eligible entity receiving funds under section 3114(d)(1) shall use the funds to pay for activities that provide enhanced instructional opportunities for immigrant children and youth, which may include—

(A) family literacy, parent and family outreach, and leadership development activities designed to assist parents and family members in becoming engaged participants in the education and development of their children;

(B) support for personnel, including paraprofessionals who have been specifically trained, or are being trained, to provide services to immigrant children and youth;

(C) the provision of tutorials, mentoring, and academic or career counseling for immigrant children and youth;

(D) identification, development, and acquisition of curricular materials, educational software, and technologies to be used in the program carried out with funds awarded under section 3114(a);

(E) basic instructional services that are directly attributable to the presence in the local educational agency involved of immigrant children and youth, including the payment of costs of providing additional classroom supplies and costs of transportation;

(F) such other costs that are directly attributable to such additional basic instructional services or that are designed to assist immigrant children and youth to achieve in elementary schools and secondary schools in the United States, such as programs of introduction to the educational system and civics education; and

(G) activities, coordinated with community-based organizations (including community-based organizations providing early childhood education and care programs), institutions of higher education, private sector entities, or other entities with expertise in working with immigrants, to assist parents of immigrant children and youth by offering comprehensive community services.

(2) DURATION OF SUBGRANTS.—The duration of a subgrant made by a State educational agency under section 3114(d)(1) shall be determined by the agency in its discretion.

(f) SELECTION OF METHOD OF INSTRUCTION.—

(1) IN GENERAL.—An eligible entity receiving a subgrant from a State educational agency under this subpart shall select 1 or more methods or forms of instruction to be used in the programs and activities undertaken by the entity in assisting English learners in attaining English language proficiency and meeting State academic content and student academic achievement standards, to be on track to college and career readiness.

(2) CONSISTENCY.—The selection of methods or forms of instruction, as described under paragraph (1), shall be consistent with sections 3124 through 3126.

(g) SUPPLEMENT, NOT SUPPLANT.—Federal funds made available under this subpart shall be used so as to supplement the level of Federal, State, and local public funds that, in the absence of such availability, would have been expended for programs for English learners and immigrant children and youth and in no case to supplant such Federal, State, and local public funds.

(h) PROHIBITION ON USE OF FUNDS.—A subgrantee shall not use subgrant funds received under this subpart for services that are required to be provided to English learners as a result of—

(1) a letter of findings, issued by the Assistant Secretary for Civil Rights, indicating that the subgrantee's program and services do not meet the legal requirements under title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), unless the subgrantee has appealed the findings or entered into settlement discussions designed to lead to a resolution agreement with the Assistant Secretary for Civil Rights pursuant to section 100.7(d) of title 34, Code of Federal Regulations; or

(2) a Federal court order resulting from litigation in the Federal courts, except where the litigation commences with a complaint filed with an accompanying consent decree, to enforce title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) or section 204(f) of the Equal Educational Opportunities Act of 1974 (20 U.S.C. 1703(f)).

* * * * * * *

[SEC. 3116. LOCAL PLANS.]

[(a) PLAN REQUIRED.—Each eligible entity desiring a subgrant from the State educational agency under section 3114 shall submit a plan to the State educational agency at such time, in such manner, and containing such information as the State educational agency may require.

[(b) CONTENTS.—Each plan submitted under subsection (a) shall—

[(1) describe the programs and activities proposed to be developed, implemented, and administered under the subgrant;

[(2) describe how the eligible entity will use the subgrant funds to meet all annual measurable achievement objectives described in section 3122;

[(3) describe how the eligible entity will hold elementary schools and secondary schools receiving funds under this subpart accountable for—

(A) meeting the annual measurable achievement objectives described in section 3122;

[(B) making adequate yearly progress for limited English proficient children, as described in section 1111(b)(2)(B); and

[(C) annually measuring the English proficiency of limited English proficient children, so that such children served by the programs carried out under this part develop proficiency in English while meeting State academic content and student academic achievement standards as required by section 1111(b)(1);

[(4) describe how the eligible entity will promote parental and community participation in programs for limited English proficient children;

[(5) contain an assurance that the eligible entity consulted with teachers, researchers, school administrators, and parents, and, if appropriate, with education-related community groups and nonprofit organizations, and institutions of higher education, in developing such plan; and

[(6) describe how language instruction educational programs carried out under the subgrant will ensure that limited English proficient children being served by the programs develop English proficiency.

[(c) TEACHER ENGLISH FLUENCY.—Each eligible entity receiving a subgrant under section 3114 shall include in its plan a certification that all teachers in any language instruction educational program for limited English proficient children that is, or will be, funded under this part are fluent in English and any other language used for instruction, including having written and oral communications skills.

[(d) OTHER REQUIREMENTS FOR APPROVAL.—Each local plan shall also contain assurances that—

[(1) each local educational agency that is included in the eligible entity is complying with section 3302 prior to, and throughout, each school year;

[(2) the eligible entity annually will assess the English proficiency of all children with limited English proficiency participating in programs funded under this part;

[(3) the eligible entity has based its proposed plan on scientifically based research on teaching limited English proficient children;

[(4) the eligible entity will ensure that the programs will enable children to speak, read, write, and comprehend the English language and meet challenging State academic content and student academic achievement standards; and

[(5) the eligible entity is not in violation of any State law, including State constitutional law, regarding the education of limited English proficient children, consistent with sections 3126 and 3127.]

SEC. 3116. LOCAL PLANS.

(a) PLAN REQUIRED.—Each eligible entity desiring a subgrant from a State educational agency under section 3114 shall submit a plan to the State educational agency at such time, in such manner, and containing such information as the State educational agency may require.

(b) CONTENTS.—Each plan submitted under subsection (a) shall—

(1) describe the scientifically valid programs and activities proposed to be developed, implemented, and administered under the subgrant, including how such programs and activities will supplement programs intended to enable children to speak, read, write, and comprehend the English language, meet State academic content and student academic achievement standards, and graduate high school ready for college and careers;

(2) describe how the eligible entity will hold elementary schools and secondary schools receiving funds under this subpart accountable for—

(A) assessing annually, in accordance with section 1111, the English language proficiency of all English learners participating in programs funded under this subpart; and

(B) meeting timelines, progress criteria, and performance targets for English learners in order to ensure that such children served by the programs carried out under this part—

(i) develop proficiency in English; and

(ii) master the academic content knowledge they need to meet the State's college and career ready academic content standards under section 1111(a)(1);

(3) describe how the eligible entity will promote family and community member engagement;

(4) describe how the eligible entity will consult with teachers, researchers, school administrators, parents, family and community members, and, if appropriate, with education-related community groups and nonprofit organizations, and institutions of higher education, in developing and implementing such plan;

(5) describe how language instruction educational programs and academic content instruction programs carried out under the subgrant will ensure that English learners being served by the programs develop English language proficiency and demonstrate such proficiency through academic content mastery;

(6) ensure that activities supported by funds allocated to individual schools are described in any general local school level-plan required by the eligible entity, and in the absence of a required school-level plan, such activities are described in a separate school-level title III activity plan; and

(7) contain an assurance that—

(A) the eligible entity is not in violation of State law, including State constitutional law, regarding the education of English learners, consistent with sections 3124 through 3128;

(B) each local educational agency that is included in the eligible entity complies with section 3202 prior to, and throughout, each school year; and

(C) systemic improvements for meeting the needs of English learners and targeting funds to particular concentrations of English learners were considered in developing such plan.

(c) TEACHER ENGLISH FLUENCY.—Each eligible entity receiving a subgrant under this subpart shall include in its plan a certification that all teachers in any language instruction educational program

for English learners that is, or will be, funded under this part are fluent in the languages used for instruction, including having written and oral communications skills.

* * * * * * *

Subpart 2—Accountability and Administration

[SEC. 3121. EVALUATIONS.]

[(a) IN GENERAL.—Each eligible entity that receives a subgrant from a State educational agency under subpart 1 shall provide such agency, at the conclusion of every second fiscal year during which the subgrant is received, with an evaluation, in a form prescribed by the agency, that includes—

[(1) a description of the programs and activities conducted by the entity with funds received under subpart 1 during the two immediately preceding fiscal years;

[(2) a description of the progress made by children in learning the English language and meeting challenging State academic content and student academic achievement standards;

[(3) the number and percentage of children in the programs and activities attaining English proficiency by the end of each school year, as determined by a valid and reliable assessment of English proficiency; and

[(4) a description of the progress made by children in meeting challenging State academic content and student academic achievement standards for each of the 2 years after such children are no longer receiving services under this part.

[(b) USE OF EVALUATION.—An evaluation provided by an eligible entity under subsection (a) shall be used by the entity and the State educational agency—

[(1) for improvement of programs and activities;

[(2) to determine the effectiveness of programs and activities in assisting children who are limited English proficient to attain English proficiency (as measured consistent with subsection (d)) and meet challenging State academic content and student academic achievement standards; and

[(3) in determining whether or not to continue funding for specific programs or activities.

[(c) EVALUATION COMPONENTS.—An evaluation provided by an eligible entity under subsection (a) shall—

[(1) provide an evaluation of children enrolled in a program or activity conducted by the entity using funds under subpart 1 (including the percentage of children) who—

[(A) are making progress in attaining English proficiency, including the percentage of children who have achieved English proficiency;

[(B) have transitioned into classrooms not tailored to limited English proficient children, and have a sufficient level of English proficiency to permit them to achieve in English and transition into classrooms not tailored to limited English proficient children;

[(C) are meeting the same challenging State academic content and student academic achievement standards as all children are expected to meet; and

[(D) are not receiving waivers for the reading or language arts assessments under section 1111(b)(3)(C); and

[(2) include such other information as the State educational agency may require.

[(d) EVALUATION MEASURES.—A State shall approve evaluation measures for use under subsection (c) that are designed to assess—

[(1) the progress of children in attaining English proficiency, including a child's level of comprehension, speaking, listening, reading, and writing skills in English;

[(2) student attainment of challenging State student academic achievement standards on assessments described in section 1111(b)(3); and

[(3) progress in meeting the annual measurable achievement objectives described in section 3122.

[(e) SPECIAL RULE FOR SPECIALLY QUALIFIED AGENCIES.—Each specially qualified agency receiving a grant under this part shall provide the evaluations described in subsection (a) to the Secretary subject to the same requirements as apply to eligible entities providing such evaluations to State educational agencies under such subsection.]

SEC. 3121. EVALUATIONS.

(a) IN GENERAL.—Each eligible entity that receives a subgrant from a State educational agency under subpart 1 shall provide such agency, at the conclusion of every second fiscal year during which the subgrant is received, with an evaluation of programs and services supported under this title, in a form prescribed by the agency, that includes—

(1) a description of the programs and activities conducted by the entity with funds received under subpart 1 during the 2 immediately preceding fiscal years, including how such programs and activities supplemented programs funded primarily with State or local funds;

(2) a description of the progress made by English learners in improving their English language proficiency, in meeting the State's academic content and student academic achievement standards, and in graduating from high school ready for college and careers;

(3) the number and percentage of English learners participating in the programs and activities supported by funds provided under this part, who by the end of each school year, attain English language proficiency in each of the 4 domains of reading, writing, speaking, and listening, as determined by the State's English language proficiency assessment and the number who exit the language instruction educational programs based on their attainment of English language proficiency on such assessment;

(4) a description of the progress made by former English learners in meeting the State's academic content and student academic achievement standards and in graduating from high school and being college and career ready, for each of the 3

years after such individuals are no longer receiving services under this part; and

(5) the number and percentage of English learners who have not attained English language proficiency within 5 years of first enrollment in the local educational agency and initial classification as English learners.

(b) USE OF EVALUATION.—An evaluation provided by an eligible entity under subsection (a) shall be used by the entity and the State educational agency—

(1) to assess the progress of children in attaining English language proficiency, including—

(A) a child's level of speaking, listening, reading, and writing skills in English; and

(B) a child's progress in attaining the State student academic achievement and college and career readiness standards; and

(2) to improve programs and activities, including by determining the effectiveness of programs and activities in increasing the English language proficiency of English learners and making determinations about whether or not to continue funding for specific programs or activities.

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[SEC. 3122. ACHIEVEMENT OBJECTIVES AND ACCOUNTABILITY.]

[(a) ACHIEVEMENT OBJECTIVES.—

[(1) IN GENERAL.—Each State educational agency or specially qualified agency receiving a grant under subpart 1 shall develop annual measurable achievement objectives for limited English proficient children served under this part that relate to such children's development and attainment of English proficiency while meeting challenging State academic content and student academic achievement standards as required by section 1111(b)(1).

[(2) DEVELOPMENT OF OBJECTIVES.—Such annual measurable achievement objectives shall be developed in a manner that—

[(A) reflects the amount of time an individual child has been enrolled in a language instruction educational program; and

[(B) uses consistent methods and measurements to reflect the increases described in subparagraphs (A)(i), (A)(ii), and (B) of paragraph (3).

[(3) CONTENTS.—Such annual measurable achievement objectives—

[(A) shall include—

[(i) at a minimum, annual increases in the number or percentage of children making progress in learning English;

[(ii) at a minimum, annual increases in the number or percentage of children attaining English proficiency by the end of each school year, as determined by a valid and reliable assessment of English proficiency consistent with section 1111(b)(7); and

[(iii) making adequate yearly progress for limited English proficient children as described in section 1111(b)(2)(B); and

[(B) at the discretion of the agency, may include the number or percentage of children not receiving waivers for reading or language arts assessments under section 1111(b)(3)(C), but this achievement objective shall not be applied to an eligible entity that, in a given school year—

[(i) has experienced a large increase in limited English proficient children or immigrant children and youth;

[(ii) enrolls a statistically significant number of immigrant children and youth from countries where such children and youth had little or no access to formal education; or

[(iii) has a statistically significant number of immigrant children and youth who have fled from war or natural disaster.

[(b) ACCOUNTABILITY.—

[(1) FOR STATES.—Each State educational agency receiving a grant under subpart 1 shall hold eligible entities receiving a subgrant under such subpart accountable for meeting the annual measurable achievement objectives under subsection (a), including making adequate yearly progress for limited English proficient children.

[(2) IMPROVEMENT PLAN.—If a State educational agency determines, based on the annual measurable achievement objectives described in subsection (a), that an eligible entity has failed to make progress toward meeting such objectives for 2 consecutive years, the agency shall require the entity to develop an improvement plan that will ensure that the entity meets such objectives. The improvement plan shall specifically address the factors that prevented the entity from achieving such objectives.

[(3) TECHNICAL ASSISTANCE.—During the development of the improvement plan described in paragraph (2), and throughout its implementation, the State educational agency shall—

[(A) provide technical assistance to the eligible entity;

[(B) provide technical assistance, if applicable, to schools served by such entity under subpart 1 that need assistance to enable the schools to meet the annual measurable achievement objectives described in subsection (a);

[(C) develop, in consultation with the entity, professional development strategies and activities, based on scientifically based research, that the agency will use to meet such objectives;

[(D) require such entity to utilize such strategies and activities; and

[(E) develop, in consultation with the entity, a plan to incorporate strategies and methodologies, based on scientifically based research, to improve the specific program or method of instruction provided to limited English proficient children.

[(4) ACCOUNTABILITY.—If a State educational agency determines that an eligible entity has failed to meet the annual measurable achievement objectives described in subsection (a) for 4 consecutive years, the agency shall—

[(A) require such entity to modify the entity's curriculum, program, and method of instruction; or

[(B)(i) make a determination whether the entity shall continue to receive funds related to the entity's failure to meet such objectives; and

[(ii) require such entity to replace educational personnel relevant to the entity's failure to meet such objectives.

[(c) SPECIAL RULE FOR SPECIALLY QUALIFIED AGENCIES.—The Secretary shall hold specially qualified agencies receiving a grant under this subpart accountable for meeting the annual measurable achievement objectives described in subsection (a) in the same manner as State educational agencies hold eligible entities accountable under subsection (b).]

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SEC. [3123]*3122*. REPORTING REQUIREMENTS.

(a) STATES.—Based upon the evaluations provided to a State educational agency under section 3121, each such agency that receives a grant under this part shall prepare and submit every second year to the Secretary a report on programs and activities carried out by the State educational agency under this part and the effectiveness of such programs and activities in improving the education provided to [children who are limited English proficient]*English learners*.

(b) SECRETARY.—Every second year, the Secretary shall prepare and submit to the [Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate]*authorizing committees* a report—

(1) on programs and activities carried out to serve [limited English proficient children]*English learners* under this part, and the effectiveness of such programs and activities in improving the academic achievement and English proficiency of [children who are limited English proficient]*English learners*;

(2) on the types of language instruction educational programs used by local educational agencies or eligible entities receiving funding under this part to teach [limited English proficient children]*English learners*;

(3) * * *

(4) containing a description of technical assistance and other assistance provided by State educational agencies under [section 3111(b)(2)(C)]*section 3111(b)(2)*;

(5) containing an estimate of the number of certified or licensed teachers working in language instruction educational programs and educating [limited English proficient children]*English learners*, and an estimate of the number of such teachers that will be needed for the succeeding 5 fiscal years;

(6) * * *

* * * * * * *

(8) containing the number of [limited English proficient children]*English learners* served by eligible entities receiving funding under this part who were transitioned out of language instruction educational programs funded under this part into classrooms where instruction is not tailored for [limited English proficient children]*English learners*; and

(9) containing other information gathered from [the evaluations from specially qualified agencies and]other reports submitted to the Secretary under this title when applicable.

* * * * * * *

SEC. [3124]*3123*. COORDINATION WITH RELATED PROGRAMS.

In order to maximize Federal efforts aimed at serving the educational needs of [children of limited English proficiency]*English learners*, the Secretary shall coordinate and ensure close cooperation with other entities carrying out programs serving [language-minority and limited English proficient children]*language-minority children and English learners* that are administered by the Department and other agencies.

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SEC. [3125]*3124*. RULES OF CONSTRUCTION.

Nothing in this part shall be construed—

(1) to prohibit a local educational agency from serving [limited English proficient children]*English learners* simultaneously with children with similar educational needs, in the same educational settings where appropriate;

(2) to require a State or a local educational agency to establish, continue, or eliminate any particular type of instructional program for [limited English proficient children]*English learners*; [or]

(3) to limit the preservation or use of Native American languages[.]*; or*

(4) to require an eligible entity to cease providing services under this title to any student who may have been assessed at or above the proficiency level on the annual assessment of English language proficiency under section 1111(a)(2)(D), but has not attained, or is not on track to attain, the proficiency level on the regular State academic content assessment under section 1111(a)(2)(A), including such assessment in English or language arts.

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SEC. [3126]*3125*. LEGAL AUTHORITY UNDER STATE LAW.

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SEC. [3127]*3126*. CIVIL RIGHTS.

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SEC. [3128]*3127*. PROGRAMS FOR NATIVE AMERICANS AND PUERTO RICO.

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SEC. [3129]*3128*. PROHIBITION.

In carrying out this part, the Secretary shall neither mandate nor preclude the use of a particular curricular or pedagogical approach to educating [limited English proficient children]*English learners*.

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Subpart 3—National Activities

[SEC. 3131. [20 U.S.C. 6861] NATIONAL PROFESSIONAL DEVELOPMENT PROJECT.]

[The Secretary shall use funds made available under section 3111(c)(1)(C) to award grants on a competitive basis, for a period of not more than 5 years, to institutions of higher education (in consortia with State educational agencies or local educational agencies) to provide for professional development activities that will improve classroom instruction for limited English proficient children and assist educational personnel working with such children to meet high professional standards, including standards for certification and licensure as teachers who work in language instruction educational programs or serve limited English proficient children. Grants awarded under this subsection may be used—

[(1) for preservice professional development programs that will assist local schools and institutions of higher education to upgrade the qualifications and skills of educational personnel who are not certified or licensed, especially educational paraprofessionals;

[(2) for the development of curricula appropriate to the needs of the consortia participants involved; and

[(3) in conjunction with other Federal need-based student financial assistance programs, for financial assistance, and costs related to tuition, fees, and books for enrolling in courses required to complete the degree involved, to meet certification or licensing requirements for teachers who work in language instruction educational programs or serve limited English proficient children.]

SEC. 3131. PROFESSIONAL DEVELOPMENT GRANTS.

The Secretary shall use funds made available under section 3111(c)(1)(C) to award grants on a competitive basis, for a period of not more than 5 years, to institutions of higher education or nonprofit institutions with relevant experience or expertise and capacity (in consortia with State educational agencies or local educational agencies) to provide for professional development activities that will improve classroom instruction for English learners and assist educational personnel working with such children to meet high professional standards, including standards for certification and licensure as teachers who work in language instruction educational pro-

grams and academic content instruction programs or serve English learners. Grants awarded under this section may be used to—

(1) support partnerships between State or local educational agencies and institutions of higher education to support the work of individuals who are completing baccalaureate and masters programs (such as programs in the areas of teacher training, program administration, policy, research, evaluation, assessment, and curriculum development) and to improve educational services and programs for English learners, provided that recipients of fellowships or assistance are required, on completion of their studies, to—

(A) assist in the education of English learners through work in a school, local educational agency, or other educational agency or organization for a period of time equivalent to the period of time during which an individual receives assistance under this section; or

(B) repay all or a prorated part of their assistance under this section;

(2) support research on promising instructional strategies or programs that have practical applications for teachers, counselors, parents and family members, school leaders, and others responsible for educating or improving the education of English learners and their families;

(3) support strategies that promote school readiness for English learners and their transition from early childhood programs, such as Head Start or State-run preschool programs, to elementary school programs;

(4) support strategies that promote high school graduation for English learners;

(5) support strategies that strengthen and increase family and community member engagement in education;

(6) support the development of curricula that are appropriate to the needs of the participating consortium; and

(7) support the dissemination of information gathered in accordance with paragraphs (1) through (5), particularly evidence-based best practices and the provision of technical assistance.

SEC. 3132. COMMISSION ON ASSESSMENT OF ENGLISH LEARNERS.

(a) COMMISSION ON ASSESSMENT OF ENGLISH LEARNERS.—

(1) IN GENERAL.—The Secretary shall establish an independent commission on the assessment and advancement of English learners (referred to in this section as the "commission") to carry out the activities described in subsection (c).

(2) DATE OF APPOINTMENT.—The members of the commission shall be appointed not later than 6 months after the date of enactment of the Elementary and Secondary Education Reauthorization Act of 2011.

(b) COMPOSITION.—

(1) IN GENERAL.—The commission shall be comprised of individuals with experience and expertise in the educational advancement and development of English learners, including individuals with expertise in—

(A) the art of teaching English to speakers of other languages;

(B) measurement and educational assessment systems; and

(C) educational assessment and accountability practices.

(2) EXPERTISE OF MEMBERS.—The Secretary shall ensure that the individuals selected in accordance with paragraph (1) are experts who are competent, by virtue of their training, expertise, or experience, to evaluate instruction, assessments, and models for English learners.

(c) DUTIES OF THE COMMISSION.—The commission shall provide the Secretary with advice and recommendations about the following issues:

(1) The development and approval of standards pertaining to English learners, in order to assist the Secretary in the review and approval of statewide accountability systems that are required under section 1111(a)(3).

(2) The provision of regulations and guidance pertaining to the inclusion of English learners in assessment and accountability systems, including recommendations about appropriate accommodations and appropriate weights for assessments involving English learners.

(3) Ensuring that State English language proficiency standards under section 1111(a)(1)(E) are properly aligned with college and career ready academic content standards under section 1111(a)(1).

(4) The formation of peer review panels, under section 1111(b)(4), with regard to—

(A) the inclusion on the panels of experts about English learners; and

(B) processes to ensure that the work of the peer review panel is consistent with the standards and guidance developed by the commission.

(5) Identifying ways to support local capacity-building efforts to assist local educational agencies and schools in properly supporting English learners.

(6) Ensuring that the research, development, and dissemination activities of the Department address identified gaps in knowledge for effectively including English learners in assessment and accountability practices.

(7) Ways to address the needs of English learners in all program planning at the Department, including inter- and intra-agency coordination.

(d) ANNUAL REPORT.—The commission shall, beginning not later than 1 year after the date on which all members of the commission have been appointed, submit an annual report to the Secretary and the authorizing committees of Congress containing the findings and recommendations described in subsection (c).

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[Subpart 4—Definitions]

[SEC. 3141. [20 U.S.C. 6871] ELIGIBLE ENTITY.]

[In this part, the term "eligible entity" means—

[(1) one or more local educational agencies; or

[(2) one or more local educational agencies, in collaboration with an institution of higher education, community-based organization, or State educational agency.]

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[PART B—IMPROVING LANGUAGE INSTRUCTION EDUCATIONAL PROGRAMS]

[SEC. 3201. SHORT TITLE.]

[This part may be cited as the "Improving Language Instruction Educational Programs For Academic Achievement Act".]

[SEC. 3202. [20 U.S.C. 6892] PURPOSE.]

[The purpose of this part is to help ensure that limited English proficient children master English and meet the same rigorous standards for academic achievement as all children are expected to meet, including meeting challenging State academic content and student academic achievement standards by—

[(1) promoting systemic improvement and reform of, and developing accountability systems for, educational programs serving limited English proficient children;

[(2) developing language skills and multicultural understanding;

[(3) developing the English proficiency of limited English proficient children and, to the extent possible, the native language skills of such children;

[(4) providing similar assistance to Native Americans with certain modifications relative to the unique status of Native American languages under Federal law;

[(5) developing data collection and dissemination, research, materials, and technical assistance that are focused on school improvement for limited English proficient children; and

[(6) developing programs that strengthen and improve the professional training of educational personnel who work with limited English proficient children.]

[SEC. 3203. [20 U.S.C. 6893] NATIVE AMERICAN CHILDREN IN SCHOOL.]

[(a) ELIGIBLE ENTITIES.—For the purpose of carrying out programs under this part for individuals served by elementary schools, secondary schools, and postsecondary schools operated predominately for Native American (including Alaska Native) children and youth, an Indian tribe, a tribally sanctioned educational authority, a Native Hawaiian or Native American Pacific Islander native language education organization, or an elementary school or secondary school that is operated or funded by the Bureau of Indian Affairs shall be considered to be a local educational agency.

[(b) APPLICATION.—Notwithstanding any other provision of this part, each tribe, authority, organization, or school described in subsection (a) shall submit any application for assistance under this part directly to the Secretary along with timely comments on the need for the program proposed in the application.]

[SEC. 3204. [20 U.S.C. 6894] RESIDENTS OF THE TERRITORIES AND FREELY ASSOCIATED STATES.]

[For the purpose of carrying out programs under this part in the outlying areas, the term "local educational agency" includes public institutions or agencies whose mission is the preservation and maintenance of native languages.]

[SEC. 3211. [20 U.S.C. 6911] FINANCIAL ASSISTANCE FOR LANGUAGE INSTRUCTION EDUCATIONAL PROGRAMS.]

[The purpose of this subpart is to assist local educational agencies, institutions of higher education, and community-based organizations, through the grants authorized under sections 3212 and 3213—

[(1) to develop and enhance their capacity to provide high-quality instruction through language instruction educational programs or special alternative instruction programs to limited English proficient children; and

[(2) to help such children—

[(A) develop English proficiency and, to the extent possible, proficiency in their native language; and

[(B) meet the same challenging State academic content and student academic achievement standards as all children are expected to meet under section 1111(b)(1).]

[SEC. 3212. [20 U.S.C. 6912] PROGRAM ENHANCEMENT ACTIVITIES.]

[(a) PROGRAM AUTHORIZED.—

[(1) AUTHORITY.—

[(A) IN GENERAL.—The Secretary is authorized to award grants to eligible entities having applications approved under section 3214 to enable such entities to provide innovative, locally designed, high-quality instruction to limited English proficient children, by expanding, developing, or strengthening language instruction educational programs or special alternative instruction programs.

[(B) PERIOD.—Each grant awarded under this section shall be awarded for a period of 3 years.

[(2) AUTHORIZED ACTIVITIES.—

[(A) MANDATORY ACTIVITIES.—Grants awarded under this section shall be used for—

[(i) developing, implementing, expanding, or enhancing comprehensive preschool, elementary, or secondary education programs for limited English proficient children, that are—

[(I) aligned with State and local academic content and student academic achievement standards, and local school reform efforts; and

[(II) coordinated with related academic services for children;

[(ii) providing high-quality professional development to classroom teachers, administrators, and other school or community-based organization personnel to improve the instruction and assessment of limited English proficient children; and

[(iii) annually assessing the English proficiency of all limited English proficient children served by activities carried out under this section.

[(B) PERMISSIBLE ACTIVITIES.—Grants awarded under this section may be used for—

[(i) implementing programs to upgrade the reading and other academic skills of limited English proficient children;

[(ii) developing accountability systems to monitor the academic progress of limited English proficient and formerly limited English proficient children;

[(iii) implementing family education programs and parent outreach and training activities designed to assist parents to become active participants in the education of their children;

[(iv) improving the instruction programs for limited English proficient children by identifying, acquiring, and applying effective curricula, instruction materials (including materials provided through technology), and assessments that are all aligned with State and local standards;

[(v) providing intensified instruction, including tutorials and academic, or vocational and technical, training, for limited English proficient children;

[(vi) adapting best practice models for meeting the needs of limited English proficient children;

[(vii) assisting limited English proficient children with disabilities;

[(viii) implementing applied learning activities such as service learning to enhance and support comprehensive elementary and secondary language instruction educational programs;

[(ix) acquiring or developing education technology or instruction materials for limited English proficient children, including materials in languages other than English;

[(x) participating in electronic networks for materials, training, and communication, and incorporating information derived from such participation in curricula and programs; and

[(xi) carrying out such other activities related to the purpose of this part as the Secretary may approve.

[(b) PRIORITY.—In awarding grants under this section, the Secretary may give priority to an entity that—

[(1) serves a school district—

[(A) that has a total district enrollment that is less than 10,000 students; or

[(B) with a large percentage or number of limited English proficient children; and

[(2) has limited or no experience in serving limited English proficient children.

[(c) ELIGIBLE ENTITY.—In this section, the term "eligible entity" means—

[(1) one or more local educational agencies;

[(2) one or more local educational agencies in collaboration with an institution of higher education, community-based organization, or State educational agency; or

[(3) a community-based organization or an institution of higher education that has an application approved by the local educational agency to participate in programs carried out under this subpart by enhancing early childhood education or family education programs or conducting instruction programs that supplement the educational services provided by a local educational agency.]

[SEC. 3213. [20 U.S.C. 6913] COMPREHENSIVE SCHOOL AND SYSTEM-WIDE IMPROVEMENT ACTIVITIES.]

[(a) PROGRAM AUTHORIZED.—

[(1) AUTHORITY.—The Secretary is authorized to award grants to eligible entities having applications approved under section 3214 to enable such entities to develop and implement language instruction educational programs, and improve, reform, or upgrade programs or operations that serve significant percentages or numbers of limited English proficient children.

[(2) MANDATORY ACTIVITIES.—Grants awarded under this section shall be used for—

[(A) improving instruction programs for limited English proficient children by acquiring and upgrading curricula and related instruction materials;

[(B) aligning the activities carried out under this section with State and local school reform efforts;

[(C) providing training, aligned with State and local standards, to school personnel and participating community-based organization personnel to improve the instruction and assessment of limited English proficient children;

[(D) developing and implementing plans, coordinated with plans for programs carried out under title II of the Higher Education Act of 1965 (where applicable), and title II of this Act (where applicable), to recruit teachers trained to serve limited English proficient children;

[(E) implementing culturally and linguistically appropriate family education programs, or parent outreach and training activities, that are designed to assist parents of limited English proficient children to become active participants in the education of their children;

[(F) coordinating the activities carried out under this section with other programs, such as programs carried out under this title;

[(G) providing services to meet the full range of the educational needs of limited English proficient children;

[(H) annually assessing the English proficiency of all limited English proficient children served by the activities carried out under this section; and

[(I) developing or improving accountability systems to monitor the academic progress of limited English proficient children.

[(3) PERMISSIBLE ACTIVITIES.—Grants awarded under this section may be used for—

[(A) implementing programs to upgrade reading and other academic skills of limited English proficient children;

[(B) developing and using educational technology to improve learning, assessments, and accountability to meet the needs of limited English proficient children;

[(C) implementing scientifically based research programs to meet the needs of limited English proficient children;

[(D) providing tutorials and academic, or vocational and technical, training for limited English proficient children;

[(E) developing and implementing State and local academic content and student academic achievement standards for learning English as a second language, as well as for learning other languages;

[(F) developing and implementing programs for limited English proficient children to meet the needs of changing populations of such children;

[(G) implementing policies to ensure that limited English proficient children have access to other education programs (other than programs designed to address limited English proficiency);

[(H) assisting limited English proficient children with disabilities;

[(I) developing and implementing programs to help children become proficient in English and other languages;

[(J) acquiring or developing education technology or instruction materials for limited English proficient children, including materials in languages other than English;

[(K) participating in electronic networks for materials, training, and communication and incorporating information derived from such participation in curricula and programs; and

[(L) carrying out such other activities related to the purpose of this part as the Secretary may approve.

[(4) SPECIAL RULE.—

[(A) PLANNING.—A recipient of a grant under this section, before carrying out activities under this section, shall plan, train personnel, develop curricula, and acquire or develop materials, but shall not use funds made available under this section for planning purposes for more than 45 days.

[(B) COMMENCEMENT OF ACTIVITIES.—The recipient shall commence carrying out activities under this section not later than the later of—

[(i) the beginning of the first school year that begins after the grant is received; or

[(ii) 30 days after the date of receipt of the grant.

[(b) AVAILABILITY OF APPROPRIATIONS.—

[(1) RESERVATION OF FUNDS FOR CONTINUED PAYMENTS.—

[(A) COVERED GRANT.—In this paragraph, the term "covered grant" means a grant—

[(i) that was awarded under section 7112, 7113, 7114, or 7115 (as such sections were in effect on the day before the date of enactment of the No Child Left Behind Act of 2001); and

[(ii) for which the grant period has not ended.

[(B) RESERVATION.—For any fiscal year that is part of the grant period of a covered grant, the Secretary shall reserve funds for the payments described in subparagraph (C) from the amount appropriated for the fiscal year under section 3001(a) and made available for carrying out this section.

[(C) PAYMENTS.—The Secretary shall continue to make grant payments to each entity that received a covered grant, in accordance with the terms of that grant, for the duration of the grant period of the grant, to carry out activities in accordance with the appropriate section described in subparagraph (A)(i).

[(2) AVAILABILITY.—Of the amount appropriated for a fiscal year under section 3001(a) that is made available to carry out this section, and that remains after the Secretary reserves funds for payments under paragraph (1)—

[(A) not less than one-third of the remainder shall be used to award grants to eligible entities for activities carried out within an entire school district; and

[(B) not less than two-thirds of the remainder shall be used to award grants to eligible entities for activities carried out within individual schools.

[(c) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to an applicant that—

[(1) experiences a significant increase in the number or percentage of limited English proficient children enrolled in the applicant's programs and has limited or no experience in serving limited English proficient children;

[(2) is a local educational agency that serves a school district that has a total district enrollment that is less than 10,000 students;

[(3) demonstrates that the applicant has a proven track record of success in helping limited English proficient children learn English and meet high academic standards; or

[(4) serves a school district with a large number or percentage of limited English proficient children.

[(d) ELIGIBLE ENTITIES.—In this section, the term "eligible entity" means—

[(1) one or more local educational agencies; or

[(2) one or more local educational agencies, in collaboration with an institution of higher education, community-based organization, or State educational agency.]

[SEC. 3214. [20 U.S.C. 6914] APPLICATIONS.]

[(a) IN GENERAL.—

[(1) SECRETARY.—To receive a grant under this subpart, an eligible entity described in section 3212 or 3213 shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may require.

[(2) STATE EDUCATIONAL AGENCY.—The eligible entity, with the exception of schools funded by the Bureau of Indian Affairs, shall submit a copy of the application submitted by the entity under this section to the State educational agency.

[(b) STATE REVIEW AND COMMENTS.—

[(1) DEADLINE.—The State educational agency, not later than 45 days after receipt of an application under this section, shall review the application and submit the written comments of the agency regarding the application to the Secretary.

[(2) COMMENTS.—

[(A) SUBMISSION OF COMMENTS.—Regarding applications submitted under this subpart, the State educational agency shall—

[(i) submit to the Secretary written comments regarding all such applications; and

[(ii) submit to each eligible entity the comments that pertain to such entity.

[(B) SUBJECT.—For purposes of this subpart, such comments shall address—

[(i) how the activities to be carried out under the grant will further the academic achievement and English proficiency of limited English proficient children served under the grant; and

[(ii) how the grant application is consistent with the State plan required under section 1111.

[(c) ELIGIBLE ENTITY COMMENTS.—An eligible entity may submit to the Secretary comments that address the comments submitted by the State educational agency.

[(d) COMMENT CONSIDERATION.—In making grants under this subpart, the Secretary shall take into consideration comments made by State educational agencies.

[(e) WAIVER.—Notwithstanding subsection (b), the Secretary is authorized to waive the review requirement specified in subsection (b) if a State educational agency can demonstrate that such review requirement may impede such agency's ability to fulfill the requirements of participation in the program authorized in section 3224, particularly such agency's ability to carry out data collection efforts and such agency's ability to provide technical assistance to local educational agencies not receiving funds under this subpart.

[(f) REQUIRED DOCUMENTATION.—Such application shall include documentation that—

[(1) the applicant has the qualified personnel required to develop, administer, and implement the program proposed in the application; and

[(2) the leadership personnel of each school participating in the program have been involved in the development and planning of the program in the school.

[(g) CONTENTS.—

[(1) IN GENERAL.—An application for a grant under this subpart shall contain the following:

[(A) A description of the need for the proposed program, including—

[(i) data on the number of limited English proficient children in the school or school district to be served;

[(ii) information on the characteristics of the children, including—

[(I) the native languages of the children;

[(II) the proficiency of the children in English and their native language;

[(III) achievement data (current as of the date of submission of the application) for the limited English proficient children in—

[(aa) reading or language arts (in English and in the native language, if applicable); and

[(bb) mathematics;

[(IV) a comparison of that data for the children with that data for the English proficient peers of the children; and

[(V) the previous schooling experiences of the children;

[(iii) the professional development needs of the instruction personnel who will provide services for the limited English proficient children under the proposed program; and

[(iv) how the services provided through the grant will supplement the basic services provided to limited English proficient children.

[(B) A description of the program to be implemented and how such program's design—

[(i) relates to the linguistic and academic needs of the limited English proficient children to be served;

[(ii) will ensure that the services provided through the program will supplement the basic services the applicant provides to limited English proficient children;

[(iii) will ensure that the program is coordinated with other programs under this Act and other Acts;

[(iv) involves the parents of the limited English proficient children to be served;

[(v) ensures accountability in achieving high academic standards; and

[(vi) promotes coordination of services for the limited English proficient children to be served and their families.

[(C) A description, if appropriate, of the applicant's collaborative activities with institutions of higher education, community-based organizations, local educational agencies or State educational agencies, private schools, nonprofit organizations, or businesses in carrying out the proposed program.

[(D) An assurance that the applicant will not reduce the level of State and local funds that the applicant expends for language instruction educational programs or special alternative instruction programs if the applicant receives an award under this subpart.

[(E) An assurance that the applicant will employ teachers in the proposed program who, individually or in combination, are proficient in—

[(i) English, with respect to written, as well as oral, communication skills; and

[(ii) the native language of the majority of the children who the teachers teach, if instruction in the program is in the native language as well as English.

[(F) A budget for the grant funds.

[(2) ADDITIONAL INFORMATION.—Each application for a grant under section 3213 shall—

[(A) describe—

[(i) current services (as of the date of submission of the application) the applicant provides to limited English proficient children;

[(ii) what services limited English proficient children will receive under the grant that such children will not otherwise receive;

[(iii) how funds received under this subpart will be integrated with all other Federal, State, local, and private resources that may be used to serve limited English proficient children;

[(iv) specific achievement and school retention goals for the children to be served by the proposed program and how progress toward achieving such goals will be measured; and

[(v) the current family education programs (as of the date of submission of the application) of the eligible entity, if applicable; and

[(B) provide assurances that—

[(i) the program funded with the grant will be integrated with the overall educational program of the children served through the proposed program; and

[(ii) the application has been developed in consultation with parents and other representatives of the children to be served in such program.

[(h) APPROVAL OF APPLICATIONS.—An application for a grant under this subpart may be approved only if the Secretary determines that—

[(1) the program proposed in the application will use qualified personnel, including personnel who are proficient in the language or languages used for instruction;

[(2) in designing the program, the eligible entity has, after consultation with appropriate private school officials—

[(A) taken into account the needs of children in nonprofit private elementary schools and secondary schools; and

[(B) in a manner consistent with the number of such children enrolled in such schools in the area to be served, whose educational needs are of the type and whose language, and grade levels are of a similar type to the needs, language, and grade levels that the program is intended to address, provided for the participation of such children on a basis comparable to the basis on which public school children participate;

[(3)(A) student evaluation and assessment procedures in the program are valid and reliable for limited English proficient children; and

[(B) limited English proficient children with disabilities will be identified and served through the program in accordance with the requirements of the Individuals with Disabilities Education Act;

[(4) Federal funds made available for the program will be used to supplement the State and local funds that, in the absence of such Federal funds, would be expended for special programs for children of limited English proficient individuals, and in no case to supplant such State and local funds, except that nothing in this paragraph shall be construed to preclude a local educational agency from using funds made available under this subpart—

[(A) for activities carried out under an order of a Federal or State court respecting services to be provided to such children; or

[(B) to carry out a plan approved by the Secretary as adequate under title VI of the Civil Rights Act of 1964 with respect to services to be provided to such children;

[(5)(A) the assistance provided through the grant will contribute toward building the capacity of the eligible entity to provide a program on a regular basis, similar to the proposed program, that will be of sufficient size, scope, and quality to promise significant improvement in the education of limited English proficient children; and

[(B) the eligible entity will have the resources and commitment to continue the program of sufficient size, scope, and quality when assistance under this subpart is reduced or no longer available; and

[(6) the eligible entity will use State and national dissemination sources for program design and dissemination of results and products.

[(i) CONSIDERATION.—In determining whether to approve an application under this subpart, the Secretary shall give consideration to—

[(1) the degree to which the program for which assistance is sought involves the collaborative efforts of institutions of higher education, community-based organizations, the appropriate local educational agency and State educational agency, or businesses; and

[(2) whether the application provides for training for personnel participating in, or preparing to participate in, a program that will assist such personnel in meeting State and local certification requirements.]

[SEC. 3215. [20 U.S.C. 6915] CAPACITY BUILDING.]

[Each recipient of a grant under this subpart shall use the grant in ways that will build such recipient's capacity to continue to offer high-quality language instruction educational programs and special alternative instruction programs to limited English proficient children after Federal assistance is reduced or eliminated.]

[SEC. 3216. [20 U.S.C. 6916] PROGRAMS FOR NATIVE AMERICANS AND PUERTO RICO.]

[Notwithstanding any other provision of this part, programs authorized under this subpart that serve Native American (including Native American Pacific Islander) children and children in the Commonwealth of Puerto Rico may include programs of instruction, teacher training, curriculum development, evaluation, and assessment designed for Native American children learning and studying

Native American languages and children of limited Spanish proficiency, except that an outcome of programs serving such children shall be increased English proficiency among such children.]

[SEC. 3217. [20 U.S.C. 6917] EVALUATIONS.]

[(a) EVALUATION.—Each recipient of funds under this subpart for a program shall annually conduct an evaluation of the program and submit to the Secretary a report concerning the evaluation, in the form prescribed by the Secretary.

[(b) USE OF EVALUATION.—Such evaluation shall be used by the grant recipient—

[(1) for program improvement;

[(2) to further define the program's goals and objectives; and

[(3) to determine program effectiveness.

[(c) EVALUATION REPORT COMPONENTS.—In preparing the evaluation reports, the recipient shall—

[(1) use the data provided in the application submitted by the recipient under section 3214 as baseline data against which to report academic achievement and gains in English proficiency for children in the program;

[(2) disaggregate the results of the evaluation by gender, native languages spoken by children, socioeconomic status, and whether the children have disabilities;

[(3) include data on the progress of the recipient in achieving the objectives of the program, including data demonstrating the extent to which children served by the program are meeting the challenging State academic content and student academic achievement standards, and including data comparing limited English proficient children with English proficient children with regard to school retention and academic achievement concerning—

[(A) reading and language arts;

[(B) English proficiency;

[(C) mathematics; and

[(D) the native language of the children, if the program develops native language proficiency;

[(4) include information on the extent that professional development activities carried out through the program have resulted in improved classroom practices and improved student academic achievement;

[lude description of how the activities carried out through the program are coordinated and integrated with the other Federal, State, or local programs serving limited English proficient children; and

[(6) include such other information as the Secretary may require.]

[SEC. 3218. [20 U.S.C. 6918] CONSTRUCTION.]

[Nothing in this subpart shall be construed to prohibit a local educational agency from serving limited English proficient children simultaneously with children with similar educational needs, in the same educational settings where appropriate.]

[Subpart 2—Research, Evaluation, and Dissemination]

[SEC. 3221. [20 U.S.C. 6931] AUTHORITY.]

[(a) IN GENERAL.—The Secretary is authorized to conduct data collection, dissemination, research, and ongoing program evaluation activities in accordance with the provisions of this subpart for the purpose of improving language instruction educational programs and special alternative instruction programs for limited English proficient children.

[(b) COMPETITIVE AWARDS.—Research and program evaluation activities carried out under this subpart shall be supported through competitive grants, contracts, and cooperative agreements awarded to institutions of higher education, nonprofit organizations, State educational agencies, and local educational agencies.

[(c) ADMINISTRATION.—The Secretary shall conduct data collection, dissemination, and ongoing program evaluation activities authorized by this subpart through the Office of English Language Acquisition, Language Enhancement, and Academic Achievement for Limited English Proficient Students.]

[SEC. 3222. [20 U.S.C. 6932] RESEARCH.]

[(a) ADMINISTRATION.—The Secretary shall conduct research activities authorized by this subpart through the Institute of Education Sciences in coordination and collaboration with the Office of English Language Acquisition, Language Enhancement, and Academic Achievement for Limited English Proficient Students.

[(b) REQUIREMENTS.—Such research activities—

[(1) shall have a practical application to teachers, counselors, paraprofessionals, school administrators, parents, and others involved in improving the education of limited English proficient children and their families;

[(2) may include research on effective instruction practices for multilingual classes, and on effective instruction strategies to be used by a teacher or other staff member who does not know the native language of a limited English proficient child in the teacher's or staff member's classroom;

[(3) may include establishing (through the National Center for Education Statistics in consultation with experts in second language acquisition and scientifically based research on teaching limited English proficient children) a common definition of "limited English proficient child" for purposes of national data collection; and

[(4) shall be administered by individuals with expertise in second language acquisition, scientifically based research on teaching limited English proficient children, and the needs of limited English proficient children and their families.

[(c) FIELD-INITIATED RESEARCH.—

[(1) IN GENERAL.—The Secretary shall reserve not less than 5 percent of the funds made available to carry out this section for field-initiated research conducted by recipients of grants under subpart 1 or this subpart who have received such grants within the previous 5 years. Such research may provide for longitudinal studies of limited English proficient children or

teachers who serve such children, monitoring the education of such children from entry into language instruction educational programs through secondary school completion.

[(2) APPLICATIONS.—An applicant for assistance under this subsection may submit an application for such assistance to the Secretary at the same time as the applicant submits another application under subpart 1 or this subpart. The Secretary shall complete a review of such applications on a timely basis to allow the activities carried out under research and program grants to be coordinated when recipients are awarded two or more of such grants.

[(d) CONSULTATION.—The Secretary shall consult with agencies, organizations, and individuals that are engaged in research and practice on the education of limited English proficient children, language instruction educational programs, or related research, to identify areas of study and activities to be funded under this section.

[(e) DATA COLLECTION.—The Secretary shall provide for the collection of data on limited English proficient children as part of the data systems operated by the Department.]

[SEC. 3223. [20 U.S.C. 6933] ACADEMIC EXCELLENCE AWARDS.]

[(a) AUTHORITY.—The Secretary may make grants to State educational agencies to assist the agencies in recognizing local educational agencies and other public and nonprofit entities whose programs have—

[(1) demonstrated significant progress in assisting limited English proficient children to learn English according to age appropriate and developmentally appropriate standards; and

[(2) demonstrated significant progress in assisting limited English proficient children to meet, according to age appropriate and developmentally appropriate standards, the same challenging State academic content and student academic achievement standards as all children are expected to meet.

[(b) APPLICATIONS.—A State educational agency desiring a grant under this section shall include an application for such grant in the application submitted by the agency under section 3224(e).]

[SEC. 3224. [20 U.S.C. 6934] STATE GRANT PROGRAM.]

[(a) STATE GRANT PROGRAM.—The Secretary is authorized to make an award to a State educational agency that demonstrates, to the satisfaction of the Secretary, that such agency, through such agency's programs and other Federal education programs, effectively provides for the education of limited English proficient children within the State.

[(b) PAYMENTS.—The amount paid to a State educational agency under subsection (a) shall not exceed 5 percent of the total amount awarded to local educational agencies and entities within the State under subpart 1 for the previous fiscal year, except that in no case shall the amount paid by the Secretary to any State educational agency under this subsection for any fiscal year be less than $100,000.

[(c) USE OF FUNDS.—

[(1) IN GENERAL.—A State educational agency shall use funds awarded under this section—

[(A) to assist local educational agencies in the State with activities that—

[(i) consist of program design, capacity building, assessment of student academic achievement, program evaluation, and development of data collection and accountability systems for limited English proficient children; and

[(ii) are aligned with State reform efforts; and

[(B) to collect data on the State's limited English proficient populations and document the services available to all such populations.

[(2) TRAINING.—The State educational agency may also use funds provided under this section for the training of State educational agency personnel in educational issues affecting limited English proficient children.

[(3) SPECIAL RULE.—Recipients of funds under this section shall not restrict the provision of services under this section to federally funded programs.

[(d) STATE CONSULTATION.—A State educational agency receiving funds under this section shall consult with recipients of grants under this subpart and other individuals or organizations involved in the development or operation of programs serving limited English proficient children to ensure that such funds are used in a manner consistent with the requirements of this subpart.

[(e) APPLICATIONS.—A State educational agency desiring to receive funds under this section shall submit an application to the Secretary at such time, in such form, and containing such information and assurances as the Secretary may require.

[(f) SUPPLEMENT, NOT SUPPLANT.—Federal funds made available under this section for any fiscal year shall be used by the State educational agency to supplement and, to the extent practical, to increase the State funds that, in the absence of such Federal funds, would be made available for the purposes described in this section, and in no case to supplant such State funds.

[(g) REPORT TO THE SECRETARY.—A State educational agency receiving an award under this section shall provide for the annual submission of a summary report to the Secretary describing such State's use of the funds made available through the award.]

[SEC. 3225. [20 U.S.C. 6935] INSTRUCTION MATERIALS DEVELOPMENT.]

[(a) IN GENERAL.—The Secretary may make grants for the development, publication, and dissemination of high-quality instruction materials—

[(1) in Native American languages (including Native Hawaiian languages and the language of Native American Pacific Islanders), and the language of natives of the outlying areas, for which instruction materials are not readily available; and

[(2) in other low-incidence languages in the United States for which instruction materials are not readily available.

[(b) PRIORITY.—In making the grants, the Secretary shall give priority to applicants for the grants who propose—

[(1) to develop instruction materials in languages indigenous to the United States or the outlying areas; and

[(2) to develop and evaluate materials, in collaboration with entities carrying out activities assisted under subpart 1 and

this subpart, that are consistent with challenging State academic content and student academic achievement standards.]

[Subpart 3—Professional Development]

[SEC. 3231. [20 U.S.C. 6951] PROFESSIONAL DEVELOPMENT GRANTS.]

[(a) PURPOSE.—The purpose of this section is to provide assistance to prepare educators to improve educational services for limited English proficient children by—

[(1) supporting professional development programs and activities to prepare teachers, pupil service personnel, administrators, and other educational personnel working in language instruction educational programs to provide effective services to limited English proficient children;

[(2) incorporating curricula and resources concerning appropriate and effective instruction and assessment methodologies specific to limited English proficient children into preservice and inservice professional development programs;

[(3) upgrading the qualifications and skills of non-certified educational personnel, including paraprofessionals, to enable such personnel to meet high professional standards for educating limited English proficient children;

[(4) improving the quality of professional development programs in schools or departments of education at institutions of higher education, for educational personnel serving, or preparing to serve, limited English proficient children; and

[(5) supporting the recruitment and training of prospective educational personnel to serve limited English proficient children by providing fellowships for undergraduate, graduate, doctoral, and post-doctoral study related to the instruction of such children.

[(b) AUTHORIZATION.—

[(1) IN GENERAL.—The Secretary is authorized to award grants under this section to—

[(A) State educational agencies;

[(B) local educational agencies;

[(C) institutions of higher education; or

[(D) consortia of one or more local educational agencies, State educational agencies, institutions of higher education, for-profit organizations, or nonprofit organizations.

[(2) DURATION.—Each grant awarded under this section shall be awarded for a period of not more than 4 years.

[(c) AUTHORIZED ACTIVITIES.—Grants awarded under this section shall be used to conduct high-quality professional development programs and effective activities to improve the quality of instruction and services provided to limited English proficient children, including—

[(1) implementing preservice and inservice professional development programs for teachers who serve limited English proficient children, administrators, and other educational personnel who are preparing to provide educational services for limited English proficient children, including professional development programs that assist limited English proficient children to attain English proficiency;

[(2) implementing school-based collaborative efforts among teachers to improve instruction in core academic subjects, especially reading, for limited English proficient children;

[(3) developing and implementing programs to assist beginning teachers who serve limited English proficient children with transitioning to the teaching profession, including programs that provide mentoring and team teaching with trained and experienced teachers;

[(4) implementing programs that support effective teacher use of education technologies to improve instruction and assessment;

[(5) developing curricular materials and assessments for teachers that are appropriate to the needs of limited English proficient children, and that are aligned with challenging State academic content and student academic achievement standards, including materials and assessments that ensure limited English proficient children attain English proficiency;

[(6) integrating and coordinating activities with entities carrying out other programs consistent with the purpose of this section and supported under this Act, or other Acts as appropriate;

[(7) developing and implementing career ladder programs to upgrade the qualifications and skills of non-certified educational personnel working in, or preparing to work in, language instruction educational programs to enable such personnel to meet high professional standards, including standards for certification and licensure as teachers;

[(8) developing and implementing activities to help recruit and train secondary school students as teachers who serve limited English proficient children;

[(9) providing fellowships and assistance for costs related to enrollment in a course of study at an institution of higher education that addresses the instruction of limited English proficient children in such areas as teacher training, program administration, research, evaluation, and curriculum development, and for the support of dissertation research related to such study, except that any person receiving such a fellowship or assistance shall agree to—

[(A) work in an activity related to improving the educational services for limited English proficient children authorized under this subpart, including work as a teacher that serves limited English proficient children, for a period of time equivalent to the period of time during which such person receives assistance under this paragraph; or

[(B) repay such assistance; and

[(10) carrying out such other activities as are consistent with the purpose of this section.

[(d) APPLICATION.—

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

[(2) CONTENTS.—Each application shall—

[(A) describe the programs and activities proposed to be developed, implemented, and administered under the award;

[(B) describe how the applicant has consulted with, and assessed the needs of, public and private schools serving limited English proficient children to determine such schools' need for, and the design of, the program for which funds are sought; and

[(C) describe how the programs and activities to be carried out under the award will be used to ensure that limited English proficient children meet challenging State academic content and student academic achievement standards and attain English proficiency.

[(3) SPECIAL RULE.—An eligible entity that proposes to conduct a master's-level or doctoral-level program with funds received under this section shall include in the entity's application an assurance that such program will include a training practicum in a local elementary school or secondary school program serving limited English proficient children.

[(4) OUTREACH AND TECHNICAL ASSISTANCE.—The Secretary shall provide for outreach and technical assistance to institutions of higher education eligible for assistance under title III of the Higher Education Act of 1965, and institutions of higher education that are operated or funded by the Bureau of Indian Affairs, to facilitate the participation of such institutions in programs and activities under this section.

[(5) DISTRIBUTION RULE.—In making awards under this section, the Secretary shall ensure adequate representation of Hispanic-serving institutions that demonstrate competence and experience in carrying out the programs and activities authorized under this section and that are otherwise qualified.

[(e) PRIORITIES IN AWARDING GRANTS.—

[(1) GRANTS TO AGENCIES.—In awarding grants to State educational agencies and local educational agencies under this section, the Secretary shall give priority to agencies that propose programs and activities designed to implement professional development programs for teachers and educational personnel who are providing or preparing to provide educational services for limited English proficient children, including services provided through language instruction educational programs, that ensure such children attain English proficiency and meet challenging State academic content and student academic achievement standards.

[(2) GRANTS TO INSTITUTIONS OF HIGHER EDUCATION.—In awarding grants to institutions of higher education under this section, the Secretary shall give priority to institutions that propose programs and activities to recruit and upgrade the qualifications and skills of certified and non-certified educational personnel by offering degree programs that prepare beginning teachers to serve limited English proficient children.

[(f) PROGRAM EVALUATIONS.—Each recipient of an award under this section for a program or activity shall annually conduct an independent evaluation of the program or activity and submit to

the Secretary a report containing such evaluation. Such report shall include information on—

[(1) the program or activity conducted by the recipient to provide high-quality professional development to participants in such program or activity;

[(2) the number of participants served through the program or activity, the number of participants who completed the requirements of the program or activity, and the number of participants who took positions in an instruction setting with limited English proficient children;

[(3) the effectiveness of the program or activity in imparting the professional skills necessary for participants to achieve the objectives of the program or activity; and

[(4) the teaching effectiveness of graduates of the program or activity or other participants who have completed the program or activity.]

[Subpart 4—Emergency Immigrant Education Program]

[SEC. 3241. [20 U.S.C. 6961] PURPOSE.]

[The purpose of this subpart is to assist eligible local educational agencies that experience unexpectedly large increases in their student population due to immigration—

[(1) to provide high-quality instruction to immigrant children and youth; and

[(2) to help such children and youth—

[(A) with their transition into American society; and

[(B) meet the same challenging State academic content and student academic achievement standards as all children are expected to meet.]

[SEC. 3242. [20 U.S.C. 6962] STATE ADMINISTRATIVE COSTS.]

[For any fiscal year, a State educational agency may reserve not more than 1.5 percent (2 percent if the State educational agency distributes funds received under this subpart to local educational agencies on a competitive basis) of the amount allotted to such agency under section 3244 to pay the costs of performing such agency's administrative functions under this subpart.]

[SEC. 3243. [20 U.S.C. 6963] WITHHOLDING.]

[Whenever the Secretary, after providing reasonable notice and opportunity for a hearing to any State educational agency, finds that there is a failure to comply with a requirement of any provision of this subpart, the Secretary shall notify that agency that further payments will not be made to the agency under this subpart or, in the discretion of the Secretary, that the State educational agency shall not make further payments under this subpart to specified local educational agencies whose actions cause or are involved in such failure until the Secretary is satisfied that there is no longer any such failure to comply. Until the Secretary is so satisfied, no further payments shall be made to the State educational agency under this subpart, or payments by the State educational agency under this subpart shall be limited to local educational

agencies whose actions did not cause or were not involved in the failure, as the case may be.]

[SEC. 3244. [20 U.S.C. 6964] STATE ALLOTMENTS.]

[(a) PAYMENTS.—The Secretary shall, in accordance with the provisions of this section, make payments to State educational agencies for each of the fiscal years 2002 through 2008 for the purpose set forth in section 3241.

[(b) ALLOTMENTS.—

[(1) IN GENERAL.—Except as provided in subsections (c) and (d), of the amount appropriated for each fiscal year for this subpart, each State participating in the program assisted under this subpart shall receive an allotment equal to the proportion of the number of immigrant children and youth who are enrolled in public elementary schools or secondary schools under the jurisdiction of each local educational agency described in paragraph (2), and in nonpublic elementary schools or secondary schools within the district served by each such local educational agency within such State, relative to the total number of immigrant children and youth so enrolled in all the States participating in the program assisted under this subpart.

[(2) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—A local educational agency referred to in paragraph (1) is a local educational agency for which the sum of the number of immigrant children and youth who are enrolled in public elementary schools or secondary schools under the jurisdiction of such agency, and in nonpublic elementary schools or secondary schools within the district served by such agency, during the fiscal year for which the payments are to be made under this subpart, is equal to at least—

[(A) 500; or

[(B) 3 percent of the total number of children enrolled in such public or nonpublic schools during such fiscal year, whichever is less.

[(c) DETERMINATIONS OF NUMBER OF CHILDREN AND YOUTH.—

[(1) IN GENERAL.—Determinations by the Secretary under this section for any period with respect to the number of immigrant children and youth shall be made on the basis of data or estimates provided to the Secretary by each State educational agency in accordance with criteria established by the Secretary, unless the Secretary determines, after notice and opportunity for a hearing to the affected State educational agency, that such data or estimates are clearly erroneous.

[(2) SPECIAL RULE.—No such determination with respect to the number of immigrant children and youth shall operate because of an underestimate or overestimate to deprive any State educational agency of the allotment under this section that such State would otherwise have received had such determination been made on the basis of accurate data.

[(d) REALLOTMENT.—

[(1) IN GENERAL.—Whenever the Secretary determines that any amount of a payment made to a State under this subpart for a fiscal year will not be used by such State for carrying out the purpose for which the payment was made, the Secretary

shall make such amount available for carrying out such purpose to one or more other States to the extent the Secretary determines that such other States will be able to use such additional amount for carrying out such purpose.

[(2) FISCAL YEAR.—Any amount made available to a State from any appropriation for a fiscal year in accordance with paragraph (1) shall, for purposes of this subpart, be regarded as part of such State's payment (as determined under subsection (b)) for such year, but shall remain available until the end of the succeeding fiscal year.

[(e) RESERVATION OF FUNDS.—

[(1) IN GENERAL.—Notwithstanding any other provision of this subpart, if the amount appropriated to carry out this subpart exceeds $50,000,000 for a fiscal year, a State educational agency may reserve not more than 20 percent of such agency's payment under this subpart for such year to award grants, on a competitive basis, to local educational agencies within the State as follows:

[(A) AGENCIES WITH IMMIGRANT CHILDREN AND YOUTH.—At least ½ of the funds reserved under this paragraph shall be made available to eligible local educational agencies (as described in subsection (b)(2)) within the State with the highest numbers and percentages of immigrant children and youth.

[(B) AGENCIES WITH A SUDDEN INFLUX OF CHILDREN AND YOUTH.—Funds reserved under this paragraph and not made available under subparagraph (A) may be distributed to local educational agencies within the State that are experiencing a sudden influx of immigrant children and youth and that are otherwise not eligible for assistance under this subpart.

[(2) USE OF GRANT FUNDS.—Each local educational agency receiving a grant under paragraph (1) shall use such grant funds to carry out the activities described in section 3247.

[(3) INFORMATION.—Local educational agencies receiving funds under paragraph (1) with the highest number of immigrant children and youth may make information available on serving immigrant children and youth to local educational agencies in the State with sparse numbers of such children and youth.]

[SEC. 3245. [20 U.S.C. 6965] STATE APPLICATIONS.]

[(a) SUBMISSION.—No State educational agency shall receive any payment under this subpart for any fiscal year unless such agency submits an application to the Secretary at such time, in such manner, and containing or accompanied by such information, as the Secretary may reasonably require. Each such application shall—

[(1) provide that the educational programs, services, and activities for which payments under this subpart are made will be administered by or under the supervision of the agency;

[(2) provide assurances that payments under this subpart will be used for purposes set forth in sections 3241 and 3247, including a description of how local educational agencies receiving funds under this subpart will use such funds to meet such purposes and will coordinate with entities carrying out

other programs and activities assisted under this Act, and other Acts as appropriate;

[(3) provide an assurance that local educational agencies receiving funds under this subpart will coordinate the use of such funds with entities carrying out programs and activities assisted under part A of title I;

[(4) provide assurances that such payments, with the exception of payments reserved under section 3244(e), will be distributed among local educational agencies within that State on the basis of the number of immigrant children and youth counted with respect to each such local educational agency under section 3244(b)(1);

[(5) provide assurances that the State educational agency will not finally disapprove in whole or in part any application for funds received under this subpart without first affording the local educational agency submitting an application for such funds reasonable notice and opportunity for a hearing;

[(6) provide for making such reports as the Secretary may reasonably require to perform the Secretary's functions under this subpart;

[(7) provide assurances—

[(A) that to the extent consistent with the number of immigrant children and youth enrolled in the nonpublic elementary schools or secondary schools within the district served by a local educational agency, such agency, after consultation with appropriate officials of such schools, shall provide for the benefit of such children and youth secular, neutral, and nonideological services, materials, and equipment necessary for the education of such children and youth;

[(B) that the control of funds provided under this subpart for any materials or equipment, or property repaired, remodeled, or constructed with those funds shall be in a public agency for the uses and purpose provided in this subpart, and a public agency shall administer such funds and property; and

[(C) that the provision of services pursuant to this paragraph shall be provided by employees of a public agency or through contract by such public agency with a person, association, agency, or corporation who or which, in the provision of such services, is independent of such nonpublic elementary school or secondary school and of any religious organization, and such employment or contract shall be under the control and supervision of such public agency, and the funds provided under this paragraph shall not be commingled with State or local funds;

[(8) provide that funds reserved under section 3244(e) be awarded on a competitive basis based on merit and need in accordance with such section; and

[(9) provide an assurance that the State educational agency and local educational agencies in the State receiving funds under this subpart will comply with the requirements of section 1120(b).

[(b) APPLICATION REVIEW.—

[(1) IN GENERAL.—The Secretary shall review all applications submitted pursuant to this section by State educational agencies.

[(2) APPROVAL.—The Secretary shall approve any application submitted by a State educational agency that meets the requirements of this section.

[(3) DISAPPROVAL.—The Secretary shall disapprove any application submitted by a State educational agency that does not meet the requirements of this section, but shall not finally disapprove an application except after providing reasonable notice, technical assistance, and an opportunity for a hearing to the State educational agency.]

[SEC. 3246. [20 U.S.C. 6966] ADMINISTRATIVE PROVISIONS.]

[(a) NOTIFICATION OF AMOUNT.—The Secretary, not later than June 1 of each year, shall notify each State educational agency that has an application approved under section 3245 of the amount of such agency's allotment under section 3244 for the succeeding year.

[(b) SERVICES TO IMMIGRANT CHILDREN AND YOUTH ENROLLED IN NONPUBLIC SCHOOLS.—If by reason of any provision of law a local educational agency is prohibited from providing educational services for immigrant children and youth enrolled in nonpublic elementary schools and secondary schools, as required by section 3245(a)(7), or if the Secretary determines that a local educational agency has substantially failed or is unwilling to provide for the participation on an equitable basis of such children and youth enrolled in such schools, the Secretary may waive such requirement and shall arrange for the provision of services, subject to the requirements of this subpart, to such children and youth. Such waivers shall be subject to consultation, withholding, notice, and judicial review requirements in accordance with the provisions of title I.]

[SEC. 3247. [20 U.S.C. 6967] USES OF FUNDS.]

[(a) USE OF FUNDS.—Funds awarded under this subpart shall be used to pay for enhanced instructional opportunities for immigrant children and youth, which may include—

[(1) family literacy, parent outreach, and training activities designed to assist parents to become active participants in the education of their children;

[(2) support of personnel, including teacher aides who have been specifically trained, or are being trained, to provide services to immigrant children and youth;

[(3) tutorials, mentoring, and academic or career counseling for immigrant children and youth;

[(4) identification and acquisition of curricular materials, educational software, and technologies;

[(5) the provision of basic instruction services that are directly attributable to the presence in the school district of immigrant children and youth, including payment of costs of providing additional classroom supplies, costs of transportation, or such other costs as are directly attributable to such additional basic instruction services; and

[(6) such other activities, related to the purpose of this subpart, as the Secretary may authorize.

[(b) CONSORTIA.—A local educational agency that receives a grant under this subpart may collaborate or form a consortium with one or more local educational agencies, institutions of higher education, and nonprofit organizations to carry out a program described in an application approved under this subpart.

[(c) SUBGRANTS.—A local educational agency that receives a grant under this subpart may, with the approval of the Secretary, make a subgrant to, or enter into a contract with, an institution of higher education, a nonprofit organization, or a consortium of such institutions or organizations to carry out a program described in an application approved under this subpart, including a program to serve out-of-school youth.

[(d) CONSTRUCTION.—Nothing in this subpart shall be construed to prohibit a local educational agency from serving immigrant children and youth simultaneously with children and youth with similar educational needs, in the same educational settings where appropriate.]

[SEC. 3248. REPORTS.]

[(a) BIENNIAL REPORT.—Each State educational agency receiving funds under this subpart shall submit, once every 2 years, a report to the Secretary concerning the expenditure of funds by local educational agencies under this subpart. Each local educational agency receiving funds under this subpart shall submit to the State educational agency such information as may be necessary for such report.

[(b) REPORT TO CONGRESS.—The Secretary shall submit, once every 2 years, a report to the appropriate committees of Congress concerning programs assisted under this subpart.]

[Subpart 5—Administration]

[SEC. 3251. RELEASE TIME.]

[The Secretary shall allow entities carrying out professional development programs funded under this part to use funds provided under this part for professional release time to enable individuals to participate in programs assisted under this part.]

[SEC. 3252. NOTIFICATION.]

[A State educational agency, and when applicable, the State board for postsecondary education, shall be notified within 3 working days after the date an award under this part is made to an eligible entity within the State.]

[SEC. 3253. COORDINATION AND REPORTING REQUIREMENTS.]

[(a) COORDINATION WITH RELATED PROGRAMS.—In order to maximize Federal efforts aimed at serving the educational needs of children and youth of limited English proficiency, the Secretary shall coordinate and ensure close cooperation with other programs serving language-minority and limited English proficient children that are administered by the Department and other agencies. The Secretary shall consult with the Secretary of Labor, the Secretary of Health and Human Services, the Secretary of Agriculture, the Attorney General, and the heads of other relevant agencies to identify and eliminate barriers to appropriate coordination of programs that affect language-minority and limited English proficient children

and their families. The Secretary shall provide for continuing consultation and collaboration, between the Office of English Language Acquisition, Language Enhancement, and Academic Achievement for Limited English Proficient Students and relevant programs operated by the Department, including programs under this part and other programs under this Act, in planning, contracts, providing joint technical assistance, providing joint field monitoring activities and in other relevant activities to ensure effective program coordination to provide high-quality educational opportunities to all language-minority and limited English proficient children.

[(b) DATA.—The Secretary shall, to the extent feasible, ensure that all data collected by the Department shall include the collection and reporting of data on limited English proficient children.

[(c) PUBLICATION OF PROPOSALS.—The Secretary shall publish and disseminate all requests for proposals for programs funded under this part.

[(d) REPORT.—The Director shall prepare and, not later than February 1 of every other year, shall submit to the Secretary, the Committee on Education and the Workforce of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions of the Senate a report—

[(1) on programs and activities carried out to serve limited English proficient children under this part, and the effectiveness of such programs and activities in improving the academic achievement and English proficiency of children who are limited English proficient;

[(2) containing a critical synthesis of data reported by States under section 3224, when applicable;

[(3) containing an estimate of the number of certified or licensed teachers working in language instruction educational programs and educating limited English proficient children, and an estimate of the number of such teachers that will be needed for the succeeding 5 fiscal years;

[(4) containing the major findings of scientifically based research carried out under this part; and

[(5) containing other information gathered from the reports submitted to the Secretary under this title when applicable.**]**

* * * * * * *

PART [C]*B*—GENERAL PROVISIONS

SEC. [3301]*3201*. DEFINITIONS.

Except as otherwise provided, in this title:

(1) CHILD.—* * *

* * * * * * *

(4) DIRECTOR.—* * *

(5) ELIGIBLE ENTITY.—The term "eligible entity" means—

(A) 1 or more local educational agencies; or

(B) 1 or more local educational agencies, in collaboration with an institution of higher education, community-based organization, or State educational agency.

[(5)]*(6)* FAMILY EDUCATION PROGRAM.—The term "family education program" means a language instruction educational program or special alternative instruction program that—

(A) is designed—

(i) to help [limited English proficient adults]*adults who meets the English learner requirements described in subparagraphs (C) and (D) of section 9101(23)* and out-of-school youths achieve [English proficiency]*English language proficiency*; and

(ii) to provide instruction on how parents and family members can facilitate the educational achievement of their children[;]*; and*

[(B) when feasible, uses instructional programs based on models developed under the Even Start Family Literacy Programs, which promote adult literacy and train parents to support the educational growth of their children, the Parents as Teachers Program, and the Home Instruction Program for Preschool Youngsters; and]

[(C)]*(B)* * * *

[(6)]*(7)* * * *

* * * * * * *

[(7)]*(8)* * * *

[(8)]*(9)* LANGUAGE INSTRUCTION EDUCATIONAL PROGRAM.—The term "language instruction educational program" means an instruction course—

(A) in which [a limited English proficient child]*an English learner* is placed for the purpose of developing and attaining English proficiency, while meeting [challenging State academic content and student academic achievement standards, as required by section 1111(b)(1)]*college and career ready academic content and student academic achievement standards, as required by section 1111(a)(1)*; and

(B) * * *

[(9)]*(10)* * * *

[(10)]*(11)* * * *

* * * * * * *

[(11)]*(12)* NATIVE LANGUAGE.—The term "native language", when used with reference to [an individual of limited English proficiency,]*an individual who meets the English learner requirements described in subparagraphs (C) and (D) of section 9101(23),* means—

(A) the language normally used by such individual; or

(B) in the case of a child or youth, the language normally used by the parents of the child or youth.

[(12)]*(13)* * * *

[(13) SPECIALLY QUALIFIED AGENCY.—The term "specially qualified agency" means an eligible entity, as defined in section 3141, in a State whose State educational agency—

[(A) does not participate in a program under subpart 1 of part A for a fiscal year; or

[(B) submits a plan (or any amendment to a plan) that the Secretary, after reasonable notice and opportunity for

a hearing, determines does not satisfy the requirements of such subpart.]

(14) STATE.—* * *

* * * * * * *

[SEC. [3302]*3202*. [20 U.S.C. 7012] PARENTAL NOTIFICATION.]

[(a) IN GENERAL.—Each eligible entity using funds provided under this title to provide a language instruction educational program shall, not later than 30 days after the beginning of the school year, inform a parent or the parents of a limited English proficient child identified for participation in, or participating in, such program of—

[(1) the reasons for the identification of their child as limited English proficient and in need of placement in a language instruction educational program;

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

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

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

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

[(6) the specific exit requirements for such program, the expected rate of transition from such program into classrooms that are not tailored for limited English proficient children, and the expected rate of graduation from secondary school for such program if funds under this title are used for children in secondary schools;

[(7) in the case of a child with a disability, how such program meets the objectives of the individualized education program of the child; and

[(8) information pertaining to parental rights that includes written guidance—

[(A) detailing—

[(i) the right that parents have to have their child immediately removed from such program upon their request; and

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

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

[(b) SEPARATE NOTIFICATION.—In addition to providing the information required to be provided under subsection (a), each eligible entity that is using funds provided under this title to provide a language instruction educational program, and that has failed to make

progress on the annual measurable achievement objectives described in section 3122 for any fiscal year for which part A is in effect, shall separately inform a parent or the parents of a child identified for participation in such program, or participating in such program, of such failure not later than 30 days after such failure occurs.

[(c) RECEIPT OF INFORMATION.—The information required to be provided under subsections (a) and (b) to a parent shall be provided in an understandable and uniform format and, to the extent practicable, in a language that the parent can understand.

[(d) SPECIAL RULE APPLICABLE DURING SCHOOL YEAR.—For a child who has not been identified for participation in a language instruction educational program prior to the beginning of the school year, the eligible entity shall carry out subsections (a) through (c) with respect to the parents of the child within 2 weeks of the child being placed in such a program.

[(e) PARENTAL PARTICIPATION.—

[(1) IN GENERAL.—Each eligible entity using funds provided under this title to provide a language instruction educational program shall implement an effective means of outreach to parents of limited English proficient children to inform such parents of how they can—

[(A) be involved in the education of their children; and

[(B) be active participants in assisting their children—

[(i) to learn English;

[(ii) to achieve at high levels in core academic subjects; and

[(iii) to meet the same challenging State academic content and student academic achievement standards as all children are expected to meet.

[(2) RECEIPT OF RECOMMENDATIONS.—The outreach described in paragraph (1) shall include holding, and sending notice of opportunities for, regular meetings for the purpose of formulating and responding to recommendations from parents described in such paragraph.

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

SEC. 3202. PARENTAL NOTIFICATION.

(a) IN GENERAL.—Each eligible entity receiving funds under this title to provide a language instruction educational program and academic content instruction program shall, not later than 30 days after the beginning of the school year, inform a parent or the parents of an English learner identified for participation in, or participating in, such program of—

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

(2) the child's level of English language proficiency, how that level was assessed, and the status of the child's academic achievement;

(3) the method of instruction used in the program in which their child is, or will be, participating, and the methods of in-

struction used in other available programs, including how such programs differ in content, instructional goals, and use of English and a native language in instruction;

(4) how the program in which their child is, or will be participating, will appropriately respond to the educational strengths and needs of the child;

(5) how the program will specifically help their child learn English and reflect age appropriate academic achievement standards for grade promotion and graduation;

(6) the specific exit requirements for the program, the expected rate of transition from the program into classrooms that are not tailored for English learners, and the expected rate of graduation from secondary school for English learners in the program if the child is in secondary school;

(7) in the case of a child with a disability, how the program meets the objectives of the child's individualized education program; and

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

(A) detailing—

(i) the parent's right to have the parent's child immediately removed from the program upon the parent's request; and

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

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

(b) RECEIPT OF INFORMATION.—The information described in subsection (a) shall be provided in an understandable and uniform format and, to the extent practicable, in a language that the parent can understand.

(c) SPECIAL RULE APPLICABLE DURING SCHOOL YEAR.—For a child who has not been identified for participation in a language instruction educational program and academic content instruction program prior to the beginning of the school year, the eligible entity shall carry out subsections (a) and (b) with respect to the parents of the child within 2 weeks of the child being placed in such program.

(d) PARENT AND FAMILY ENGAGEMENT.—

(1) IN GENERAL.—Each eligible entity using funds provided under this title to provide a language instruction educational program and academic content instruction program shall implement an effective means of outreach to parents and family members of English learners to inform such parents and family members of how they can—

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

(B) be active participants in assisting their children—

(i) to learn English;

(ii) to achieve at high levels in core academic subjects;

(iii) to meet the same State academic content and student academic achievement standards as all chil-

dren are expected to meet to become on track to college and career readiness; and

(iv) to understand expectations for college readiness and career success.

(2) RECEIPT OF RECOMMENDATIONS.—The outreach described in paragraph (1) shall include holding, and sending notice of opportunities for, regular meetings for the purpose of formulating and responding to recommendations from parents described in such paragraph.

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

* * * * * * *

SEC. [3303]*3203*. NATIONAL CLEARINGHOUSE.

The Secretary shall establish and support the operation of a National Clearinghouse for English Language Acquisition and Language Instruction Educational Programs, which shall collect, analyze, synthesize, and disseminate information about language instruction educational programs for [limited English proficient children]*English learners*, and related programs. The National Clearinghouse shall—

(1) * * *

* * * * * * *

(4) collect and disseminate information on—

(A) educational research and processes related to the education of [limited English proficient children]*English learners*; and

(B) accountability systems that monitor the academic progress of [limited English proficient children]*English learners* in language instruction educational programs, including information on academic content and English proficiency assessments for language instruction educational programs; and

(5) * * *

* * * * * * *

SEC. [3304]*3204*. REGULATIONS.

In developing regulations under this title, the Secretary shall consult with State educational agencies and local educational agencies, organizations representing [limited English proficient individuals]*English learners*, and organizations representing teachers and other personnel involved in the education of [limited English proficient children]*English learners*.

* * * * * * *

TITLE IV—[21ST CENTURY SCHOOLS] *SUPPORTING SUCCESSFUL, WELL-ROUNDED STUDENTS*

[PART A—SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES]

[SEC. 4001. SHORT TITLE.]

[This part may be cited as the "Safe and Drug-Free Schools and Communities Act".]

[SEC. 4002. [20 U.S.C. 7102] PURPOSE.]

[The purpose of this part is to support programs that prevent violence in and around schools; that prevent the illegal use of alcohol, tobacco, and drugs; that involve parents and communities; and that are coordinated with related Federal, State, school, and community efforts and resources to foster a safe and drug-free learning environment that supports student academic achievement, through the provision of Federal assistance to—

[(1) States for grants to local educational agencies and consortia of such agencies to establish, operate, and improve local programs of school drug and violence prevention and early intervention;

[(2) States for grants to, and contracts with, community-based organizations and public and private entities for programs of drug and violence prevention and early intervention, including community-wide drug and violence prevention planning and organizing activities;

[(3) States for development, training, technical assistance, and coordination activities; and

[(4) public and private entities to provide technical assistance; conduct training, demonstrations, and evaluation; and to provide supplementary services and community-wide drug and violence prevention planning and organizing activities for the prevention of drug use and violence among students and youth.]

[SEC. 4003. [20 U.S.C. 7103] AUTHORIZATION OF APPROPRIATIONS.]

[There are authorized to be appropriated—

[(1) $650,000,000 for fiscal year 2002, and such sums as may be necessary for each of the 5 succeeding fiscal years, for State grants under subpart 1; and

[(2) such sums for fiscal year 2002, and for each of the 5 succeeding fiscal years, for national programs under subpart 2.]

[Subpart 1—State Grants]

[SEC. 4111. [20 U.S.C. 7111] RESERVATIONS AND ALLOTMENTS.]

[(a) RESERVATIONS.—

[(1) IN GENERAL.—From the amount made available under section 4003(1) to carry out this subpart for each fiscal year, the Secretary—

[(A) shall reserve 1 percent or $4,750,000 (whichever is greater) of such amount for grants to Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, to be allotted in accordance with the Secretary's determination of their respective needs and to carry out programs described in this subpart;

[(B) shall reserve 1 percent or $4,750,000 (whichever is greater) of such amount for the Secretary of the Interior to carry out programs described in this subpart for Indian youth; and

[(C) shall reserve 0.2 percent of such amount for Native Hawaiians to be used under section 4117 to carry out programs described in this subpart.

[(2) OTHER RESERVATIONS.—From the amount made available under section 4003(2) to carry out subpart 2 for each fiscal year, the Secretary—

[(A) may reserve not more than $2,000,000 for the national impact evaluation required by section 4122(a);

[(B) notwithstanding section 3 of the No Child Left Behind Act of 2001, shall reserve an amount necessary to make continuation grants to grantees under the Safe Schools/Healthy Students initiative (under the same terms and conditions as provided for in the grants involved).

[(b) STATE ALLOTMENTS.—

[(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall, for each fiscal year, allot among the States—

[(A) one-half of the remainder not reserved under subsection (a) according to the ratio between the school-aged population of each State and the school-aged population of all the States; and

[(B) one-half of such remainder according to the ratio between the amount each State received under section 1124A for the preceding year and the sum of such amounts received by all the States.

[(2) MINIMUM.—For any fiscal year, no State shall be allotted under this subsection an amount that is less than the greater of—

[(A) one-half of 1 percent of the total amount allotted to all the States under this subsection; or

[(B) the amount such State received for fiscal year 2001 under section 4111 as such section was in effect the day preceding the date of enactment of the No Child Left Behind Act of 2001.

[(3) REALLOTMENT.—

[(A) REALLOTMENT FOR FAILURE TO APPLY.—If any State does not apply for an allotment under this subpart for a fiscal year, the Secretary shall reallot the amount of the State's allotment to the remaining States in accordance with this section.

[(B) REALLOTMENT OF UNUSED FUNDS.—The Secretary may reallot any amount of any allotment to a State if the Secretary determines that the State will be unable to use such amount within 2 years of such allotment. Such re-

allotments shall be made on the same basis as allotments are made under paragraph (1).

[(4) DEFINITION.—In this section the term "State" means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

[(c) LIMITATION.—Amounts appropriated under section 4003(2) for a fiscal year may not be increased above the amounts appropriated under such section for the previous fiscal year unless the amounts appropriated under section 4003(1) for the fiscal year involved are at least 10 percent greater that the amounts appropriated under such section 4003(1) for the previous fiscal year.]

[SEC. 4112. [20 U.S.C. 7112] RESERVATION OF STATE FUNDS FOR SAFE AND DRUG-FREE SCHOOLS.]

[(a) STATE RESERVATION FOR THE CHIEF EXECUTIVE OFFICER OF A STATE.—

[(1) IN GENERAL.—The chief executive officer of a State may reserve not more than 20 percent of the total amount allocated to a State under section 4111(b) for each fiscal year to award competitive grants and contracts to local educational agencies, community-based organizations (including community anti-drug coalitions) other public entities and private organizations, and consortia thereof. Such grants and contracts shall be used to carry out the comprehensive State plan described in section 4113(a) through programs or activities that complement and support activities of local educational agencies described in section 4115(b). Such officer shall award grants based on—

[(A) the quality of the program or activity proposed; and

[(B) how the program or activity meets the principles of effectiveness described in section 4115(a).

[(2) PRIORITY.—In making such grants and contracts under this section, a chief executive officer shall give priority to programs and activities that prevent illegal drug use and violence for—

[(A) children and youth who are not normally served by State educational agencies or local educational agencies; or

[(B) populations that need special services or additional resources (such as youth in juvenile detention facilities, runaway or homeless children and youth, pregnant and parenting teenagers, and school dropouts).

[(3) SPECIAL CONSIDERATION.—In awarding funds under paragraph (1), a chief executive officer shall give special consideration to grantees that pursue a comprehensive approach to drug and violence prevention that includes providing and incorporating mental health services related to drug and violence prevention in their program.

[(4) PEER REVIEW.—Grants or contracts awarded under this section shall be subject to a peer review process.

[(5) USE OF FUNDS.—Grants and contracts under this section shall be used to implement drug and violence prevention activities, including—

[(A) activities that complement and support local educational agency activities under section 4115, including developing and implementing activities to prevent and reduce violence associated with prejudice and intolerance;

[(B) dissemination of information about drug and violence prevention; and

[(C) development and implementation of community-wide drug and violence prevention planning and organizing.

[(6) ADMINISTRATIVE COSTS.—The chief executive officer of a State may use not more than 3 percent of the amount described in paragraph (1) for the administrative costs incurred in carrying out the duties of such officer under this section.

[(b) IN STATE DISTRIBUTION.—

[(1) IN GENERAL.—A State educational agency shall distribute not less than 93 percent of the amount made available to the State under section 4111(b), less the amount reserved under subsection (a) of this section, to its local educational agencies.

[(2) STATE ADMINISTRATION COSTS.—

[(A) IN GENERAL.—A State educational agency may use not more than 3 percent of the amount made available to the State under section 4111(b) for each fiscal year less the amount reserved under subsection (a) of this section, for State educational agency administrative costs, including the implementation of the uniform management information and reporting system as provided for under subsection (c)(3).

[(B) ADDITIONAL AMOUNTS FOR THE UNIFORM MANAGEMENT INFORMATION SYSTEM.—In the case of fiscal year 2002, a State educational agency may, in addition to amounts provided for in subparagraph (A), use 1 percent of the amount made available to the State educational agency under section 4111(b) for each fiscal year less the amount reserved under subsection (a) of this section, for implementation of the uniform management information and reporting system as provided for under subsection (c)(3).

[(c) STATE ACTIVITIES.—

[(1) IN GENERAL.—A State educational agency may use not more than 5 percent of the amount made available to the State under section 4111(b) for each fiscal year less the amount reserved under subsection (a) of this section, for activities described in this subsection.

[(2) ACTIVITIES.—A State educational agency shall use the amounts described in paragraph (1), either directly, or through grants and contracts, to plan, develop, and implement capacity building, technical assistance and training, evaluation, program improvement services, and coordination activities for local educational agencies, community-based organizations, and other public and private entities. Such uses—

[(A) shall meet the principles of effectiveness described in section 4115(a);

[(B) shall complement and support local uses of funds under section 4115(b);

[(C) shall be in accordance with the purposes of this part; and

[(D) may include, among others activities—

[(i) identification, development, evaluation, and dissemination of drug and violence prevention strategies, programs, activities, and other information;

[(ii) training, technical assistance, and demonstration projects to address violence that is associated with prejudice and intolerance; and

[(iii) financial assistance to enhance drug and violence prevention resources available in areas that serve large numbers of low-income children, are sparsely populated, or have other special needs.

[(3) UNIFORM MANAGEMENT INFORMATION AND REPORTING SYSTEM.—

[(A) INFORMATION AND STATISTICS.—A State shall establish a uniform management information and reporting system.

[(B) USES OF FUNDS.—A State may use funds described in subparagraphs (A) and (B) of subsection (b)(2), either directly or through grants and contracts, to implement the uniform management information and reporting system described in subparagraph (A), for the collection of information on—

[(i) truancy rates;

[(ii) the frequency, seriousness, and incidence of violence and drug-related offenses resulting in suspensions and expulsions in elementary schools and secondary schools in the State;

[(iii) the types of curricula, programs, and services provided by the chief executive officer, the State educational agency, local educational agencies, and other recipients of funds under this subpart; and

[(iv) the incidence and prevalence, age of onset, perception of health risk, and perception of social disapproval of drug use and violence by youth in schools and communities.

[(C) COMPILATION OF STATISTICS.—In compiling the statistics required for the uniform management information and reporting system, the offenses described in subparagraph (B)(ii) shall be defined pursuant to the State's criminal code, but shall not identify victims of crimes or persons accused of crimes. The collected data shall include incident reports by school officials, anonymous student surveys, and anonymous teacher surveys.

[(D) REPORTING.—The information described under subparagraph (B) shall be reported to the public and the data referenced in clauses (i) and (ii) of such subparagraph shall be reported to the State on a school-by-school basis.

[(E) LIMITATION.—Nothing in this subsection shall be construed to authorize the Secretary to require particular policies, procedures, or practices with respect to crimes committed on school property or school security.]

[SEC. 4113. [20 U.S.C. 7113] STATE APPLICATION.]

[(a) IN GENERAL.—In order to receive an allotment under section 4111(b) for any fiscal year, a State shall submit to the Secretary, at such time as the Secretary may require, an application that—

[(1) contains a comprehensive plan for the use of funds by the State educational agency and the chief executive officer of the State to provide safe, orderly, and drug-free schools and communities through programs and activities that complement and support activities of local educational agencies under section 4115(b), that comply with the principles of effectiveness under section 4115(a), and that otherwise are in accordance with the purpose of this part;

[(2) describes how activities funded under this subpart will foster a safe and drug-free learning environment that supports academic achievement;

[(3) provides an assurance that the application was developed in consultation and coordination with appropriate State officials and others, including the chief executive officer, the chief State school officer, the head of the State alcohol and drug abuse agency, the heads of the State health and mental health agencies, the head of the State criminal justice planning agency, the head of the State child welfare agency, the head of the State board of education, or their designees, and representatives of parents, students, and community-based organizations;

[(4) describes how the State educational agency will coordinate such agency's activities under this subpart with the chief executive officer's drug and violence prevention programs under this subpart and with the prevention efforts of other State agencies and other programs, as appropriate, in accordance with the provisions in section 9306;

[(5) provides an assurance that funds reserved under section 4112(a) will not duplicate the efforts of the State educational agency and local educational agencies with regard to the provision of school-based drug and violence prevention activities and that those funds will be used to serve populations not normally served by the State educational agencies and local educational agencies and populations that need special services, such as school dropouts, suspended and expelled students, youth in detention centers, runaway or homeless children and youth, and pregnant and parenting youth;

[(6) provides an assurance that the State will cooperate with, and assist, the Secretary in conducting data collection as required by section 4122;

[(7) provides an assurance that the local educational agencies in the State will comply with the provisions of section 9501 pertaining to the participation of private school children and teachers in the programs and activities under this subpart;

[(8) provides an assurance that funds under this subpart will be used to increase the level of State, local, and other non-Federal funds that would, in the absence of funds under this subpart, be made available for programs and activities authorized under this subpart, and in no case supplant such State, local, and other non-Federal funds;

[(9) contains the results of a needs assessment conducted by the State for drug and violence prevention programs, which shall be based on ongoing State evaluation activities, including data on—

[(A) the incidence and prevalence of illegal drug use and violence among youth in schools and communities, including the age of onset, the perception of health risks, and the perception of social disapproval among such youth;

[(B) the prevalence of risk factors, including high or increasing rates of reported cases of child abuse or domestic violence;

[(C) the prevalence of protective factors, buffers, or assets; and

[(D) other variables in the school and community identified through scientifically based research;

[(10) provides a statement of the State's performance measures for drug and violence prevention programs and activities to be funded under this subpart that will be focused on student behavior and attitudes, derived from the needs assessment described in paragraph (9), and be developed in consultation between the State and local officials, and that consist of—

[(A) performance indicators for drug and violence prevention programs and activities; and

[(B) levels of performance for each performance indicator;

[(11) describes the procedures the State will use for assessing and publicly reporting progress toward meeting the performance measures described in paragraph (10);

[(12) provides an assurance that the State application will be available for public review after submission of the application;

[(13) describes the special outreach activities that will be carried out by the State educational agency and the chief executive officer of the State to maximize the participation of community-based organizations of demonstrated effectiveness that provide services such as mentoring programs in low-income communities;

[(14) describes how funds will be used by the State educational agency and the chief executive officer of the State to support, develop, and implement community-wide comprehensive drug and violence prevention planning and organizing activities;

[(15) describes how input from parents will be sought regarding the use of funds by the State educational agency and the chief executive officer of the State;

[(16) describes how the State educational agency will review applications from local educational agencies, including how the agency will receive input from parents in such review;

[(17) describes how the State educational agency will monitor the implementation of activities under this subpart, and provide technical assistance for local educational agencies, community-based organizations, other public entities, and private organizations;

[(18) describes how the chief executive officer of the State will award funds under section 4112(a) and implement a plan for monitoring the performance of, and providing technical assistance to, recipients of such funds; and

[(19) includes any other information the Secretary may require.

[(b) INTERIM APPLICATION.—

[(1) AUTHORITY.—Notwithstanding any other provision of this section, a State may submit for fiscal year 2002 a 1-year interim application and plan for the use of funds under this subpart that is consistent with the requirements of this section and contains such information as the Secretary may specify in regulations.

[(2) PURPOSE.—The purpose of such interim application and plan shall be to afford the State the opportunity to fully develop and review such State's application and comprehensive plan otherwise required by this section.

[(3) EXCEPTION.—A State may not receive a grant under this subpart for a fiscal year after fiscal year 2002 unless the Secretary has approved such State's application and comprehensive plan as described in subsection (a).

[(c) APPROVAL PROCESS.—

[(1) DEEMED APPROVAL.—An application submitted by a State pursuant to this section shall undergo peer review by the Secretary and shall be deemed to be approved by the Secretary unless the Secretary makes a written determination, prior to the expiration of the 120-day period beginning on the date on which the Secretary received the application, that the application is not in compliance with this subpart.

[(2) DISAPPROVAL.—The Secretary shall not finally disapprove the application, except after giving the State educational agency and the chief executive officer of the State notice and an opportunity for a hearing.

[(3) NOTIFICATION.—If the Secretary finds that the application is not in compliance, in whole or in part, with this subpart, the Secretary shall—

[(A) give the State educational agency and the chief executive officer of the State notice and an opportunity for a hearing; and

[(B) notify the State educational agency and the chief executive officer of the State of the finding of noncompliance, and in such notification, shall—

[(i) cite the specific provisions in the application that are not in compliance; and

[(ii) request additional information, only as to the noncompliant provisions, needed to make the application compliant.

[(4) RESPONSE.—If the State educational agency and the chief executive officer of the State respond to the Secretary's notification described in paragraph (3)(B) during the 45-day period beginning on the date on which the agency received the notification, and resubmit the application with the requested information described in paragraph (3)(B)(ii), the Secretary shall approve or disapprove such application prior to the later of—

[(A) the expiration of the 45-day period beginning on the date on which the application is resubmitted; or

[(B) the expiration of the 120-day period described in paragraph (1).

[(5) FAILURE TO RESPOND.—If the State educational agency and the chief executive officer of the State do not respond to the Secretary's notification described in paragraph (3)(B) during the 45-day period beginning on the date on which the agency received the notification, such application shall be deemed to be disapproved.]

[SEC. 4114. [20 U.S.C. 7114] LOCAL EDUCATIONAL AGENCY PROGRAM.]

[(a) IN GENERAL.—

[(1) FUNDS TO LOCAL EDUCATIONAL AGENCIES.—A State shall provide the amount made available to the State under this subpart, less the amounts reserved under section 4112 to local educational agencies for drug and violence prevention and education programs and activities as follows:

[(A) 60 percent of such amount based on the relative amount such agencies received under part A of title I for the preceding fiscal year.

[(B) 40 percent of such amount based on the relative enrollments in public and private nonprofit elementary schools and secondary schools within the boundaries of such agencies.

[(2) ADMINISTRATIVE COSTS.—Of the amount received under paragraph (1), a local educational agency may use not more than 2 percent for the administrative costs of carrying out its responsibilities under this subpart.

[(3) RETURN OF FUNDS TO STATE; REALLOCATION.—

[(A) RETURN.—Except as provided in subparagraph (B), upon the expiration of the 1-year period beginning on the date on which a local educational agency receives its allocation under this subpart—

[(i) such agency shall return to the State educational agency any funds from such allocation that remain unobligated; and

[(ii) the State educational agency shall reallocate any such amount to local educational agencies that have submitted plans for using such amount for programs or activities on a timely basis.

[(B) CARRYOVER.—In any fiscal year, a local educational agency, may retain for obligation in the succeeding fiscal year—

[(i) an amount equal to not more than 25 percent of the allocation it received under this subpart for such fiscal year; or

[(ii) upon a demonstration of good cause by such agency and approval by the State educational agency, an amount that exceeds 25 percent of such allocation.

[(C) REALLOCATION.—If a local educational agency chooses not to apply to receive the amount allocated to such agency under this subsection, or if such agency's application under subsection (d) is disapproved by the State educational agency, the State educational agency shall reallocate such amount to one or more of its other local educational agencies.

[(b) ELIGIBILITY.—To be eligible to receive a subgrant under this subpart, a local educational agency desiring a subgrant shall submit an application to the State educational agency in accordance with subsection (d). Such an application shall be amended, as necessary, to reflect changes in the activities and programs of the local educational agency.

[(c) DEVELOPMENT.—

[(1) CONSULTATION.—

[(A) IN GENERAL.—A local educational agency shall develop its application through timely and meaningful consultation with State and local government representatives, representatives of schools to be served (including private schools), teachers and other staff, parents, students, community-based organizations, and others with relevant and demonstrated expertise in drug and violence prevention activities (such as medical, mental health, and law enforcement professionals).

[(B) CONTINUED CONSULTATION.—On an ongoing basis, the local educational agency shall consult with such representatives and organizations in order to seek advice regarding how best to coordinate such agency's activities under this subpart with other related strategies, programs, and activities being conducted in the community.

[(2) DESIGN AND DEVELOPMENT.—To ensure timely and meaningful consultation under paragraph (1), a local educational agency at the initial stages of design and development of a program or activity shall consult, in accordance with this subsection, with appropriate entities and persons on issues regarding the design and development of the program or activity, including efforts to meet the principles of effectiveness described in section 4115(a).

[(d) CONTENTS OF APPLICATIONS.—An application submitted by a local educational agency under this section shall contain—

[(1) an assurance that the activities or programs to be funded comply with the principles of effectiveness described in section 4115(a) and foster a safe and drug-free learning environment that supports academic achievement;

[(2) a detailed explanation of the local educational agency's comprehensive plan for drug and violence prevention, including a description of—

[(A) how the plan will be coordinated with programs under this Act, and other Federal, State, and local programs for drug and violence prevention, in accordance with section 9306;

[(B) the local educational agency's performance measures for drug and violence prevention programs and activities, that shall consist of—

[(i) performance indicators for drug and violence prevention programs and activities; including—

[(I) specific reductions in the prevalence of identified risk factors; and

[(II) specific increases in the prevalence of protective factors, buffers, or assets if any have been identified; and

[(ii) levels of performance for each performance indicator;

[(C) how such agency will assess and publicly report progress toward attaining its performance measures;

[(D) the drug and violence prevention activity or program to be funded, including how the activity or program will meet the principles of effectiveness described in section 4115(a), and the means of evaluating such activity or program; and

[(E) how the services will be targeted to schools and students with the greatest need;

[(3) a description for how the results of the evaluations of the effectiveness of the program will be used to refine, improve, and strengthen the program;

[(4) an assurance that funds under this subpart will be used to increase the level of State, local, and other non-Federal funds that would, in the absence of funds under this subpart, be made available for programs and activities authorized under this subpart, and in no case supplant such State, local, and other non-Federal funds;

[(5) a description of the mechanisms used to provide effective notice to the community of an intention to submit an application under this subpart;

[(6) an assurance that drug and violence prevention programs supported under this subpart convey a clear and consistent message that acts of violence and the illegal use of drugs are wrong and harmful;

[(7) an assurance that the applicant has, or the schools to be served have, a plan for keeping schools safe and drug-free that includes—

[(A) appropriate and effective school discipline policies that prohibit disorderly conduct, the illegal possession of weapons, and the illegal use, possession, distribution, and sale of tobacco, alcohol, and other drugs by students;

[(B) security procedures at school and while students are on the way to and from school;

[(C) prevention activities that are designed to create and maintain safe, disciplined, and drug-free environments;

[(D) a crisis management plan for responding to violent or traumatic incidents on school grounds; and

[(E) a code of conduct policy for all students that clearly states the responsibilities of students, teachers, and administrators in maintaining a classroom environment that—

[(i) allows a teacher to communicate effectively with all students in the class;

[(ii) allows all students in the class to learn;

[(iii) has consequences that are fair, and developmentally appropriate;

[(iv) considers the student and the circumstances of the situation; and

[(v) is enforced accordingly;

[(8) an assurance that the application and any waiver request under section 4115(a)(3) will be available for public review after submission of the application; and

[(9) such other assurances, goals, and objectives identified through scientifically based research that the State may reasonably require in accordance with the purpose of this part.

[(e) REVIEW OF APPLICATION.—

[(1) IN GENERAL.—In reviewing local applications under this section, a State educational agency shall use a peer review process or other methods of assuring the quality of such applications.

[(2) CONSIDERATIONS.—In determining whether to approve the application of a local educational agency under this section, a State educational agency shall consider the quality of application and the extent to which the application meets the principles of effectiveness described in section 4115(a).

[(f) APPROVAL PROCESS.—

[(1) DEEMED APPROVAL.—An application submitted by a local educational agency pursuant to this section shall be deemed to be approved by the State educational agency unless the State educational agency makes a written determination, prior to the expiration of the 120-day period beginning on the date on which the State educational agency received the application, that the application is not in compliance with this subpart.

[(2) DISAPPROVAL.—The State educational agency shall not finally disapprove the application, except after giving the local educational agency notice and opportunity for a hearing.

[(3) NOTIFICATION.—If the State educational agency finds that the application is not in compliance, in whole or in part, with this subpart, the State educational agency shall—

[(A) give the local educational agency notice and an opportunity for a hearing; and

[(B) notify the local educational agency of the finding of noncompliance, and in such notification, shall—

[(i) cite the specific provisions in the application that are not in compliance; and

[(ii) request additional information, only as to the noncompliant provisions, needed to make the application compliant.

[(4) RESPONSE.—If the local educational agency responds to the State educational agency's notification described in paragraph (3)(B) during the 45-day period beginning on the date on which the agency received the notification, and resubmits the application with the requested information described in paragraph (3)(B)(ii), the State educational agency shall approve or disapprove such application prior to the later of—

[(A) the expiration of the 45-day period beginning on the date on which the application is resubmitted; or

[(B) the expiration of the 120-day period described in paragraph (1).

[(5) FAILURE TO RESPOND.—If the local educational agency does not respond to the State educational agency's notification described in paragraph (3)(B) during the 45-day period begin-

ning on the date on which the agency received the notification, such application shall be deemed to be disapproved.]

[SEC. 4115. [20 U.S.C. 7115] AUTHORIZED ACTIVITIES.]

[(a) PRINCIPLES OF EFFECTIVENESS.—

[(1) IN GENERAL.—For a program or activity developed pursuant to this subpart to meet the principles of effectiveness, such program or activity shall—

[(A) be based on an assessment of objective data regarding the incidence of violence and illegal drug use in the elementary schools and secondary schools and communities to be served, including an objective analysis of the current conditions and consequences regarding violence and illegal drug use, including delinquency and serious discipline problems, among students who attend such schools (including private school students who participate in the drug and violence prevention program) that is based on ongoing local assessment or evaluation activities;

[(B) be based on an established set of performance measures aimed at ensuring that the elementary schools and secondary schools and communities to be served by the program have a safe, orderly, and drug-free learning environment;

[(C) be based on scientifically based research that provides evidence that the program to be used will reduce violence and illegal drug use;

[(D) be based on an analysis of the data reasonably available at the time, of the prevalence of risk factors, including high or increasing rates of reported cases of child abuse and domestic violence; protective factors, buffers, assets; or other variables in schools and communities in the State identified through scientifically based research; and

[(E) include meaningful and ongoing consultation with and input from parents in the development of the application and administration of the program or activity.

[(2) PERIODIC EVALUATION.—

[(A) REQUIREMENT.—The program or activity shall undergo a periodic evaluation to assess its progress toward reducing violence and illegal drug use in schools to be served based on performance measures described in section 4114(d)(2)(B).

[(B) USE OF RESULTS.—The results shall be used to refine, improve, and strengthen the program, and to refine the performance measures, and shall also be made available to the public upon request, with public notice of such availability provided.

[(3) WAIVER.—A local educational agency may apply to the State for a waiver of the requirement of subsection (a)(1)(C) to allow innovative activities or programs that demonstrate substantial likelihood of success.

[(b) LOCAL EDUCATIONAL AGENCY ACTIVITIES.—

[(1) PROGRAM REQUIREMENTS.—A local educational agency shall use funds made available under section 4114 to develop, implement, and evaluate comprehensive programs and activi-

ties, which are coordinated with other school and community-based services and programs, that shall—

[(A) foster a safe and drug-free learning environment that supports academic achievement;

[(B) be consistent with the principles of effectiveness described in subsection (a)(1);

[(C) be designed to—

[(i) prevent or reduce violence; the use, possession and distribution of illegal drugs; and delinquency; and

[(ii) create a well disciplined environment conducive to learning, which includes consultation between teachers, principals, and other school personnel to identify early warning signs of drug use and violence and to provide behavioral interventions as part of classroom management efforts; and

[(D) include activities to—

[(i) promote the involvement of parents in the activity or program;

[(ii) promote coordination with community groups and coalitions, and government agencies; and

[(iii) distribute information about the local educational agency's needs, goals, and programs under this subpart.

[(2) AUTHORIZED ACTIVITIES.—Each local educational agency, or consortium of such agencies, that receives a subgrant under this subpart may use such funds to carry out activities that comply with the principles of effectiveness described in subsection (a), such as the following:

[(A) Age appropriate and developmentally based activities that—

[(i) address the consequences of violence and the illegal use of drugs, as appropriate;

[(ii) promote a sense of individual responsibility;

[(iii) teach students that most people do not illegally use drugs;

[(iv) teach students to recognize social and peer pressure to use drugs illegally and the skills for resisting illegal drug use;

[(v) teach students about the dangers of emerging drugs;

[(vi) engage students in the learning process; and

[(vii) incorporate activities in secondary schools that reinforce prevention activities implemented in elementary schools.

[(B) Activities that involve families, community sectors (which may include appropriately trained seniors), and a variety of drug and violence prevention providers in setting clear expectations against violence and illegal use of drugs and appropriate consequences for violence and illegal use of drugs.

[(C) Dissemination of drug and violence prevention information to schools and the community.

[(D) Professional development and training for, and involvement of, school personnel, pupil services personnel,

parents, and interested community members in prevention, education, early identification and intervention, mentoring, or rehabilitation referral, as related to drug and violence prevention.

[(E) Drug and violence prevention activities that may include the following:

[(i) Community-wide planning and organizing activities to reduce violence and illegal drug use, which may include gang activity prevention.

[(ii) Acquiring and installing metal detectors, electronic locks, surveillance cameras, or other related equipment and technologies.

[(iii) Reporting criminal offenses committed on school property.

[(iv) Developing and implementing comprehensive school security plans or obtaining technical assistance concerning such plans, which may include obtaining a security assessment or assistance from the School Security and Technology Resource Center at the Sandia National Laboratory located in Albuquerque, New Mexico.

[(v) Supporting safe zones of passage activities that ensure that students travel safely to and from school, which may include bicycle and pedestrian safety programs.

[(vi) The hiring and mandatory training, based on scientific research, of school security personnel (including school resource officers) who interact with students in support of youth drug and violence prevention activities under this part that are implemented in the school.

[(vii) Expanded and improved school-based mental health services related to illegal drug use and violence, including early identification of violence and illegal drug use, assessment, and direct or group counseling services provided to students, parents, families, and school personnel by qualified school-based mental health service providers.

[(viii) Conflict resolution programs, including peer mediation programs that educate and train peer mediators and a designated faculty supervisor, and youth anti-crime and anti-drug councils and activities.

[(ix) Alternative education programs or services for violent or drug abusing students that reduce the need for suspension or expulsion or that serve students who have been suspended or expelled from the regular educational settings, including programs or services to assist students to make continued progress toward meeting the State academic achievement standards and to reenter the regular education setting.

[(x) Counseling, mentoring, referral services, and other student assistance practices and programs, including assistance provided by qualified school-based mental health services providers and the training of

teachers by school-based mental health services providers in appropriate identification and intervention techniques for students at risk of violent behavior and illegal use of drugs.

[(xi) Programs that encourage students to seek advice from, and to confide in, a trusted adult regarding concerns about violence and illegal drug use.

[(xii) Drug and violence prevention activities designed to reduce truancy.

[(xiii) Age-appropriate, developmentally-based violence prevention and education programs that address victimization associated with prejudice and intolerance, and that include activities designed to help students develop a sense of individual responsibility and respect for the rights of others, and to resolve conflicts without violence.

[(xiv) Consistent with the fourth amendment to the Constitution of the United States, the testing of a student for illegal drug use or the inspecting of a student's locker for weapons or illegal drugs or drug paraphernalia, including at the request of or with the consent of a parent or legal guardian of the student, if the local educational agency elects to so test or inspect.

[(xv) Emergency intervention services following traumatic crisis events, such as a shooting, major accident, or a drug-related incident that have disrupted the learning environment.

[(xvi) Establishing or implementing a system for transferring suspension and expulsion records, consistent with section 444 of the General Education Provisions Act (20 U.S.C. 1232g), by a local educational agency to any public or private elementary school or secondary school.

[(xvii) Developing and implementing character education programs, as a component of drug and violence prevention programs, that take into account the views of parents of the students for whom the program is intended and such students, such as a program described in subpart 3 of part D of title V.

[(xviii) Establishing and maintaining a school safety hotline.

[(xix) Community service, including community service performed by expelled students, and service-learning projects.

[(xx) Conducting a nationwide background check of each local educational agency employee, regardless of when hired, and prospective employees for the purpose of determining whether the employee or prospective employee has been convicted of a crime that bears upon the employee's fitness—

[(I) to be responsible for the safety or well-being of children;

[(II) to serve in the particular capacity in which the employee or prospective employee is or will be employed; or

[(III) to otherwise be employed by the local educational agency.

[(xxi) Programs to train school personnel to identify warning signs of youth suicide and to create an action plan to help youth at risk of suicide.

[(xxii) Programs that respond to the needs of students who are faced with domestic violence or child abuse.

[(F) The evaluation of any of the activities authorized under this subsection and the collection of objective data used to assess program needs, program implementation, or program success in achieving program goals and objectives.

[(c) LIMITATION.—

[(1) IN GENERAL.—Except as provided in paragraph (2), not more than 40 percent of the funds available to a local educational agency under this subpart may be used to carry out the activities described in clauses (ii) through (vi) of subsection (b)(2)(E), of which not more than 50 percent of such amount may be used to carry out the activities described in clauses (ii) through (v) of such subsection.

[(2) EXCEPTION.—A local educational agency may use funds under this subpart for activities described in clauses (ii) through (v) of subsection (b)(2)(E) only if funding for these activities is not received from other Federal agencies.

[(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit the use of funds under this subpart by any local educational agency or school for the establishment or implementation of a school uniform policy if such policy is part of the overall comprehensive drug and violence prevention plan of the State involved and is supported by the State's needs assessment and other scientifically based research information.]

[SEC. 4116. [20 U.S.C. 7116] REPORTING.]

[(a) STATE REPORT.—

[(1) IN GENERAL.—By December 1, 2003, and every 2 years thereafter, the chief executive officer of the State, in cooperation with the State educational agency, shall submit to the Secretary a report—

[(A) on the implementation and outcomes of State programs under section 4112(a)(1) and section 4112(c) and local educational agency programs under section 4115(b), as well as an assessment of their effectiveness;

[(B) on the State's progress toward attaining its performance measures for drug and violence prevention under section 4113(a)(10); and

[(C) on the State's efforts to inform parents of, and include parents in, violence and drug prevention efforts.

[(2) SPECIAL RULE.—The report required by this subsection shall be—

[(A) in the form specified by the Secretary;

[(B) based on the State's ongoing evaluation activities, and shall include data on the incidence and prevalence, age of onset, perception of health risk, and perception of social disapproval of drug use and violence by youth in schools and communities; and

[(C) made readily available to the public.

[(b) LOCAL EDUCATIONAL AGENCY REPORT.—

[(1) IN GENERAL.—Each local educational agency receiving funds under this subpart shall submit to the State educational agency such information that the State requires to complete the State report required by subsection (a), including a description of how parents were informed of, and participated in, violence and drug prevention efforts.

[(2) AVAILABILITY.—Information under paragraph (1) shall be made readily available to the public.

[(3) PROVISION OF DOCUMENTATION.—Not later than January 1 of each year that a State is required to report under subsection (a), the Secretary shall provide to the State educational agency all of the necessary documentation required for compliance with this section.]

[SEC. 4117. [20 U.S.C. 7117] PROGRAMS FOR NATIVE HAWAIIANS.]

[(a) GENERAL AUTHORITY.—From the funds made available pursuant to section 4111(a)(1)(C) to carry out this section, the Secretary shall make grants to or enter into cooperative agreements or contracts with organizations primarily serving and representing Native Hawaiians for the benefit of Native Hawaiians to plan, conduct, and administer programs, or portions thereof, that are authorized by and consistent with the provisions of this subpart.

[(b) DEFINITION OF NATIVE HAWAIIAN.—For the purposes of this section, the term "Native Hawaiian" means any individual any of whose ancestors were natives, prior to 1778, of the area which now comprises the State of Hawaii.]

[Subpart 2—National Programs]

[SEC. 4121. [20 U.S.C. 7131] FEDERAL ACTIVITIES.]

[(a) PROGRAM AUTHORIZED.—From funds made available to carry out this subpart under section 4003(2), the Secretary, in consultation with the Secretary of Health and Human Services, the Director of the Office of National Drug Control Policy, and the Attorney General, shall carry out programs to prevent the illegal use of drugs and violence among, and promote safety and discipline for, students. The Secretary shall carry out such programs directly, or through grants, contracts, or cooperative agreements with public and private entities and individuals, or through agreements with other Federal agencies, and shall coordinate such programs with other appropriate Federal activities. Such programs may include—

[(1) the development and demonstration of innovative strategies for the training of school personnel, parents, and members of the community for drug and violence prevention activities based on State and local needs;

[(2) the development, demonstration, scientifically based evaluation, and dissemination of innovative and high quality

drug and violence prevention programs and activities, based on State and local needs, which may include—

[(A) alternative education models, either established within a school or separate and apart from an existing school, that are designed to promote drug and violence prevention, reduce disruptive behavior, reduce the need for repeat suspensions and expulsions, enable students to meet challenging State academic standards, and enable students to return to the regular classroom as soon as possible;

[(B) community service and service-learning projects, designed to rebuild safe and healthy neighborhoods and increase students' sense of individual responsibility;

[(C) video-based projects developed by noncommercial telecommunications entities that provide young people with models for conflict resolution and responsible decisionmaking; and

[(D) child abuse education and prevention programs for elementary and secondary students;

[(3) the provision of information on drug abuse education and prevention to the Secretary of Health and Human Services for dissemination;

[(4) the provision of information on violence prevention and education and school safety to the Department of Justice for dissemination;

[(5) technical assistance to chief executive officers, State agencies, local educational agencies, and other recipients of funding under this part to build capacity to develop and implement high-quality, effective drug and violence prevention programs consistent with the principles of effectiveness in section 4115(a);

[(6) assistance to school systems that have particularly severe drug and violence problems, including hiring drug prevention and school safety coordinators, or assistance to support appropriate response efforts to crisis situations;

[(7) the development of education and training programs, curricula, instructional materials, and professional training and development for preventing and reducing the incidence of crimes and conflicts motivated by hate in localities most directly affected by hate crimes;

[(8) activities in communities designated as empowerment zones or enterprise communities that will connect schools to community-wide efforts to reduce drug and violence problems; and

[(9) other activities in accordance with the purpose of this part, based on State and local needs.

[(b) PEER REVIEW.—The Secretary shall use a peer review process in reviewing applications for funds under this section.]

[SEC. 4122. [20 U.S.C. 7132] IMPACT EVALUATION.]

[(a) BIENNIAL EVALUATION.—The Secretary, in consultation with the Safe and Drug-Free Schools and Communities Advisory Committee described in section 4124, shall conduct an independent biennial evaluation of the impact of programs assisted under this subpart and of other recent and new initiatives to combat violence and illegal drug use in schools. The evaluation shall report on

whether community and local educational agency programs funded under this subpart—

[(1) comply with the principles of effectiveness described in section 4115(a);

[(2) have appreciably reduced the level of illegal drug, alcohol, and tobacco use, and school violence and the illegal presence of weapons at schools; and

[(3) have conducted effective parent involvement and training programs.

[(b) DATA COLLECTION.—The National Center for Education Statistics shall collect data, that is subject to independent review, to determine the incidence and prevalence of illegal drug use and violence in elementary schools and secondary schools in the States. The collected data shall include incident reports by schools officials, anonymous student surveys, and anonymous teacher surveys.

[(c) BIENNIAL REPORT.—Not later than January 1, 2003, and every 2 years thereafter, the Secretary shall submit to the President and Congress a report on the findings of the evaluation conducted under subsection (a) together with the data collected under subsection (b) and data available from other sources on the incidence and prevalence, age of onset, perception of health risk, and perception of social disapproval of drug use and violence in elementary schools and secondary schools in the States. The Secretary shall include data submitted by the States pursuant to subsection 4116(a).]

[SEC. 4123. [20 U.S.C. 7133] HATE CRIME PREVENTION.]

[(a) GRANT AUTHORIZATION.—From funds made available to carry out this subpart under section 4003(2) the Secretary may make grants to local educational agencies and community-based organizations for the purpose of providing assistance to localities most directly affected by hate crimes.

[(b) USE OF FUNDS.—

[(1) PROGRAM DEVELOPMENT.—Grants under this section may be used to improve elementary and secondary educational efforts, including—

[(A) development of education and training programs designed to prevent and to reduce the incidence of crimes and conflicts motivated by hate;

[(B) development of curricula for the purpose of improving conflict or dispute resolution skills of students, teachers, and administrators;

[(C) development and acquisition of equipment and instructional materials to meet the needs of, or otherwise be part of, hate crime or conflict programs; and

[(D) professional training and development for teachers and administrators on the causes, effects, and resolutions of hate crimes or hate-based conflicts.

[(2) APPLICATION.—In order to be eligible to receive a grant under this section for any fiscal year, a local educational agency, or a local educational agency in conjunction with a community-based organization, shall submit an application to the Secretary in such form and containing such information as the Secretary may reasonably require.

[(3) REQUIREMENTS.—Each application under paragraph (2) shall include—

[(A) a request for funds for the purpose described in this section;

[(B) a description of the schools and communities to be served by the grants; and

[(C) assurances that Federal funds received under this section shall be used to supplement, and not supplant, non-Federal funds.

[(4) COMPREHENSIVE PLAN.—Each application shall include a comprehensive plan that contains—

[(A) a description of the hate crime or conflict problems within the schools or the community targeted for assistance;

[(B) a description of the program to be developed or augmented by such Federal and matching funds;

[(C) assurances that such program or activity shall be administered by or under the supervision of the applicant;

[(D) procedures for the proper and efficient administration of such program; and

[(E) fiscal control and fund accounting procedures as may be necessary to ensure prudent use, proper disbursement, and accurate accounting of funds received under this section.

[(c) AWARD OF GRANTS.—

[(1) SELECTION OF RECIPIENTS.—The Secretary shall consider the incidence of crimes and conflicts motivated by bias in the targeted schools and communities in awarding grants under this section.

[(2) GEOGRAPHIC DISTRIBUTION.—The Secretary shall attempt, to the extent practicable, to achieve an equitable geographic distribution of grant awards.

[(3) DISSEMINATION OF INFORMATION.—The Secretary shall attempt, to the extent practicable, to make available information regarding successful hate crime prevention programs, including programs established or expanded with grants under this section.

[(d) REPORTS.—The Secretary shall submit to Congress a report every 2 years that shall contain a detailed statement regarding grants and awards, activities of grant recipients, and an evaluation of programs established under this section.]

[SEC. 4124. [20 U.S.C. 7134] SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES ADVISORY COMMITTEE.]

[(a) ESTABLISHMENT.—

[(1) IN GENERAL.—There is hereby established an advisory committee to be known as the "Safe and Drug Free Schools and Communities Advisory Committee" (referred to in this section as the "Advisory Committee") to—

[(A) consult with the Secretary under subsection (b);

[(B) coordinate Federal school- and community-based substance abuse and violence prevention programs and reduce duplicative research or services;

[(C) develop core data sets and evaluation protocols for safe and drug-free school- and community-based programs;

[(D) provide technical assistance and training for safe and drug-free school- and community-based programs;

[(E) provide for the diffusion of scientifically based research to safe and drug-free school- and community-based programs; and

[(F) review other regulations and standards developed under this title.

[(2) COMPOSITION.—The Advisory Committee shall be composed of representatives from—

[(A) the Department of Education;

[(B) the Centers for Disease Control and Prevention;

[(C) the National Institute on Drug Abuse;

[(D) the National Institute on Alcoholism and Alcohol Abuse;

[(E) the Center for Substance Abuse Prevention;

[(F) the Center for Mental Health Services;

[(G) the Office of Juvenile Justice and Delinquency Prevention;

[(H) the Office of National Drug Control Policy;

[(I) State and local governments, including education agencies; and

[(J) researchers and expert practitioners.

[(3) CONSULTATION.—In carrying out its duties under this section, the Advisory Committee shall annually consult with interested State and local coordinators of school- and community-based substance abuse and violence prevention programs and other interested groups.

[(b) PROGRAMS.—

[(1) IN GENERAL.—From amounts made available under section 4003(2) to carry out this subpart, the Secretary, in consultation with the Advisory Committee, shall carry out scientifically based research programs to strengthen the accountability and effectiveness of the State, chief executive officer's, and national programs under this part.

[(2) GRANTS, CONTRACTS OR COOPERATIVE AGREEMENTS.—The Secretary shall carry out paragraph (1) directly or through grants, contracts, or cooperative agreements with public and private entities and individuals or through agreements with other Federal agencies.

[(3) COORDINATION.—The Secretary shall coordinate programs under this section with other appropriate Federal activities.

[(4) ACTIVITIES.—Activities that may be carried out under programs funded under this section may include—

[(A) the provision of technical assistance and training, in collaboration with other Federal agencies utilizing their expertise and national and regional training systems, for Governors, State educational agencies and local educational agencies to support high quality, effective programs that—

[(i) provide a thorough assessment of the substance abuse and violence problem;

[(ii) utilize objective data and the knowledge of a wide range of community members;

[(iii) develop measurable goals and objectives; and

[(iv) implement scientifically based research activities that have been shown to be effective and that meet identified needs;

[(B) the provision of technical assistance and training to foster program accountability;

[(C) the diffusion and dissemination of best practices and programs;

[(D) the development of core data sets and evaluation tools;

[(E) program evaluations;

[(F) the provision of information on drug abuse education and prevention to the Secretary of Health and Human Services for dissemination by the clearinghouse for alcohol and drug abuse information established under section 501(d)(16) of the Public Health Service Act; and

[(G) other activities that meet unmet needs related to the purpose of this part and that are undertaken in consultation with the Advisory Committee.]

[SEC. 4125. [20 U.S.C. 7135] NATIONAL COORDINATOR PROGRAM.]

[(a) IN GENERAL.—From funds made available to carry out this subpart under section 4003(2), the Secretary may provide for the establishment of a National Coordinator Program under which the Secretary shall award grants to local educational agencies for the hiring of drug prevention and school safety program coordinators.

[(b) USE OF FUNDS.—Amounts received under a grant under subsection (a) shall be used by local educational agencies to recruit, hire, and train individuals to serve as drug prevention and school safety program coordinators in schools with significant drug and school safety problems. Such coordinators shall be responsible for developing, conducting, and analyzing assessments of drug and crime problems at their schools, and administering the safe and drug-free grant program at such schools.]

[SEC. 4126. [20 U.S.C. 7136] COMMUNITY SERVICE GRANT PROGRAM.]

[(a) IN GENERAL.—From funds made available to carry out this subpart under section 4003(2), the Secretary may make grants to States to carry out programs under which students expelled or suspended from school are required to perform community service.

[(b) ALLOCATION.—From the amount described in subsection (a), the Secretary shall allocate among the States—

[(1) one-half according to the ratio between the school-aged population of each State and the school-aged population of all the States; and

[(2) one-half according to the ratio between the amount each State received under section 1124A for the preceding year and the sum of such amounts received by all the States.

[(c) MINIMUM.—For any fiscal year, no State shall be allotted under this section an amount that is less than one-half of 1 percent of the total amount allotted to all the States under this section.

[(d) REALLOTMENT.—The Secretary may reallot any amount of any allotment to a State if the Secretary determines that the State will be unable to use such amount within 2 years of such allot-

ment. Such reallotments shall be made on the same basis as allotments are made under subsection (b).

[(e) DEFINITION.—In this section, the term "State" means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.]

[SEC. 4127. [20 U.S.C. 7137] SCHOOL SECURITY TECHNOLOGY AND RESOURCE CENTER.]

[(a) CENTER.—From funds made available to carry out this subpart under section 4003(2), the Secretary, the Attorney General, and the Secretary of Energy may enter into an agreement for the establishment at the Sandia National Laboratories, in partnership with the National Law Enforcement and Corrections Technology Center—Southeast and the National Center for Rural Law Enforcement in Little Rock, Arkansas, of a center to be known as the "School Security Technology and Resource Center" (hereafter in this section "the Center").

[(b) ADMINISTRATION.—The Center established under subsection (a) shall be administered by the Attorney General.

[(c) FUNCTIONS.—The center established under subsection (a) shall be a resource to local educational agencies for school security assessments, security technology development, evaluation and implementation, and technical assistance relating to improving school security. The Center will also conduct and publish school violence research, coalesce data from victim communities, and monitor and report on schools that implement school security strategies.]

[SEC. 4128. [20 U.S.C. 7138] NATIONAL CENTER FOR SCHOOL AND YOUTH SAFETY.]

[(a) ESTABLISHMENT.—From funds made available to carry out this subpart under section 4003(2), the Secretary of Education and the Attorney General may jointly establish a National Center for School and Youth Safety (in this section referred to as the "Center"). The Secretary of Education and the Attorney General may establish the Center at an existing facility, if the facility has a history of performing two or more of the duties described in subsection (b). The Secretary of Education and the Attorney General shall jointly appoint a Director of the Center to oversee the operation of the Center.

[(b) DUTIES.—The Center shall carry out emergency response, anonymous student hotline, consultation, and information and outreach activities with respect to elementary and secondary school safety, including the following:

[(1) EMERGENCY RESPONSE.—The staff of the Center, and such temporary contract employees as the Director of the Center shall determine necessary, shall offer emergency assistance to local communities to respond to school safety crises. Such assistance shall include counseling for victims and the community, assistance to law enforcement to address short-term security concerns, and advice on how to enhance school safety, prevent future incidents, and respond to future incidents.

[(2) ANONYMOUS STUDENT HOTLINE.—The Center shall establish a toll-free telephone number for students to report criminal activity, threats of criminal activity, and other high-risk behaviors such as substance abuse, gang or cult affiliation, depression, or other warning signs of potentially violent behavior.

The Center shall relay the reports, without attribution, to local law enforcement or appropriate school hotlines. The Director of the Center shall work with the Attorney General to establish guidelines for Center staff to work with law enforcement around the Nation to relay information reported through the hotline.

[(3) CONSULTATION.—The Center shall establish a toll-free number for the public to contact staff of the Center for consultation regarding school safety. The Director of the Center shall hire administrative staff and individuals with expertise in enhancing school safety, including individuals with backgrounds in counseling and psychology, education, law enforcement and criminal justice, and community development to assist in the consultation.

[(4) INFORMATION AND OUTREACH.—The Center shall compile information about the best practices in school violence prevention, intervention, and crisis management, and shall serve as a clearinghouse for model school safety program information. The staff of the Center shall work to ensure local governments, school officials, parents, students, and law enforcement officials and agencies are aware of the resources, grants, and expertise available to enhance school safety and prevent school crime. The staff of the Center shall give special attention to providing outreach to rural and impoverished communities.]

[SEC. 4129. [20 U.S.C. 7139] GRANTS TO REDUCE ALCOHOL ABUSE.]

[(a) IN GENERAL.—The Secretary, in consultation with the Administrator of the Substance Abuse and Mental Health Services Administration, may award grants from funds made available to carry out this subpart under section 4003(2), on a competitive basis, to local educational agencies to enable such agencies to develop and implement innovative and effective programs to reduce alcohol abuse in secondary schools.

[(b) ELIGIBILITY.—To be eligible to receive a grant under subsection (a), a local educational agency shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including—

[(1) a description of the activities to be carried out under the grant;

[(2) an assurance that such activities will include one or more of the proven strategies for reducing underage alcohol abuse as determined by the Substance Abuse and Mental Health Services Administration;

[(3) an explanation of how activities to be carried out under the grant that are not described in paragraph (2) will be effective in reducing underage alcohol abuse, including references to the past effectiveness of such activities;

[(4) an assurance that the applicant will submit to the Secretary an annual report concerning the effectiveness of the programs and activities funded under the grant; and

[(5) such other information as the Secretary determines appropriate.

[(c) STREAMLINING OF PROCESS FOR LOW-INCOME AND RURAL LEAS.—The Secretary, in consultation with the Administrator of

the Substance Abuse and Mental Health Services Administration, shall develop procedures to make the application process for grants under this section more user-friendly, particularly for low-income and rural local educational agencies.

[(d) RESERVATIONS.—

[(1) SAMHSA.—The Secretary may reserve 20 percent of any amount used to carry out this section to enable the Administrator of the Substance Abuse and Mental Health Services Administration to provide alcohol abuse resources and start-up assistance to local educational agencies receiving grants under this section.

[(2) LOW-INCOME AND RURAL AREAS.—The Secretary may reserve 25 percent of any amount used to carry out this section to award grants to low-income and rural local educational agencies.]

[SEC. 4130. [20 U.S.C. 7140] MENTORING PROGRAMS.]

[(a) PURPOSE; DEFINITIONS.—

[(1) PURPOSE.—The purpose of this section is to make assistance available to promote mentoring programs for children with greatest need—

[(A) to assist such children in receiving support and guidance from a mentor;

[(B) to improve the academic achievement of such children;

[(C) to improve interpersonal relationships between such children and their peers, teachers, other adults, and family members;

[(D) to reduce the dropout rate of such children; and

[(E) to reduce juvenile delinquency and involvement in gangs by such children.

[(2) DEFINITIONS.—In this part:

[(A) CHILD WITH GREATEST NEED.—The term "child with greatest need" means a child who is at risk of educational failure, dropping out of school, or involvement in criminal or delinquent activities, or who lacks strong positive role models.

[(B) ELIGIBLE ENTITY.—The term "eligible entity" means—

[(i) a local educational agency;

[(ii) a nonprofit, community-based organization; or

[(iii) a partnership between a local educational agency and a nonprofit, community-based organization.

[(C) MENTOR.—The term "mentor" means a responsible adult, a postsecondary school student, or a secondary school student who works with a child—

[(i) to provide a positive role model for the child;

[(ii) to establish a supportive relationship with the child; and

[(iii) to provide the child with academic assistance and exposure to new experiences and examples of opportunity that enhance the ability of the child to become a responsible adult.

[(D) STATE.—The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

[(b) GRANT PROGRAM.—

[(1) IN GENERAL.—The Secretary may award grants from funds made available to carry out this subpart under section 4003(2) to eligible entities to assist such entities in establishing and supporting mentoring programs and activities for children with greatest need that—

[(A) are designed to link such children [(particularly children living in rural areas, high-crime areas, or troubled home environments, or children experiencing educational failure) with mentors who—

[(i) have received training and support in mentoring;

[(ii) have been screened using appropriate reference checks, child and domestic abuse record checks, and criminal background checks; and

[(iii) are interested in working with children with greatest need; and

[(B) are intended to achieve one or more of the following goals with respect to children with greatest need:

[(i) Provide general guidance.

[(ii) Promote personal and social responsibility.

[(iii) Increase participation in, and enhance the ability to benefit from, elementary and secondary education.

[(iv) Discourage illegal use of drugs and alcohol, violence, use of dangerous weapons, promiscuous behavior, and other criminal, harmful, or potentially harmful activity.

[(v) Encourage participation in community service and community activities.

[(vi) Encourage setting goals and planning for the future, including encouragement of graduation from secondary school and planning for postsecondary education or training.

[(viii) Discourage involvement in gangs.

[(2) USE OF FUNDS.—

[(A) IN GENERAL.—Each eligible entity awarded a grant under this subsection shall use the grant funds for activities that establish or implement a mentoring program, that may include—

[(i) hiring of mentoring coordinators and support staff;

[(ii) providing for the professional development of mentoring coordinators and support staff;

[(iii) recruitment, screening, and training of mentors;

[(iv) reimbursement to schools, if appropriate, for the use of school materials or supplies in carrying out the mentoring program;

[(v) dissemination of outreach materials;

[(vi) evaluation of the mentoring program using scientifically based methods; and

[(vii) such other activities as the Secretary may reasonably prescribe by rule.

[(B) PROHIBITED USES.—Notwithstanding subparagraph (A), an eligible entity awarded a grant under this section may not use the grant funds—

[(i) to directly compensate mentors;

[(ii) to obtain educational or other materials or equipment that would otherwise be used in the ordinary course of the eligible entity's operations;

[(iii) to support litigation of any kind; or

[(iv) for any other purpose reasonably prohibited by the Secretary by rule.

[(3) AVAILABILITY OF FUNDS.—Funds made available through a grant under this section shall be available for obligation for a period not to exceed 3 years.

[(4) APPLICATION.—Each eligible entity seeking a grant under this section shall submit to the Secretary an application that includes—

[(A) a description of the plan for the mentoring program the eligible entity proposes to carry out with such grant;

[(B) information on the children expected to be served by the mentoring program for which such grant is sought;

[(C) a description of the mechanism the eligible entity will use to match children with mentors based on the needs of the children;

[(D) an assurance that no mentor will be assigned to mentor so many children that the assignment will undermine the mentor's ability to be an effective mentor or the mentor's ability to establish a close relationship (a one-to-one relationship, where practicable) with each mentored child;

[(E) an assurance that the mentoring program will provide children with a variety of experiences and support, including—

[(i) emotional support;

[(ii) academic assistance; and

[(iii) exposure to experiences that the children might not otherwise encounter on their own;

[(F) an assurance that the mentoring program will be monitored to ensure that each child assigned a mentor benefits from that assignment and that the child will be assigned a new mentor if the relationship between the original mentor and the child is not beneficial to the child;

[(G) information regarding how mentors and children will be recruited to the mentoring program;

[(H) information regarding how prospective mentors will be screened;

[(I) information on the training that will be provided to mentors; and

[(J) information on the system that the eligible entity will use to manage and monitor information relating to the mentoring program's—

[(i) reference checks;

[(ii) child and domestic abuse record checks;

[(iii) criminal background checks; and

[(iv) procedure for matching children with mentors.

[(5) SELECTION.—

[(A) COMPETITIVE BASIS.—In accordance with this subsection, the Secretary shall award grants to eligible entities on a competitive basis.

[(B) PRIORITY.—In awarding grants under subparagraph (A), the Secretary shall give priority to each eligible entity that—

[(i) serves children with greatest need living in rural areas, high-crime areas, or troubled home environments, or who attend schools with violence problems;

[(ii) provides high quality background screening of mentors, training of mentors, and technical assistance in carrying out mentoring programs; or

[(iii) proposes a school-based mentoring program.

[(C) OTHER CONSIDERATIONS.—In awarding grants under subparagraph (A), the Secretary shall also consider—

[(i) the degree to which the location of the mentoring program proposed by each eligible entity contributes to a fair distribution of mentoring programs with respect to urban and rural locations;

[(ii) the quality of the mentoring program proposed by each eligible entity, including—

[(I) the resources, if any, the eligible entity will dedicate to providing children with opportunities for job training or postsecondary education;

[(II) the degree to which parents, teachers, community-based organizations, and the local community have participated, or will participate, in the design and implementation of the proposed mentoring program;

[(III) the degree to which the eligible entity can ensure that mentors will develop longstanding relationships with the children they mentor;

[(IV) the degree to which the mentoring program will serve children with greatest need in the 4th through 8th grades; and

[(V) the degree to which the mentoring program will continue to serve children from the 9th grade through graduation from secondary school, as needed; and

[(iii) the capability of each eligible entity to effectively implement its mentoring program.

[(D) GRANT TO EACH STATE.—Notwithstanding any other provision of this subsection, in awarding grants under subparagraph (A), the Secretary shall select not less than one

grant recipient from each State for which there is an eligible entity that submits an application of sufficient quality pursuant to paragraph (4).

[(6) MODEL SCREENING GUIDELINES.—

[(A) IN GENERAL.—Based on model screening guidelines developed by the Office of Juvenile Programs of the Department of Justice, the Secretary shall develop and distribute to each eligible entity awarded a grant under this section specific model guidelines for the screening of mentors who seek to participate in mentoring programs assisted under this section.

[(B) BACKGROUND CHECKS.—The guidelines developed under this subsection shall include, at a minimum, a requirement that potential mentors be subject to reference checks, child and domestic abuse record checks, and criminal background checks.]

[Subpart 3—Gun Possession]

[SEC. 4141. [20 U.S.C. 7151] GUN-FREE REQUIREMENTS.]

[(a) SHORT TITLE.—This subpart may be cited as the "Gun-Free Schools Act".

[(b) REQUIREMENTS.—

[(1) IN GENERAL.—Each State receiving Federal funds under any title of this Act shall have in effect a State law requiring local educational agencies to expel from school for a period of not less than 1 year a student who is determined to have brought a firearm to a school, or to have possessed a firearm at a school, under the jurisdiction of local educational agencies in that State, except that such State law shall allow the chief administering officer of a local educational agency to modify such expulsion requirement for a student on a case-by-case basis if such modification is in writing.

[(2) CONSTRUCTION.—Nothing in this subpart shall be construed to prevent a State from allowing a local educational agency that has expelled a student from such a student's regular school setting from providing educational services to such student in an alternative setting.

[(3) DEFINITION.—For the purpose of this section, the term "firearm" has the same meaning given such term in section 921(a) of title 18, United States Code.

[(c) SPECIAL RULE.—The provisions of this section shall be construed in a manner consistent with the Individuals with Disabilities Education Act.

[(d) REPORT TO STATE.—Each local educational agency requesting assistance from the State educational agency that is to be provided from funds made available to the State under any title of this Act shall provide to the State, in the application requesting such assistance—

[(1) an assurance that such local educational agency is in compliance with the State law required by subsection (b); and

[(2) a description of the circumstances surrounding any expulsions imposed under the State law required by subsection (b), including—

[(A) the name of the school concerned;

[(B) the number of students expelled from such school; and

[(C) the type of firearms concerned.

[(e) REPORTING.—Each State shall report the information described in subsection (d) to the Secretary on an annual basis.

[(f) DEFINITION.—For the purpose of subsection (d), the term "school" means any setting that is under the control and supervision of the local educational agency for the purpose of student activities approved and authorized by the local educational agency.

[(g) EXCEPTION.—Nothing in this section shall apply to a firearm that is lawfully stored inside a locked vehicle on school property, or if it is for activities approved and authorized by the local educational agency and the local educational agency adopts appropriate safeguards to ensure student safety.

[(h) POLICY REGARDING CRIMINAL JUSTICE SYSTEM REFERRAL.—

[(1) IN GENERAL.—No funds shall be made available under any title of this Act to any local educational agency unless such agency has a policy requiring referral to the criminal justice or juvenile delinquency system of any student who brings a firearm or weapon to a school served by such agency.

[(2) DEFINITION.—For the purpose of this subsection, the term "school" has the same meaning given to such term by section 921(a) of title 18, United States Code.]

[Subpart 4—General Provisions]

[SEC. 4151. [20 U.S.C. 7161] DEFINITIONS.]

[In this part:

[(1) CONTROLLED SUBSTANCE.—The term "controlled substance" means a drug or other substance identified under Schedule I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)).

[(2) DRUG.—The term "drug" includes controlled substances; the illegal use of alcohol and tobacco; and the harmful, abusive, or addictive use of substances, including inhalants and anabolic steroids.

[(3) DRUG AND VIOLENCE PREVENTION.—The term "drug and violence prevention" means—

[(A) with respect to drugs, prevention, early intervention, rehabilitation referral, or education related to the illegal use of drugs;

[(B) with respect to violence, the promotion of school safety, such that students and school personnel are free from violent and disruptive acts, including sexual harassment and abuse, and victimization associated with prejudice and intolerance, on school premises, going to and from school, and at school-sponsored activities, through the creation and maintenance of a school environment that is free of weapons and fosters individual responsibility and respect for the rights of others.

[(4) HATE CRIME.—The term "hate crime" means a crime as described in section 1(b) of the Hate Crime Statistics Act of 1990.

[(5) NONPROFIT.—The term "nonprofit", as applied to a school, agency, organization, or institution means a school, agency, organization, or institution owned and operated by one or more nonprofit corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

[(6) PROTECTIVE FACTOR, BUFFER, OR ASSET.—The terms "protective factor", "buffer", and "asset" mean any one of a number of the community, school, family, or peer-individual domains that are known, through prospective, longitudinal research efforts, or which are grounded in a well-established theoretical model of prevention, and have been shown to prevent alcohol, tobacco, or illegal drug use, as well as violent behavior, by youth in the community, and which promote positive youth development.

[(7) RISK FACTOR.—The term "risk factor" means any one of a number of characteristics of the community, school, family, or peer-individual domains that are known, through prospective, longitudinal research efforts, to be predictive of alcohol, tobacco, and illegal drug use, as well as violent behavior, by youth in the school and community.

[(8) SCHOOL-AGED POPULATION.—The term "school-aged population" means the population aged five through 17, as determined by the Secretary on the basis of the most recent satisfactory data available from the Department of Commerce.

[(9) SCHOOL BASED MENTAL HEALTH SERVICES PROVIDER.—The term "school based mental health services provider" includes a State licensed or State certified school counselor, school psychologist, school social worker, or other State licensed or certified mental health professional qualified under State law to provide such services to children and adolescents.

[(10) SCHOOL PERSONNEL.—The term "school personnel" includes teachers, principals, administrators, counselors, social workers, psychologists, nurses, librarians, and other support staff who are employed by a school or who perform services for the school on a contractual basis.

[(11) SCHOOL RESOURCE OFFICER.—The term "school resource officer" means a career law enforcement officer, with sworn authority, deployed in community oriented policing, and assigned by the employing police department to a local educational agency to work in collaboration with schools and community based organizations to—

[(A) educate students in crime and illegal drug use prevention and safety;

[(B) develop or expand community justice initiatives for students; and

[(C) train students in conflict resolution, restorative justice, and crime and illegal drug use awareness.]

[SEC. 4152. [20 U.S.C. 7162] MESSAGE AND MATERIALS.]

[(a) "WRONG AND HARMFUL" MESSAGE.—Drug and violence prevention programs supported under this part shall convey a clear and consistent message that the illegal use of drugs and acts of violence are wrong and harmful.

[(b) CURRICULUM.—The Secretary shall not prescribe the use of specific curricula for programs supported under this part.]

[SEC. 4153. [20 U.S.C. 7163] PARENTAL CONSENT.]

[Upon receipt of written notification from the parents or legal guardians of a student, the local educational agency shall withdraw such student from any program or activity funded under this part. The local educational agency shall make reasonable efforts to inform parents or legal guardians of the content of such programs or activities funded under this part, other than classroom instruction.]

[SEC. 4154. [20 U.S.C. 7164] PROHIBITED USES OF FUNDS.]

[No funds under this part may be used for—

[(1) construction (except for minor remodeling needed to accomplish the purposes of this part); or

[(2) medical services, drug treatment or rehabilitation, except for pupil services or referral to treatment for students who are victims of, or witnesses to, crime or who illegally use drugs.]

[SEC. 4155. [20 U.S.C. 7165] TRANSFER OF SCHOOL DISCIPLINARY RECORDS.]

[(a) NONAPPLICATION OF PROVISIONS.—This section shall not apply to any disciplinary records with respect to a suspension or expulsion that are transferred from a private, parochial or other nonpublic school, person, institution, or other entity, that provides education below the college level.

[(b) DISCIPLINARY RECORDS.—In accordance with the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g), not later than 2 years after the date of enactment of this part, each State receiving Federal funds under this Act shall provide an assurance to the Secretary that the State has a procedure in place to facilitate the transfer of disciplinary records, with respect to a suspension or expulsion, by local educational agencies to any private or public elementary school or secondary school for any student who is enrolled or seeks, intends, or is instructed to enroll, on a full- or part-time basis, in the school.]

PART A—IMPROVING LITERACY INSTRUCTION AND STUDENT ACHIEVEMENT

SEC. 4101. SHORT TITLE.

This part may be cited as the "Improving Literacy Instruction and Student Achievement Act".

SEC. 4102. PURPOSES.

The purposes of this part are—

(1) to improve student academic achievement in reading and writing by providing Federal support to State educational agencies to develop, coordinate, and implement comprehensive literacy plans that ensure high-quality instruction and effective strategies in reading and writing from early education through grade 12; and

(2) to assist State educational agencies in achieving the purpose described in paragraph (1) by—

(A) supporting the development and implementation of comprehensive early learning through grade 12 literacy programs in every State that are based on scientifically valid research, to ensure that every child can read and write at grade level or above;

(B) providing children with learning opportunities in high-quality, language rich, literature rich, informational text rich, culturally relevant, and developmentally appropriate environments so that the children develop the fundamental knowledge and skills necessary for literacy engagement, development, and achievement in kindergarten through grade 12;

(C) educating parents in the ways the parents can support their child's communication and literacy development;

(D) supporting efforts to link and align standards and research-based instruction and teaching practices in early learning programs;

(E) supporting high-quality and effective strategies for children to develop oral language, reading, and writing abilities through high-quality research-based instruction and teaching practices;

(F) improving academic achievement by establishing adolescent literacy initiatives that provide explicit and systematic instruction in oral language, reading, and writing development across the curriculum;

(G) identifying and supporting children reading and writing significantly below grade level by providing research-based, intensive interventions, including interventions conducted during extended learning time, to help the children acquire the language and literacy skills the children need to stay on track for graduation;

(H) providing assistance to local educational agencies in order to provide educators with ongoing, job embedded professional development, and other support, that focuses on—

(i) effective literacy instruction; and

(ii) the special knowledge and skills necessary to teach and support literacy development effectively across the developmental and age span;

(I) supporting State educational agencies and local educational agencies in improving reading, writing, and literacy-based academic achievement for children, especially children who are low-income individuals, are English learners, are migratory, are children with disabilities, are Indian or Alaskan Native, are neglected or delinquent, are homeless, are in the custody of the child welfare system, or have dropped out of school;

(J) supporting State educational agencies and local educational agencies in using age appropriate and developmentally and linguistically appropriate instructional materials and strategies that assist teachers as the teachers work with children to develop reading and writing competencies appropriate to the children's grade and skill levels;

(K) strengthening coordination among schools, early literacy programs, family literacy programs, juvenile justice programs, public libraries, and outside-of-school programs that provide children with strategies, curricula, interventions, and assessments designed to advance early and continuing language and literacy development in ways appropriate for each context;

(L) supporting professional development for educators based on scientific approaches to adult learning; and

(M) evaluating whether the professional development activities and approaches are effective in building knowledge and skills of educators and their use of appropriate and effective practices.

SEC. 4103. DEFINITIONS.

In this part:

(1) CHILD.—The term "child" means an individual from the age of birth through the final year for which the State provides free public education.

(2) CLASSROOM-BASED INSTRUCTIONAL ASSESSMENT.—The term "classroom-based instructional assessment" means an assessment for children from birth through grade 3 that—

(A) is valid and reliable for the age and population of children served in the program;

(B) is used to evaluate children's developmental progress and learning and includes systematic observations by teachers of children performing tasks, including academic and literacy tasks, that are part of the children's daily classroom experience; and

(C) is used to improve classroom instruction.

(3) COMPREHENSIVE LITERACY INSTRUCTION.—The term "comprehensive literacy instruction" means instruction that—

(A) incorporates effective literacy instruction; and

(B) is designed to support—

(i) developmentally appropriate, contextually explicit, systematic instruction, and frequent practice, in reading across content areas; and

(ii) developmentally appropriate and contextually explicit instruction, and frequent practice, in writing across content areas.

(4) DEVELOPMENTAL DELAY.—The term "developmental delay" has the meaning given the term in section 632 of the Individuals with Disabilities Education Act (20 U.S.C. 1432).

(5) EARLY LEARNING PROGRAM.—The term "early learning program" means a program serving children between the ages of birth and kindergarten entry.

(6) EFFECTIVE LITERACY INSTRUCTION.—

(A) IN GENERAL.—The term "effective literacy instruction" means literacy instruction that—

(i) includes age-appropriate, explicit, systematic, and intentional instruction in phonological awareness, phonic decoding, vocabulary, language structure, reading fluency, and reading comprehension;

(ii) includes age-appropriate, explicit instruction in writing, including opportunities for children to write

with clear purposes, with critical reasoning appropriate to the topic and purpose, and with specific instruction and feedback from instructional staff;

(iii) makes available and uses diverse, high-quality print materials that reflect the reading and development levels, and interests, of children;

(iv) uses differentiated instructional approaches, including individual and small group instruction and discussion;

(v) provides opportunities for children to use language with peers and adults in order to develop language skills, including developing vocabulary;

(vi) includes frequent practice of reading and writing strategies;

(vii) uses age-appropriate, valid, and reliable screening assessments, diagnostic assessments, formative assessments, and summative assessments to identify a child's learning needs, to inform instruction, and to monitor the child's progress and the effects of instruction;

(viii) uses strategies to enhance children's motivation to read and write and children's engagement in self-directed learning;

(ix) incorporates the principles of universal design for learning;

(x) depends on teachers' collaboration in planning, instruction, and assessing a child's progress and on continuous professional learning; and

(xi) links literacy instruction to the State college and career ready academic content standards under section 1111(a)(1), including the ability to navigate, understand, and write about, complex print and digital subject matter.

(B) BIRTH THROUGH KINDERGARTEN.—When used with respect to instruction for children from birth to kindergarten entry, the term "effective literacy instruction" also includes—

(i) developing such children's alphabet knowledge, reading aloud to children, discussing reading and writing with children, and modeling age and developmentally appropriate reading and writing strategies; and

(ii) encouraging children's early attempts at oral communication, reading, and writing.

(C) KINDERGARTEN THROUGH GRADE 12.—When used with respect to the instruction of children in kindergarten through grade 12, the term "effective literacy instruction" also includes—

(i) providing systematic and intensive interventions, which can be provided inside or outside the classroom as well as before, during, or after regular school hours, to supplement regular instruction for children reading below grade level;

(ii) providing reading and writing opportunities that build academic vocabulary and knowledge of different text structures in core academic subjects;

(iii) enabling children to write, communicate, and create knowledge, in ways that fit purpose, audience, occasion, discipline, and format, including practice in—

(I) adhering to language conventions, including spelling, punctuation, and grammar;

(II) planning and revising to improve clarity, coherence, logical development, and language usage; and

(III) writing individually and collaboratively with feedback from instructors and peers; and

(iv) cultivating shared responsibility for children's literacy learning by coordinating writing tasks, instructional practices, and criteria for feedback across academic content areas.

(7) ELIGIBLE ENTITY.—The term "eligible entity" means an entity—

(A) that serves high-need children; and

(B)(i) when used with respect to a subgrant under section 4108, that consists of—

(I) 1 or more local educational agencies providing early learning programs that have a demonstrated record of providing comprehensive literacy instruction for the age group such agencies or programs propose to serve;

(II) 1 or more public or private early learning programs, such as a Head Start program, a child care program, a State-funded prekindergarten program, a public library program, or a family literacy program, that have a demonstrated record of providing comprehensive literacy instruction for the age group such programs propose to serve; or

(III) 1 or more local educational agencies providing early learning programs, or 1 or more public or private early learning programs, such as a Head Start program, a child care program, a State-funded prekindergarten program, a public library program, or a family literacy program, in partnership with 1 or more public or private nonprofit organizations or agencies that have a demonstrated record of effectiveness—

(aa) in improving the early literacy development of children from birth through kindergarten entry; and

(bb) in providing professional development aligned with the activities described in section 4108(e)(1); or

(ii) when used with respect to a subgrant under section 4109—

(I) that is—

(aa) a local educational agency;

(bb) a consortium of local educational agencies; or

(cc) a local educational agency or consortium of local educational agencies acting in partnership with 1 or more public or private nonprofit organizations or agencies that have a demonstrated record of effectiveness in—

(AA) improving literacy achievement of children consistent with the purposes of their participation from kindergarten through grade 12; and

(BB) providing professional development aligned with the activities described in subsection (b) and (c) of section 4109; and

(II)(aa) has the highest numbers or proportion of children who are counted under section 1124(c), in comparison to other local educational agencies in the State;

(bb) is among or consists of the local educational agencies in the State with the highest numbers or percentages of children reading or writing below grade level, based on the most currently available State academic assessment data under section 1111(a); or

(cc) has jurisdiction over a significant number or percentage of schools that are identified as persistently low-achieving under section 1116(c)(2).

(8) ENGLISH LANGUAGE ACQUISITION.—

(A) IN GENERAL.—The term "English language acquisition" means the process by which a non-native English speaker acquires proficiency in speaking, listening, reading, and writing the English language.

(B) INCLUSIONS FOR ENGLISH LEARNERS IN SCHOOL.—For an English learner in school, such term includes not only the social language proficiency needed to participate in the school environment, but also the academic language proficiency needed to acquire literacy and academic content and demonstrate the child's learning.

(9) FAMILY LITERACY SERVICES.—The term "family literacy services" means literacy services provided to participants on a voluntary basis that are of sufficient intensity and quality, that better enable parents to support their children's learning needs, and that integrate—

(A) interactive literacy activities between or among family members who are primary caregivers and their children, including family literacy education to improve literacy of parents; and

(B) training for family members who are primary caregivers regarding how to be the primary teacher for their children and full partners in the education of their children.

(10) FORMATIVE ASSESSMENT.—The term "formative assessment" means an assessment that—

(A) is teacher-generated or selected by teachers or instructional leaders for use during learning;

(B) is embedded within the learning activity and linked directly to the intended outcomes of the current unit of instruction; and

(C) provides feedback to help adjust ongoing teaching and learning to improve children's achievement of intended instructional outcomes.

(11) HIGH-QUALITY PROFESSIONAL DEVELOPMENT.—The term "high-quality professional development" means professional development that—

(A) is job-embedded, ongoing, and based on scientifically valid research;

(B) is sustained, intensive, and classroom-focused, and is not limited in scope to a 1-day or short-term workshop or conference;

(C) is designed to increase the knowledge and expertise of teachers, early childhood educators and administrators, principals, other instructional leaders, and other program staff in applying—

(i) effective literacy instruction; and

(ii) instructional strategies and practices that are appropriate to the age, development, and needs of children and improve learning, including strategies and practices consistent with the principles of universal design for learning;

(D) includes and supports teachers in effectively administering age and developmentally appropriate assessments, and analyzing the results of these assessments for the purposes of planning, monitoring, adapting, and improving effective classroom instruction or teaching strategies to improve child literacy;

(E) includes instructional strategies utilizing one-to-one, small group, and classroom-based instructional materials and approaches based on scientifically valid research on literacy;

(F) provides ongoing instructional literacy coaching—

(i) to ensure high-quality implementation of comprehensive literacy instruction that is—

(I) content centered;

(II) integrated across the curriculum;

(III) collaborative; and

(IV) school, setting, and classroom embedded; and

(ii) that uses student data to improve instruction;

(G) includes and supports teachers in setting high reading and writing achievement goals for all children and provides the teachers with the instructional tools and skills to help children reach such goals;

(H) for educators serving children in kindergarten through grade 12—

(i) supports effective literacy instruction through core academic subjects, and through career and technical education subjects where such career and technical

education subjects provide for the integration of core academic subjects; and

(ii) includes explicit instruction in discipline-specific thinking and how to read and interpret discipline-specific text structures and features;

(I) is differentiated for educators working with children from birth through kindergarten entry, children in kindergarten through grade 3, and children in grades 4 through 12, and, as appropriate, based on the grade or needs of the children; and

(J) supports family literacy experiences and practices, and educating parents, teachers, and other caregivers about literacy development and child literacy development.

(12) INSTRUCTIONAL LEADER.—The term "instructional leader" means an individual who—

(A) is an employee or officer of a school; and

(B) is responsible for—

(i) the school's performance; and

(ii) the daily instructional and managerial operations of the school.

(13) LITERACY COACH.—The term "literacy coach" means a professional—

(A) who has—

(i) previous teaching experience; and

(ii)(I) a master's degree with a concentration in reading and writing education or demonstrated proficiency in teaching reading or writing in a core academic subject consistent with effective literacy instruction; or

(II) in the case of a literacy coach for children from birth through kindergarten entry, a concentration, credential, or significant experience in child development and early literacy development;

(B) who supports teachers to—

(i) apply research on how children become successful readers, writers, and communicators;

(ii) apply multiple forms of assessment to guide instructional decisionmaking and use data to improve literacy instruction;

(iii) improve children's writing and reading in and across content areas such as mathematics, science, social studies, and language arts;

(iv) develop and implement differentiated instruction and teaching approaches to serve the needs of the full range of learners, including English learners and children with disabilities;

(v) apply principles of universal design for learning;

(vi) employ best practices in engaging principals, early learning program educators and administrators, teachers, and other relevant professionals to change school cultures that encourage and support literacy development and achievement; and

(vii) set for children birth through kindergarten developmentally appropriate expectations for language and literacy development, and high reading and writ-

ing achievement goals for all children and select, acquire, and use instructional tools and skills to help children reach such goals; and

(C) whose role with teachers and professionals supporting literacy instruction is—

(i) to provide high-quality professional development, consistent with the definition of comprehensive literacy instruction;

(ii) to work cooperatively and collaboratively with principals, teachers, and other professionals in employing strategies to help teachers identify and support child literacy and language development needs and teach literacy across the content areas and developmental domains; and

(iii) to work cooperatively and collaboratively with other professionals in employing strategies to help teachers teach literacy across the content areas so that the teachers can meet the needs of all children, including children with disabilities, English learners, and children who are reading at or above grade level.

(14) LOCAL EDUCATIONAL AGENCY.—The term "local educational agency"—

(A) has the meaning given the term in section 9101; and

(B) includes any public charter school that constitutes a local educational agency under State law.

(15) READING.—The term "reading" means a complex system of deriving meaning from print that is developmentally appropriate, that requires all of the following:

(A) The skills and knowledge to understand how phonemes, or speech sounds, are connected to print.

(B) The ability to read with comprehension.

(C) The ability to decode unfamiliar words with fluency.

(D) The use of background knowledge and vocabulary to make meaning from a text.

(E) The development and use of appropriate active strategies to interpret and construct meaning from print.

(F) The development and maintenance of a motivation to read.

(16) SCIENTIFICALLY VALID RESEARCH.—The term "scientifically valid research" has the meaning given the term in section 200 of the Higher Education Act of 1965 (20 U.S.C. 1021).

(17) SCREENING ASSESSMENT.—The term "screening assessment" means an assessment that is—

(A) valid, reliable, and based on scientifically based reading research; and

(B) a brief procedure designed as a first step in identifying children who may be at high risk for delayed development or academic failure and in need of further diagnosis of their need for special services or additional reading instruction.

(18) STATE.—The term "State" means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

(19) STATE LITERACY LEADERSHIP TEAM.—

(A) IN GENERAL.—The term "State literacy leadership team" means a team that—

(i) is appointed and coordinated by the State educational agency;

(ii) assumes the responsibility to guide the development and implementation of a statewide, comprehensive literacy plan;

(iii) shall include, at a minimum—

(I) a school principal with literacy expertise;

(II) a teacher with literacy expertise;

(III) a teacher or administrator with expertise in special education;

(IV) a teacher or administrator with expertise in teaching the English language to English learners;

(V) a representative from the State educational agency who oversees literacy initiatives; and

(VI) a representative from higher education who is actively involved in research, development, or teacher preparation in comprehensive literacy instruction and intervention based on scientifically valid research;

(iv) may include—

(I) a literacy specialist serving in a school district within the State;

(II) a literacy coach;

(III) a librarian;

(IV) a representative with family literacy expertise;

(V) a representative from a State child-serving agency with expertise in comprehensive language and literacy instruction and strategies;

(VI) a school counselor;

(VII) a teacher of a core academic subject;

(VIII) a special education administrator;

(IX) a professor from a 4-year institution of higher education;

(X) a parent;

(XI) a business leader;

(XII) the Governor or a delegated representative of the Governor;

(XIII) a representative from the State board of education;

(XIV) a representative from the State legislature;

(XV) a representative of a nonprofit and community-based organization providing comprehensive literacy instruction and support; and

(XVI) a representative from a school district superintendent's office; and

(v) shall include, among the individuals selected to be members of the council pursuant to clauses (iii) and (iv), not less than 5 individuals who have literacy expertise in 1 of each of the areas of—

(I) birth through kindergarten entry, such as the State Head Start collaboration director;

(II) kindergarten entry through grade 3;
(III) grades 4 through 12;
(IV) English learners; and
(V) special education.

(B) INCLUSION OF A PREEXISTING PARTNERSHIP.—If, before the date of enactment of the Elementary and Secondary Education Reauthorization Act of 2011, a State educational agency established a consortium, partnership, or any other similar body that was considered a literacy partnership for purposes of subpart 1 or 2 of part B of title I (as such title was in effect on such date) and that includes the individuals required under clauses (iii) and (v) of subparagraph (A), such consortium, partnership, or body may be considered a State literacy leadership team for purposes of subparagraph (A).

(20) SUMMATIVE ASSESSMENT.—The term "summative assessment" means an assessment that—

(A) is valid, reliable, and based on scientifically valid research on literacy and English language acquisition; and

(B) for children from birth through kindergarten entry, measures how young children have progressed over time relative to developmental norms, and for children in kindergarten through grade 12, measures what children have learned over time, relative to academic content standards.

(21) WRITING.—The term "writing" means—

(A) composing meaning in print or through other media, including technologies, to communicate and to create new knowledge in ways appropriate to the context of the writing and the literacy development stage of the writer;

(B) composing ideas individually and collaboratively in ways that are appropriate for a variety of purposes, audiences, and occasions;

(C) choosing vocabulary, tone, genre, and conventions, such as spelling and punctuation, suitable to the purpose, audience, and occasion; and

(D) revising compositions for clarity of ideas, coherence, logical development, and precision of language use.

SEC. 4104. PROGRAM AUTHORIZED.

(a) RESERVATIONS AND AWARDS TO STATE EDUCATIONAL AGENCIES.—

(1) IN GENERAL.—From the amounts appropriated to carry out this part for a fiscal year, the Secretary shall—

(A) reserve not more than a total of 4 percent of such amounts for dissemination of information and technical assistance under section 4110;

(B) reserve not more than 5 percent of such amounts to award planning grants, on a competitive basis, to State educational agencies serving States, in accordance with section 4105;

(C) in the case of a fiscal year for which the amounts to carry out this part are less than $500,000,000, use the amount not reserved under subparagraphs (A) and (B) to make awards, on a competitive basis, to State educational agencies serving States that have applications approved

under section 4106 to enable the State educational agencies to carry out the activities described in section 4106(a); and

(D) in the case of a fiscal year for which the amounts appropriated to carry out this part are equal to or exceeding $500,000,000—

(i) reserve a total of 1 percent of such amount for—

(I) allotments for the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, to be distributed among such outlying areas on the basis of their relative need, as determined by the Secretary in accordance with the purposes of this part; and

(II) the Secretary of the Interior for programs under sections 4105 through 4109 in schools operated or funded by the Bureau of Indian Education; and

(ii) use the amount not reserved under clause (i) and subparagraphs (A) and (B) to make awards, as described in paragraph (2), to State educational agencies serving States that have applications approved under section 4106 to enable the State educational agencies to carry out the activities described in section 4106(a).

(2) SPECIAL RULES FOR YEARS WITH FUNDS EQUAL OR EXCEEDING $500,000,000.—

(A) PROPORTIONAL DIVISION.—In each fiscal year described in paragraph (1)(D), the amount reserved under paragraph (1)(D)(i) shall be divided between the uses described in subclauses (I) and (II) of such paragraph in the same proportion as the amount reserved under section 1121(a) is divided between the uses described in paragraphs (1) and (2) of such section for such fiscal year.

(B) CONSULTATION.—A State educational agency that receives an allotment under paragraph (1)(D)(ii) shall engage in timely and meaningful consultation with representatives of Indian tribes located in the State in order to improve the coordination and quality of activities designed to develop effective approaches to achieve the purposes of this part consistent with the cultural, language, and educational needs of Indian children.

(C) STATE ALLOTMENT FORMULA.—The Secretary shall allot the amount made available under paragraph (1)(D)(ii) for a fiscal year among the States in proportion to the number of children, from birth through age 17, who reside within the State and are from families with incomes below the poverty line for the most recent fiscal year for which satisfactory data are available, compared to the number of such children who reside in all States for that fiscal year.

(3) MINIMUM AWARD AMOUNT.—No State educational agency receiving an award under this section for a fiscal year may receive less than one-fourth of 1 percent of the total amount appropriated to carry out this part for the fiscal year.

(4) PUERTO RICO.—The amount allotted under paragraph (1)(C) to the Commonwealth of Puerto Rico for a fiscal year

may not exceed one-fourth of 1 percent of the total amount appropriated to carry out this part for such fiscal year.

(b) PEER REVIEW.—

(1) IN GENERAL.—The Secretary shall convene a peer review panel to evaluate the applications to carry out section 4105 or 4106 using the evaluation criteria described in paragraph (2).

(2) DEVELOPMENT OF EVALUATION CRITERIA.—The Secretary shall report to the authorizing committees regarding the peer review process and evaluation criteria that shall be used to evaluate the grant applications to carry out sections 4105 and 4106.

(3) MEMBERSHIP.—

(A) COMPOSITION.—A peer review panel convened under paragraph (1) shall be composed of not less than 9 members, of whom—

(i) 3 shall be appointed by the Secretary;

(ii) 3 shall be appointed by the Secretary from among individuals—

(I) recommended by the Chairman of the National Research Council of the National Academy of Sciences; and

(II) with expertise in comprehensive language and literacy instruction and strategies; and

(iii) 3 shall be appointed by the Secretary from among individuals—

(I) recommended by the Director of the National Institute of Child Health and Human Development; and

(II) with expertise concerning literacy development in children from birth through grade 12.

(B) COMPETENCY AND EXPERTISE; EXPERTISE.—The peer review panel convened under paragraph (1) may include—

(i) classroom teachers with expertise in literacy, and literacy coaches, including—

(I) special education teachers;

(II) teachers of children who are English learners; and

(III) early childhood educators;

(ii) experts who provide high-quality professional development to teachers and other instructional staff to support children's literacy development;

(iii) experts in the screening assessment, diagnostic assessment, and other assessment of children's literacy development; and

(iv) experts in comprehensive literacy instruction and strategies in reading and writing, language development, and English language acquisition, as appropriate, including reading and writing in core academic subjects.

(4) DISTRIBUTION OF RECOMMENDATIONS.—Not later than 120 days after a peer review panel submits to the Secretary the panel's recommendation regarding an application by a State educational agency for a grant under section 4105 or 4106, the Secretary shall notify the State educational agency that the appli-

cation has been approved or disapproved and shall provide to such State educational agency a copy of the peer review panel's recommendation.

(c) CONFLICTS OF INTEREST.—

(1) PEER REVIEW PANELS.—The Secretary shall ensure that each member of a peer review panel described in subsection (b) does not stand to benefit financially from a grant or subgrant awarded under this part.

(2) STATE LITERACY LEADERSHIP TEAMS.—Each State educational agency that receives funding under this part shall ensure that each member of a State literacy leadership team participating in a program or activity assisted under this part does not stand to benefit financially from a grant or subgrant awarded under this part.

(d) SUPPLEMENT NOT SUPPLANT.—Award funds provided under this part shall supplement, and not supplant, non-Federal funds that would, in the absence of such award funds, be made available for literacy instruction and support of children participating in programs assisted under this part.

(e) MAINTENANCE OF EFFORT.—Each State educational agency that receives a grant or allotment under this section, and each eligible entity that receives a subgrant under section 4108 or 4109, shall maintain for the fiscal year for which the grant or subgrant is received and for each subsequent fiscal year the expenditures of the State educational agency or eligible entity, respectively, for literacy instruction at a level not less than the level of such expenditures maintained by the State educational agency or eligible entity, respectively, for the fiscal year preceding such fiscal year for which the grant or subgrant is received.

SEC. 4105. STATE PLANNING GRANTS.

(a) PLANNING GRANTS AUTHORIZED.—

(1) IN GENERAL.—From amounts made available under section 4104(a)(1)(B), the Secretary may award planning grants to State educational agencies to enable the State educational agencies to complete comprehensive planning to carry out activities that improve literacy for children from birth through grade 12.

(2) GRANT PERIOD.—A planning grant awarded under this section shall be for a period of not more than 1 year.

(3) NONRENEWABILITY.—The Secretary shall not award a State educational agency more than 1 planning grant under this section.

(b) APPLICATION.—

(1) IN GENERAL.—Each State educational agency desiring a planning grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

(2) CONTENTS.—Each application submitted under this subsection shall, at a minimum, include a description of how the State educational agency will develop a plan for improving State efforts to develop, coordinate, implement, and assess comprehensive literacy activities that ensure high-quality instruction and effective strategies in reading and writing for all children in early learning programs and kindergarten through grade 12 programs. Such plan shall—

(A) describe the activities for which assistance under this section is sought, demonstrating a particular focus on children who are reading or writing below grade level and children whose early literacy skills are below the appropriate age or developmental level;

(B) provide a budget for the use of the planning grant funds to complete the required activities described in subsection (c);

(C) include an analysis of data on child literacy and language and student academic achievement in reading to identify and establish baseline and benchmark levels against which to monitor child progress and improvement in literacy; and

(D) provide an assurance that all State agencies responsible for administering early learning programs and services (including the State Head Start Collaboration Office and the State agency responsible for administering child care) and the State Advisory Council on Early Childhood Education and Care collaborated with the State educational agency to write the early learning portion of the grant application submitted under this subsection.

(3) APPROVAL OF APPLICATIONS.—The Secretary shall evaluate applications under this subsection based on the responsiveness of the applications to the requirements under this subsection.

(c) REQUIRED ACTIVITIES.—A State educational agency receiving planning grant funds under this section shall carry out each of the following activities:

(1) Reviewing reading, writing, or other language and literacy resources and programs, such as school library programs, and data across the State to identify any literacy needs and gaps in the State.

(2) Forming or designating a State literacy leadership team which shall execute the following functions:

(A) Creating a comprehensive State literacy plan that—

(i) is designed to improve language development, reading, writing, and academic achievement for children, especially children reading below grade level and children whose literacy skills are below the appropriate age or developmental level;

(ii) includes—

(I) a needs assessment and an implementation plan, including an analysis of data on child literacy and student academic achievement in reading to identify baseline and benchmark levels of literacy and early literacy skills in order to monitor progress and improvement; and

(II) a plan to improve reading achievement among all children;

(iii) ensures high-quality instruction, consistent with the characteristics of effective literacy instruction and strategies, in early learning programs and kindergarten through grade 12 programs; and

(iv) provides for activities designed to improve literacy achievement for children who read or write below grade level, including such children who—

(I) attend schools that are identified under section 1116(c)(2); or

(II) are counted under section 1124(c);

(B) Providing recommendations to guide the State educational agency in the State educational agency's process of strengthening State literacy standards and embedding State literacy standards with the State's college and career ready academic content standards and college and career ready student academic achievement standards, and early learning and development standards.

(C) Providing recommendations to guide the State educational agency in the State educational agency's process of measuring, assessing, and monitoring progress in literacy at the school, local educational agency, and State levels.

(D) Identifying criteria for high-quality professional development providers, which providers may include qualified teachers within the State, for the State educational agency and local educational agencies.

(E) Advising the State educational agency on how to help ensure that local educational agencies and schools provide timely and appropriate data to teachers to inform and improve instruction.

(F) Providing recommendations to guide the State educational agency in the State educational agency's planning process of building educators' capacity to provide high-quality comprehensive literacy instruction.

SEC. 4106. STATE IMPLEMENTATION GRANTS.

(a) IMPLEMENTATION GRANTS AUTHORIZED.—

(1) IN GENERAL.—From amounts made available under subparagraphs (C) or (D)(ii) of section 4104(a)(1) (as applicable), the Secretary shall award implementation grants to State educational agencies to enable the State educational agencies—

(A) to implement the comprehensive literacy plan that meets the criteria in section 4105(c)(2)(A) for early learning programs and kindergarten through grade 12 programs;

(B) to carry out State activities under section 4107; and

(C) to award subgrants under sections 4108 and 4109.

(2) LIMITATION.—The Secretary shall not award an implementation grant under this section to a State for any year for which the State has received a planning grant under section 4105.

(3) DURATION OF GRANTS.—An implementation grant under this section shall be awarded for a period of not more than 5 years.

(4) RENEWALS.—

(A) IN GENERAL.—The Secretary may renew a grant under this section for a period of not more than 2 years.

(B) CONDITIONS.—In order to be eligible to have an implementation grant renewed under this paragraph, the State educational agency shall demonstrate to the satisfaction of the Secretary that, during the project period—

(i) with respect to children from birth through kindergarten entry, the State educational agency has collaborated with the State agencies that oversee child care and other early learning programs, and has collaborated with the State Advisory Council on Early Childhood Education and Care, to comply with the terms of the grant, including using the funds—

(I) to increase access to high-quality professional development;

(II) for developmentally appropriate curricula and teaching materials; and

(III) for developmentally appropriate classroom-based instructional assessments and developmentally appropriate screening assessments and diagnostic assessments; and

(ii) with respect to children in kindergarten through grade 12, demonstrates that there has been significant progress in student academic achievement, as measured by appropriate assessments, including the assessments included in the State accountability system under section 1111(a)(3)(A).

(b) STATE APPLICATIONS.—

(1) IN GENERAL.—A State educational agency that desires to receive an implementation grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. The State educational agency shall collaborate with the State agency responsible for administering early learning programs and the State agency responsible for administering child care programs in the State in writing and implementing the early learning portion of the grant application under this subsection.

(2) CONTENTS.—An application described in paragraph (1) shall include the following:

(A) A description of the members of the State literacy leadership team and a description of how the State educational agency has developed a comprehensive State literacy plan, consistent with the requirements of section 4105(c)(2)(A).

(B) An implementation plan that includes a description of how the State educational agency will—

(i) carry out the State activities described in section 4107;

(ii) assist eligible entities with—

(I) providing strategic and intensive comprehensive literacy instruction based on scientifically valid research for children who are reading and writing below grade level, including through—

(aa) the use of multitiered systems of support; and

(bb) addressing the literacy needs of children with disabilities or developmental delays and English learners in programs serving children from birth through grade 12;

(II) providing training to parents, as appropriate, so that the parents can participate in the literacy related activities described in sections 4108 and 4109 to assist in the language and literacy development of their children;

(III) selecting and using reading and writing assessments;

(IV) providing classroom-based instruction that is supported by one-to-one and small group work;

(V) using curricular materials and instructional tools, which may include technology, to improve instruction and literacy achievement;

(VI) providing for high-quality professional development; and

(VII) using the principles of universal design for learning;

(iii) ensure that local educational agencies in the State have leveraged and are effectively leveraging the resources needed to implement effective comprehensive literacy instruction, and have the capacity to implement literacy initiatives effectively; and

(iv) continually coordinate and align the activities assisted under this part with reading, writing, and other literacy resources and programs across the State and locally that serve children and their families and promote comprehensive literacy instruction and learning, including strengthening partnerships among schools, libraries, local youth-serving agencies, and programs, in order to improve literacy for all children.

(C) A description of the key data metrics, and the performance targets for such metrics, that will be used and reported annually under section 4111(b)(1), which shall include—

(i) metrics established consistent with section 1111(a)(3)(A), for children in grades 3 through 12; and

(ii) the relevant program metrics and performance targets that the State shall use to monitor the implementation of its plan under section 4111.

(D) An assurance that the State educational agency, and any eligible entity receiving a subgrant from the State educational agency under section 4108 or 4109, will, if requested, participate in the national evaluation under section 4110.

(E) An assurance that the State educational agency will use implementation grant funds for literacy programs as follows:

(i) Not less than 10 percent of such grant funds shall be used for State and local programs and activities pertaining to children from birth through kindergarten entry.

(ii) Not less than 30 percent of such grant funds shall be used for State and local programs and activities, allocated equitably among the grades of kindergarten through grade 5.

(iii) Not less than 30 percent of such grant funds shall be used for State and local programs and activities, allocated equitably among grades 6 through 12.

(iv) Not more than 10 percent of such implementation grant funds shall be used for the State activities described in section 4107.

(F) An assurance that the State educational agency shall give priority to awarding a subgrant to an eligible entity—

(i) under section 4108 based on the number or percentage of children younger than the age of kindergarten entry who are—

(I) served by the eligible entity; and

(II) from families with income levels below the poverty line; and

(ii) under section 4109 based on—

(I) the number or percentage of children from birth through age 17 who are—

(aa) served by the eligible entity; and

(bb) from families with income levels below the poverty line; and

(II) the number or percentage of children in kindergarten through grade 12 served by the eligible entity who are reading and writing below grade level according to State assessments.

(c) APPROVAL OF APPLICATIONS.—

(1) IN GENERAL.—The Secretary shall evaluate State educational agency applications under subsection (b) based on the responsiveness of the applications to the application requirements under such subsection.

(2) PEER REVIEW.—The Secretary shall convene a peer review panel in accordance with section 4104(b) to evaluate applications for each implementation grant awarded to a State educational agency under this section.

(3) EARLY LEARNING.—In order for a State educational agency's application under this section to be approved by the Secretary, the application shall contain an assurance that the State agencies responsible for administering early learning programs and services, including the State agency responsible for administering child care programs, and the State Advisory Council on Early Childhood Education and Care, approve of and will be extensively consulted in the implementation of activities consistent with section 4108, with respect to the early learning portion of the application.

SEC. 4107. STATE ACTIVITIES.

(a) REQUIRED ACTIVITIES.—A State educational agency shall use the implementation grant funds described in section 4106(b)(2)(E)(iv) to carry out the activities proposed in a State's implementation plan under section 4106(b)(2)(B), including the following activities:

(1) In consultation with the State literacy leadership team, providing technical assistance, or engaging qualified providers to provide technical assistance, to eligible entities to enable the eligible entities to design and implement literacy programs under section 4108 or 4109.

(2) Consulting with the State literacy leadership team and coordinating with institutions of higher education in the State—

(A) in order to provide recommendations to strengthen and enhance preservice courses for students preparing, at institutions of higher education in the State, to teach children from birth through grade 12 in explicit, systematic, and intensive instruction in evidence-based literacy methods; and

(B) by following up on reviews completed by the State literacy leadership team with recommendations to ensure that such institutions offer courses that meet the highest standards.

(3) Reviewing and updating, in collaboration with teachers, statewide educational and professional organizations representing teachers, and statewide educational and professional organizations representing institutions of higher education, State licensure or certification standards in the area of literacy instruction in early education through grade 12.

(4) Making publicly available, including on the State educational agency's website, information on promising instructional practices to improve child literacy achievement.

(b) PERMISSIVE ACTIVITIES.—After carrying out the activities described in subsection (a), a State educational agency may use remaining implementation grant funds described in section 4106(b)(2)(E)(iv) to carry out 1 or more of the following activities:

(1) Training the personnel of eligible entities to use data systems to improve child literacy learning.

(2) Developing literacy coach training programs and training literacy coaches.

(3) Building public support among local educational agency personnel, early learning programs, and the community for comprehensive literacy instruction for children from birth through grade 12.

(4) Administration and evaluation of activities carried out under this part.

SEC. 4108. SUBGRANTS TO ELIGIBLE ENTITIES IN SUPPORT OF BIRTH THROUGH KINDERGARTEN ENTRY LITERACY.

(a) SUBGRANTS.—

(1) IN GENERAL.—A State educational agency, in consultation with the State agencies responsible for administering early learning programs and services, including the State agency responsible for administering child care programs, and the State Advisory Council on Early Childhood Education and Care, shall use a portion of implementation grant funds provided under subparagraph (C) or (D)(ii) of section 4104(a)(1) to award subgrants, on a competitive basis, to eligible entities to enable the eligible entities to support high-quality early literacy initiatives for children from birth through kindergarten entry.

(2) DURATION.—The term of a subgrant under this section shall be determined by the State educational agency awarding the subgrant.

(b) SUFFICIENT SIZE AND SCOPE.—Each subgrant awarded under this section shall be of sufficient size and scope to allow the eligible

entity to carry out high-quality early literacy initiatives for children from birth through kindergarten entry.

(c) LOCAL APPLICATIONS.—An eligible entity desiring to receive a subgrant under this section shall submit an application to the State educational agency, at such time, in such manner, and containing such information as the State educational agency may require. Such application shall include a description of—

(1) how the subgrant funds will be used to enhance the language and literacy development and school readiness of children, from birth through kindergarten entry, in early learning programs, which shall include an analysis of data that support the proposed use of subgrant funds;

(2) the programs that the eligible entity proposes to assist under the subgrant, including demographic and socioeconomic information on the children enrolled in the programs;

(3) a budget for the eligible entity that projects the cost of developing and implementing literacy initiatives to carry out the activities described in subsection (e);

(4) how, if the eligible entity is requesting a planning period, which shall not exceed 1 year, the eligible entity will use that planning period to prepare for successful implementation of a plan to support the development of learning and literacy consistent with the purposes of this part;

(5) the literacy initiatives, if any, in place and how these initiatives will be coordinated and integrated with activities supported under this section;

(6) how the subgrant funds will be used to prepare and provide ongoing assistance to staff in the programs, through high-quality professional development;

(7) how the subgrant funds will be used to provide services, incorporate activities, and select and use literacy instructional materials that—

(A) meet the diverse developmental and linguistic needs of children, including English learners and children with disabilities and developmental delays; and

(B) are based on scientifically valid research on child development and learning for children from birth through kindergarten entry;

(8) how the subgrant funds will be used to provide screening assessments, diagnostic assessments, and classroom-based instructional assessments and assessments of developmental progress;

(9) how families and caregivers will be involved, as appropriate, in supporting their child's literacy development, instruction, and assessment;

(10) how the subgrant funds will be used to help children, particularly children experiencing difficulty with spoken and written language, to make the transition from early childhood education programs to formal classroom instruction;

(11) how the activities assisted under the subgrant will be coordinated with comprehensive literacy instruction at the kindergarten through grade 12 levels;

(12) how the subgrant funds will be used—

(A) to evaluate the success of the activities assisted under the subgrant in enhancing the early language and literacy development of children from birth through kindergarten entry; and

(B) to evaluate data for program improvement; and

(13) such other information as the State educational agency may require.

(d) APPROVAL OF LOCAL APPLICATIONS.—The State educational agency, in consultation with the State agencies responsible for administering early learning programs, including the State agency responsible for administering child care programs and the State Advisory Council on Early Childhood Education and Care, shall—

(1) select applications for funding under this section based on the quality of the applications submitted, including the relationship between literacy activities proposed and the research base or data supporting such investments, as appropriate, and the recommendations of—

(A) the State literacy leadership team; and

(B) other experts in the area of early literacy; and

(2) place priority for funding programs based on the criteria in section 4106(b)(2)(F).

(e) LOCAL USES OF FUNDS.—

(1) IN GENERAL.—An eligible entity that receives a subgrant under this section shall use the subgrant funds, consistent with the entity's approved application under subsection (c), to—

(A) enhance and improve early learning programs to ensure that children in such programs are provided with high-quality oral language and literature- and print-rich environments in which to develop early literacy skills;

(B) carry out high-quality professional development opportunities for early childhood educators, teachers, and instructional leaders;

(C) acquire, provide training for, and implement screening assessments, diagnostic assessments, and classroom-based instructional assessments;

(D) select, develop, and implement a multitier system of support;

(E) integrate research-based instructional materials, activities, tools, and measures into the programs offered by the eligible entity to improve development of early learning language and literacy skills;

(F) train providers and personnel to support, develop, and administer high-quality early learning literacy initiatives that—

(i) utilize data—

(I) to inform instructional design; and

(II) to assess literacy needs; and

(ii) provide time and support for personnel to meet to plan comprehensive literacy instruction;

(G) provide family literacy services, as appropriate, and educate parents, teachers, and other caregivers about child literacy development;

(H) annually collect, summarize, and report to the State educational agency data—

(i) to document child progress in early literacy and language skills development as a result of activities carried out under this section;

(ii) to stimulate and accelerate improvement by identifying the programs served by the eligible entity that produce significant gains in skills development; and

(iii) for all subgroups of children and categories of children, including children in the subgroups described in section 1111(a)(2)(B)(ix), in a manner that—

(I) utilizes a variety of measures of child literacy and language skills development; and

(II) is consistent across the State; and

(I) coordinate the involvement of families, early learning program staff, principals, other instructional leaders, and teachers in literacy development of children served under this part.

(2) CURRICULA AND ASSESSMENT MATERIALS LIMITATION.—Each eligible entity that receives a subgrant under this section shall not use more than 20 percent of the subgrant funds in the first year of subgrant funding, and not more than 10 percent of the subgrant funds in each year thereafter, to purchase curricula and assessment materials.

(f) PROHIBITION.—The use of assessment items and data on any assessment authorized under this section to provide rewards or sanctions for individual children, early learning program providers, teachers, program directors, or principals is prohibited.

SEC. 4109. SUBGRANTS TO ELIGIBLE ENTITIES IN SUPPORT OF KINDERGARTEN THROUGH GRADE 12 LITERACY.

(a) SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.—

(1) SUBGRANTS.—A State educational agency shall use a portion of the implementation grant funds provided under subparagraph (C) or (D)(ii) of section 4104(a)(1) to award subgrants, on a competitive basis, to eligible entities to enable the eligible entities to carry out the authorized activities described in subsections (b) and (c).

(2) SUFFICIENT SIZE AND SCOPE.—A State educational agency shall award subgrants under this section of sufficient size and scope to allow the eligible entities to carry out high-quality literacy initiatives in each grade level for which the subgrant funds are provided.

(3) LOCAL APPLICATIONS.—An eligible entity desiring to receive a subgrant under this section shall submit an application to the State educational agency at such time, in such manner, and containing such information as the State educational agency may require. Such application shall include, for each school that the eligible entity identifies as participating in a subgrant program under this section, the following information:

(A) A description of the eligible entity's capacity survey conducted to identify how subgrant funds will be used to inform and improve comprehensive literacy instruction at the school.

(B) How the school, local educational agency, or a provider of high-quality professional development will provide ongoing high-quality professional development to all teach-

ers, including early childhood educators, principals, and other instructional leaders served by the school, including early learning program administrators.

(C) How the school will identify children in need of literacy interventions or other support services and provide appropriate scientifically valid instructional interventions or other support services which may include extended learning time for struggling children.

(D) A budget for the school that projects the cost of developing and implementing literacy initiatives to carry out the activities described in subsections (b) and (c) as applicable.

(E) An explanation of how the school will integrate comprehensive literacy instruction into core academic subjects.

(F) A description of how the school will coordinate comprehensive literacy instruction with early learning and after-school programs and activities in the area served by the local educational agency, such as school library programs.

(G) A description of the assessments that will be used in an assessment system to improve comprehensive literacy instruction and track child literacy progress.

(H) A description of how families and caregivers will be involved in supporting their children's literacy instruction and assessment.

(I) A description of how, if an eligible entity is requesting a planning period, the eligible entity will use that planning period to prepare for successful implementation of a plan to support the development of learning and literacy consistent with the purposes of this part.

(J) A description of the literacy initiatives, if any, in place and how these initiatives will be coordinated and integrated with activities supported under this section.

(K) An assurance that the eligible entity will, if requested, participate in the national evaluation described in section 4110.

(b) LOCAL USES OF FUNDS FOR KINDERGARTEN THROUGH GRADE 5.—An eligible entity that receives a subgrant under this section shall use the subgrant funds to carry out the following activities pertaining to children in kindergarten through grade 5:

(1) Developing and implementing a literacy plan across content areas that—

(A) serves the needs of all children, including children with disabilities and English learners, especially children who are reading or writing below grade level;

(B) provides intensive, supplemental, accelerated, and explicit intervention and support in reading and writing for children whose literacy skills are below grade level; and

(C) supports activities that are provided primarily during the regular school day but which may be augmented by after-school and out-of-school time instruction.

(2) Acquiring, providing training for, selecting, and administering assessments, and managing, monitoring, and planning instruction based on the assessment data.

(3) Providing high-quality professional development opportunities for teachers, literacy coaches, literacy specialists, English as a second language specialists (as appropriate), principals, and other program staff.

(4) Training principals, specialized instructional support personnel, and other school district personnel to support, develop, administer, and evaluate high-quality kindergarten through grade 5 literacy initiatives that—

(A) utilize data—

(i) to inform instructional decisions; and

(ii) to assess professional development needs; and

(B) provide time and support for teachers to meet to plan comprehensive literacy instruction.

(5) Coordinating the involvement of early learning program staff, principals, other instructional leaders, teachers, teacher literacy teams, English as a second language specialists (as appropriate), special educators, and school librarians in the literacy development of children served under this part.

(6) Engaging families and encouraging family literacy experiences and practices to support literacy development.

(7) Annually collecting, summarizing, and reporting to the State educational agency data—

(A) to document and monitor for the purpose of improving practice, improvements, or increases in children's reading and writing pursuant to activities carried out under this section;

(B) to stimulate and accelerate improvement by identifying the schools that produce significant gains in literacy achievement; and

(C) for all children and categories of children, including the subgroups of children described in section 1111(a)(2)(B)(ix), in a manner that utilizes a variety of measures and that is consistent across the State.

(c) LOCAL USES OF FUNDS FOR GRADES 6 THROUGH 12.—An eligible entity that receives a subgrant under this section shall use subgrant funds to carry out the following activities pertaining to children in grades 6 through 12:

(1) Developing and implementing a literacy plan described in paragraphs (1), (2), (3), (6), and (7) of subsection (b) for children in grades 6 through 12.

(2) Training principals, specialized instructional support personnel, and other instructional leaders to support, develop, administer, and evaluate high-quality adolescent literacy initiatives that—

(A) utilize data—

(i) to inform instructional decisions and allow for personalization of instruction based on a child's need; and

(ii) to assess professional development needs;

(B) assess the quality of adolescent comprehensive literacy instruction in core academic subjects, and career and technical education subjects where such career and technical education subjects provide for the integration of core academic subjects;

(C) provide time for teachers to meet to plan research-based adolescent comprehensive literacy instruction in core academic subjects, and career and technical education subjects where such career and technical education subjects provide for the integration of core academic subjects; and

(D) include explicit instruction in discipline-specific thinking and how to read and interpret discipline-specific text structures and features.

(3) Coordinating the involvement of principals, other instructional leaders, teachers, teacher literacy teams, English as a second language specialists (as appropriate), special educators, and school librarians in the literacy development of children served under this part.

(d) ALLOWABLE USES.—An eligible entity that receives a subgrant under this section may, in addition to carrying out the activities described in subsections (b) and (c), use subgrant funds to carry out the following activities pertaining to children in kindergarten through grade 12:

(1) Providing a planning period of not more than 1 year for eligible entities to establish the elements necessary for successful implementation of a literacy program for kindergarten through grade 12.

(2) Recruiting, placing, training, and compensating literacy coaches.

(3) Connecting out-of-school learning opportunities to in-school learning in order to improve the literacy achievement of the children.

(4) Training families and caregivers to support the improvement of adolescent literacy.

(5) Providing for a multitier system of support.

(6) Forming a school literacy leadership team to help implement, assess, and identify necessary changes to the literacy initiatives in 1 or more schools to ensure success.

(7) Providing high-quality, literacy-rich environments that engage children with materials and experiences at the children's reading and writing levels.

(8) Providing time for teachers (and other literacy staff, as appropriate, such as school librarians) to meet to plan comprehensive literacy instruction.

(e) LIMITATION OF USE TO CERTAIN SCHOOLS.—An eligible entity receiving a subgrant under this section shall, in distributing the subgrant funds, provide the subgrant funds only to schools, including public charter schools, that have the highest percentages or numbers of children counted under section 1124(c).

SEC. 4110. NATIONAL EVALUATION, INFORMATION DISSEMINATION, AND TECHNICAL ASSISTANCE.

(a) NATIONAL EVALUATION.—

(1) IN GENERAL.—From the amount reserved in accordance with section 9601, the Secretary shall enter into a contract with an organization independent of the Department for a 5-year national evaluation of the grant and subgrant programs assisted under this part. Such evaluation shall include scientifically valid research that applies rigorous and systematic procedures

to obtain valid knowledge relevant to the implementation and effect of the programs.

(2) CONTENTS OF EVALUATION.—The evaluation described in this subsection shall include an analysis of each of the following:

(A) The impact of the implementation of literacy initiatives and practices supported under this part on—

(i) increasing academic outcomes, including child literacy development in reading and writing, and speaking (as appropriate), grade promotion, and graduation to the extent predictable;

(ii) promoting the appropriate early literacy development of young children; and

(iii) strengthening the literacy skills of English learners and children with disabilities.

(B) The fidelity of implementation of core program features, such as coherence of the program across grades, quality of technical assistance, State and local educational agency leadership, professional development for teachers and administrators, use of quality materials and pedagogy, and use of assessment.

(C) The relationship between implementation of core features and children's academic outcomes.

(D) Other inquiries as designated by the Secretary, such as—

(i) the core functions of literacy initiatives that have demonstrated the greatest impact on child literacy achievement, especially among children reading below grade level;

(ii) effective strategies to integrate State and local standards, curricula, assessments, instruction, materials, and interventions to improve literacy;

(iii) the types of literacy activities and professional development that most effectively improve the early reading, writing, and language skills of children from birth through kindergarten entry;

(iv) the impact of adolescent literacy initiatives on adolescent motivation, engagement, and participation in adolescent literacy activities;

(v) the relationship between children's literacy achievement and secondary school success, including improving graduation rates; and

(vi) effective strategies to integrate school and public library programs to improve literacy.

(3) PROGRAM IMPROVEMENT.—The Secretary shall—

(A) provide the findings of the evaluation conducted under this section to State educational agencies and subgrant recipients for use in program improvement;

(B) make such findings publicly available, including on the Department's website; and

(C) submit such findings to the authorizing committees.

(b) INFORMATION DISSEMINATION AND TECHNICAL ASSISTANCE.—

(1) IN GENERAL.—From amounts reserved under section 4104(a)(1)(A), the Secretary, in collaboration with the regional

educational laboratories established under section 174 of the Education Sciences Reform Act of 2002, the comprehensive centers established under section 203 of the Educational Technical Assistance Act of 2002, and the Director of the National Institute of Child Health and Human Development, shall—

(A) distribute information on—

(i) comprehensive literacy instruction, including best practices and model programs identified in the evaluation;

(ii) other inquiries designated by the Secretary under subsection (a)(2)(D); or

(iii) other relevant Federal studies of literacy activities; and

(B) provide technical assistance in order to assist States and local educational agencies in improving comprehensive literacy instruction and learning.

(2) DISSEMINATION AND COORDINATION.—The Secretary shall disseminate the information described in paragraph (1)(A) to—

(A) recipients of Federal financial assistance under this part, the Head Start Act, the Individuals with Disabilities Education Act, and the Adult Education and Family Literacy Act; and

(B) each Bureau-funded school (as defined in section 1141 of the Education Amendments of 1978 (25 U.S.C. 2021)).

(3) USE OF NETWORKS.—In carrying out this subsection, the Secretary shall, to the extent practicable, use information and dissemination networks developed and maintained through other public and private entities.

SEC. 4111. CONSEQUENCES OF INSUFFICIENT PROGRESS, REPORTING REQUIREMENTS, AND CONFLICTS OF INTEREST.

(a) CONSEQUENCES OF INSUFFICIENT PROGRESS.—

(1) CONSEQUENCES FOR GRANT RECIPIENTS.—If the Secretary determines that a State educational agency receiving an award under subparagraph (C) or (D)(ii) of section 4104(a)(1), or an eligible entity receiving a subgrant under section 4108 or 4109, is not making significant progress in meeting the purposes of this part and the key data metrics identified by the State educational agency in section 4106(b)(2)(C) after the submission of a report described in subsection (b), then the Secretary may withhold, in whole or in part, further payments under this part in accordance with section 455 of the General Education Provisions Act or take such other action authorized by law as the Secretary determines necessary, including providing technical assistance upon request of the State educational agency, or eligible entity, respectively.

(2) CONSEQUENCES FOR SUBGRANT RECIPIENTS.—

(A) IN GENERAL.—A State educational agency receiving an award under subparagraph (C) or (D)(ii) of section 4104(a)(1) may refuse to award subgrant funds to an eligible entity under section 8 or 9 if the State educational agency finds that the eligible entity is not making significant progress in meeting the purposes of this part, after—

(i) affording the eligible entity notice, a period for correction, and an opportunity for a hearing; and

(ii) providing technical assistance to the eligible entity.

(B) FUNDS AVAILABLE.—Subgrant funds not awarded under subparagraph (A) shall be redirected to an eligible entity serving similar children in the same area or region as the eligible entity not awarded the subgrant funds, to the greatest extent practicable.

(b) REPORTING REQUIREMENTS.—

(1) STATE EDUCATIONAL AGENCY ANNUAL REPORTS.—Each State educational agency receiving an award under subparagraph (C) or (D)(ii) of section 4104(a)(1) shall report annually to the Secretary regarding the State educational agency's progress in addressing the purposes of this part. Such report shall include at a minimum data, for each subgrantee, and for the State, on the metrics identified under section 4106(b)(2)(C), such as—

(A) the number and percentage of children reading and writing on grade level by the end of grade 3;

(B) the percent of children served under the award who receive special education and related services; and

(C) the degree of appropriate developmental progress or literacy achievement growth of children, disaggregated by the subgroups described in section 1111(a)(2)(B)(ix).

(2) PERIODIC REPORTS.—Each State educational agency receiving an award under subparagraph (C) or (D)(ii) of section 4104(a)(1) shall periodically report to the Secretary regarding the State educational agency's progress in addressing the purposes of this part. Such reports shall be submitted at such times, and in such manner, as the Secretary shall establish, and shall, over the term of the grant, include descriptions of—

(A) the professional development activities provided under the award, including types of activities and entities involved in providing professional development to classroom teachers and other program staff, such as school librarians;

(B) instruction, strategies, activities, curricula, materials, and assessments used in the programs funded under the award;

(C) the types of programs funded under the award and demographic information, including ages, of the children served by the programs funded under the award, except that such information shall not be personally identifiable;

(D) the experience and qualifications of the program staff who provide comprehensive literacy instruction under the programs funded under the award, including the experience and qualifications of those staff working with children with disabilities or developmental delay, with English learners, and with children from birth to kindergarten entry; and

(E) student performance on relevant program metrics, as identified in the State educational agency's plan, such as—

(i) the number of children reading and writing on grade level by the end of the third grade;

(ii) the percent of students served under this part receiving special education services;

(iii) the instruction and activities delivered to at-risk students served under this part; and

(iv) the professional development activities provided to teachers participating under this part.

(3) ELIGIBLE ENTITY REPORTS.—Each eligible entity receiving a subgrant under section 4108 or 4109 shall report to the State educational agency regarding the eligible entity's progress in addressing the purposes of this part. Any such report shall be submitted at such time, and in such manner, as the State educational agency shall establish, consistent with the requirements of paragraphs (1) and (2) for reports submitted by the State educational agency to the Secretary, and shall, over the term of the subgrant, include, consistent with such requirements for the State educational agency reports, descriptions of—

(A) how the subgrant funds were used; and

(B) the results of an external evaluation, if the Secretary determines such evaluation to be applicable.

SEC. 4112. RULES OF CONSTRUCTION.

(a) CHILD ELIGIBILITY.—Nothing in this part shall be construed to prohibit children eligible for assistance under title I or III or children eligible for assistance under the Individuals with Disabilities Education Act from receiving literacy instruction and intervention under this part.

(b) IDEA EVALUATION.—The screening assessments, diagnostic assessments, and formative assessments of reading and writing authorized under this part shall not be construed to constitute an evaluation required under the Individuals with Disabilities Education Act, except that assessments administered under this Act may be used in conjunction with other assessments as part of an evaluation under the Individuals with Disabilities Education Act, provided that all assessment requirements of such Act are met.

PART B—IMPROVING SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS INSTRUCTION AND STUDENT ACHIEVEMENT

SEC. 4201. PURPOSE.

The purpose of this part is to improve student academic achievement in science, technology, engineering, and mathematics by—

(1) improving instruction in such subjects through grade 12;

(2) improving student engagement in, and increasing student access to, such subjects;

(3) improving the quality and effectiveness of classroom instruction by recruiting, training, and supporting highly rated teachers and providing robust tools and supports for students and teachers in such subjects; and

(4) closing student achievement gaps, and preparing more students to be college and career ready in such subjects.

SEC. 4202. DEFINITIONS.

In this part:

(1) ELIGIBLE ENTITY.—The term "eligible entity" means—

(A) a State educational agency; or

(B) a State educational agency in partnership with 1 or more other State educational agencies.

(2) ELIGIBLE SUBGRANTEE.—The term "eligible subgrantee" means—

(A) a high-need local educational agency;

(B) an educational service agency serving more than 1 high-need local educational agency;

(C) a consortium of high-need local educational agencies; or

(D) an entity described in subparagraph (A) or (C) of paragraph (3) that has signed a memorandum of agreement with an entity described in subparagraph (A), (B), or (C) of this paragraph to implement the requirements of this part in partnership with such entity.

(3) OUTSIDE PARTNER.—The term "outside partner" means an entity that has expertise and a demonstrated record of success in improving student learning and engagement in the identified subjects described in section 4204(b)(2), including any of the following:

(A) A nonprofit or community-based organization, which may include a cultural organization, such as a museum or learning center.

(B) A business.

(C) An institution of higher education.

(D) An educational service agency.

(4) STATE.—The term "State" means—

(A) any of the 50 States;

(B) the District of Columbia;

(C) the Bureau of Indian Education; or

(D) the Commonwealth of Puerto Rico.

SEC. 4203. GRANTS; ALLOTMENTS.

(a) RESERVATIONS.—

(1) IN GENERAL.—From the amounts appropriated for this part for a fiscal year, the Secretary shall reserve—

(A) not more than 2 percent to provide technical assistance to States; and

(B) not more than 5 percent for State capacity-building grants, if the Secretary is awarding such grants in accordance with paragraph (2).

(2) CAPACITY-BUILDING GRANTS.—

(A) IN GENERAL.—In any year for which funding is distributed competitively, as described in subsection (b)(1), the Secretary may award 1 capacity-building grant to each State that does not receive a grant under subsection (b), on a competitive basis, to enable such State to become more competitive in future years.

(B) DURATION.—Grants awarded under subparagraph (A) shall be for a period of 1 year.

(b) COMPETITIVE GRANTS.—

(1) IN GENERAL.—For each fiscal year for which the amount appropriated to carry out this part, and not reserved under subsection (a)(1), is less than $500,000,000, the Secretary shall award grants, on a competitive basis, to eligible entities to enable such eligible entities to carry out the activities described in this part.

(2) DURATION.—Grants awarded under this subsection shall be for a period of not more than 3 years.

(3) RENEWAL.—

(A) IN GENERAL.—If an eligible entity demonstrates progress, as measured by the metrics described in section 4206(a), the Secretary may renew a grant for an additional 2-year period.

(B) REDUCED FUNDING.—Grant funds awarded under subparagraph (A) shall be awarded at a reduced amount.

(c) FORMULA GRANTS.—

(1) IN GENERAL.—For each fiscal year for which the amount appropriated to carry out this part, and not reserved under subsection (a)(1), is equal to or more than $500,000,000, the Secretary shall award grants to States, based on the formula described in paragraph (2).

(2) DISTRIBUTION OF FUNDS.—The Secretary shall allot to each State—

(A) an amount that bears the same relationship to 35 percent of the excess amount described in paragraph (1) as the number of individuals ages 5 through 17 in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all such States, as so determined; and

(B) an amount that bears the same relationship to 65 percent of the excess amount as the number of individuals ages 5 through 17 from families with incomes below the poverty line, in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all such States, as so determined.

(3) FUNDING MINIMUM.—No State receiving an allotment under this subsection may receive less than one-half of 1 percent of the total amount allotted under paragraph (1) for a fiscal year.

(4) PUERTO RICO.—The amount allotted under paragraph (2) to the Commonwealth of Puerto Rico for a fiscal year may not exceed one-half of 1 percent of the total amount allotted under paragraph (1) for such fiscal year.

(5) REALLOTMENT OF UNUSED FUNDS.—If a State does not successfully apply, the Secretary shall reallot the amount of the State's allotment to the remaining States in accordance with this subsection.

SEC. 4204. APPLICATIONS.

(a) IN GENERAL.—Each eligible entity or State desiring a grant under this part, whether through a competitive grant under section 4203(b) or through an allotment under section 4203(c), shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

(b) CONTENTS.—At a minimum, an application submitted under subsection (a) shall include the following:

(1) A description of the needs, including assets, identified by the State or eligible entity, based on a State analysis, which—

(A) may include results from a relevant pre-existing analysis of science, technology, engineering, and mathematics education quality and outcomes in the State or States served by the eligible entity;

(B) shall include data for elementary school and secondary school grades, as applicable, to the extent that such data are available, on—

(i) student achievement in science and mathematics, including such data collected in accordance with the requirements of section 1111(a)(3)(A), and student achievement in technology and engineering;

(ii) science, technology, engineering, and mathematics teacher evaluations;

(iii) student access to mathematics and science courses needed to enroll in credit-bearing coursework at institutions of higher education in the State or States served by the eligible entity;

(iv) access to science, technology, engineering, and mathematics courses for students through grade 12 who—

(I) are eligible to receive a free or reduced priced lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.); or

(II) come from families with an income that is below the poverty line;

(v) student achievement gaps in science, technology, engineering, and mathematics subjects;

(vi) the percentage of students who successfully—

(I) complete Advanced Placement or International Baccalaureate courses in science, technology, engineering, and mathematics subjects; or

(II) complete rigorous postsecondary education courses in science, technology, engineering, and mathematics subjects;

(vii) the information collected under section 1111(d)(3)(B)(viii)(III);

(viii) available instructional systems and supports, such as curricula, instructional materials, professional development, teacher evaluation systems, and assessments;

(ix) science, technology, engineering, and mathematics teacher qualifications; and

(x) teacher shortages and teacher distribution among local educational agencies and schools in science, technology, engineering, and mathematics subjects;

(C) shall include labor market information regarding the industry and business workforce needs within the eligible entity;

(D) shall include an analysis of the quality of pre-service preparation at all public institutions of higher education

(including alternative pathways to teacher licensure or certification) for individuals preparing to teach science, technology, engineering, and mathematics subjects in a preschool, elementary school, or secondary school in the State; and

(E) shall include an analysis of the implementation of any multi-tiered systems of support that have been employed in the State or States served by the eligible entity to address the learning needs of students in any science, technology, engineering, and mathematics subjects.

(2) An identification of the specific science, technology, engineering, and mathematics subjects that the State or eligible entity will address through the activities described in section 4205, consistent with the needs identified under paragraph (1) (referred to in this part as "identified subjects").

(3) A description, in a manner that addresses any needs identified under paragraph (1), of—

(A) how grant funds will be used by the State or eligible entity to improve instruction in identified subjects using evidence-based programs of instruction that are aligned with the college and career ready standards and academic assessments under paragraphs (1) and (2) of section 1111(a);

(B) how grant funds will be used to support subgrantees and other high-need local educational agencies in the employment of multi-tiered systems of support to provide early intervening services, as described in section 613(a)(4)(A)(ii) of the Individuals with Disabilities Education Act, and to increase student achievement in identified subjects;

(C) the process that the State or eligible entity will use for awarding subgrants, including how relevant stakeholders will be involved;

(D) how the State's or eligible entity's activities and subgrants will be coordinated with other Federal, State, and local programs and activities, including career and technical education programs authorized under the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.);

(E) the technical assistance that the State or eligible entity will provide to subgrantees to support the activities undertaken by the subgrantees;

(F) how the State or eligible entity will evaluate the activities funded, both at the State and subgrantee level, with funds provided under this part, and in a manner consistent with any evaluation activities carried out by the Institute of Education Sciences under section 4207, or the National Science Foundation;

(G) how the State or eligible entity will allocate funds in a manner that will provide services to both elementary schools and secondary schools;

(H) how the State or eligible entity will provide targeted support to improve instruction in high-need local educational agencies and high-need schools;

(I) how the State or eligible entity's proposed project will ensure an increase in access for students who are members of groups underrepresented in science, technology, engineering, and mathematics subject fields to high-quality courses in 1 or more of the identified subjects; and

(J) how the State or eligible entity will continue to involve stakeholders in education reform efforts related to science, technology, engineering, and mathematics instruction.

(4) Assurances that the State or eligible entity will monitor implementation of approved subgrantee plans.

(c) ADDITIONAL FUNDING.—A State or eligible entity that submits a request to use the additional State activities reservation described in section 4205(d)(2), shall provide, in a manner that addresses the needs identified under subsection (b)(1), a description of the activities that the eligible entity will carry out with such funds, consistent with section 4205.

SEC. 4205. AUTHORIZED ACTIVITIES.

(a) REQUIRED ACTIVITIES.—Each State or eligible entity that receives a grant under this part shall use the grant funds to carry out each of the following activities:

(1) Increasing access for students through grade 12 who are members of groups underrepresented in science, technology, engineering, and mathematics subject fields to high-quality courses in the identified subjects.

(2) Implementing evidence-based programs of instruction based on high-quality standards and assessments in the identified subjects.

(3) Providing professional development and other comprehensive systems of support for teachers and school leaders to promote high-quality instruction and instructional leadership in the identified subjects.

(4) Providing technical assistance to subgrantees and other high-need schools and local educational agencies in order to improve student achievement and narrow achievement gaps in identified subjects, including through—

(A) the development and implementation of multi-tiered systems of support; and

(B) the development of curriculum or instructional materials consistent with the principals of universal design for learning, as defined in section 103 of the Higher Education Act of 1965.

(b) PERMISSIBLE ACTIVITIES.—Each State or eligible entity that receives a grant under this part may use the grant funds to carry out 1 or more of the following activities:

(1) Recruiting qualified teachers and instructional leaders who are trained in identified subjects, including teachers who have transitioned into the teaching profession from a career in science, technology, engineering, and mathematics fields.

(2) Providing induction and mentoring services to new teachers in identified subjects.

(3) Developing instructional supports, such as curricula and assessments, which shall be evidence-based and aligned with State college and career ready academic content standards

under section 1111(a)(1), and may include Internet-based curricula and Internet-based instructional supports.

(4) Implementing an interdisciplinary approach, by integrating instruction in 1 or more science, technology, engineering, and mathematics subjects with reading, English language arts, or instruction in other core academic subjects and noncore academic subjects.

(c) SUBGRANTS.—

(1) IN GENERAL.—Each State or eligible entity that receives a grant under this section shall award subgrants, on a competitive basis, to eligible subgrantees.

(2) MINIMUM SUBGRANT.—A State or eligible entity shall award subgrants under this subsection that are of sufficient size and scope to support high-quality, evidence-based, effective programs that are consistent with the purpose of this part.

(3) SUBGRANTEE APPLICATION.—

(A) IN GENERAL.—Each eligible subgrantee desiring a subgrant under this subsection shall submit an application to the State or eligible entity at such time, in such manner, and accompanied by such information as the State or eligible entity may require.

(B) CONTENTS OF SUBGRANTEE APPLICATION.—At a minimum, the application described in subparagraph (A) shall include the following:

(i) A description of the activities that the eligible subgrantee will carry out, and how such activities will improve teaching and student academic achievement in the identified subjects, in a manner consistent with scientifically valid research.

(ii) A description of how the eligible subgrantee will use funds provided under this subsection to serve students and teachers in high-need schools.

(iii) A description of how funds provided under this subsection will be coordinated with other Federal, State, and local programs and activities, including career and technical education programs authorized under the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.).

(iv) If the eligible subgrantee is working with outside partners, a description of how such outside partners will be involved in improving instruction and increasing access to high-quality learning experiences in the identified subjects.

(4) SUBGRANTEE USE OF FUNDS.—

(A) REQUIRED USE OF FUNDS.—Each subgrantee under this subsection shall use the subgrant funds to carry out activities for students through grade 12, consistent with the activities described in the subgrantee's application, which shall include—

(i) high-quality teacher and instructional leader recruitment, support, and evaluation in the identified subjects;

(ii) professional development, which may include development and support for instructional coaches, to en-

able teachers and instructional leaders to increase student achievement in identified subjects, through—

(I) implementation of classroom assessments; and

(II) differentiation of instruction in identified subjects for all students, including for students who are children with disabilities and students who are English learners;

(iii) activities to—

(I) improve the content knowledge of teachers; and

(II) facilitate professional collaboration, which may include providing time for such collaborations;

(iv) the development, adoption, and improvement of high-quality curricula and instructional supports that—

(I) are aligned with State college and career ready academic content standards under section 1111(a)(1); and

(II) the eligible subgrantee will use to improve student academic achievement in identified subjects;

(v) the development or improvement, and implementation, of multi-tiered systems of support to provide early intervening services and to increase student achievement in 1 or more of the identified subjects; and

(vi) integrating instruction in the identified subjects with instruction in reading, English language arts, or other core and noncore academic subjects.

(B) ALLOWABLE USE OF FUNDS.—In addition to the required activities described in subparagraph (A), each eligible subgrantee that receives a subgrant under this subsection, may also use the subgrant funds to—

(i) support the participation of low-income students in nonprofit competitions related to science, technology, engineering, and mathematics subjects (such as robotics, science research, invention, mathematics, computer science, and technology competitions); and

(ii) broaden secondary school students' access to, and interest in, careers that require academic preparation in 1 or more identified subjects.

(C) LIMITATION.—Each subgrantee that receives a subgrant under this subsection shall not expend more than 15 percent of the subgrant funds on the activities described in subparagraph (B).

(D) MATCHING FUNDS.—A State or eligible entity shall require an eligible subgrantee receiving a subgrant under this subsection to demonstrate that such subgrantee has obtained a commitment from 1 or more outside partners to match, using non-Federal funds or in-kind contributions, not less than 15 percent of the amount of subgrant funds. In the case of significant financial hardship, an eligible subgrantee may apply to the State or eligible entity for, and

the State or eligible entity may grant, a waiver of a portion of the minimum matching funds requirement.

(d) STATE ACTIVITIES.—

(1) IN GENERAL.—Each State or eligible entity that receives a grant under this part may use not more than 5 percent of grant funds for—

(A) administrative costs;

(B) monitoring the implementation of subgrants;

(C) providing technical assistance to subgrantees; and

(D) evaluating subgrants in coordination with the evaluation described in section 4207.

(2) RESERVATION.—Each State or eligible entity that receives a grant under this part may submit a request to the Secretary to reserve not more than 15 percent of grant funds, inclusive of the amount described in paragraph (1), for additional State activities, consistent with subsections (a) and (b).

SEC. 4206. PERFORMANCE METRICS; REPORT.

(a) ESTABLISHMENT OF PERFORMANCE METRICS.—The Secretary, acting through the Director of the Institute of Education Sciences, shall establish performance metrics to evaluate the effectiveness of the activities carried out under this part.

(b) ANNUAL REPORT.—Each State or eligible entity that receives a grant under this part shall prepare and submit an annual report to the Secretary, which shall include information relevant to the performance metrics described in subsection (a).

SEC. 4207. EVALUATION.

From the amount reserved in accordance with section 9601, the Secretary shall—

(1) acting through the Director of the Institute of Education Sciences, and in consultation with the Director of the National Science Foundation—

(A) evaluate the implementation and impact of the activities supported under this part, including progress measured by the metrics established under section 4206(a); and

(B) identify best practices to improve instruction in science, technology, engineering, and mathematics subjects; and

(2) disseminate, in consultation with the National Science Foundation, research on best practices to improve instruction in science, technology, engineering, and mathematics subjects.

SEC. 4208. SUPPLEMENT NOT SUPPLANT.

Funds received under this part shall be used to supplement, and not supplant, funds that would otherwise be used for activities authorized under this part.

SEC. 4209. MAINTENANCE OF EFFORT.

A State that receives funds under this part for a fiscal year shall maintain the fiscal effort provided by the State for the subjects supported by the funds under this part at a level equal to or greater than the level of such fiscal effort for the preceding fiscal year.

[PART C—ENVIRONMENTAL TOBACCO SMOKE]

[SEC. 4301. [20 U.S.C. 7181] SHORT TITLE.]

[This part may be cited as the "Pro-Children Act of 2001".]

[SEC. 4302. [20 U.S.C. 7182] DEFINITIONS.]

[As used in this part:

[(1) CHILDREN.—The term "children" means individuals who have not attained the age of 18.

[(2) CHILDREN'S SERVICES.—The term "children's services" means the provision on a routine or regular basis of health, day care, education, or library services—

[(A) that are funded, after the date of enactment of the No Child Left Behind Act of 2001, directly by the Federal Government or through State or local governments, by Federal grant, loan, loan guarantee, or contract programs—

[(i) administered by either the Secretary of Health and Human Services or the Secretary of Education (other than services provided and funded solely under titles XVIII and XIX of the Social Security Act); or

[(ii) administered by the Secretary of Agriculture in the case of a clinic (as defined in part 246.2 of title 7, Code of Federal Regulations (or any corresponding similar regulation or ruling)) under section 17(b)(6) of the Child Nutrition Act of 1966; or

[(B) that are provided in indoor facilities that are constructed, operated, or maintained with such Federal funds, as determined by the appropriate head of a Federal agency in any enforcement action carried out under this part,

except that nothing in clause (ii) of subparagraph (A) is intended to include facilities (other than clinics) where coupons are redeemed under the Child Nutrition Act of 1966.

[(3) INDOOR FACILITY.—The term "indoor facility" means a building that is enclosed.

[(4) PERSON.—The term "person" means any State or local subdivision of a State, agency of such State or subdivision, corporation, or partnership that owns or operates or otherwise controls and provides children's services or any individual who owns or operates or otherwise controls and provides such services.

[(5) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.]

[SEC. 4303. [20 U.S.C. 7183] NONSMOKING POLICY FOR CHILDREN'S SERVICES.]

[(a) PROHIBITION.—After the date of enactment of the No Child Left Behind Act of 2001, no person shall permit smoking within any indoor facility owned or leased or contracted for, and utilized, by such person for provision of routine or regular kindergarten, elementary, or secondary education or library services to children.

[(b) ADDITIONAL PROHIBITION.—

[(1) IN GENERAL.—After the date of enactment of the No Child Left Behind Act of 2001, no person shall permit smoking

within any indoor facility (or portion of such a facility) owned or leased or contracted for, and utilized by, such person for the provision of regular or routine health care or day care or early childhood development (Head Start) services.

[(2) EXCEPTION.—Paragraph (1) shall not apply to—

[(A) any portion of such facility that is used for inpatient hospital treatment of individuals dependent on, or addicted to, drugs or alcohol; and

[(B) any private residence.

[(c) FEDERAL AGENCIES.—

[(1) KINDERGARTEN, ELEMENTARY, OR SECONDARY EDUCATION OR LIBRARY SERVICES.—After the date of enactment of the No Child Left Behind Act of 2001, no Federal agency shall permit smoking within any indoor facility in the United States operated by such agency, directly or by contract, to provide routine or regular kindergarten, elementary, or secondary education or library services to children.

[(2) HEALTH OR DAY CARE OR EARLY CHILDHOOD DEVELOPMENT SERVICES.—

[(A) IN GENERAL.—After the date of enactment of the No Child Left Behind Act of 2001, no Federal agency shall permit smoking within any indoor facility (or portion of such facility) operated by such agency, directly or by contract, to provide routine or regular health or day care or early childhood development (Head Start) services to children.

[(B) EXCEPTION.—Subparagraph (A) shall not apply to—

[(i) any portion of such facility that is used for inpatient hospital treatment of individuals dependent on, or addicted to, drugs or alcohol; and

[(ii) any private residence.

[(3) APPLICATION OF PROVISIONS.—The provisions of paragraph (2) shall also apply to the provision of such routine or regular kindergarten, elementary or secondary education or library services in the facilities described in paragraph (2) not subject to paragraph (1).

[(d) NOTICE.—The prohibitions in subsections (a) through (c) shall be published in a notice in the Federal Register by the Secretary (in consultation with the heads of other affected agencies) and by such agency heads in funding arrangements involving the provision of children's services administered by such heads. Such prohibitions shall be effective 90 days after such notice is published, or 270 days after the date of enactment of the No Child Left Behind Act of 2001, whichever occurs first.

[(e) CIVIL PENALTIES.—

[(1) IN GENERAL.—Any failure to comply with a prohibition in this section shall be considered to be a violation of this section and any person subject to such prohibition who commits such violation may be liable to the United States for a civil penalty in an amount not to exceed $1,000 for each violation, or may be subject to an administrative compliance order, or both, as determined by the Secretary. Each day a violation continues shall constitute a separate violation. In the case of any civil penalty assessed under this section, the total amount

shall not exceed 50 percent of the amount of Federal funds received under any title of this Act by such person for the fiscal year in which the continuing violation occurred. For the purpose of the prohibition in subsection (c), the term "person", as used in this paragraph, shall mean the head of the applicable Federal agency or the contractor of such agency providing the services to children.

[(2) ADMINISTRATIVE PROCEEDING.—A civil penalty may be assessed in a written notice, or an administrative compliance order may be issued under paragraph (1), by the Secretary only after an opportunity for a hearing in accordance with section 554 of title 5, United States Code. Before making such assessment or issuing such order, or both, the Secretary shall give written notice of the assessment or order to such person by certified mail with return receipt and provide information in the notice of an opportunity to request in writing, not later than 30 days after the date of receipt of such notice, such hearing. The notice shall reasonably describe the violation and be accompanied with the procedures for such hearing and a simple form that may be used to request such hearing if such person desires to use such form. If a hearing is requested, the Secretary shall establish by such certified notice the time and place for such hearing, which shall be located, to the greatest extent possible, at a location convenient to such person. The Secretary (or the Secretary's designee) and such person may consult to arrange a suitable date and location where appropriate.

[(3) CIRCUMSTANCES AFFECTING PENALTY OR ORDER.—In determining the amount of the civil penalty or the nature of the administrative compliance order, the Secretary shall take into account, as appropriate—

[(A) the nature, circumstances, extent, and gravity of the violation;

[(B) with respect to the violator, any good faith efforts to comply, the importance of achieving early and permanent compliance, the ability to pay or comply, the effect of the penalty or order on the ability to continue operation, any prior history of the same kind of violation, the degree of culpability, and any demonstration of willingness to comply with the prohibitions of this section in a timely manner; and

[(C) such other matters as justice may require.

[(4) MODIFICATION.—The Secretary may, as appropriate, compromise, modify, or remit, with or without conditions, any civil penalty or administrative compliance order. In the case of a civil penalty, the amount, as finally determined by the Secretary or agreed upon in compromise, may be deducted from any sums that the United States or the agencies or instrumentalities of the United States owe to the person against whom the penalty is assessed.

[(5) PETITION FOR REVIEW.—Any person aggrieved by a penalty assessed or an order issued, or both, by the Secretary under this section may file a petition for judicial review of the order with the United States Court of Appeals for the District

of Columbia Circuit or for any other circuit in which the person resides or transacts business. Such person shall provide a copy of the petition to the Secretary or the Secretary's designee. The petition shall be filed within 30 days after the Secretary's assessment or order, or both, are final and have been provided to such person by certified mail. The Secretary shall promptly provide to the court a certified copy of the transcript of any hearing held under this section and a copy of the notice or order.

[(6) FAILURE TO COMPLY.—If a person fails to pay an assessment of a civil penalty or comply with an order, after the assessment or order, or both, are final under this section, or after a court has entered a final judgment under paragraph (5) in favor of the Secretary, the Attorney General, at the request of the Secretary, shall recover the amount of the civil penalty (plus interest at prevailing rates from the day the assessment or order, or both, are final) or enforce the order in an action brought in the appropriate district court of the United States. In such action, the validity and appropriateness of the penalty or order or the amount of the penalty shall not be subject to review.]

[SEC. 4304. [20 U.S.C. 7184] PREEMPTION.]

[Nothing in this part is intended to preempt any provision of law of a State or political subdivision of a State that is more restrictive than a provision of this part.]

PART C—INCREASING ACCESS TO A WELL-ROUNDED EDUCATION

SEC. 4301. PURPOSE.

The purpose of this part is to improve student achievement by giving students increased access to high-quality instruction for a well-rounded education.

SEC. 4302. DEFINITIONS.

In this part:

(1) COVERED SUBJECTS.—The term "covered subjects" means any of the following academic subjects:

(A) Arts.
(B) Civics and government.
(C) Economics.
(D) Environmental education.
(E) Financial literacy.
(F) Foreign languages.
(G) Geography.
(H) Health education.
(I) History.
(J) Physical education.
(K) Social studies.

(2) ELIGIBLE ENTITY.—The term "eligible entity" means a State educational agency in partnership with—

(A) a nonprofit organization with a demonstrated record of success in improving student achievement in 1 or more covered subjects;

(B) an institution of higher education;

(C) a local educational agency;

(D) an educational service agency; or

(E) 1 or more other State educational agencies.

(3) ELIGIBLE SUBGRANTEE.—The term "eligible subgrantee" means—

(A) a high-need local educational agency;

(B) an educational service agency serving more than 1 high-need local educational agency; or

(C) a consortium of high-need local educational agencies.

(4) LOW-INCOME STUDENT.—The term "low-income student" means a student—

(A) from a family with an income below the poverty line; or

(B) who is eligible for free or reduced-price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

SEC. 4303. GRANT PROGRAM.

(a) GRANTS TO ELIGIBLE ENTITIES.—From amounts appropriated to carry out this part for a fiscal year, and not reserved in accordance with section 9601, the Secretary shall make grants to eligible entities to enable the eligible entities to carry out the activities described in subsection (e).

(b) DURATION.—A grant under this section shall be for a period of not more than 5 years.

(c) PAYMENTS.—

(1) CONTINGENT PAYMENTS.—After the third year of a grant under this section, the Secretary shall make continued funding under the grant contingent upon the eligible entity's progress toward reaching the goals established under the metrics described in subsection (h)(1).

(2) FORMULA.—

(A) DISTRIBUTION TRIGGER.—

(i) AMOUNT TO TRIGGER FORMULA.—If the amount of funds appropriated to carry out this part for a fiscal year equals or exceeds $500,000,000, then the Secretary shall award grants to eligible entities based on the formula described under subparagraph (B).

(ii) AMOUNT TO TRIGGER COMPETITIVE GRANT PROCESS.—If the funds appropriated to carry out this part for a fiscal year are less than $500,000,000, then the Secretary shall award grants to eligible entities on a competitive basis.

(B) FORMULA.—From funds made available to carry out this part for a fiscal year, and not reserved in accordance with section 9601, the Secretary shall allot to each eligible entity having an application approved under subparagraph (C)—

(i) an amount that bears the same relationship to 80 percent of the remainder as the number of individuals ages 5 through 17 from families with incomes below the poverty line, in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all States

that have an application approved under such subparagraph; and

(ii) an amount that bears the same relationship to 20 percent of the remainder as the number of individuals ages 5 to 17 in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all States that have an application approved under such subparagraph.

(C) EXCEPTIONS.—

(i) MINIMUM GRANT AMOUNT.—Subject to clause (ii), no State receiving an allotment under subparagraph (B) may receive less than 1 percent of the total amount allotted under such subparagraph.

(ii) PUERTO RICO.—The percentage of the amount allotted under subparagraph (B) that is allotted to the Commonwealth of Puerto Rico for a fiscal year may not exceed the amount under clause (i).

(D) PEER REVIEW REQUIREMENTS.—The Secretary shall establish a peer review process to ensure that applications submitted for formula funding, as described in subparagraph (B), are of high quality and meet the requirements and purposes of this part.

(d) APPLICATION.—

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

(2) CONTENTS.—The application shall, at a minimum—

(A) describe the needs identified by the eligible entity, based on the eligible entity's analysis of—

(i) student access to, and quality of instruction in, covered subjects, including a comparison of such access and quality between low-income and non-low-income students in the State served by the eligible entity;

(ii) the capacity of high-need local educational agencies in such State to deliver high-quality instruction in covered subjects, including an analysis of instructional supports, curricula, teacher evaluation systems, and teacher qualifications, effectiveness, knowledge, and skills;

(iii) the capacity of the eligible entity to provide local educational agencies with the support, including professional development and technical assistance, needed to deliver high-quality instruction and curricula in covered subjects; and

(iv) standards, assessments, curricula, accommodations, and other supports used in such State in covered subjects;

(B) identify the covered subjects that the eligible entity will address through the activities described in subsection (e), consistent with the needs identified in subparagraph (A);

(C) describe, in a manner that addresses the needs identified in subparagraph (A)—

(i) how access to high-quality courses in the subjects identified in subparagraph (B) will be increased for low-income students in such State;

(ii) how the knowledge and skills of teachers will be evaluated and improved so that such teachers will deliver high-quality instruction in such subjects;

(iii) how the eligible entity will provide assistance to high-need local educational agencies to improve student access to, and achievement in, the subjects identified in subparagraph (B), including through principal training; and

(iv) how the eligible entity will ensure that all activities funded through a grant awarded under this section are evidence-based;

(D) describe how activities funded through a grant awarded under this section will be aligned with other Federal, State, and local funding, programs, and strategies, as appropriate; and

(E) if applicable, describe the eligible entity's plan for disbursing funds to eligible subgrantees to implement the activities described in subsection (e).

(3) COMPETITIVE PRIORITY.—If grants are awarded competitively, consistent with subsection (c)(2)(A)(ii), the Secretary shall give priority to applications from eligible entities that—

(A) include in the application a plan to implement an interdisciplinary approach, by integrating instruction in 1 or more covered subjects with reading, English, language arts, science, or mathematics instruction; and

(B) include in the application a plan to provide expanded learning time in the schools served by eligible subgrantees, in order to increase access to covered subjects.

(e) AUTHORIZED ACTIVITIES.—

(1) IN GENERAL.—Each eligible entity that receives a grant under this section shall use the grant funds to increase access for low-income students to high-quality courses in the subjects identified in subsection (d)(2)(B) by carrying out 1 or more of the following activities:

(A) Improving the knowledge and skills of teachers through rigorous evaluation systems, professional development, and other instructional supports in order to deliver high-quality instruction in such subjects, including to students who are English learners and students who are children with disabilities.

(B) Providing assistance to high-need local educational agencies to improve low-income student access to, and achievement in, such subjects.

(C) Developing and implementing, or building local capacity to develop and implement, high-quality curricula, instructional supports, and assessments that are aligned with the State college and career ready academic content and achievement standards, consistent with section 1111(a)(1), in such subjects.

(2) SPECIAL RULE.—Each eligible entity that receives a grant under this section shall use grant funds to meet the needs identified in subsection (d)(2)(A) and the Secretary shall not require any eligible entity to address a specific subject or to address all covered subjects.

(3) STATE ADMINISTRATION.—Each eligible entity that receives a grant under this section may reserve not more than 4 percent of grant funds for administration costs of the grant.

(f) SUBGRANTS.—

(1) IN GENERAL.—Each eligible entity that receives a grant under this section may, in accordance with paragraph (2), award subgrants, on a competitive basis, to eligible subgrantees to enable such eligible subgrantees to carry out the activities described in subsection (e).

(2) MINIMUM GRANT.—Each subgrant under this subsection shall be of sufficient size and scope to support a high-quality, effective program that is consistent with the purpose of this part.

(g) EVALUATION.—From the amount reserved in accordance with section 9601, the Secretary shall—

(1) acting through the Director of the Institute of Education Sciences—

(A) evaluate, in consultation with the relevant program office at the Department of Education, the implementation and impact of the activities supported under this section, including progress as measured by the metrics established under subsection (h)(1); and

(B) identify best practices to improve instruction in covered subjects; and

(2) disseminate research on best practices to improve instruction in covered subjects.

(h) ACCOUNTABILITY.—

(1) PERFORMANCE METRICS.—The Secretary, acting through the Director of the Institute of Education Sciences, shall, in consultation with the relevant program office at the Department, establish performance metrics to evaluate the outcomes of grant projects that are assisted under this part.

(2) ANNUAL REPORTS.—Each eligible entity that receives a grant under this section shall prepare and submit an annual report to the Secretary, which shall include information about the performance metrics described in paragraph (1).

(i) SUPPLEMENT NOT SUPPLANT.—An eligible entity shall use Federal funds received under this section only to supplement the funds that would, in the absence of such Federal funds, be made available from other Federal and non-Federal sources for the activities described in this section, and not to supplement such funds.

(j) MAINTENANCE OF EFFORT.—A State that receives assistance under this part shall maintain the fiscal effort provided by the State for the subjects supported by a grant under this part at a level equal to or greater than the level of such fiscal effort for the preceding fiscal year.

PART D—SUCCESSFUL, SAFE, AND HEALTHY STUDENTS

SEC. 4401. PURPOSE.

The purpose of this part is to assist States and local educational agencies in developing and implementing comprehensive programs and strategies to foster positive conditions for learning in public schools, in order to increase academic achievement for all students through activities that—

(1) promote student physical health and well-being, nutrition, and fitness;

(2) promote student mental health and well-being;

(3) prevent school violence and harassment, and reduce substance abuse among students; and

(4) promote safe and supportive schools.

SEC. 4402. DEFINITIONS.

In this part:

(1) CONTROLLED SUBSTANCE.—The term "controlled substance" means a drug or other substance identified under Schedule I, II, III, IV, or V of section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)).

(2) DRUG.—The term "drug" includes—

(A) a controlled substance;

(B) with respect to alcohol and tobacco, the illegal use of such substances; and

(C) with respect to inhalants and anabolic steroids, the harmful, abusive, or addictive use of such substances.

(3) DRUG AND VIOLENCE PREVENTION.—The term "drug and violence prevention" means—

(A) with respect to drugs, prevention, early intervention, rehabilitation referral, or education related to the abuse and illegal use of drugs; and

(B) with respect to violence, the promotion of school safety, such that students and school personnel are free from violent and disruptive acts, including sexual harassment and abuse, and victimization associated with prejudice and intolerance, on school premises, going to and from school, at school sponsored activities, and via communications made available through electronic means, through the creation and maintenance of a school environment that is free of weapons and fosters individual responsibility and respect for the rights of others, and employs positive, preventative approaches to school discipline that minimize students' removal from instruction and reduce disparities among the subgroups of students described in section 1111(a)(2)(B)(ix).

(4) ELIGIBLE LOCAL APPLICANT.—The term "eligible local applicant" means—

(A) a local educational agency;

(B) a consortium of local educational agencies; or

(C) a local educational agency or consortium of local educational agencies in partnership with a nonprofit organiza-

tion that has a demonstrated record of success in implementing activities consistent with the purpose of this part.

(5) PHYSICAL EDUCATION INDICATORS.—The term "physical education indicators" means a set of measures for instruction on physical activity, health-related fitness, physical competence, and cognitive understanding about physical activity that—

(A) are publicly reported annually in the State's conditions for learning measurement system described in section 4404(g); and

(B) include, for the State, for each local educational agency in the State, and for each school in the State, the average number of minutes that all students engage in moderate to vigorous physical activity, as measured against established recommended guidelines of the Centers for Disease Control and Prevention and the Department of Health and Human Services.

(6) PROGRAMS TO PROMOTE MENTAL HEALTH.—The term "programs to promote mental health" means programs that—

(A) develop students' social and emotional competencies; and

(B) link students with, as applicable, school-based or local mental health systems, including by—

(i) enhancing, improving, or developing collaborative efforts between school-based systems and mental health systems;

(ii) improving the availability of crisis intervention services and appropriate referrals for students potentially in need of mental health services;

(iii) providing training for mental health professionals and other school-based specialized instructional support personnel who will participate in the program; and

(iv) providing services that establish or expand the availability of counseling and mental health programs for students.

(7) PROGRAMS TO PROMOTE PHYSICAL ACTIVITY, EDUCATION, FITNESS, AND NUTRITION.—The term "programs to promote physical activity, education, fitness, and nutrition" means programs that increase and enable active student participation in physical well-being activities, provide teacher professional development, are comprehensive in nature, and include opportunities for professional development for teachers of physical education to stay abreast of the latest research, issues, and trends in the field of physical education, and include 1 or more of the following activities:

(A) Fitness education and assessment to help students understand, improve, or maintain their physical well-being.

(B) Instruction in a variety of motor skills and physical activities designed to enhance the physical, mental, social, and emotional development of every student.

(C) Development of, and instruction in, cognitive concepts about motor skill and physical fitness that support a lifelong healthy lifestyle.

(D) Opportunities to develop positive social and cooperative skills through physical activity.

(E) Instruction in healthy eating habits and good nutrition.

SEC. 4403. RESERVATIONS.

From amounts made available to carry out this part, the Secretary shall reserve—

(1) for the first 3 years for which funding is made available to carry out this part—

(A) not more than 30 percent of such amounts or $30,000,000, whichever amount is greater, for State conditions for learning measurement systems grants, distributed to every State (by an application process consistent with section 4404) in an amount proportional to each State's share of funding under part A of title I of this Act, to develop or improve the State's conditions for learning measurement system described in section 4404(g), and to conduct a needs analysis to meet the requirements of section 4404(c)(2); and

(B) not more than 68 percent of such amounts for Successful, Safe, and Healthy Students State Grants under section 4404;

(2) for the fourth year and each subsequent year for which funding is made available to carry out this part, not less than 98 percent of such amounts for Successful, Safe, and Healthy Students State Grants under section 4404; and

(3) in each year for which funding is made available to carry out this part, not more than 2 percent of such amounts for technical assistance.

SEC. 4404. SUCCESSFUL, SAFE, AND HEALTHY STUDENTS STATE GRANTS.

(a) PURPOSE.—The purpose of this section is to provide funding to States to implement comprehensive programs that address conditions for learning in schools in the State. Such programs shall be based on—

(1) scientifically valid research; and

(2) an analysis of need that considers, at a minimum, the indicators in the State's conditions for learning measurement system described in subsection (g).

(b) STATE GRANTS.—

(1) IN GENERAL.—From amounts reserved under section 4403 for Successful, Safe, and Healthy Students State Grants, the Secretary shall award grants to States to carry out the purpose of this section.

(2) AWARDS TO STATES.—

(A) FORMULA GRANTS.—Except as provided in subparagraph (B), if the total amount reserved under section 4404 for Successful, Safe, and Healthy Students State Grants for a fiscal year is $500,000,000 or greater, the Secretary shall allot to each State with an approved application an amount that bears the same relationship to such total amount as the amount received under part A of title I by such State

for the preceding fiscal year bears to the amount received under such part for the preceding fiscal year by all States.

(B) MINIMUM STATE ALLOTMENT.—

(i) IN GENERAL.—No State receiving an allotment under subparagraph (A) may receive less than one-half of 1 percent of the total amount allotted under such subparagraph.

(ii) PUERTO RICO.—The amount allotted under subparagraph (A) to the Commonwealth of Puerto Rico for a fiscal year may not exceed one-half of 1 percent of the total amount allotted under such subparagraph for such fiscal year.

(C) COMPETITIVE GRANTS.—

(i) IN GENERAL.—If the total amount reserved under section 4404 for Successful, Safe, and Healthy Students State Grants for a fiscal year is less than $500,000,000, the Secretary shall award grants under this section on a competitive basis.

(ii) SUFFICIENT SIZE AND SCOPE.—In awarding grants on a competitive basis pursuant to clause (i), the Secretary shall ensure that grant awards are of sufficient size and scope to carry out required and approved activities under this section.

(c) APPLICATIONS.—

(1) IN GENERAL.—A State that desires to receive a grant under this section shall submit an application at such time, in such manner, and containing such information as the Secretary may require.

(2) CONTENT OF APPLICATION.—At a minimum, the application shall include—

(A) a plan for improving conditions for learning in schools in the State in a manner consistent with the requirements of the program that may be a part of a broader statewide child and youth plan, if such a plan exists and is consistent with the requirements of this part;

(B) a needs analysis of the conditions for learning in schools in the State, which—

(i) shall include a description of, and data measuring, the State's conditions for learning; and

(ii) may be a part of a broader statewide child and youth needs analysis, if such an analysis exists and is consistent with the requirements of this part;

(C) a description of how the activities the State proposes to implement with grant funds are responsive to the results of the needs analysis described in subparagraph (B); and

(D) a description of how the State will—

(i) develop, adopt, adapt, or implement the State's conditions for learning measurement system described in subsection (g), and how the State will ensure that all local educational agencies and schools in the State participate in such system;

(ii) ensure the quality and validity of the State's conditions for learning data collection;

(iii) coordinate the proposed activities with other Federal and State programs, including programs funded under this part, which may include programs to expand learning time and for before- and after-school programming;

(iv) assist local educational agencies to align activities with funds the agencies receive under the program with other funding sources in order to support a coherent and nonduplicative program;

(v) solicit and approve subgrant applications, including how the State will—

(I) allocate funds for statewide activities and subgrants for each year of the grant, consistent with allocation requirements under subsection (h)(2); and

(II) consider the results of the analysis described in subparagraph (B) in the State's distribution of subgrants;

(vi) address the needs of diverse geographic areas in the State, including rural and urban communities;

(vii) provide assistance to local educational agencies and schools in their efforts to prevent and appropriately respond to incidents of harassment, including building the capacity of such agencies and schools to educate family and community members regarding the agencies' and schools' respective roles in preventing and responding to such incidents; and

(viii) provide assistance to local educational agencies and schools in their approaches to school discipline.

(3) APPLICATION REVIEW PROCESS.—The Secretary shall establish a process to review applications submitted under this subsection.

(d) DURATION.—

(1) IN GENERAL.—A State that receives a grant under this section may receive funding for not more than 5 years in accordance with this subsection.

(2) INITIAL PERIOD.—The Secretary shall award grants under this section for an initial period of not more than 3 years.

(3) GRANT EXTENSION.—The Secretary may extend a competitive grant awarded to a State under this section for not more than an additional 2 years if the State shows sufficient improvement, as determined by the Secretary, against baseline data for the performance metrics established under subsection (i).

(e) RESERVATION AND USE OF FUNDS.—A State that receives a grant under this section shall—

(1) reserve not more than 7½ percent of the grant funds for administration of the program, technical assistance, and the development, improvement, and implementation of the State's conditions for learning measurement system, as described in subsection (g); and

(2) use the remainder of grant funds after making the reservation under paragraph (1) to award subgrants, on a competitive basis, to eligible local applicants.

(f) REQUIRED STATE ACTIVITIES.—A State that receives a grant under this section shall—

(1) establish a statewide physical education requirement that is consistent with widely recognized standards;

(2) require all local educational agencies in the State to—

(A) establish policies that prevent and prohibit conduct that is sufficiently severe, persistent, or pervasive to limit a student's ability to participate in or benefit from a program or activity of a public school or educational agency, or to create a hostile or abusive educational environment at a program or activity of a public school or educational agency, including acts of verbal, nonverbal, or physical aggression, intimidation, or hostility; and

(B) provide—

(i) annual notice to parents and students describing the full range of prohibited conduct contained in such local educational agency's discipline policies; and

(ii) grievance procedures for students or parents to register complaints regarding the prohibited conduct contained in such local educational agency's discipline policies, including—

(I) the name of the local educational agency officials who are designated as responsible for receiving such complaints; and

(II) timelines that the local educational agency will follow in the resolution of such complaints;

(3) not later than 1 year after receipt of the grant, develop, adapt, improve, or adopt and implement the statewide conditions for learning measurement system described in subsection (g) (unless the State can demonstrate, to the satisfaction of the Secretary, that an appropriate system has already been implemented) that annually measures the State's progress in the conditions for learning for every public school in the State;

(4) collect information in each year of the grant on the conditions for learning at the school-building level;

(5) collect annual incident data at the school-building level that are accurate and complete;

(6) publicly report, at the school level and local educational agency level, the data collected in the State's conditions for learning measurement system, described in subsection (g), each year in a timely and highly accessible manner, and in a manner that does not reveal personally identifiable information;

(7) use the results of the data collected in the State's conditions for learning measurement system to—

(A) identify and address conditions for learning statewide;

(B) help subgrantees identify and address school and student needs; and

(C) provide individualized assistance to schools identified under section 1116 and schools with significant conditions for learning weaknesses;

(8) award subgrants, consistent with subsection (h), to eligible local applicants; and

(9) monitor subgrants and provide technical assistance to subgrantees on the implementation of grant activities.

(g) CONDITIONS FOR LEARNING MEASUREMENT SYSTEM.—

(1) IN GENERAL.—Each State that receives a grant under this part shall establish a State reporting and information system that measures conditions for learning in the State and is, to the extent practicable, part of the State's statewide longitudinal data system and with the State's system for reporting the data required under section 1111.

(2) SYSTEM ACTIVITIES.—The State reporting and information system described in paragraph (1) shall—

(A) contain, at a minimum, data from valid and reliable surveys of students and staff and the indicators in subparagraph (B) that allow staff at the State, local educational agencies, and schools to examine and improve school-level conditions for learning;

(B) collect school-level data on—

(i) physical education indicators;

(ii) student attendance and truancy;

(iii) in-school suspensions, out-of-school suspensions, expulsions, referrals to law enforcement, school-based arrests, and disciplinary transfers (including placements in alternative schools) by student;

(iv) the frequency, seriousness, and incidence of violence and drug-related offenses resulting in disciplinary action in elementary schools and secondary schools in the State; and

(v) the incidence and prevalence, age of onset, perception of health risk, and perception of social disapproval of drug use and violence, including harassment, by youth and school personnel in schools and communities;

(C) collect and report data, including, at a minimum, the data described in clauses (ii), (iii), and (v) of subparagraph (B), in the aggregate and disaggregated by the categories of race, ethnicity, gender, disability status, migrant status, English proficiency, and status as economically disadvantaged, and cross tabulated across all of such categories by gender and by disability;

(D) protect student privacy, consistent with applicable data privacy laws and regulations, including section 444 of the General Education Provisions Act (20 U.S.C. 1232g, commonly known as the "Family Educational Rights and Privacy Act of 1974"); and

(E) to the extent practicable, utilize a web-based reporting system.

(3) COMPILING STATISTICS.—In compiling the statistics required to measure conditions for learning in the State—

(A) the offenses described in paragraph (2)(B)(iv) shall be defined pursuant to the State's criminal code, and aligned to the extent possible, with the Federal Bureau of Investigation's Uniform Crime Reports categories, but shall not identify victims of crimes or persons accused of crimes and the collected data shall include incident reports by school offi-

cials, anonymous student surveys, and anonymous teacher surveys;

(B) the performance metrics that are established under subsection (i) shall be collected and the performance on such metrics shall be defined and reported uniformly statewide;

(C) the State shall collect, analyze, and use the data under paragraph (2)(B) at least annually, except the indicators under paragraph (2)(B)(v) may be collected, at a minimum, every 2 years; and

(D) grant recipients and subgrant recipients shall use the data for planning and continuous improvement of activities implemented under this part, and may collect data for indicators that are locally defined, and that are not reported to the State, to meet local needs (so long as such indicators are aligned with the conditions for learning).

(h) SUBGRANTS.—

(1) IN GENERAL.—

(A) AWARDING OF SUBGRANTS.—A State that receives a grant under this section shall award subgrants, on a competitive basis, to eligible local applicants—

(i) based on need as identified by the State's conditions for learning measurement system described in subsection (g);

(ii) that are of sufficient size and scope to enable subgrantees to carry out approved activities; and

(iii) to implement programs that—

(I) are comprehensive in nature;

(II) are based on scientifically valid research;

(III) improve conditions for learning; and

(IV) are part of a strategy to achieve all the conditions for learning.

(B) ASSISTANCE.—A State that receives a grant under this section shall provide assistance to subgrant applicants and recipients in the selection of scientifically valid programs and interventions.

(2) ALLOCATION.—

(A) IN GENERAL.—In awarding subgrants under this section, each State shall ensure that, for the aggregate of all subgrants awarded by the State, not less than 20 percent of the subgrant funds are allocated to carry out programs to promote physical activity, education, fitness, and nutrition.

(B) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to require States, in making subgrants to eligible local applicants, to require subgrant recipients to use 20 percent of subgrant funds for the promotion of physical activity, education, fitness, and nutrition.

(3) APPLICATIONS.—An eligible local applicant that desires to receive a subgrant under this subsection shall submit to the State an application at such time, in such manner, and containing such information as the State may require.

(4) PRIORITY.—In awarding subgrants under this subsection, a State shall give priority to applications that—

(A) demonstrate the greatest need according to the results of the local needs assessment; and

(B) propose to serve schools with the highest concentrations of poverty, based on the percentage of students receiving or are eligible to receive a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

(5) ACTIVITIES OF SUBGRANT RECIPIENTS.—Each recipient of a subgrant under this subsection shall, for the duration of the subgrant, provide for the following:

(A) Carry out activities—

(i) the need for which has been identified, at a minimum, through the State's conditions for learning measurement system described in subsection (g);

(ii) that are part of a comprehensive strategy or framework to address such need; and

(iii) that include 1 or more of the following:

(I) Drug and violence prevention;

(II) Programs to promote mental health.

(III) Programs to promote physical activity, education, fitness, and nutrition.

(B) Ensure that each framework, intervention, or program selected be based on scientifically valid research and be used for the purpose for which such framework, intervention, or program was found to be effective.

(C) Use school-level data from the State's conditions for learning measurement system, described in subsection (g), to inform the implementation and continuous improvement of activities carried out under this part.

(D) Collect and report to the State educational agency, data for schools served by the subgrant recipient, in a manner consistent with the State's conditions for learning measurement system, described in subsection (g).

(E) Establish policies to expand access to quality physical activity opportunities, including local school wellness policies consistent with the requirements of section 9A of the Richard B. Russell National School Lunch Act. For purposes of this part, school wellness councils established consistent with section 9A of the Richard B. Russell National School Lunch Act may be part of existing school councils, if such councils exist and have the capacity and willingness to address school wellness.

(F) Engage family members and community-based organizations in the development of conditions for learning surveys, and in the planning, implementation, and review of the subgrant recipient's efforts under this part.

(G) Consider and accommodate the unique needs of students with disabilities and English learners in implementing activities.

(i) ACCOUNTABILITY.—

(1) ESTABLISHMENT OF PERFORMANCE METRICS.—The Secretary, acting through the Director of the Institute of Education Sciences, shall establish program performance metrics to measure the effectiveness of the activities carried out under this part.

(2) ANNUAL REPORT.—Each State that receives a grant under this part shall prepare and submit an annual report to the Secretary, which shall include information relevant to the conditions for learning, including on progress towards meeting outcomes for the metrics established under paragraph (1).

(j) EVALUATION.—From the amount reserved in accordance with section 9601, the Secretary, acting through the Director of the Institute of Education Sciences, shall conduct an evaluation of the impact of the practices funded or disseminated under this section.

SEC. 4405. TECHNICAL ASSISTANCE.

From the amount reserved under section 4403(3), the Secretary shall provide technical assistance to applicants, recipients, and subgrant recipients of the programs funded under this part.

SEC. 4406. PROHIBITED USES OF FUNDS.

No funds appropriated under this part may be used to pay for—

(1) school resource officer or other security personnel salaries, metal detectors, security cameras, or other security-related salaries, equipment, or expenses;

(2) drug testing programs; or

(3) the development, establishment, implementation, or enforcement of zero-tolerance discipline policies, other than those expressly required under the Gun-Free Schools Act (20 U.S.C. 7151 et seq.).

SEC. 4407. FEDERAL AND STATE NONDISCRIMINATION LAWS.

Nothing in this part shall be construed to invalidate or limit nondiscrimination principles or rights, remedies, procedures, or legal standards available to victims of discrimination under any other Federal law or law of a State or political subdivision of a State, including title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), section 504 or 505 of the Rehabilitation Act of 1973 (29 U.S.C. 794 and 794a), or the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.). The obligations imposed by this part are in addition to those imposed by title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), and the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

PART [B]*E*—21ST CENTURY COMMUNITY LEARNING CENTERS

SEC. [4201]*4501*. PURPOSE; DEFINITIONS.

(a) PURPOSE.—The purpose of this part is [to provide]*to assist States in providing* opportunities for [communities]*eligible entities* to establish or expand activities in community learning centers that—

(1) provide *students with before school, after school, or summer learning* opportunities for academic enrichment, including providing tutorial services to help students[, particularly students] who attend low-performing schools[,] to meet State and

local student academic achievement standards in core academic subjects, such as reading and mathematics;

(2) offer students *who attend low-performing schools* a broad array of additional services, programs, and activities, such as youth development activities, drug and violence prevention programs, counseling programs, art, music, and recreation programs, technology education programs, and character education programs, that are designed to reinforce and complement the regular academic program of participating students; [and]

[(3) offer families of students served by community learning centers opportunities for literacy and related educational development.]

(3) significantly increase the number of hours in a regular school day, week, or year in order to provide students with additional time for academic work and for additional subjects and enrichment activities that increase student achievement and engagement; and

(4) comprehensively redesign and implement an expanded school day, expanded school week, or expanded school year schedule for all students in a high-need school, to provide additional time for—

(A) instruction in core academic subjects;

(B) instruction in additional subjects and enrichment activities; and

(C) teachers and staff to collaborate, plan, and engage in professional development within and across grades and subjects.

(b) DEFINITIONS.—In this part:

(1) COMMUNITY LEARNING CENTER.—The term "community learning center" means an entity [that—]*that provides 1 or more of the following:*

(A) [assists]*Before school, after school, or summer learning programs that assist* students in meeting State and local academic achievement standards in core academic subjects, such as reading and mathematics, by providing the students with opportunities for academic enrichment activities and a broad array of other activities (such as drug and violence prevention, counseling, art, music, recreation, technology, and character education programs) during nonschool hours or periods when school is not in session [(such as before and after school or during summer recess)]that reinforce and complement the regular academic programs of the schools attended by the students served[; and].

[(B) offers families of students served by such center opportunities for literacy and related educational development.]

(B) Expanded learning time programs that significantly increase the total number of hours in a regular school day, week, or year, in order to provide students with the greatest academic needs with—

(i) additional time to participate in academic activities that—

(I) are aligned with the instruction that such students receive during the regular school day; and

(II) are targeted to the academic needs of such students; and

(ii) time to engage in enrichment and other activities that complement the academic program and contribute to a well-rounded education, which may include music and the arts, physical education, and experiential and work-based learning opportunities.

(C) Expanded learning time initiatives that use an expanded school day, expanded school week, or expanded school year schedule to increase the total number of school hours for the school year at a high-need school by not less than 300 hours and redesign the school's program in a manner that includes additional time—

(i) for academic work, and to support innovation in teaching, in order to improve the proficiency of participating students, particularly struggling students, in core academic subjects;

(ii) to advance student learning for all students in all grades;

(iii) for additional subjects and enrichment activities that contribute to a well-rounded education, which may include music and the arts, physical education, and experiential and work-based learning opportunities; and

(iv) for teachers to engage in collaboration and professional planning, within and across grades and subjects.

[(2) COVERED PROGRAM.—The term "covered program" means a program for which—

[(A) the Secretary made a grant under part I of title X (as such part was in effect on the day before the date of enactment of the No Child Left Behind Act of 2001); and

[(B) the grant period had not ended on that date of enactment.

[(3) ELIGIBLE ENTITY.—The term "eligible entity" means a local educational agency, community-based organization, another public or private entity, or a consortium of two or more of such agencies, organizations, or entities.**]**

(2) ELIGIBLE ENTITY.—

(A) IN GENERAL.—The term "eligible entity" means a partnership of—

(i) 1 or more high-need local educational agencies in partnership with 1 or more nonprofit organizations with a demonstrated record of success in designing and implementing before school, after school, summer learning, or expanded learning time activities; or

(ii) 1 or more nonprofit organizations with a demonstrated record of success in designing and implementing before school, after school, summer learning, or expanded learning time activities, in partnership with 1 or more high-need local educational agencies.

(B) SPECIAL RULE.—A State educational agency shall deem a rural local educational agency applying for a grant under section 4504 without a partnering public or nonprofit entity to be an eligible entity if the rural local educational agency demonstrates that such agency is unable to partner with a public or nonprofit organization in reasonable geographic proximity or of sufficient quality to meet the requirements of this part.

[(4)**]***(3)* STATE.—The term "State" means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

SEC. [4202]*4502*. ALLOTMENTS TO STATES.

(a) RESERVATION.—From the funds appropriated **[**under section 4206**]***to carry out this part* for any fiscal year, the Secretary shall reserve—

[(1) such amount as may be necessary to make continuation awards to grant recipients under covered programs (under the terms of those grants);**]**

[(2)**]***(1)* not more than 1 percent for national activities, which the Secretary may carry out directly or through grants and contracts, such as providing technical assistance to eligible entities carrying out programs under this part or conducting a national evaluation; and

[(3)**]***(2)* not more than 1 percent for payments to the outlying areas and the **[**Bureau of Indian Affairs**]***Bureau of Indian Education*, to be allotted in accordance with their respective needs for assistance under this part, as determined by the Secretary, to enable the outlying areas and the Bureau to carry out the purpose of this part.

(b) STATE ALLOTMENTS.—

(1) DETERMINATION.—From the funds appropriated **[**under section 4206**]***to carry out this part* for any fiscal year and remaining after the Secretary makes reservations under subsection (a), the Secretary shall allot to each State for the fiscal year an amount that bears the same relationship to the remainder as the amount the State received under subpart 2 of part A of title I for the preceding fiscal year bears to the amount all States received under that subpart for the preceding fiscal year, except that no State shall receive less than an amount equal to one-half of 1 percent of the total amount made available to all States under this subsection.

(2) REALLOTMENT OF UNUSED FUNDS.—* * *

(c) STATE USE OF FUNDS.—

(1) IN GENERAL.—Each State that receives an allotment under this part shall reserve not less than 95 percent of the amount allotted to such State under subsection (b), for each fiscal year for awards to eligible entities under section **[**4204**]***4504*.

(2) STATE ADMINISTRATION.—A State educational agency may use not more than 2 percent of the amount made available to the State under subsection (b) for—

(A) * * *

(B) establishing and implementing a peer review process for grant applications described in section

[4204(b)]*4504(b)* (including consultation with the Governor and other State agencies [responsible for administering youth development programs and adult learning activities]*as applicable*); and

[supervising the awarding of funds to eligible entities (in consultation with the Governor and other State agencies responsible for administering youth development programs and adult learning activities).]

(C) supervising the awarding of funds to eligible entities (in consultation with the Governor and other State agencies responsible for administering youth development programs and adult learning activities).

(3) STATE ACTIVITIES.—* * *

(A) Monitoring and *comprehensive* evaluation *(directly, or through a grant or contract) of the effectiveness* of programs and activities assisted under this part.

[(B) Providing capacity building, training, and technical assistance under this part.]

(B) Providing capacity building, training, professional development, and technical assistance under this part to eligible entities, relating to activities such as—

(i) coordinating activities carried out under this part with other Federal, State, and local programs so as to implement high-quality programs; and

(ii) aligning activities carried out under this part with State academic content standards.

[(C) Comprehensive evaluation (directly, or through a grant or contract) of the effectiveness of programs and activities assisted under this part.

[(D) Providing training and technical assistance to eligible entities who are applicants for or recipients of awards under this part.]

SEC. [4203]*4503*. STATE APPLICATION.

(a) IN GENERAL.—In order to receive an allotment under section [4202]*4502* for any fiscal year, a State shall submit to the Secretary, at such time as the Secretary may require, an application that—

(1) * * *

* * * * * * *

(2) describes how the State educational agency will use funds received under this part, including funds reserved for State-level activities;

(3) contains an assurance that the State educational agency will make awards under this part only to eligible entities that propose to [serve—

[(A) students who primarily attend—

[(i) schools eligible for schoolwide programs under section 1114; or

[(ii) schools that serve a high percentage of students from low-income families; and

[(B) the families of students described in subparagraph (A)]*serve students who primarily attend high-need schools and schools that are identified through a State's account-*

ability and improvement system under subsection (b) or (c)(2) of section 1116;

(4) describes *the State's rigorous, high-quality competition for grants under section 4204, including* the procedures and criteria the State educational agency will use for reviewing applications and awarding funds to eligible entities on a competitive basis[, which shall include procedures and criteria that take into consideration the likelihood that a proposed community learning center will help participating students meet local content and student academic achievement standards];

[(5) describes how the State educational agency will ensure that awards made under this part are—

[(A) of sufficient size and scope to support high-quality, effective programs that are consistent with the purpose of this part; and

[(B) in amounts that are consistent with section 4204(h);]

(5) describes how the State educational agency will ensure that awards made under this part are of sufficient size and scope to support high-quality, effective programs that are consistent with the purpose of this part;

(6) * * *

[(7) describes how programs under this part will be coordinated with programs under this Act, and other programs as appropriate;]

(7) describes how the State educational agency will assist eligible entities in coordinating funds received through the grant with other funding streams, in order to support a coherent and sustainable approach to funding and implementing programs and activities under this part and other programs under this Act;

(8) contains an assurance that the State educational agency—

(A) will make awards for programs for a period of [not less than 3 years and not more than 5 years]*not more than 3 years, and may extend a grant for an additional period of not more than 2 years if the eligible entity is achieving the intended outcomes of the grant*; and

(B) * * *

(9) * * *

(10) contains an assurance that the State educational agency will require eligible entities to describe in their applications under section [4204(b)]*4504(b)* how the transportation needs*, if any,* of participating students will be addressed;

(11) provides an assurance that the application was developed in consultation and coordination with appropriate State officials, including the chief State school officer, and other State agencies administering [before and after school (or summer school) programs, the heads of the State health and mental health agencies or their designees,]*before school, after school, summer learning, and expanded learning time programs and initiatives,* and representatives of teachers, parents, students, the business community, and community-based organizations;

(12) describes the results of the State's needs and resources assessment for [before and after school]*before school, after school, summer learning, and expanded learning time* activities, which shall be based on the results of on-going State evaluation activities;

(13) describes how the State educational agency will evaluate*, on a regular basis, and not less than every 3 years after the receipt of the grant* the effectiveness of programs and activities carried out under this part, which shall include, at a minimum—

[(A) a description of the performance indicators and performance measures that will be used to evaluate programs and activities; and]

(A) a description of the benchmarks and performance goals that will be used to hold eligible entities accountable and to determine whether to provide eligible entities receiving a grant under section 4504 with an additional 2-year period of grant funding after the initial 3-year grant; and

(B) public dissemination of the evaluations of programs and activities carried out under this part; [and]

(14) provides for timely public notice of intent to file an application and an assurance that the application will be available for public review after submission[.]*; and*

(15) contains an assurance that each eligible entity that applies for an award under section 4504 shall have the flexibility to apply for funds to carry out programs described in subparagraph (A), (B), or (C) of section 4501(b)(1).

(b) DEEMED APPROVAL.—* * *

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SEC. [4204]*4504*. LOCAL COMPETITIVE GRANT PROGRAM.

(a) IN GENERAL.—A State that receives funds under this part for a fiscal year shall provide the amount made available under section [4202(c)(1)]*4502(c)(1)* to eligible entities for community learning centers in accordance with this part.

(b) APPLICATION.—

(1) IN GENERAL.—* * *

(2) CONTENTS.—Each application submitted under paragraph (1) shall include—

[(A) a description of the before and after school or summer recess activities to be funded, including—

[(i) an assurance that the program will take place in a safe and easily accessible facility;

[(ii) a description of how students participating in the program carried out by the community learning center will travel safely to and from the center and home; and

[(iii) a description of how the eligible entity will disseminate information about the community learning center (including its location) to the community in a manner that is understandable and accessible;]

(A) a description of the before school, after school, summer learning, or expanded learning time activities to be funded, including—

(i) evidence that research-based strategies for student achievement and engagement will be utilized in the program;

(ii) as applicable, an explanation of how the program will offer students—

(I) academic instruction that is aligned with the academic needs of the students; and

(II) engaging enrichment activities that are aligned with the developmental needs and interests of the students, and that contribute to a well-rounded education;

(iii) an assurance that the program will take place in a safe learning environment and an easily accessible facility;

(iv) if applicable, a description of how students participating in the program will travel safely to and from home; and

(v) a description of how the eligible entity will disseminate information about the program to the community in a manner that is understandable and accessible;

(B) a description of how the [activity]*program* is expected to improve student academic achievement *and help keep students on track to college and career readiness*;

(C) * * *

* * * * * * *

[(E) a description of how the activities will meet the principles of effectiveness described in section 4205(b);]

(E) as applicable, an explanation of how the program will offer students—

(i) academic instruction that is aligned with the academic needs of the students; and

(ii) engaging enrichment activities that are aligned with the developmental needs and interests of the students, and that contribute to a well-rounded education;

(F) an assurance that the program will primarily target students who attend [schools eligible for schoolwide programs under section 1114 and the families of such students]*high-need schools and schools that are identified through a State's accountability and improvement system under subsections (b) or (c)(2) of section 1116*;

(G) * * *

[(H) a description of the partnership between a local educational agency, a community-based organization, and another public entity or private entity, if appropriate;]

(H) a description of the capacity of the eligible entity partners described in section 4501(b)(2)(A)(ii) to successfully implement the program, including the quality and experience of the management team of such partners;

(I) an evaluation of the community needs and available resources for the community learning center and a description of how the program proposed to be carried out [in the center]will address those needs [(including the needs of working families)];

[(J) a demonstration that the eligible entity has experience, or promise of success, in providing educational and related activities that will complement and enhance the academic performance, achievement, and positive youth development of the students;]

(J) a description of the education and training activities that program staff and teachers, as applicable, have received or will receive to effectively administer the proposed program;

(K) * * *

[(L) an assurance that the community will be given notice of an intent to submit an application and that the application and any waiver request will be available for public review after submission of the application;

[(M) if the eligible entity plans to use senior volunteers in activities carried out through the community learning center, a description of how the eligible entity will encourage and use appropriately qualified seniors to serve as the volunteers; and]

[(N)]*(L)* such other information and assurances as the State educational agency may reasonably require.

(c) APPROVAL OF CERTAIN APPLICATIONS.—* * *

[(d) PERMISSIVE LOCAL MATCH.—

[(1) IN GENERAL.—A State educational agency may require an eligible entity to match funds awarded under this part, except that such match may not exceed the amount of the grant award and may not be derived from other Federal or State funds.

[(2) SLIDING SCALE.—The amount of a match under paragraph (1) shall be established based on a sliding fee scale that takes into account—

[(A) the relative poverty of the population to be targeted by the eligible entity; and

[(B) the ability of the eligible entity to obtain such matching funds.

[(3) IN-KIND CONTRIBUTIONS.—Each State educational agency that requires an eligible entity to match funds under this subsection shall permit the eligible entity to provide all or any portion of such match in the form of in-kind contributions.

[(4) CONSIDERATION.—Notwithstanding this subsection, a State educational agency shall not consider an eligible entity's ability to match funds when determining which eligible entities will receive awards under this part.]

[(e)]*(d)* PEER REVIEW.—In reviewing local applications under this section, a State educational agency shall use a peer review process or other methods of assuring the quality of such applications.

[(f)]*(e)* GEOGRAPHIC DIVERSITY.—To the extent practicable, a State educational agency shall distribute funds under this part equitably among geographic areas within the State, including urban and rural communities.

[(g)]*(f)* DURATION OF AWARDS.—Grants under this part may be awarded for a period of [not less than 3 years and not more than 5 years]*not more than 3 years, and may be extended for an addi-*

tional period of not more than 2 years, if an eligible entity is achieving the intended outcomes of the grant.

[(h) AMOUNT OF AWARDS.—A grant awarded under this part may not be made in an amount that is less than $50,000.]

[(i)]*(g)* PRIORITY.—

[(1) IN GENERAL.—In awarding grants under this part, a State educational agency shall give priority to applications—

[(A) proposing to target services to students who attend schools that have been identified as in need of improvement under section 1116; and

[(B) submitted jointly by eligible entities consisting of not less than 1—

[(i) local educational agency receiving funds under part A of title I; and

[(ii) community-based organization or other public or private entity.

[(2) SPECIAL RULE.—The State educational agency shall provide the same priority under paragraph (1) to an application submitted by a local educational agency if the local educational agency demonstrates that it is unable to partner with a community-based organization in reasonable geographic proximity and of sufficient quality to meet the requirements of this part.].—

(1) IN GENERAL.—In awarding grants under this part, a State educational agency shall give priority to high-quality applications that—

(A) are based on strong research evidence for improving student learning, as measured by student achievement and other measures of student learning and development that are appropriate for, and aligned to, the program's goals and design;

(B) propose to serve the highest percentage of students from low-income families;

(C) include a partnership agreement, signed by each partner of the eligible entity, that—

(i) shows that the staff of each partner are committed to work collaboratively to implement the proposed activities, including through coordinated planning, collaborative implementation, and joint professional development and training opportunities;

(ii) sets clear expectations, including measurable goals for each partner;

(iii) requires the collection and reporting of data about the outcomes of programs funded under this part, in order to monitor progress toward achieving such goals and inform implementation; and

(iv) specifies how student information will be shared to advance the goals of the proposed program and activities, including student academic achievement and engagement data, as appropriate and in accordance with Federal, State, and local laws; and

(D) are submitted by eligible entities that will provide matching funds to carry out the activities supported by the grant, as described in paragraph (2).

(2) MATCHING FUNDS.—

(A) AMOUNT OF MATCHING FUNDS.—In awarding grants under this section, a State educational agency shall give priority to applications from eligible entities that, in addition to meeting the requirements of paragraph (1), provide matching funds in an amount not less than—

(i) for the first year of an initial grant under this section, 10 percent of the cost of the activities;

(ii) for the second year of such grant, 20 percent of the cost of the activities;

(iii) for the third year of such grant, and for the first year of a subsequent grant under this section, 30 percent of the cost of the activities; and

(iv) for the second or any succeeding year of such subsequent grant, 40 percent of the cost of the activities.

(B) CASH OR IN-KIND.—The eligible entity may provide the matching funds described in subparagraph (A) in cash or in-kind, fairly evaluated, including plant, equipment, or services, but may not provide more than 50 percent of the matching funds in-kind.

(C) WAIVER.—A State educational agency may waive all or part of the matching requirement for priority described in this paragraph, on a case-by-case basis, upon a showing of serious financial hardship.

(h) SPECIAL RULE.—In implementing 21st Century Community Learning Centers, the Department shall not give priority to, show preference for, or provide direction about whether communities use 21st Century Community Learning Centers funds for eligible entities described in subparagraph (A), (B), or (C) of section 4501(b)(1).

SEC. [4205]*4505*. LOCAL ACTIVITIES.

(a) AUTHORIZED ACTIVITIES.—Each eligible entity that receives an award under this part may use the award funds to carry out a broad array of [before and after school activities (including during summer recess periods)]*before school, after school, summer learning, or expanded learning time activities* that advance student academic achievement, including—

(1) high-quality expanded learning time programs or initiatives;

[(1)]*(2)* * * *

[(2)]*(3)* * * *

[(3)]*(4)* * * *

[(4)]*(5)* * * *

[(5)]*(6)* tutoring services [(including those provided by senior citizen volunteers)]and mentoring programs;

[(6)]*(7)* programs that provide after school activities for [limited English proficient students]*English learners* that emphasize language skills and academic achievement;

[(7)]*(8)* * * *

[(8)]*(9)* * * *

[(9)]*(10)* * * *

[(10)]*(11)* * * *

[(11)]*(12)* * * *

[(12)]*(13)* * * *

[(b) PRINCIPLES OF EFFECTIVENESS.—

[(1) IN GENERAL.—For a program or activity developed pursuant to this part to meet the principles of effectiveness, such program or activity shall—

[(A) be based upon an assessment of objective data regarding the need for before and after school programs (including during summer recess periods) and activities in the schools and communities;

[(B) be based upon an established set of performance measures aimed at ensuring the availability of high quality academic enrichment opportunities; and

[(C) if appropriate, be based upon scientifically based research that provides evidence that the program or activity will help students meet the State and local student academic achievement standards.

[(2) PERIODIC EVALUATION.—

[(A) IN GENERAL.—The program or activity shall undergo a periodic evaluation to assess its progress toward achieving its goal of providing high quality opportunities for academic enrichment.

[(B) USE OF RESULTS.—The results of evaluations under subparagraph (A) shall be—

[(i) used to refine, improve, and strengthen the program or activity, and to refine the performance measures; and

[(ii) made available to the public upon request, with public notice of such availability provided.]

(b) PERFORMANCE INDICATORS.—Each State educational agency that receives a grant under this part shall collect, and annually report to the Secretary, information on the following performance indicators, disaggregated, as appropriate, by the subgroups described in section 1111(a)(2)(B)(ix):

(1) The average time added to the school day, school week, or school year, if applicable.

(2) Student participation and attendance rates for the programs funded under this part.

(3) Student achievement in core academic subjects and high school graduation rates, as applicable, for students who participate in such programs.

[SEC. 4206. [20 U.S.C. 7176] AUTHORIZATION OF APPROPRIATIONS.]

[There are authorized to be appropriated—

[(1) $1,250,000,000 for fiscal year 2002;

[(2) $1,500,000,000 for fiscal year 2003;

[(3) $1,750,000,000 for fiscal year 2004;

[(4) $2,000,000,000 for fiscal year 2005;

[(5) $2,250,000,000 for fiscal year 2006; and

[(6) $2,500,000,000 for fiscal year 2007.]

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PART F—PROMISE NEIGHBORHOODS

SEC. 4601. SHORT TITLE.

This part may be cited as the "Promise Neighborhoods Act of 2011".

SEC. 4602. PURPOSE.

The purpose of this part is to significantly improve academic outcomes, including school readiness, high school graduation, and college and career readiness of children living in our Nation's most distressed neighborhoods, by using data-driven decisionmaking and existing external resources to provide children in such neighborhoods with access to a community-based continuum of high-quality pipeline services that include access to early learning opportunities, high-quality schools, and evidence-based practices that address the needs of such children from birth through college and career.

SEC. 4603. DEFINITIONS.

In this part:

(1) COLLEGE AND CAREER READINESS.—The term "college and career readiness" means the level of preparation a student needs in order to meet the State academic content and achievement standards under section 1111(a)(1).

(2) COMMUNITY OF PRACTICE.—The term "community of practice" means a group of entities that interact regularly to share best practices to address 1 or more persistent problems, or improve practice with respect to such problems, in 1 or more neighborhoods.

(3) EXPANDED LEARNING TIME.—The term "expanded learning time" means the activities and programs described in subparagraphs (A), (B), and (C) of section 4501(b)(1).

(4) FAMILY AND STUDENT SUPPORTS.—The term "family and student supports" includes—

(A) health programs (including both mental health and physical health services);

(B) school-, public-, and child-safety programs;

(C) programs that improve family stability;

(D) workforce development programs (including those that meet local business needs, such as internships and externships);

(E) social service programs;

(F) legal aid programs;

(G) financial literacy education programs;

(H) adult education and family literacy programs;

(I) parent, family, and community engagement programs; and

(J) programs that increase access to learning technology and enhance the digital literacy skills of students.

(5) INTEGRATED STUDENT SUPPORTS.—The term "integrated student supports" means services, supports, and community resources, which shall be offered through a site coordinator for at-risk students, that have been shown by evidence-based research—

(A) to increase academic achievement and engagement;

(B) to support positive child and youth development; and

(C) to increase student preparedness for success in college and the workforce.

(6) NEIGHBORHOOD.—The term "neighborhood" means a defined geographical area in which there are multiple signs of distress, demonstrated by indicators of need, including poverty, childhood obesity rates, academic failure, and rates of juvenile delinquency, adjudication, or incarceration.

(7) PIPELINE SERVICES.—The term "pipeline services" means a continuum of supports and services for children from birth through college entry, college success, and career attainment, including, at a minimum, strategies to address through services or programs (including integrated student supports and wrap-around services) the following:

(A) Prenatal education and support for expectant parents.

(B) High-quality early learning opportunities.

(C) High-quality schools and out-of-school-time programs and strategies.

(D) Support for a child's transition to elementary school, between elementary school to middle school, from middle school to high school, and from high school into and through college and into the workforce.

(E) Parent, family, and community engagement.

(F) Parent, family, and student supports.

(G) Activities that support college and career readiness, including coordination between such activities, such as—

(i) assistance with college admissions, financial aid, and scholarship applications, especially for low-income and low-achieving students; and

(ii) career preparation services and supports and wrap around services.

Subpart 1—Promise Neighborhood Partnership Grants

SEC. 4611. PROGRAM AUTHORIZED.

(a) IN GENERAL.—

(1) PROGRAM AUTHORIZED.—From amounts appropriated to carry out this subpart, the Secretary shall award grants, on a competitive basis, to eligible entities to implement a comprehensive, evidence-based continuum of coordinated services and supports that engages community partners to improve academic achievement, student development, and college and career readiness, measured by common outcomes, by carrying out the activities described in section 4614 in neighborhoods with high concentrations of low-income individuals and persistently low-achieving schools or schools with an achievement gap.

(2) SUFFICIENT SIZE AND SCOPE.—Each grant awarded under this subpart shall be of sufficient size and scope to allow the eligible entity to carry out the purpose of this part.

(b) DURATION.—Grants awarded under this subpart shall be for a period of not more than 5 years and may be renewed for not more than 1 additional grant period.

(c) CONTINUED FUNDING.—Continued funding after the third year of the grant period shall be contingent on the eligible entity's

progress toward meeting the performance metrics described in section 4616(a).

(d) MATCHING REQUIREMENT.—Each eligible entity receiving a grant under this subpart shall contribute matching funds in an amount equal to not less than 100 percent of the amount of the grant. Such matching funds shall come from non-Federal sources. The Secretary shall require that a portion of such matching funds come from private sources.

(e) FINANCIAL HARDSHIP WAIVER.—The Secretary may waive or reduce, on a case-by-case basis, the matching requirement described in subsection (d), for a period of 1 year at a time, if the eligible entity demonstrates significant financial hardship.

SEC. 4612. ELIGIBLE ENTITIES.

In this subpart, the term "eligible entity" means not less than 1 nonprofit entity in partnership with not less than 1 high-need local educational agency. Such partnership may also include any of the following entities:

(1) A charter school funded by the Bureau of Indian Education that is not a local educational agency, except that such school shall not be the fiscal agent for the eligible entity partnership.

(2) An institution of higher education, as defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002).

(3) The office of a chief elected official of a unit of local government.

(4) An Indian tribe or tribal organization, as defined under section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

SEC. 4613. APPLICATION REQUIREMENTS.

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

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

(1) A plan to significantly improve the academic outcomes of children living in a neighborhood that is served by the eligible entity, by providing a continuum of services and supports that addresses the needs of children in the neighborhood, as identified by the needs analysis described in paragraph (4) and supported by evidence-based practices.

(2) A description of the neighborhood that the eligible entity will serve.

(3) Measurable annual goals for the outcomes of the grant, including—

(A) performance goals, in accordance with the metrics described in section 4616(a), for each year of the grant; and

(B) projected participation rates and any plans to expand the number of children served or the neighborhood proposed to be served by the grant program.

(4) An analysis of the needs and assets of the neighborhood identified in paragraph (2), including—

(A) a description of the process through which the needs analysis was produced, including a description of how parents, family, and community members were engaged in such analysis;

(B) an analysis of community assets, including programs already provided from Federal and non-Federal sources, within, or accessible to, the neighborhood, including, at a minimum—

(i) early learning programs, including high-quality child care, Early Head Start programs, Head Start programs, and prekindergarten programs;

(ii) the availability of healthy food options and opportunities for physical activity;

(iii) existing family and student supports;

(iv) locally owned businesses and employers; and

(v) institutions of higher education;

(C) evidence of successful collaboration within the neighborhood;

(D) the steps that the eligible entity is taking, at the time of the application, to address the needs identified in the needs analysis; and

(E) any barriers the eligible entity, public agencies, and other community-based organizations have faced in meeting such needs.

(5) A description of the data used to identify the pipeline services to be provided, including data regarding—

(A) school readiness;

(B) academic achievement and college and career readiness;

(C) graduation rates;

(D) health indicators;

(E) college enrollment, persistence, and completion rates, as available; and

(F) conditions for learning, including school climate surveys, discipline rates, and student attendance and incident data.

(6) A description of the process used to develop the application, including the involvement of family and community members.

(7) An estimate of—

(A) the number of children, by age, who will be served by each pipeline service; and

(B) for each age group, the percentage of children (of such age group), within the neighborhood, who the eligible entity proposes to serve, disaggregated by each service, and the goals for increasing such percentage over time.

(8) A description of how the pipeline services will facilitate the coordination of the following activities:

(A) Providing high-quality early learning opportunities for children, beginning prenatally and extending through grade 3, by—

(i) supporting high-quality early learning opportunities that provide children with access to programs that support the cognitive and developmental skills, includ-

ing social and emotional skills, needed for success in elementary school;

(ii) providing for opportunities, through parenting classes, baby academies, home visits, or other evidence-based strategies, for families and expectant parents to—

(I) acquire the skills to promote early learning, development, and health and safety, including learning about child development and positive discipline strategies (such as through the use of technology and public media programming);

(II) learn about the role of families and expectant parents in their child's education; and

(III) become informed about educational opportunities for their children, including differences in quality among early learning opportunities;

(iii) ensuring successful transitions between early learning programs and elementary school, including through the establishment of memoranda of understanding between early learning providers and local educational agencies serving young children and families;

(iv) ensuring appropriate screening, diagnostic assessments, and referrals for children with disabilities, developmental delays, or other special needs, consistent with the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), where applicable;

(v) improving the early learning workforce in the community, including through—

(I) investments in the recruitment, retention, distribution, and support of high-quality professionals, especially those with certification and experience in child development;

(II) the provision of high-quality teacher preparation and professional development; or

(III) the use of joint professional development for early learning providers and elementary school teachers and administrators; and

(vi) enhancing data systems and data sharing among the eligible entity, partners, early learning providers, schools, and local educational agencies operating in the neighborhood.

(B) Supporting, enhancing, operating, or expanding rigorous and comprehensive education reforms designed to significantly improve educational outcomes for children and youth in early learning programs through grade 12, which may include—

(i) operating schools or working in close collaboration with local schools to provide high-quality academic programs, curricula, and integrated student supports;

(ii) providing expanded learning time; and

(iii) providing programs and activities that ensure that students—

(I) are prepared for the college admissions, scholarship, and financial aid application processes; and

(II) graduate college and career ready.

(C) Supporting access to a healthy lifestyle, which may include—

(i) the provision of high-quality and nutritious meals;

(ii) access to programs that promote physical activity, physical education, and fitness; and

(iii) education to promote a healthy lifestyle and positive body image.

(D) Providing social, health, and mental health services and supports, including referrals for essential care and preventative screenings, for children, family, and community members, which may include—

(i) dental services;

(ii) vision care; and

(iii) speech, language, and auditory screenings and referrals.

(E) Supporting students and family members as the students transition from early learning programs into elementary school, from elementary school to middle school, from middle school to high school, from high school into and through college and into the workforce, including through evidence-based strategies to address challenges that students may face as they transition, such as the following:

(i) Early college high schools.

(ii) Dual enrollment programs.

(iii) Career academies.

(iv) Counseling and support services.

(v) Dropout prevention and recovery strategies.

(vi) Collaboration with the juvenile justice system and reentry counseling for adjudicated youth.

(vii) Advanced Placement or International Baccalaureate courses.

(viii) Teen parent classrooms.

(ix) Graduation and career coaches.

(9) A description of the strategies that will be used to provide pipeline services (including a description of the process used to identify such strategies and the outcomes expected and a description of which programs and services will be provided to children, family members, community members, and children not attending schools or programs operated by the eligible entity or its partner providers) to support the purpose of this part.

(10) An explanation of the process the eligible entity will use to establish and maintain family and community engagement.

(11) An explanation of how the eligible entity will continuously evaluate and improve the continuum of high-quality pipeline services, including—

(A) a description of the metrics, consistent with section 4616(a), that will be used to inform each component of the pipeline; and

(B) the processes for using data to improve instruction, optimize integrated student supports, provide for continuous program improvement, and hold staff and partner organizations accountable.

(12) An identification of the fiscal agent, which may be any entity described in section 4612 (not including paragraph (1) of such section).

(13) A list of the non-Federal sources of funding that the eligible entity will secure to comply with the matching funds requirement described in section 4611(d), in addition to other programs from which the eligible entity has already secured funding, including those funded by the Department or programs in the Department of Health and Human Services, the Department of Housing and Urban Development, the Department of Justice, or the Department of Labor.

(c) MEMORANDUM OF UNDERSTANDING.—An eligible entity, as part of the application described in this section, shall submit a preliminary memorandum of understanding, signed by each partner entity or agency. The preliminary memorandum of understanding shall describe, at a minimum—

(1) each partner's financial and programmatic commitment with respect to the strategies described in the application, including an identification of the fiscal agent;

(2) each partner's long-term commitment to providing pipeline services that, at a minimum, accounts for the cost of supporting the continuum of supports and services (including a plan for how to support services and activities after grant funds are no longer available) and potential changes in local government;

(3) each partner's mission and the plan that will govern the work that the partners do together;

(4) each partner's long-term commitment to supporting the continuum of supports and services through data collection, monitoring, reporting, and sharing; and

(5) each partner's commitment to ensure sound fiscal management and controls, including evidence of a system of supports and personnel.

SEC. 4614. USE OF FUNDS.

(a) IN GENERAL.—Each eligible entity that receives a grant under this subpart shall use the grant funds to—

(1) implement the pipeline services, as described in the application under section 4613; and

(2) continuously evaluate the success of the program and improve the program based on data and outcomes.

(b) SPECIAL RULES.—

(1) FUNDS FOR PIPELINE SERVICES.—Each eligible entity that receives a grant under this subpart shall, in the second year of the grant and each subsequent year, including each year of a renewal grant, use not less than 80 percent of grant funds to carry out the activities described in subsection (a)(1).

(2) OPERATIONAL FLEXIBILITY.—Each eligible entity that operates a school in a neighborhood served by a grant program under this subpart shall provide such school with the operational flexibility, including autonomy over staff, time, and

budget, needed to effectively carry out the activities described in the application under section 4613.

SEC. 4615. REPORT AND PUBLICLY AVAILABLE DATA.

(a) REPORT.—Each eligible entity that receives a grant under this subpart shall prepare and submit an annual report to the Secretary, which shall include—

(1) information about the number and percentage of children in the neighborhood who are served by the grant program, including a description of the number and percentage of children accessing each of the pipeline services;

(2) data (disaggregated by the categories described in section 1111(a)(2)(B)(ix)) about the grant program's success in—

(A) narrowing achievement gaps and improving student achievement;

(B) ensuring school readiness and healthy socio-emotional development;

(C) increasing student persistence;

(D) increasing student attendance, and decreasing incidences of violence, suspension, and expulsion;

(E) improving conditions for learning, as measured by a school climate survey; and

(F) increasing secondary school graduation rates and college entry;

(3) information relating to the performance metrics described in section 4616(a); and

(4) other indicators that may be required by the Secretary, in consultation with the Director of the Institute of Education Sciences.

(b) PUBLICLY AVAILABLE DATA.—Each eligible entity that receives a grant under this subpart shall make publicly available, including through electronic means, the information described in subsection (a). To the extent practicable, such information shall be provided in a form and language accessible to parents and families in the neighborhood, and such information shall be a part of statewide longitudinal data systems.

SEC. 4616. ACCOUNTABILITY.

(a) PERFORMANCE METRICS.—The Secretary shall establish performance metrics relevant to the evaluation of the grant program under this subpart.

(b) EVALUATION.—The Secretary shall evaluate the implementation and impact of the activities funded under this subpart, in accordance with section 9601.

Subpart 2—Promise School Grants

SEC. 4621. PROGRAM AUTHORIZED.

(a) IN GENERAL.—

(1) PROGRAM AUTHORIZED.—From amounts appropriated to carry out this subpart, the Secretary shall award grants, on a competitive basis, to eligible entities to implement school-centered, evidence-based strategies and integrated student supports that leverage community partnerships to improve student achievement and child and youth development by carrying out

the activities described in section 4624 in schools with high concentrations of low-income children.

(2) SUFFICIENT SIZE AND SCOPE.—Each grant awarded under this subpart shall be of sufficient size and scope to allow the eligible entity to carry out the purpose of this part.

(b) GENERAL PROVISIONS.—The requirements of subsections (b), (c), (d), and (e) of section 4611 and section 4614(b) shall apply to a grant under this subpart in the same manner as such subsections apply to a grant under subpart 1, except that the performance metrics used for section 4611(c) shall be the metrics under section 4626(a).

SEC. 4622. DEFINITION OF ELIGIBLE ENTITY.

In this subpart, the term "eligible entity" means—

(1) not less than 1 high-need local educational agency (including a charter school that is a local educational agency) in partnership with 1 or more nonprofit entities or institutions of higher education; or

(2) a school funded by the Bureau of Indian Education that falls under the definition of a local educational agency in partnership with 1 or more nonprofit entities or institutions of higher education.

SEC. 4623. APPLICATION REQUIREMENTS; PRIORITY.

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

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

(1) A description of the local educational agency, schools, and students that will be served by the subgrant program.

(2) A description of the steps that the eligible entity is taking—

(A) to meet the needs identified in the analysis described in paragraph (4); and

(B) to remove any barriers that the eligible entity has identified in meeting such needs.

(3) The designation of a site coordinator, with appropriate qualifications and appropriate time, autonomy, and support to provide—

(A) leadership in building relationships and establishing and sustaining partnerships that support school improvement, school turnaround efforts in accordance with section 1116(c), increases in student achievement, positive child and youth development, and parent, family, and community engagement; and

(B) effective coordination of student services at all stages of the continuum of high-quality pipeline services.

(4) An analysis of the needs and assets of the schools and communities that will be assisted under this subpart. Such analysis shall include—

(A) student data, including information about—

(i) school readiness;

(ii) academic achievement;

(iii) credit accumulation;
(iv) grade-to-grade promotion;
(v) graduation;
(vi) attendance; and
(vii) discipline; and

(B) information about the assets described in section 4613(b)(4)(B) with respect to such schools and communities.

(5) An explanation of how the eligible entity and its program partners will use evidence-based practice, data, and research to leverage partnerships to implement integrated student supports and wraparound services to—

(A) address the needs identified in paragraph (4);

(B) encourage parents, family members, and community members to—

(i) participate in the education of their children and become an integral part of the school culture, school improvement, and decisionmaking; and

(ii) promote strategies that include the educational and financial literacy information that is necessary to increase access to, and success in, postsecondary education;

(C) enable teachers and administrators, including early learning providers, to complement and enrich efforts to help children—

(i) achieve learning gains;
(ii) prepare for graduation; and
(iii) plan for the future, including preparing for college and careers; and

(D) coordinate and leverage other programs that serve children, the schools served by the grant, and the neighborhood.

(6) An explanation of the extent to which the eligible entity and its program partners will serve or involve children residing in the neighborhood regardless of whether such children attend a school served by the grant (including by, as appropriate, providing high-quality early learning opportunities for children, beginning at birth and extending through grade 3) by—

(A) carrying out the activities described in section 4613(b)(8)(A), as appropriate; and

(B) carrying out the activities described in subparagraphs (B) through (E) of section 4613(b)(8).

(7) A description of the capacity of the eligible entity for measuring student outcomes and school-specific outcomes.

(8) A description of how the strategies supported with funds under this subpart will be—

(A) coordinated with other programs and strategies carried out by the local educational agency; and

(B) to the greatest extent practicable, coordinated with other agencies, such as agencies that provide reentry services to adjudicated youth.

(9) A description of the strategy the eligible entity will use to—

(A) support family and community engagement; and

(B) make schools the centers of their respective communities.

(10) A list of the non-Federal sources of funding that the eligible entity will secure to comply with the matching funds requirement described in section 4611(d), in addition to other programs the eligible entity has already secured funding from, including those funded by the Department, or programs in the Department of Health and Human Services, the Department of Housing and Urban Development, the Department of Justice, or the Department of Labor.

(c) MEMORANDUM OF UNDERSTANDING.—An eligible entity, as part of the application described in this section, shall submit a preliminary memorandum of understanding that meets the requirements of section 4613(c).

(d) PRIORITY.—In awarding grants under this subpart, the Secretary shall give priority to applicants that—

(1) propose to provide a continuum of high-quality education and student support services for children beginning in prekindergarten and extending through high school graduation;

(2) propose to include significant investments in high-quality early learning programs, consistent with subsection (b)(6)(A); and

(3) provide schools served by the grant with the operational flexibility, including autonomy over staff, time, and budget, needed to effectively carry out the activities described in the application under this section.

SEC. 4624. USE OF FUNDS.

Each eligible entity that receives a grant under this subpart shall use the grant funds to—

(1) implement the activities described in the application under section 4623; and

(2) continuously evaluate the success of the grant program and improve the grant program based on data and outcomes.

SEC. 4625. REPORT AND PUBLICLY AVAILABLE DATA.

(a) REPORT.—Each eligible entity that receives a grant under this subpart shall prepare and submit an annual report to the Secretary, which shall include—

(1) information about the number and percentage of children served by the grant program, disaggregated the subgroups described in section 1111(b)(2)(B)(ix);

(2) data about the grant program's success in—

(A) narrowing achievement gaps;

(B) ensuring school readiness and healthy socio-emotional development;

(C) improving academic achievement;

(D) increasing student persistence in elementary school and secondary school;

(E) increasing on-time secondary school graduation rates and college entry; and

(F) increasing student attendance and decreasing incidents of violence, suspension, and expulsion; and

(3) other indicators that may be required by the Secretary, in consultation with the Director of the Institute of Education Sciences.

(b) PUBLICLY AVAILABLE DATA.—Each eligible entity that receives a grant under this subpart shall make publicly available, including through electronic means, the information described in subsection (a). To the extent practicable, such information shall be provided in a form and language accessible to parents and families in the neighborhood.

SEC. 4626. ACCOUNTABILITY.

(a) PERFORMANCE METRICS.—The Secretary shall establish performance metrics relevant to the evaluation of the grant program under this subpart.

(b) EVALUATION.—The Secretary shall evaluate the implementation and impact of the activities funded under this subpart, in accordance with section 9601.

Subpart 3—General Provisions

SEC. 4631. NATIONAL ACTIVITIES.

From the amounts appropriated to carry out this part for a fiscal year, in addition to the amounts that may be reserved in accordance with section 9601, the Secretary may reserve not more than 5 percent for national activities, which may include—

(1) research on the activities carried out under subparts 1 and 2;

(2) identification and dissemination of best practices;

(3) technical assistance;

(4) professional development; and

(5) other activities consistent with the purpose of this part.

PART G—PARENT AND FAMILY INFORMATION AND RESOURCE CENTERS

SEC. 4701. PURPOSE.

The purpose of this part is to increase and enhance parent and family engagement in education by—

(1) providing support and technical assistance to State educational agencies;

(2) supporting a community of practice related to effective parent and family engagement strategies and practices; and

(3) as appropriate, providing information and training to local educational agencies, schools, parents and families, and community members.

SEC. 4702. DEFINITION OF ELIGIBLE ENTITY.

In this part, the term "eligible entity" means—

(1) a nonprofit organization (including a statewide nonprofit organization); or

(2) a consortium consisting of a nonprofit organization (including a statewide nonprofit organization) and a State educational agency or local educational agency.

SEC. 4703. GRANTS AUTHORIZED.

(a) PARENT AND FAMILY INFORMATION AND RESOURCE CENTERS.—The Secretary is authorized to award grants, on a competitive basis, to eligible entities to enable such eligible entities to operate State parent and family information and resource centers that—

(1) assist the State educational agency in identifying, implementing, and replicating effective evidence-based parent, family, and community engagement strategies, including assisting the State educational agency in carrying out parent and family engagement strategies that are funded under section 1118 and other provisions of this Act;

(2) provide technical assistance, training, information, and support, as appropriate (including support in turning around schools), to, at a minimum, high-need schools and schools that are served by high-need local educational agencies; and

(3) strengthen partnerships among parents, family members, community-based organizations (including faith-based organizations), schools, local educational agencies, employers, and other appropriate community members who are committed to improving and enhancing parent, family, and community engagement in order to improve student achievement and support positive child development.

(b) DURATION.—Grants awarded under this part shall be for a period of 5 years.

(c) GEOGRAPHIC DISTRIBUTION.—In awarding grants under this part, the Secretary shall ensure that not less than 1 grant is awarded to an eligible entity in each State.

(d) PRIORITY.—In awarding grants under this part, the Secretary shall give priority to applications from eligible entities that have a demonstrated record of effectiveness in increasing and enhancing the engagement of parents and families whose children attend a high-need school or a school that is served by a high-need local educational agency.

SEC. 4704. APPLICATIONS.

(a) SUBMISSION.—Each eligible entity that desires a grant under this part shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

(b) ASSURANCES.—Each application submitted under subsection (a) shall include, at a minimum, an assurance that the eligible entity will—

(1)(A) be governed by a board of directors, of which not less than 50 percent is comprised of members who are—

(i) parents or family members of school-aged children in the State that the eligible entity serves, including educationally and economically disadvantaged parents; and

(ii) community stakeholders who are committed to improving schools and increasing parent and family engagement; or

(B) be an organization or consortium that represents the interests of parents and family members of school-aged children;

(2) use not less than 75 percent of the funds received under this part for each fiscal year to serve areas with a demonstrated high concentration of low-income families;

(3) reserve not less than 20 percent of the funds received under this part for each fiscal year to establish, expand, or operate parent education programs for parents whose children attend early childhood education and care programs;

(4) operate a parent and family information and resource center of sufficient size, scope, and quality to effectively carry out the purpose of this part;

(5) ensure that parents and family members, including economically disadvantaged parents and family members with children who attend high-need schools or schools that are served by high-need local educational agencies, have access to leadership development training and other evidence-based strategies that provide the skills and resources parents and family members need to support school improvement, increase student achievement, and promote positive student development; and

(6) demonstrate to the Secretary that a portion of the services provided by the eligible entity under the grant is supported through non-Federal contributions, which contributions may be in cash or in-kind.

(c) CONTENTS.—In addition to the requirements described in subsection (b), each application submitted under subsection (a) shall, at a minimum—

(1) describe how the eligible entity will serve both urban and rural areas throughout the State that is served by the eligible entity;

(2) demonstrate the eligible entity's record of effectiveness in carrying out parent and family engagement activities, including the provision of high-quality technical assistance to State educational agencies and local educational agencies;

(3) describe the process through which the eligible entity will—

(A) leverage relationships with, and collect and exchange information among, partners; and

(B) disseminate information about evidence-based best practices to support parent and family engagement strategies;

(4) describe the eligible entity's strategy for serving parents and family members of children in the area served by the eligible entity, including parents and family members of students who are served by high-need local educational agencies;

(5) describe how the eligible entity will assist the State educational agency in effectively supporting high-need local educational agencies in—

(A) increasing parent and family member understanding of, and opportunities to develop the knowledge and skills to engage as full partners in, supporting academic achievement, child development, and school improvement; and

(B) employing evidence-based strategies to—

(i) increase the participation of economically disadvantaged and English learner parents and family members in school activities; and

(ii) improve parent and family engagement strategies in low-performing schools served by high-need local educational agencies; and

(6) identify the Federal, State, and local services and programs that prepare children to be ready for institutions of higher education and careers with which the eligible entity will coordinate, including—

(A) programs supported under this Act;

(B) violence prevention programs;

(C) programs that serve at-risk or out-of-school youth;

(D) nutrition programs;

(E) housing programs;

(F) Head Start and other early childhood care and education programs;

(G) adult education and literacy activities (as defined in section 203 of the Adult Education and Family Literacy Act); and

(H) workforce development programs.

SEC. 4705. USES OF FUNDS.

(a) REQUIRED ACTIVITIES.—Each eligible entity that receives a grant under this part shall use such grant funds to provide services to parents, family members, educators, and community members and to assist State educational agencies, local educational agencies, and, where applicable, districtwide parent advisory committees in supporting parent and family engagement in education by carrying out the following activities:

(1) Providing technical assistance to State educational agencies in—

(A) reviewing and responding to local parent and family engagement plans described in section 1118(a) (including, at a minimum, such plans submitted by high-need local educational agencies) in order to support evidence-based strategies and best practices in parent and family engagement;

(B) the implementation of Federal and State laws, regulations, and guidance relating to parent and family engagement;

(C) the implementation or replication of statewide evidence-based programs and strategies, especially for parents who are educationally and economically disadvantaged; and

(D) applicable evaluation, reporting, and accountability processes.

(2) Obtaining and disseminating information about the range of options, programs, services, and resources (including curricula) that are available at the national level, the State level, and the local level to assist school and local educational agency personnel in implementing evidence-based parent and family engagement strategies.

(3) Coordinating parent and family engagement strategies with relevant Federal, State, and local services and programs.

(4) Working with individuals and organizations with expertise in identifying and implementing evidence-based practices to improve parent and family engagement.

(5) Coordinating and integrating early care and education programs with school-age programs, especially those programs focusing on supporting the transition of young children into

kindergarten through grade 3, such as by increasing awareness of school readiness expectations among family and community members.

(6) Implementing parent institutes or other leadership development strategies to ensure that parents and family members have the skills and resources needed to understand student and school data in order to make decisions, effectively communicate with school officials and educators, support school improvement, and increase student achievement.

(b) PERMISSIVE ACTIVITIES.—In addition to the activities required under subsection (a), each eligible entity that receives a grant under this part may use such grant funds to carry out the following activities:

(1) Assisting parents and family members in the State to participate effectively in their children's education through the provision of direct services to parents and family members.

(2) Developing and disseminating templates for schools and local educational agencies to use to provide information about curricula, academic expectations, academic assessments, and the results of academic assessments to family members in a manner and a language that such family members can understand.

(3) Providing training, information, and support to organizations that support partnerships among schools, parents, family members, and districtwide parent advisory committees, as applicable.

(4) Providing professional development to school and local educational agency staff (which may be provided jointly to educators and family members) to assist school and agency staff in developing and implementing strategies to increase and strengthen ongoing communication with parents and family members, including professional development opportunities that prepare teachers to have more focused, goal-oriented, and reciprocal parent-teacher conferences.

SEC. 4706. ADMINISTRATIVE PROVISIONS.

(a) MATCHING FUNDS FOR GRANT RENEWAL.—For each fiscal year after the first fiscal year for which an eligible entity receives assistance under this part, the eligible entity shall demonstrate that a portion of the services provided by the eligible entity is supported through non-Federal contributions, which contributions may be in cash or in-kind.

(b) PERFORMANCE ACCOUNTABILITY.—

(1) PERFORMANCE INDICATORS.—Each eligible entity receiving a grant under this part shall submit to the Secretary an annual report regarding the parent and family information and resource centers assisted under this part. Such report shall be made publicly available, including through electronic means, and shall include, at a minimum, a description of how each parent and family information and resource center has performed with respect to the following indicators:

(A) The number of local educational agencies or other entities that received assistance or support in the previous academic year.

(B) The number of parents and family members whose children participated in the previous academic year in programs, activities, or strategies supported by the parent and family information and resource center, and—

(i) the number of such parents whose children are eligible to be counted under section 1124(c)(1)(A);

(ii) the number of such parents whose children are English learners; and

(iii) the number of such parents who are parents of children with disabilities.

(C) The outcomes directly attributable to the provision of assistance or support provided by the parent and family information and resource center, such as increased parent and family member participation in school planning activities, parent-teacher conferences, or the local educational agency budgeting process.

(D) Other evidence-based indicators that the Secretary may reasonably require.

(2) PERFORMANCE GOALS.—

(A) IN GENERAL.—Each eligible entity that is awarded a grant under this part shall establish, in consultation with the Secretary, annual performance goals for each of the indicators described in paragraph (1). Such performance goals shall be made publicly available, including through electronic means.

(B) TERMINATION.—If an eligible entity receiving grant funds under this part does not meet the performance goals established under this paragraph for 2 consecutive years, after the provision of technical assistance in the second consecutive year, the Secretary shall terminate the grant and conduct a new competition for the grant.

(C) LOSS OF ELIGIBILITY.—If an eligible entity has received a grant under this part and such grant has been terminated in accordance with subparagraph (B), the eligible entity shall not be eligible to participate in future grant competitions, or receive grant funds, under this part.

(3) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to each eligible entity receiving a grant under this part that does not meet the performance goals established under paragraph (2).

(c) REPORT TO CONGRESS.—The Secretary shall prepare and submit an annual report to the authorizing committees, which shall—

(1) include the information that each eligible entity submits to the Secretary in accordance with subsection (b)(1);

(2) summarize and synthesize the best practices collected by the parent and family information and resource centers for increasing and improving parent, family, and community engagement; and

(3) be made available to the public (including through electronic means).

(d) RULE OF CONSTRUCTION.—Nothing in this part shall be construed to prohibit a parent and family information and resource center from—

(1) allowing its employees or agents to meet with family members at a site that is not on school grounds; or

(2) working with another public or nonprofit agency that serves children.

(e) PARENTAL RIGHTS.—Notwithstanding any other provision of this part—

(1) no individual (including a parent who educates a child at home, parent of a public school student, or parent of a private school student) shall be required to participate in any program of parent or family education or developmental screening under this part; and

(2) a program or center assisted under this part shall not take any action that infringes in any manner on the right of a parent to direct the education of such parent's child.

[Subpart 3—Ready-to-Learn Television]*PART H—READY TO LEARN*

SEC. [2431]*4801*. [READY-TO-LEARN TELEVISION.]*READY-TO-LEARN.*

(a) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—The Secretary is authorized to award grants to, or enter into contracts or cooperative agreements with, eligible entities described in paragraph (3) to enable such entities—

(A) to develop, produce, and distribute educational and instructional video programming for preschool and elementary school children and their parents in order to facilitate student academic achievement;

(B) to facilitate the development, directly or through contracts with producers of children and family educational television programming, of educational programming for preschool and elementary school children, and the accompanying support materials and services that promote the effective use of such programming;

(C) to facilitate the development of programming and digital content containing Ready-to-Learn-based children's programming and resources for parents and caregivers that is specially designed for nationwide distribution over public television stations' digital broadcasting channels and the Internet;

(D) to contract with entities (such as public telecommunications entities) so that programs developed under this section are disseminated and distributed to the widest possible audience appropriate to be served by the programming, and through the use of the most appropriate distribution technologies; and

(E) to develop and disseminate education and training materials, including interactive programs and programs adaptable to distance learning technologies, that are designed—

(i) to promote school readiness; and

(ii) to promote the effective use of materials developed under subparagraphs (B) and (C) among parents, teachers, Head Start providers, [Even Start pro-

viders,]*providers of* [family literacy services]*family literacy activities, child care providers, early childhood development personnel, elementary school teachers, public libraries, and after-school program personnel caring for preschool and elementary school children.*

(2) AVAILABILITY.—In awarding grants, contracts, or cooperative agreements under this section, the Secretary shall ensure that eligible entities make programming widely available, with support materials as appropriate, to young children, parents, child care workers, Head Start providers, [Even Start providers,]*and providers of* [family literacy services]*family literacy activities to increase the effective use of such programming.*

(3) ELIGIBLE ENTITIES.—To be eligible to receive a grant, contract, or cooperative agreements under this section, an entity shall be a public telecommunications entity that is able to demonstrate each of the following:

(A) A capacity for the development and national distribution of educational and instructional television programming of high quality that is accessible by a large majority of disadvantaged preschool and elementary school children.

(B) A capacity to contract with the producers of children's television programming for the purpose of developing educational television programming of high quality.

(C) A capacity, consistent with the entity's mission and nonprofit nature, to negotiate such contracts in a manner that returns to the entity an appropriate share of any ancillary income from sales of any program-related products.

(D) A capacity to localize programming and materials to meet specific State and local needs and to provide educational outreach at the local level.

(4) COORDINATION OF ACTIVITIES.—An entity receiving a grant, contract, or cooperative agreement under this section shall consult with the Secretary and the Secretary of Health and Human Services—

(A) to maximize the utilization of quality educational programming by preschool and elementary school children, and make such programming widely available to federally funded programs serving such populations; and

(B) to coordinate activities with Federal programs that have major training components for early childhood development, including programs under the Head Start Act (42 U.S.C. 9831 et seq.) and [Even Start, and]State training activities funded under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.), regarding the availability and utilization of materials developed under paragraph (1)(E) to enhance parent and child care provider skills in early childhood development and education.

(b) APPLICATIONS.—To be eligible to receive a grant, contract, or cooperative agreement under subsection (a), an entity shall submit to the Secretary an application at such time, in such manner, and

containing such information as the Secretary may reasonably require.

(c) REPORTS AND EVALUATIONS.—

(1) ANNUAL REPORT TO THE SECRETARY.—An entity receiving a grant, contract, or cooperative agreement under this section shall prepare and submit to the Secretary an annual report that contains such information as the Secretary may require. At a minimum, the report shall describe the program activities undertaken with funds received under the grant, contract, or cooperative agreement, including each of the following:

(A) The programming that has been developed, directly or indirectly, by the eligible entity, and the target population of the programs developed.

(B) The support and training materials that have been developed to accompany the programming, and the method by which the materials are distributed to consumers and users of the programming.

(C) The means by which programming developed under this section has been distributed, including the distance learning technologies that have been utilized to make programming available, and the geographic distribution achieved through such technologies.

(D) The initiatives undertaken by the entity to develop public-private partnerships to secure non-Federal support for the development, distribution, and broadcast of educational and instructional programming.

(2) REPORT TO CONGRESS.—The Secretary shall prepare and submit to the [relevant committees of Congress]*authorizing committees a biannual report that includes the following:*

(A) A summary of the activities assisted under subsection (a).

(B) A description of the education and training materials made available under subsection (a)(1)(E), the manner in which outreach has been conducted to inform parents and child care providers of the availability of such materials, and the manner in which such materials have been distributed in accordance with such subsection.

(d) ADMINISTRATIVE COSTS.—An entity that receives a grant, contract, or cooperative agreement under this section may use up to 5 percent of the amount received under the grant, contract, or agreement for the normal and customary expenses of administering the grant, contract, or agreement.

[(e) AUTHORIZATION OF APPROPRIATIONS.—

[(1) IN GENERAL.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2002, and for each of the 5 succeeding fiscal years.

[(2) FUNDING RULE.—Not less than 60 percent of the amount appropriated under paragraph (1) for each fiscal year shall be used to carry out activities under subparagraphs (B) through (D) of subsection (a)(1).]

(e) FUNDING RULE.—Not less than 60 percent of the amount appropriated to carry out this section for each fiscal year shall be used to carry out activities under subparagraphs (B) through (D) of subsection (a)(1).

[Subpart 1—Fund for the Improvement of Education]

PART I—PROGRAMS OF NATIONAL SIGNIFICANCE

SEC. [5411]4901. PROGRAMS AUTHORIZED.

(a) AUTHORIZATION.—The Secretary is authorized to support nationally significant programs to improve the quality of elementary and secondary education at the State and local levels and help all children meet [challenging State academic content and student academic achievement standards]college and career ready academic content and student academic achievement standards under section 1111(a)(1). The Secretary may carry out such programs directly, or through grants to, or contracts with—

(1) States or local educational agencies;

(2) institutions of higher education; and

(3) other public and nonprofit private agencies, organizations, and institutions.

[(b) USES OF FUNDS.—Funds made available under section 5401 to carry out this subpart may be used for any of the following programs:

[(1) Activities to promote systemic education reform at the State and local levels, including scientifically based research, development, and evaluation designed to improve—

[(A) student academic achievement at the State and local level; and

[(B) strategies for effective parent and community involvement.

[(2) Programs at the State and local levels that are designed to yield significant results, including programs to explore approaches to public school choice and school-based decision-making.

[(3) Recognition programs, which may include financial awards to States, local educational agencies, and schools that have made the greatest progress, based on the Secretary's determination or on a nomination by the State in which the school is located (or in the case of a Bureau funded school, by the Secretary of the Interior) in—

[(A) improving the academic achievement of economically disadvantaged students and students from major racial and ethnic minority groups; and

[(B) closing the academic achievement gap for those groups of students farthest away from the proficient level on the academic assessments administered by the State under section 1111.

[(4) Scientifically based studies and evaluations of education reform strategies and innovations, and the dissemination of information on the effectiveness of such strategies and innovations.

[(5) Identification and recognition of exemplary schools and programs, such as Blue Ribbon Schools, including programs to

evaluate the effectiveness of using the best practices of exemplary or Blue Ribbon Schools to improve academic achievement.

[(6) Activities to support Scholar-Athlete Games programs, including the World Scholar-Athlete Games and the U.S. Scholar-Athlete Games.

[(7) Programs to promote voter participation in American elections through programs, such as the National Student/Parent Mock Election and Kids Voting USA.

[(8) Demonstrations relating to the planning and evaluation of the effectiveness of programs under which local educational agencies or schools contract with private management organizations to reform a school or schools.

[(9) Other programs that meet the purposes of this Act.]

(b) USES OF FUNDS.—A nonprofit entity receiving a grant under subsection (a) shall use the grant funds to carry out 1 of the following activities:

(1) Providing funding for economically disadvantaged students, including students from military families and recent immigrants, and their teachers, to participate in programs based in Washington, DC that increase civic responsibility and understanding of the Federal Government among young people.

(2) Developing, implementing, evaluating, and disseminating innovative, research-based approaches to civic learning, which may include hands-on civic engagement activities, for low-income elementary school and secondary school students that demonstrate innovation, scalability, accountability, and a focus on underserved populations.

(3) Supporting a national principal and teacher certification process that provides a framework for measuring and improving teaching and instructional leadership with a focus on educators working in schools that are eligible for funding under part A of title I, including comprehensive rigorous teaching standards and assessment systems designed to reward educator effectiveness and deliver high-quality professional development across all academic subjects and grades.

(4) Creating a national teacher corps of outstanding college graduates to teach in underserved communities in order to—

(A) increase the supply of effective teachers in low-income communities; and

(B) provide and support the retention of teachers for high-need fields.

(5) Supporting a national network of providers of high-quality, evidence-based professional development in writing instruction for teachers across all academic subjects and grades.

(6) Encouraging parents and caregivers to read aloud to their children by supporting programs through which, during pediatric exams, doctors and nurses train parents and caregivers who may not be skilled readers.

(7) Preparing young children from low-income families for reading success by the third grade by—

(A) distributing inexpensive books;

(B) training volunteers to serve at-risk children;

(C) developing motivational literacy activities for at-risk children; and

(D) providing information on literacy resources, such as those provided by local libraries and other community-based organizations.

(8) Supporting model projects and programs that encourage involvement in the performing and visual arts, for—

(A) persons with disabilities, by—

(i) increasing access to all forms of the arts for all persons, including those living with intellectual, physical, and sensory disabilities; and

(ii) fostering a greater awareness of the need for arts programs for individuals with disabilities; and

(B) children, youth, and educators.

(9) Implementing a coordinated program of scientifically based research, demonstration projects, innovative strategies, and professional development for teachers and other instructional leaders working in high-poverty schools to—

(A) enhance the ability of educators to meet the special educational needs of gifted and talented students, including high-ability students who have not been formally identified as gifted; and

(B) prioritize students who have been underrepresented in gifted education programs, including students who are economically disadvantaged, of minority backgrounds, English learners, students with disabilities, and students in rural communities.

(10) Promoting gender equity in education by supporting educational agencies and institutions in meeting the requirements of title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.).

(11) Other high-quality, nationally significant programs that meet the purposes of this Act.

(c) BASIS OF AWARDS.—The Secretary is authorized to—

(1) make awards under this [subpart]part on the basis of competitions announced by the Secretary; and

(2) support meritorious unsolicited proposals for awards under this [subpart]part.

(d) EFFECTIVENESS OF PROGRAMS.—The Secretary shall ensure that programs supported under this [subpart]part are designed so that their effectiveness is readily ascertainable, and shall ensure that such effectiveness is assessed using rigorous, scientifically based research and evaluations.

SEC. [5412]4902. APPLICATIONS.

(a) SUBMISSION.—To be eligible for an award under this [subpart]part, an entity shall submit an application to the Secretary, at such time, in such manner, and containing such information as the Secretary may require.

(b) CONTENTS.—Each application submitted under subsection (a) shall—

(1) establish clear objectives, which are based on scientifically based research, for the proposed program; and

(2) describe the activities the applicant will carry out in order to meet the objectives described in paragraph (1).

(c) PEER REVIEW.—The Secretary shall use a peer review process in reviewing applications for awards under this [subpart]part

[and in recognizing States, local educational agencies, and schools under section 5411(b)(3), only if funds are used for such recognition programs]. The Secretary may use funds appropriated under this [subpart]part for the cost of such peer review.

SEC. [5413]4903. PROGRAM REQUIREMENTS.

(a) EVALUATIONS.—A recipient of an award under this [subpart]part shall—

(1) evaluate the effectiveness of the program funded under the award in achieving the objectives stated in applications submitted under section [5412]4902; and

(2) report to the Secretary such information as may be required to determine the effectiveness of such program, including evidence of progress toward meeting such objectives.

(b) DISSEMINATION OF EVALUATION RESULTS.—The Secretary shall provide for the dissemination of the evaluations of programs funded under this [subpart]part by making the evaluations publicly available upon request, and shall provide public notice that the evaluations are so available.

(c) MATCHING FUNDS.—The Secretary may require recipients of awards under this [subpart]part to provide matching funds from non-Federal sources, and shall permit the recipients to match funds in whole or in part with in-kind contributions.

[(d) SPECIAL RULE FOR RECOGNITION PROGRAMS.—The application requirements of section 5412(b), and the evaluation requirements of subsections (a) and (b) of this section, do not apply to recognition programs under section 5411(b)(3).]

[SEC. 5414. [20 U.S.C. 7243c] STUDIES OF NATIONAL SIGNIFICANCE.]

[(a) STUDIES.—The Secretary shall conduct the following studies of national significance:

[(1) UNHEALTHY PUBLIC SCHOOL BUILDINGS.—A study regarding the health and learning impacts of environmentally unhealthy public school buildings on students and teachers. The study shall include the following information:

[(A) The characteristics of those public elementary school and secondary school buildings that contribute to unhealthy school environments.

[(B) The health and learning impacts of environmental unhealthy public school buildings on students that are attending or that have attended such schools.

[(C) Recommendations to Congress on how to assist schools that are out of compliance with Federal or State health and safety codes, and a cost estimate of bringing up environmentally unhealthy public school buildings to minimum Federal health and safety building standards.

[(2) EXPOSURE TO VIOLENT ENTERTAINMENT.—A study regarding how exposure to violent entertainment (such as in movies, music, television, Internet content, video games, and arcade games) affects children's cognitive development and educational achievement.

[(3) SEXUAL ABUSE IN SCHOOLS.—A study regarding the prevalence of sexual abuse in schools, including recommendations and legislative remedies for addressing the problem of sexual abuse in schools.

[(b) COMPLETION DATE.—The studies under subsection (a) shall be completed not later than 18 months after the date of enactment of the No Child Left Behind Act of 2001.

[(c) PUBLIC DISSEMINATION.—The Secretary shall make the study conducted under subsection (a)(1) available to the public through the Educational Resources Information Center National Clearinghouse for Educational Facilities of the Department.]

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[TITLE V—PROMOTING INFORMED PARENTAL CHOICE AND INNOVATIVE PROGRAMS]*TITLE V—PROMOTING INNOVATION*

[PART A—INNOVATIVE PROGRAMS]

[SEC. 5101. [20 U.S.C. 7201] PURPOSES, STATE AND LOCAL RESPONSIBILITY.]

[(a) PURPOSES.—The purposes of this part are the following:

[(1) To support local education reform efforts that are consistent with and support statewide education reform efforts.

[(2) To provide funding to enable State educational agencies and local educational agencies to implement promising educational reform programs and school improvement programs based on scientifically based research.

[(3) To provide a continuing source of innovation and educational improvement, including support programs to provide library services and instructional and media materials.

[(4) To meet the educational needs of all students, including at-risk youth.

[(5) To develop and implement education programs to improve school, student, and teacher performance, including professional development activities and class size reduction programs.

[(b) STATE AND LOCAL RESPONSIBILITY.—The State educational agency shall bear the basic responsibility for the administration of funds made available under this part, but it is the intent of Congress that the responsibility be carried out with a minimum of paperwork and that the responsibility for the design and implementation of programs assisted under this part be mainly that of local educational agencies, school superintendents and principals, and classroom teachers and supporting personnel, because local educational agencies and individuals have the most direct contact with students and are most likely to be able to design programs to meet the educational needs of students in their own school districts.]

[Subpart 1—State and Local Programs]

[SEC. 5111. [20 U.S.C. 7211] ALLOTMENT TO STATES.]

[(a) IN GENERAL.—From the sums appropriated to carry out this part for each fiscal year and not reserved under subsection (b), the

Secretary shall allot, and make available in accordance with this part, to each State educational agency an amount that bears the same ratio to such sums as the school-age population of the State bears to the school-age population of all States, except that no State shall receive less than an amount equal to one-half of 1 percent of such sums.

[(b) RESERVATION.—From the sums appropriated to carry out this part for each fiscal year, the Secretary shall reserve not more than 1 percent for payments to the outlying areas, to be allotted in accordance with their respective needs for assistance under this part.]

[SEC. 5112. [20 U.S.C. 7211a] ALLOCATION TO LOCAL EDUCATIONAL AGENCIES.]

[(a) DISTRIBUTION RULE.—

[(1) ALLOCATION OF BASE AMOUNTS.—From the amount made available to a State educational agency under this part for a fiscal year, the State educational agency shall distribute, to local educational agencies within the State, an amount that is not less than 85 percent of the amount made available to the State educational agency under this part for fiscal year 2002, according to the relative enrollments in public and in private nonprofit schools within the jurisdictions of such local educational agencies, adjusted, in accordance with criteria approved by the Secretary, to provide higher per-pupil allocations to local educational agencies that have the greatest numbers or percentages of children whose education imposes a higher-than-average cost per child, such as—

[(A) children living in areas with high concentrations of economically disadvantaged families;

[(B) children from economically disadvantaged families; and

[(C) children living in sparsely populated areas.

[(2) ALLOCATION OF INCREASED AMOUNTS.—From the amount made available to a State educational agency under this part for a fiscal year that exceeds the amount made available to the agency under this part for fiscal year 2002, the State educational agency shall distribute 100 percent (or, in the case of a State educational agency receiving a minimum allotment under section 5111(a), not less than 50 percent, notwithstanding subsection (b)) to local educational agencies within the State, on the same basis as the State educational agency distributes amounts under paragraph (1).

[(b) LIMITATIONS AND REQUIREMENTS.—Not more than 15 percent of funds made available under section 5111 for State programs under this part for any fiscal year may be used for State administration under section 5121.

[(c) CALCULATION OF ENROLLMENTS.—

[(1) IN GENERAL.—The calculation of relative enrollments under subsection (a)(1) shall be on the basis of the total of—

[(A) the number of children enrolled in public schools; and

[(B) the number of children enrolled in private nonprofit schools that participated in programs assisted under this

part, for the fiscal year preceding the fiscal year for which the determination is made.

[(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall diminish the responsibility of each local educational agency to contact, on an annual basis, appropriate officials from private nonprofit schools within the areas served by such agencies in order to determine whether such schools desire that their children participate in programs assisted under this part.

[(3) ADJUSTMENTS.—

[(A) STATE CRITERIA.—Relative enrollments calculated under subsection (a)(1) shall be adjusted, in accordance with criteria approved by the Secretary under subparagraph (B), to provide higher per-pupil allocations only to local educational agencies that serve the greatest numbers or percentages of—

[(i) children living in areas with high concentrations of economically disadvantaged families;

[(ii) children from economically disadvantaged families; or

[(iii) children living in sparsely populated areas.

[(B) REVIEW OF CRITERIA.—The Secretary shall review criteria submitted by a State educational agency for adjusting allocations under paragraph (1) and shall approve such criteria only if the Secretary determines that such criteria are reasonably calculated to produce an adjusted allocation that reflects the relative needs of the State's local educational agencies based on the factors set forth in subparagraph (A).

[(d) PAYMENT OF ALLOCATIONS.—

[(1) DISTRIBUTION.—From the funds paid to a State educational agency under this subpart for a fiscal year, the State educational agency shall distribute to each eligible local educational agency that has submitted an application as required by section 5133 the amount of such local educational agency's allocation, as determined under subsection (a).

[(2) ADDITIONAL FUNDS.—

[(A) USE.—Additional funds resulting from higher per-pupil allocations provided to a local educational agency on the basis of adjusted enrollments of children described in subsection (a)(1) may, in the discretion of the local educational agency, be allocated for expenditures to provide services for children enrolled in public schools and private nonprofit schools in direct proportion to the number of children described in subsection (a)(1) and enrolled in such schools within the area served by the local educational agency.

[(B) ALLOCATION.—In any fiscal year, any local educational agency that elects to allocate such additional funds in the manner described in subparagraph (A) shall allocate all additional funds to schools within the area served by the local educational agency in such manner.

[(C) RULE OF CONSTRUCTION.—Subparagraphs (A) and (B) may not be construed to require any school to limit the use of the additional funds described in subparagraph (A)

to the provision of services to specific students or categories of students.]

[Subpart 2—State Programs]

[SEC. 5121. [20 U.S.C. 7213] STATE USES OF FUNDS.]

[A State educational agency may use funds made available for State use under section 5112(b) only for one or more of the following:

[(1) State administration of programs under this part, including—

[(A) allocating funds to local educational agencies;

[(B) planning, supervising, and processing State educational agency funds; and

[(C) monitoring and evaluating programs under this part.

[(2) Support for the planning, design, and initial implementation of charter schools as described in part B.

[(3) Statewide education reform, school improvement programs and technical assistance and direct grants to local educational agencies, which assist such agencies under section 5131.

[(4) Support for the design and implementation of high-quality yearly student assessments.

[(5) Support for implementation of challenging State and local academic achievement standards.

[(6) Support for arrangements that provide for independent analysis to measure and report on school district achievement.

[(7) Support for the program described in section 321 of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2001 (as enacted into law by section 1(a)(1) of Public Law 106–554).

[(8) Support for programs to assist in the implementation of the policy described in section 9507 which may include payment of reasonable transportation costs and tuition costs for such students.]

[SEC. 5122. [20 U.S.C. 7213a] STATE APPLICATIONS.]

[(a) APPLICATION REQUIREMENTS.—Any State that desires to receive assistance under this part shall submit to the Secretary an application that includes each of the following:

[(1) Designation of the State educational agency as the State agency responsible for administration and supervision of programs assisted under this part.

[(2) Provision for an annual statewide summary of how assistance under this part is contributing toward improving student academic achievement or improving the quality of education for students.

[(3) Information setting forth the allocation of funds required to implement section 5142.

[(4) A provision that the State educational agency will keep such records, and provide such information to the Secretary, as may be required for fiscal audit and program evaluation (con-

sistent with the responsibilities of the Secretary under this section).

[(5) An assurance that, apart from providing technical and advisory assistance and monitoring compliance with this part, the State educational agency has not exercised, and will not exercise, any influence in the decisionmaking processes of local educational agencies as to the expenditure made pursuant to an application submitted under section 5133.

[(6) An assurance that there is compliance with the specific requirements of this part.

[(7) Provision for timely public notice and public dissemination of the information provided under paragraph (3).

[(b) STATEWIDE SUMMARY.—The statewide summary referred to in subsection (a)(2) shall be submitted annually to the Secretary and shall be derived from the evaluation information submitted by local educational agencies to the State educational agency under section 5133(b)(8). The State educational agency shall determine the format and content of such summary and may include in the summary statistical measures, such as the number of students served by each type of innovative assistance program described in section 5131 and the number of teachers trained.

[(c) PERIOD OF APPLICATION.—An application submitted by the State educational agency under subsection (a) shall be for a period not to exceed 3 years. The agency may amend the application annually, as may be necessary to reflect changes, without filing a new application.

[(d) AUDIT RULE.—A local educational agency that receives less than an average of $10,000 under this part for any 3 consecutive fiscal years shall not be audited more frequently than once every 5 years.]

[Subpart 3—Local Innovative Education Programs]

[SEC. 5131. [20 U.S.C. 7215] LOCAL USES OF FUNDS.]

[(a) INNOVATIVE ASSISTANCE PROGRAMS.—Funds made available to local educational agencies under section 5112 shall be used for innovative assistance programs, which may include any of the following:

[(1) Programs to recruit, train, and hire highly qualified teachers to reduce class size, especially in the early grades, and professional development activities carried out in accordance with title II, that give teachers, principals, and administrators the knowledge and skills to provide students with the opportunity to meet challenging State or local academic content standards and student academic achievement standards.

[(2) Technology activities related to the implementation of school-based reform efforts, including professional development to assist teachers and other school personnel (including school library media personnel) regarding how to use technology effectively in the classrooms and the school library media centers involved.

[(3) Programs for the development or acquisition and use of instructional and educational materials, including library serv-

ices and materials (including media materials), academic assessments, reference materials, computer software and hardware for instructional use, and other curricular materials that are tied to high academic standards, that will be used to improve student academic achievement, and that are part of an overall education reform program.

[(4) Promising education reform projects, including magnet schools.

[(5) Programs to improve the academic achievement of educationally disadvantaged elementary school and secondary school students, including activities to prevent students from dropping out of school.

[(6) Programs to improve the literacy skills of adults, especially the parents of children served by the local educational agency, including adult education and family literacy programs.

[(7) Programs to provide for the educational needs of gifted and talented children.

[(8) The planning, design, and initial implementation of charter schools as described in part B.

[(9) School improvement programs or activities under sections 1116 and 1117.

[(10) Community service programs that use qualified school personnel to train and mobilize young people to measurably strengthen their communities through nonviolence, responsibility, compassion, respect, and moral courage.

[(11) Activities to promote consumer, economic, and personal finance education, such as disseminating information on and encouraging use of the best practices for teaching the basic principles of economics and promoting the concept of achieving financial literacy through the teaching of personal financial management skills (including the basic principles involved with earning, spending, saving, and investing).

[(12) Activities to promote, implement, or expand public school choice.

[(13) Programs to hire and support school nurses.

[(14) Expansion and improvement of school-based mental health services, including early identification of drug use and violence, assessment, and direct individual or group counseling services provided to students, parents, and school personnel by qualified school-based mental health services personnel.

[(15) Alternative educational programs for those students who have been expelled or suspended from their regular educational setting, including programs to assist students to reenter the regular educational setting upon return from treatment or alternative educational programs.

[(16) Programs to establish or enhance prekindergarten programs for children.

[(17) Academic intervention programs that are operated jointly with community-based organizations and that support academic enrichment, and counseling programs conducted during the school day (including during extended school day or extended school year programs), for students most at risk of not

meeting challenging State academic achievement standards or not completing secondary school.

[(18) Programs for cardiopulmonary resuscitation (CPR) training in schools.

[(19) Programs to establish smaller learning communities.

[(20) Activities that encourage and expand improvements throughout the area served by the local educational agency that are designed to advance student academic achievement.

[(21) Initiatives to generate, maintain, and strengthen parental and community involvement.

[(22) Programs and activities that expand learning opportunities through best-practice models designed to improve classroom learning and teaching.

[(23) Programs to provide same-gender schools and classrooms (consistent with applicable law).

[(24) Service learning activities.

[(25) School safety programs, including programs to implement the policy described in section 9507 and which may include payment of reasonable transportation costs and tuition costs for such students.

[(26) Programs that employ research-based cognitive and perceptual development approaches and rely on a diagnostic-prescriptive model to improve students' learning of academic content at the preschool, elementary, and secondary levels.

[(27) Supplemental educational services, as defined in section 1116(e).

[(b) REQUIREMENTS.—The innovative assistance programs described in subsection (a) shall be—

[(1) tied to promoting challenging academic achievement standards;

[(2) used to improve student academic achievement; and

[(3) part of an overall education reform strategy.

[(c) GUIDELINES.—Not later than 120 days after the date of enactment of the No Child Left Behind Act of 2001, the Secretary shall issue guidelines for local educational agencies seeking funding for programs described in subsection (a)(23).]

[SEC. 5132. [20 U.S.C. 7215a] ADMINISTRATIVE AUTHORITY.]

[In order to conduct the programs authorized by this part, each State educational agency or local educational agency may use funds made available under this part to make grants to, and to enter into contracts with, local educational agencies, institutions of higher education, libraries, museums, and other public and private nonprofit agencies, organizations, and institutions.]

[SEC. 5133. [20 U.S.C. 7215b] LOCAL APPLICATIONS.]

[(a) SUBMISSION OF APPLICATION.—A local educational agency may receive an allocation of funds under this part for any year for which the agency submits an application under this section that the State educational agency certifies under subsection (b).

[(b) CERTIFICATION AND CONTENTS OF APPLICATION.—The State educational agency shall certify each application submitted under subsection (a) that includes each of the following:

[(1) A description of locally identified needs relative to the purposes of this part and to the innovative assistance programs described in section 5131.

[(2) A statement that sets forth the planned allocation of funds, based on the needs identified in subparagraph (A), among innovative assistance programs described in section 5131, a description of the programs that the local educational agency intends to support, and a description of the reasons for the selection of such programs.

[(3) Information setting forth the allocation of such funds required to implement section 5142.

[(4) A description of how assistance under this part will contribute to improving student academic achievement or improving the quality of education for students.

[(5) An assurance that the local educational agency will comply with this part, including the provisions of section 5142 concerning the participation of children enrolled in private nonprofit schools.

[(6) An assurance that the local educational agency will keep such records, and provide such information to the State educational agency, as may be reasonably required for fiscal audit and program evaluation (consistent with the responsibilities of the State educational agency under this part).

[(7) Provision, in the allocation of funds for the assistance authorized by this part and in the planning, design, and implementation of such innovative assistance programs, for systematic consultation with parents of children attending elementary schools and secondary schools in the area served by the local educational agency, with teachers and administrative personnel in such schools, and with such other groups involved in the implementation of this part (such as librarians, school counselors, and other pupil services personnel) as may be considered appropriate by the local educational agency.

[(8) An assurance that—

[(A) programs carried out under this part will be evaluated annually;

[(B) the evaluation will be used to make decisions about appropriate changes in programs for the subsequent year;

[(C) the evaluation will describe how assistance under this part affected student academic achievement and will include, at a minimum, information and data on the use of funds, the types of services furnished, and the students served under this part; and

[(D) the evaluation will be submitted to the State educational agency at the time and in the manner requested by the State educational agency.

[(9) If the local educational agency seeks funds under section 5131(a)(23), a description of how the agency will comply with the guidelines issued by the Secretary regarding same-gender schools and classrooms under section 5131(c).

[(c) PERIOD OF APPLICATION.—An application submitted by a local educational agency under subsection (a) may seek allocations under this part for a period not to exceed 3 fiscal years. The agency

may amend the application annually, as may be necessary to reflect changes, without the filing of a new application.

[(d) LOCAL EDUCATIONAL AGENCY DISCRETION.—

[(1) IN GENERAL.—Subject to the limitations and requirements of this part, a local educational agency shall have complete discretion in determining how funds made available to carry out this subpart will be divided among programs described in section 5131.

[(2) LIMITATION.—In exercising the discretion described in paragraph (1), a local educational agency shall ensure that expenditures under this subpart carry out the purposes of this part and are used to meet the educational needs within the schools served by the local educational agency.]

[Subpart 4—General Provisions]

[SEC. 5141. [20 U.S.C. 7217] MAINTENANCE OF EFFORT.]

[(a) IN GENERAL.—Except as provided in subsection (b), a State educational agency is entitled to receive its full allotment of funds under this part for any fiscal year only if the Secretary determines that either the combined fiscal effort per student or the aggregate expenditures within the State, with respect to the provision of free public education for the fiscal year preceding the fiscal year for which the determination is made, was not less than 90 percent of such combined fiscal effort or aggregate expenditures for the second fiscal year preceding the fiscal year for which the determination is made.

[(b) REDUCTION OF FUNDS.—The Secretary shall reduce the amount of the allotment of funds under this part in any fiscal year in the exact proportion by which the State educational agency fails to meet the requirements of subsection (a) by falling below 90 percent of the fiscal effort per student or aggregate expenditures (using the measure most favorable to the State educational agency), and no such lesser amount shall be used for computing the effort or expenditures required under paragraph (1) for subsequent years.

[(c) WAIVER.—The Secretary may waive, for 1 fiscal year only, the requirements of this section, if the Secretary determines that such a waiver would be equitable due to exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the State educational agency.]

[SEC. 5142. [20 U.S.C. 7217a] PARTICIPATION OF CHILDREN ENROLLED IN PRIVATE SCHOOLS.]

[(a) PARTICIPATION ON EQUITABLE BASIS.—

[(1) IN GENERAL.—To the extent consistent with the number of children in the school district of a local educational agency that is eligible to receive funds under this part, or that serves the area in which a program assisted under this part is located, who are enrolled in private nonprofit elementary schools and secondary schools, or, with respect to instructional or personnel training programs funded by the State educational agency from funds made available for State educational agency

use, the local educational agency, after consultation with appropriate private school officials—

[(A) shall provide, as may be necessary, for the benefit of such children in such schools—

[(i) secular, neutral, and nonideological services, materials, and equipment, including the participation of the teachers of such children (and other educational personnel serving such children) in training programs; and

[(ii) the repair, minor remodeling, or construction of public facilities (consistent with subsection (c)); or

[(B) if such services, materials, and equipment are not feasible or necessary in one or more such private schools, as determined by the local educational agency after consultation with the appropriate private school officials, shall provide such other arrangements as will assure equitable participation of such children in the purposes and benefits of this part.

[(2) OTHER PROVISIONS FOR SERVICES.—If no program is carried out under paragraph (1) in the school district of a local educational agency, the State educational agency shall make arrangements, such as through contracts with nonprofit agencies or organizations, under which children in private schools in the district are provided with services and materials to the same extent as would have occurred if the local educational agency had received funds under this part.

[(3) APPLICATION OF REQUIREMENTS.—The requirements of this section relating to the participation of children, teachers, and other personnel serving such children shall apply to programs carried out under this part by a State educational agency or local educational agency, whether directly or through grants to, or contracts with, other public or private agencies, institutions, or organizations.

[(b) EQUAL EXPENDITURES.—

[(1) IN GENERAL.—Expenditures for programs under subsection (a) shall be equal (consistent with the number of children to be served) to expenditures for programs under this part for children enrolled in the public schools of the local educational agency.

[(2) CONCENTRATED PROGRAMS.—Taking into account the needs of the individual children and other factors that relate to the expenditures referred to in paragraph (1), and when funds available to a local educational agency under this part are used to concentrate programs on a particular group, attendance area, or grade or age level, children enrolled in private schools who are included within the group, attendance area, or grade or age level selected for such concentration shall, after consultation with the appropriate private school officials, be assured equitable participation in the purposes and benefits of such programs.

[(c) ADMINISTRATIVE REQUIREMENTS.—

[(1) FUNDS AND PROPERTY.—The control of funds provided under this part, and title to materials, equipment, and property repaired, remodeled, or constructed with such funds, shall

be in a public agency for the uses and purposes provided in this part, and a public agency shall administer such funds and property.

[(2) PROVISION OF SERVICES.—Services provided under this part shall be provided by employees of a public agency or through contract by such a public agency with a person, association, agency, or corporation that, in the provision of such services, is independent of the private school and of any religious organizations, and such employment or contract shall be under the control and supervision of such a public agency. The funds provided under this part shall not be commingled with State or local funds.

[(d) WAIVER.—

[(1) STATE PROHIBITION.—If a State educational agency or local educational agency is prohibited, by reason of any provision of law, from providing for the participation in programs of children enrolled in private elementary schools and secondary schools as required by subsections (a) through (c), the Secretary shall waive such requirements for the agency involved and shall arrange for the provision of services to such children through arrangements that shall be subject to the requirements of this section.

[(2) FAILURE TO COMPLY.—If the Secretary determines that a State educational agency or a local educational agency has substantially failed, or is unwilling, to provide for the participation on an equitable basis of children enrolled in private elementary schools and secondary schools as required by subsections (a) through (c), the Secretary may waive such requirements and shall arrange for the provision of services to such children through arrangements that shall be subject to the requirements of this section.

[(e) WITHHOLDING OF ALLOTMENT OR ALLOCATION.—Pending final resolution of any investigation or complaint that could result in a waiver under subsection (d)(1) or (d)(2), the Secretary may withhold from the allotment or allocation of the affected State educational agency or local educational agency the amount estimated by the Secretary to be necessary to pay the cost of services to be provided by the Secretary under such subsection.

[(f) DURATION OF DETERMINATION.—Any determination by the Secretary under this section shall continue in effect until the Secretary determines that there will no longer be any failure or inability on the part of the State educational agency or local educational agency to meet the requirements of subsections (a) through (c).

[(g) PAYMENT FROM STATE ALLOTMENT.—When the Secretary arranges for services under subsection (d), the Secretary shall, after consultation with the appropriate public school and private school officials, pay the cost of such services, including the administrative costs of arranging for those services, from the appropriate allotment of the State educational agency under this part.

[(h) REVIEW OF DETERMINATION.—

[(1) WRITTEN OBJECTIONS.—The Secretary shall not take any final action under this section until the State educational agency and the local educational agency affected by such action have had an opportunity, for not less than 45 days after receiv-

ing written notice thereof, to submit written objections and to appear before the Secretary or the Secretary's designee to show cause why that action should not be taken.

[(2) COURT ACTION.—If a State educational agency or local educational agency is dissatisfied with the Secretary's final action after a proceeding under paragraph (1), such agency may, not later than 60 days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be transmitted by the clerk of the court to the Secretary. The Secretary thereupon shall file in the court the record of the proceedings on which the Secretary based the action, as provided in section 2112 of title 28, United States Code.

[(3) REMAND TO SECRETARY.—The findings of fact by the Secretary with respect to a proceeding under paragraph (1), if supported by substantial evidence, shall be conclusive. The court, for good cause shown, may remand the case to the Secretary to take further evidence and the Secretary may make new or modified findings of fact and may modify the Secretary's previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive, if supported by substantial evidence.

[(4) COURT REVIEW.—Upon the filing of a petition under paragraph (2), the court shall have jurisdiction to affirm the action of the Secretary or to set such action aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court upon certiorari or certification, as provided in section 1254 of title 28, United States Code.

[(i) PRIOR DETERMINATION.—Any bypass determination by the Secretary under title VI (as such title was in effect on the day preceding the date of enactment of the No Child Left Behind Act of 2001) shall, to the extent consistent with the purposes of this part, apply to programs under this part.]

[SEC. 5143. [20 U.S.C. 7217b] FEDERAL ADMINISTRATION.]

[(a) TECHNICAL ASSISTANCE.—The Secretary, upon request, shall provide technical assistance to State educational agencies and local educational agencies under this part.

[(b) RULEMAKING.—The Secretary shall issue regulations under this part only to the extent that such regulations are necessary to ensure that there is compliance with the specific requirements and assurances required by this part.

[(c) AVAILABILITY OF APPROPRIATIONS.—Notwithstanding any other provision of law, unless expressly in limitation of this subsection, funds appropriated in any fiscal year to carry out programs under this part shall become available for obligation on July 1 of such fiscal year and shall remain available for obligation until the end of the subsequent fiscal year.]

[SEC. 5144. [20 U.S.C. 7217c] SUPPLEMENT, NOT SUPPLANT.]

[Funds made available under this part shall be used to supplement, and not supplant, any other Federal, State, or local education funds.]

[SEC. 5145. [20 U.S.C. 7217d] DEFINITIONS.]

[In this part:

[(1) LOCAL EDUCATIONAL AGENCY.—The term "local educational agency" means a local educational agency or a consortium of such agencies.

[(2) PUBLIC SCHOOL.—The term "public school" means a public elementary school or a public secondary school.

[(3) SCHOOL-AGE POPULATION.—The term "school-age population" means the population aged 5 through 17.

[(4) STATE.—The term "State" means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.]

[SEC. 5146. [20 U.S.C. 7217e] AUTHORIZATION OF APPROPRIATIONS.]

[There are authorized to be appropriated to carry out this part—

[(1) $450,000,000 for fiscal year 2002;

[(2) $475,000,000 for fiscal year 2003;

[(3) $500,000,000 for fiscal year 2004;

[(4) $525,000,000 for fiscal year 2005;

[(5) $550,000,000 for fiscal year 2006; and

[(6) $600,000,000 for fiscal year 2007.]

PART A—RACE TO THE TOP

SEC. 5101. PURPOSES.

The purposes of this part are to provide incentives for States and high-need local educational agencies to implement comprehensive reforms and innovative strategies that are designed to lead to—

(1) significant improvements in outcomes for all students, including improvements in student readiness, student academic achievement, high school graduation rates, and rates of student enrollment, persistence, and completion in institutions of higher education; and

(2) significant reductions in achievement gaps between the groups of students described in section 1111(a)(2)(B)(ix).

SEC. 5102. RESERVATION OF FUNDS.

From amounts made available to carry out this part for a fiscal year, the Secretary may reserve not more than 5 percent to carry out activities in accordance with this part related to technical assistance and outreach and dissemination.

SEC. 5103. RACE TO THE TOP PROGRAM.

(a) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—For each fiscal year for which funds are appropriated under this part and from such funds that are not reserved under section 5102, the Secretary shall, in accordance with paragraph (2), determine the goals that are the greatest priority for the United States and award grants, through a grant competition, to eligible entities to enable such eligible entities to carry out comprehensive reforms and innovative strategies in furtherance of such goals.

(2) SELECTION OF GOALS AND CATEGORIES OF ENTITIES.—

(A) IN GENERAL.—The Secretary shall determine the priorities for grants awarded through a grant competition

under this part by selecting in advance of the application period—

(i) 1 or more categories of entities described in paragraph (3) that may apply for and receive the grants through such grant competition; and

(ii) 1 or more goals described in paragraph (4) to be supported under the grants.

(B) ANNOUNCEMENT.—The Secretary shall ensure that information regarding the selections of goals and categories of entities for the grants under this part for an upcoming grant competition is made widely available to eligible entities and that the eligible entities will have sufficient time to prepare a grant application based on the Secretary's decisions for the upcoming grant competition.

(3) ELIGIBLE ENTITIES.—The categories of entities that may be selected for grants under this part are the following:

(A) A State.

(B) A high-need local educational agency.

(C) A consortium of States.

(D) A consortium of high-need local educational agencies.

(4) EDUCATIONAL GOALS.—The goals that the Secretary shall select to support through grants under this part are 1 or more of the following:

(A) Increasing the access of children from low-income families to highly rated teachers and school leaders, including by—

(i) developing and implementing a teacher and principal evaluation system consistent with section 2301(b)(4);

(ii) improving the effectiveness of teachers (including early childhood education and care educators) and school leaders, including through high-quality preparation, recruitment, professional development, evaluation, and other personnel policies; and

(iii) ensuring that all teachers are prepared to effectively serve the needs of students who are children with disabilities or English learners, particularly through the general education curriculum.

(B) Strengthening the availability and use of high-quality and timely data to improve instructional practices, policies, and student outcomes.

(C) Implementing—

(i) elementary and secondary school academic standards that prepare students to be college and career ready, in accordance with section 1111(a)(1)(A)(ii); and

(ii) strategies that translate such standards into classroom practice, including in the areas of assessment, instructional materials, and professional development.

(D) Turning around the schools served by the eligible entity that are identified through a State's accountability and improvement system under subsection (b) or (c)(2) of section 1116.

(E) Creating successful conditions for the creation, expansion, and replication of high-performing public charter schools and the creation of new, innovative, and highly autonomous public schools that will enroll a large percentage of students from low-income families.

(F) Providing more equitable State and local resources to high-poverty schools.

(G) Improving school readiness by—

(i) increasing the number and percentage of children from low-income families, in each age group of infants, toddlers, and preschoolers, who are enrolled in high-quality early childhood education and care programs; and

(ii) designing and implementing an integrated system of high-quality early childhood education and care programs and services that strengthens the coordination and collaboration among Federal, State, and local early childhood education and care programs.

(b) DURATION OF GRANTS.—

(1) IN GENERAL.—Each grant awarded under this part shall be for a period of not more than 4 years.

(2) REQUIREMENTS FOR ADDITIONAL FUNDING.—Before receiving funding under any grant under this part for the second or any subsequent year of the grant, the eligible entity receiving the grant shall demonstrate to the Secretary that the eligible entity is—

(A) making progress in implementing the plan under section 5104(a)(3) at a rate that the Secretary determines will result in full implementation of the plan during the remainder of the grant period; and

(B) making progress, as measured by the annual performance measures and targets established by the eligible entity under section 5105, at a rate that the Secretary determines will result in reaching the targets and achieving the objectives of the grant, during the remainder of the grant period.

(c) INTERAGENCY AGREEMENT.—The Secretary shall establish an interagency agreement with the Secretary of Health and Human Services to jointly administer any grant competition for the goal of improving early childhood education and care, as described in subsection (a)(4)(G), and any grants issued under such grant competition.

SEC. 5104. APPLICATION PROCESS.

(a) IN GENERAL.—Each eligible entity that desires to receive a grant under this part shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. At a minimum, each such application shall include the following:

(1) Documentation of the eligible entity's record, as applicable, in the areas to be measured by the performance measures identified by the Secretary under section 5105(2).

(2) Evidence of conditions of innovation and reform that the eligible entity has established and the eligible entity's plan for

implementing additional conditions for innovation and reform, including—

(A) a description of how the eligible entity has identified and eliminated ineffective practices in the past, and its plan for doing so in the future;

(B) a description of how the eligible entity has identified and promoted effective practices in the past, and its plan for doing so in the future; and

(C) steps the eligible entity has taken and will take to eliminate statutory, regulatory, procedural, or other barriers to facilitate the full implementation of its proposed plan under paragraph (3).

(3) A comprehensive and coherent plan for using funds under this part, and other Federal, State, and local funds, to improve the eligible entity's performance on the performance measures identified under section 5105(2), including how the applicant will implement reforms and innovative strategies to achieve the goals selected by the Secretary under section 5103(a)(2).

(4) In the case of an eligible entity that is described in subparagraph (A) or (C) of section 5103(a)(3), evidence of collaboration among the eligible entity, local educational agencies in the State (including the local educational agencies participating in carrying out the plan under paragraph (3)), schools that are expected to benefit from the activities under the plan, parents, teachers, and other stakeholders, in developing and implementing the plan, including evidence of the commitment and capacity to implement such plan.

(5) In the case of an eligible entity described in subparagraph (B) or (D) of section 5103(a)(3), evidence of the eligible entity's collaboration with its school leaders, teachers, parents, and other stakeholders in developing the plan under paragraph (3), including evidence of the commitment and capacity to implement that plan.

(6) The eligible entity's annual performance measures and targets, in accordance with the requirements of section 5105.

(b) CRITERIA FOR EVALUATING APPLICATIONS.—

(1) IN GENERAL.—The Secretary shall award grants under this part on a competitive basis, based on the quality of the applications submitted by eligible entities.

(2) PUBLICATION OF EXPLANATION.—The Secretary shall publish an explanation of how the application review process will ensure an equitable, transparent, and objective evaluation.

(c) PRIORITY.—In awarding grants under this part, the Secretary shall give priority to—

(1) any eligible entity described in subparagraph (B) or (D) of section 5103(a)(3) that serves a school designated with a school locale code of 33, 41, 42, or 43, as determined by the Secretary; and

(2) for any grant competition under this part for the goal of improving early childhood education and care, as described in section 5103(a)(4)(G), any eligible entity that provides a full-day kindergarten program to all kindergarten students, or to all kindergarten students from low-income families, served by the eligible entity.

SEC. 5105. PERFORMANCE MEASURES.

Each eligible entity receiving a grant under this part shall establish, subject to approval by the Secretary, annual performance measures and targets for the programs and activities carried out under this part. Such performance measures and targets shall, at a minimum, track the eligible entity's progress in—

(1) implementing the plan described in section 5104(a)(3); and

(2) making progress on any other performance measure identified by the Secretary.

SEC. 5106. USES OF FUNDS.

(a) USE OF STATE GRANT FUNDS.—

(1) IN GENERAL.—Each eligible entity described in subparagraph (A) or (C) of section 5103(a)(3) that receives a grant under this part shall—

(A) except as provided in paragraph (3), use not less than 50 percent of the grant funds to award subgrants under paragraph (2) to the local educational agencies that will participate in the plan for any purpose included in the eligible entity's plan described in section 5104(a)(3); and

(B) use any amount of the grant not distributed under subparagraph (A) for any purpose included in the eligible entity's plan.

(2) AMOUNT OF SUBGRANTS.—For a fiscal year, the amount of a subgrant under paragraph (1)(A) for a local educational agency that has been selected to participate in the eligible entity's plan shall bear the same relation to the amount available for all such subgrants by the eligible entity for such year, as the amount made available to the local educational agency under part A of title I for the most recent year for which such data is available bears to the total amount made available for such year to all local educational agencies selected to participate in the eligible entity's plan.

(3) EXCEPTION.—An eligible entity described in subparagraph (A) or (C) of section 5103(a)(3) that receives a grant under this part for the goal of improving early childhood education and care, as described in section 5103(a)(4)(G)—

(A) shall not be subject to the requirements of paragraph (1)(A); and

(B) may use grant funds to award subgrants to public or private nonprofit agencies and organizations for activities consistent with any purpose included in the eligible entity's plan described in section 5104(a)(3).

(b) USE OF SUBGRANT FUNDS.—Each local educational agency or public or private nonprofit agency or organization that receives a subgrant under paragraph (1)(A) or (3)(B) of subsection (a) from an eligible entity shall use subgrant funds for any purpose included in the eligible entity's plan described in section 5104(a)(3), subject to any requirements of the eligible entity.

(c) USE OF HIGH-NEED LOCAL EDUCATIONAL AGENCY GRANT FUNDS.—Each eligible entity described in subparagraph (B) or (D) of section 5103(a)(3) that receives a grant under this part shall use such funds for any purpose included in the eligible entity's plan described in section 5104(a)(3).

(d) SPECIAL RULE.—

(1) LIMITATION ON USE OF FUNDS.—Notwithstanding any other provision of this section, grant or subgrant funds under this part shall only be used to fund a program or activity that is an allowable use of funds under another section of this Act (excluding this part and section 8007, as amended by section 8004 of the Elementary and Secondary Education Reauthorization Act of 2011), the Individuals with Disabilities Education Act, the Adult Education and Family Literacy Act, or the Carl D. Perkins Career and Technical Education Act of 2006, except that grant or subgrant funds for the goal of improving early childhood education and care, as described in section 5103(a)(4)(G), may also be used to fund a program or activity that is an allowable use of funds under the Head Start Act, or the Child Care and Development Block Grant Act of 1990.

(2) LIMITATION OF USE OF FUNDS FOR EARLY CHILDHOOD EDUCATION AND CARE PROGRAMS.—Grant or subgrant funds under this part that are used to improve early childhood education and care programs shall not be used to carry out any of the following activities:

(A) Assessments that provide rewards or sanctions for individual children or teachers.

(B) A single assessment that is used as the primary or sole method for assessing program effectiveness.

(C) Evaluating children, other than for the purposes of improving instruction, classroom environment, professional development, or parent and family engagement, or program improvement.

SEC. 5107. REPORTING.

(a) ANNUAL REPORT.—An eligible entity that receives a grant under this part shall submit to the Secretary, at such time and in such manner as the Secretary may require, an annual report including, at a minimum—

(1) data on the eligible entity's progress in achieving the targets for the annual performance measures and targets established under section 5105; and

(2) a description of the challenges the eligible entity has faced in implementing its program under this part, and how the eligible entity has addressed, or plans to address, such challenges.

(b) LOCAL REPORT.—Each local educational agency and each public or private nonprofit agency or organization that receives a subgrant from an eligible entity under section 5106(a) shall submit to the eligible entity such information as the eligible entity may require to complete the annual report required by subsection (a).

[PART B—PUBLIC CHARTER SCHOOLS]

[Subpart 1—Charter School Programs]

[SEC. 5201. [20 U.S.C. 7221] PURPOSE.]

[It is the purpose of this subpart to increase national understanding of the charter schools model by—

[(1) providing financial assistance for the planning, program design, and initial implementation of charter schools;

[(3) expanding the number of high-quality charter schools available to students across the Nation; and

[(4) encouraging the States to provide support to charter schools for facilities financing in an amount more nearly commensurate to the amount the States have typically provided for traditional public schools.]

[SEC. 5202. [20 U.S.C. 7221a] PROGRAM AUTHORIZED.]

[(a) IN GENERAL.—The Secretary may award grants to State educational agencies having applications approved pursuant to section 5203 to enable such agencies to conduct a charter school grant program in accordance with this subpart.

[(b) SPECIAL RULE.—If a State educational agency elects not to participate in the program authorized by this subpart or does not have an application approved under section 5203, the Secretary may award a grant to an eligible applicant that serves such State and has an application approved pursuant to section 5203(c).

[(c) PROGRAM PERIODS.—

[(1) GRANTS TO STATES.—Grants awarded to State educational agencies under this subpart shall be for a period of not more than 3 years.

[(2) GRANTS TO ELIGIBLE APPLICANTS.—Grants awarded by the Secretary to eligible applicants or subgrants awarded by State educational agencies to eligible applicants under this subpart shall be for a period of not more than 3 years, of which the eligible applicant may use—

[(A) not more than 18 months for planning and program design;

[(B) not more than 2 years for the initial implementation of a charter school; and

[(C) not more than 2 years to carry out dissemination activities described in section 5204(f)(6)(B).

[(d) LIMITATION.—A charter school may not receive—

[(1) more than one grant for activities described in subparagraphs (A) and (B) of subsection (c)(2); or

[(2) more than one grant for activities under subparagraph (C) of subsection (c)(2).

[(e) PRIORITY TREATMENT.—

[(1) IN GENERAL.—In awarding grants under this subpart for fiscal year 2002 or any succeeding fiscal year from any funds appropriated under section 5211 (other than funds reserved to carry out section 5205(b)), the Secretary shall give priority to States to the extent that the States meet the criteria described in paragraph (2) and one or more of the criteria described in subparagraph (A), (B), or (C) of paragraph (3).

[(2) REVIEW AND EVALUATION PRIORITY CRITERIA.—The criteria referred to in paragraph (1) are that the State provides for periodic review and evaluation by the authorized public chartering agency of each charter school, at least once every 5 years unless required more frequently by State law, to determine whether the charter school is meeting the terms of the school's charter, and is meeting or exceeding the student aca-

demic achievement requirements and goals for charter schools as set forth under State law or the school's charter.

[(3) PRIORITY CRITERIA.—The criteria referred to in paragraph (1) are the following:

[(A) The State has demonstrated progress, in increasing the number of high-quality charter schools that are held accountable in the terms of the schools' charters for meeting clear and measurable objectives for the educational progress of the students attending the schools, in the period prior to the period for which a State educational agency or eligible applicant applies for a grant under this subpart.

[(B) The State—

[(i) provides for one authorized public chartering agency that is not a local educational agency, such as a State chartering board, for each individual or entity seeking to operate a charter school pursuant to such State law; or

[(ii) in the case of a State in which local educational agencies are the only authorized public chartering agencies, allows for an appeals process for the denial of an application for a charter school.

[(C) The State ensures that each charter school has a high degree of autonomy over the charter school's budgets and expenditures.

[(f) AMOUNT CRITERIA.—In determining the amount of a grant to be awarded under this subpart to a State educational agency, the Secretary shall take into consideration the number of charter schools that are operating, or are approved to open, in the State.]

[SEC. 5203. [20 U.S.C. 7221b] APPLICATIONS.]

[(a) APPLICATIONS FROM STATE AGENCIES.—Each State educational agency desiring a grant from the Secretary under this subpart shall submit to the Secretary an application at such time, in such manner, and containing or accompanied by such information as the Secretary may require.

[(b) CONTENTS OF A STATE EDUCATIONAL AGENCY APPLICATION.—Each application submitted pursuant to subsection (a) shall—

[(1) describe the objectives of the State educational agency's charter school grant program and a description of how such objectives will be fulfilled, including steps taken by the State educational agency to inform teachers, parents, and communities of the State educational agency's charter school grant program; and

[(2) describe how the State educational agency—

[(A) will inform each charter school in the State regarding—

[(i) Federal funds that the charter school is eligible to receive; and

[(ii) Federal programs in which the charter school may participate;

[(B) will ensure that each charter school in the State receives the charter school's commensurate share of Federal education funds that are allocated by formula each year,

including during the first year of operation of the charter school; and

[(C) will disseminate best or promising practices of charter schools to each local educational agency in the State; and

[(3) contain assurances that the State educational agency will require each eligible applicant desiring to receive a subgrant to submit an application to the State educational agency containing—

[(A) a description of the educational program to be implemented by the proposed charter school, including—

[(i) how the program will enable all students to meet challenging State student academic achievement standards;

[(ii) the grade levels or ages of children to be served; and

[(iii) the curriculum and instructional practices to be used;

[(B) a description of how the charter school will be managed;

[(C) a description of—

[(i) the objectives of the charter school; and

[(ii) the methods by which the charter school will determine its progress toward achieving those objectives;

[(D) a description of the administrative relationship between the charter school and the authorized public chartering agency;

[(E) a description of how parents and other members of the community will be involved in the planning, program design, and implementation of the charter school;

[(F) a description of how the authorized public chartering agency will provide for continued operation of the school once the Federal grant has expired, if such agency determines that the school has met the objectives described in subparagraph (C)(i);

[(G) a request and justification for waivers of any Federal statutory or regulatory provisions that the eligible applicant believes are necessary for the successful operation of the charter school, and a description of any State or local rules, generally applicable to public schools, that will be waived for, or otherwise not apply to, the school;

[(H) a description of how the subgrant funds or grant funds, as appropriate, will be used, including a description of how such funds will be used in conjunction with other Federal programs administered by the Secretary;

[(I) a description of how students in the community will be—

[(i) informed about the charter school; and

[(ii) given an equal opportunity to attend the charter school;

[(J) an assurance that the eligible applicant will annually provide the Secretary and the State educational agency such information as may be required to determine if the

charter school is making satisfactory progress toward achieving the objectives described in subparagraph (C)(i);

[(K) an assurance that the eligible applicant will cooperate with the Secretary and the State educational agency in evaluating the program assisted under this subpart;

[(L) a description of how a charter school that is considered a local educational agency under State law, or a local educational agency in which a charter school is located, will comply with sections 613(a)(5) and 613(e)(1)(B) of the Individuals with Disabilities Education Act;

[(M) if the eligible applicant desires to use subgrant funds for dissemination activities under section 5202(c)(2)(C), a description of those activities and how those activities will involve charter schools and other public schools, local educational agencies, developers, and potential developers; and

[(N) such other information and assurances as the Secretary and the State educational agency may require.

[(c) ELIGIBLE APPLICANT APPLICATION.—Each eligible applicant desiring a grant pursuant to section 5202(b) shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

[(d) CONTENTS OF ELIGIBLE APPLICANT APPLICATION.—Each application submitted pursuant to subsection (c) shall contain—

[(1) the information and assurances described in subparagraphs (A) through (N) of subsection (b)(3), except that for purposes of this subsection subparagraphs (J), (K), and (N) of such subsection shall be applied by striking "and the State educational agency" each place such term appears;

[(2) assurances that the State educational agency—

[(A) will grant, or will obtain, waivers of State statutory or regulatory requirements; and

[(B) will assist each subgrantee in the State in receiving a waiver under section 5204(e); and

[(3) assurances that the eligible applicant has provided its authorized public chartering authority timely notice, and a copy, of the application, except that the State educational agency (or the Secretary, in the case of an application submitted to the Secretary) may waive the requirement of this paragraph in the case of an application for a precharter planning grant or subgrant if the authorized public chartering authority to which a charter school proposal will be submitted has not been determined at the time the grant or subgrant application is submitted.]

[SEC. 5204. [20 U.S.C. 7221c] ADMINISTRATION.]

[(a) SELECTION CRITERIA FOR STATE EDUCATIONAL AGENCIES.—The Secretary shall award grants to State educational agencies under this subpart on the basis of the quality of the applications submitted under section 5203(b), after taking into consideration such factors as—

[(1) the contribution that the charter schools grant program will make to assisting educationally disadvantaged and other

students in meeting State academic content standards and State student academic achievement standards;

[(2) the degree of flexibility afforded by the State educational agency to charter schools under the State's charter schools law;

[(3) the ambitiousness of the objectives for the State charter school grant program;

[(4) the quality of the strategy for assessing achievement of those objectives;

[(5) the likelihood that the charter school grant program will meet those objectives and improve educational results for students;

[(6) the number of high-quality charter schools created under this subpart in the State; and

[(7) in the case of State educational agencies that propose to use grant funds to support dissemination activities under subsection (f)(6)(B), the quality of those activities and the likelihood that those activities will improve student academic achievement.

[(b) SELECTION CRITERIA FOR ELIGIBLE APPLICANTS.—The Secretary shall award grants to eligible applicants under this subpart on the basis of the quality of the applications submitted under section 5203(c), after taking into consideration such factors as—

[(1) the quality of the proposed curriculum and instructional practices;

[(2) the degree of flexibility afforded by the State educational agency and, if applicable, the local educational agency to the charter school;

[(3) the extent of community support for the application;

[(4) the ambitiousness of the objectives for the charter school;

[(5) the quality of the strategy for assessing achievement of those objectives;

[(6) the likelihood that the charter school will meet those objectives and improve educational results for students; and

[(7) in the case of an eligible applicant that proposes to use grant funds to support dissemination activities under subsection (f)(6)(B), the quality of those activities and the likelihood that those activities will improve student achievement.

[(c) PEER REVIEW.—The Secretary, and each State educational agency receiving a grant under this subpart, shall use a peer review process to review applications for assistance under this subpart.

[(d) DIVERSITY OF PROJECTS.—The Secretary and each State educational agency receiving a grant under this subpart, shall award grants and subgrants under this subpart in a manner that, to the extent possible, ensures that such grants and subgrants—

[(1) are distributed throughout different areas of the Nation and each State, including urban and rural areas; and

[(2) will assist charter schools representing a variety of educational approaches, such as approaches designed to reduce school size.

[(e) WAIVERS.—The Secretary may waive any statutory or regulatory requirement over which the Secretary exercises administra-

tive authority except any such requirement relating to the elements of a charter school described in section 5210(1), if—

[(1) the waiver is requested in an approved application under this subpart; and

[(2) the Secretary determines that granting such a waiver will promote the purpose of this subpart.

[(f) USE OF FUNDS.—

[(1) STATE EDUCATIONAL AGENCIES.—Each State educational agency receiving a grant under this subpart shall use such grant funds to award subgrants to one or more eligible applicants in the State to enable such applicant to plan and implement a charter school in accordance with this subpart, except that the State educational agency may reserve not more than 10 percent of the grant funds to support dissemination activities described in paragraph (6).

[(2) ELIGIBLE APPLICANTS.—Each eligible applicant receiving funds from the Secretary or a State educational agency shall use such funds to plan and implement a charter school, or to disseminate information about the charter school and successful practices in the charter school, in accordance with this subpart.

[(3) ALLOWABLE ACTIVITIES.—An eligible applicant receiving a grant or subgrant under this subpart may use the grant or subgrant funds only for—

[(A) post-award planning and design of the educational program, which may include—

[(i) refinement of the desired educational results and of the methods for measuring progress toward achieving those results; and

[(ii) professional development of teachers and other staff who will work in the charter school; and

[(B) initial implementation of the charter school, which may include—

[(i) informing the community about the school;

[(ii) acquiring necessary equipment and educational materials and supplies;

[(iii) acquiring or developing curriculum materials; and

[(iv) other initial operational costs that cannot be met from State or local sources.

[(4) ADMINISTRATIVE EXPENSES.—

[(A) STATE EDUCATIONAL AGENCY ADMINISTRATIVE EXPENSES.—Each State educational agency receiving a grant pursuant to this subpart may reserve not more than 5 percent of such grant funds for administrative expenses associated with the charter school grant program assisted under this subpart.

[(B) LOCAL ADMINISTRATIVE EXPENSES.—A local educational agency may not deduct funds for administrative fees or expenses from a subgrant awarded to an eligible applicant, unless the eligible applicant enters voluntarily into a mutually agreed upon arrangement for administrative services with the relevant local educational agency. Absent such approval, the local educational agency shall

distribute all such subgrant funds to the eligible applicant without delay.

[(5) REVOLVING LOAN FUNDS.—Each State educational agency receiving a grant pursuant to this subpart may reserve not more than 10 percent of the grant funds for the establishment of a revolving loan fund. Such fund may be used to make loans to eligible applicants that have received a subgrant under this subpart, under such terms as may be determined by the State educational agency, for the initial operation of the charter school grant program of the eligible applicant until such time as the recipient begins receiving ongoing operational support from State or local financing sources.

[(6) DISSEMINATION.—

[(A) IN GENERAL.—A charter school may apply for funds under this subpart, whether or not the charter school has applied for or received funds under this subpart for planning, program design, or implementation, to carry out the activities described in subparagraph (B) if the charter school has been in operation for at least 3 consecutive years and has demonstrated overall success, including—

[(i) substantial progress in improving student academic achievement;

[(ii) high levels of parent satisfaction; and

[(iii) the management and leadership necessary to overcome initial start-up problems and establish a thriving, financially viable charter school.

[(B) ACTIVITIES.—A charter school described in subparagraph (A) may use funds reserved under paragraph (1) to assist other schools in adapting the charter school's program (or certain aspects of the charter school's program), or to disseminate information about the charter school, through such activities as—

[(i) assisting other individuals with the planning and start-up of one or more new public schools, including charter schools, that are independent of the assisting charter school and the assisting charter school's developers, and that agree to be held to at least as high a level of accountability as the assisting charter school;

[(ii) developing partnerships with other public schools, including charter schools, designed to improve student academic achievement in each of the schools participating in the partnership;

[(iii) developing curriculum materials, assessments, and other materials that promote increased student achievement and are based on successful practices within the assisting charter school; and

[(iv) conducting evaluations and developing materials that document the successful practices of the assisting charter school and that are designed to improve student performance in other schools.

[(g) TRIBALLY CONTROLLED SCHOOLS.—Each State that receives a grant under this subpart and designates a tribally controlled school as a charter school shall not consider payments to a school

under the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2507) in determining—

[(1) the eligibility of the school to receive any other Federal, State, or local aid; or

[(2) the amount of such aid.]

[SEC. 5205. [20 U.S.C. 7221d] NATIONAL ACTIVITIES.]

[(a) IN GENERAL.—The Secretary shall reserve for each fiscal year the greater of 5 percent or $5,000,000 of the amount appropriated to carry out this subpart, except that in no fiscal year shall the total amount so reserved exceed $8,000,000, to carry out the following activities:

[(1) To provide charter schools, either directly or through State educational agencies, with—

[(A) information regarding—

[(i) Federal funds that charter schools are eligible to receive; and

[(ii) other Federal programs in which charter schools may participate; and

[(B) assistance in applying for Federal education funds that are allocated by formula, including assistance with filing deadlines and submission of applications.

[(2) To provide for other evaluations or studies that include the evaluation of the impact of charter schools on student academic achievement, including information regarding—

[(A) students attending charter schools reported on the basis of race, age, disability, gender, limited English proficiency, and previous enrollment in public school; and

[(B) the professional qualifications of teachers within a charter school and the turnover of the teaching force.

[(3) To provide—

[(A) information to applicants for assistance under this subpart;

[(B) assistance to applicants for assistance under this subpart with the preparation of applications under section 5203;

[(C) assistance in the planning and startup of charter schools;

[(D) training and technical assistance to existing charter schools; and

[(E) for the dissemination to other public schools of best or promising practices in charter schools.

[(4) To provide (including through the use of one or more contracts that use a competitive bidding process) for the collection of information regarding the financial resources available to charter schools, including access to private capital, and to widely disseminate to charter schools any such relevant information and model descriptions of successful programs.

[(5) To carry out evaluations of, technical assistance for, and information dissemination regarding, the per-pupil facilities aid programs. In carrying out the evaluations, the Secretary may carry out one or more evaluations of State programs assisted under this subsection, which shall, at a minimum, address—

[(A) how, and the extent to which, the programs promote educational equity and excellence; and

[(B) the extent to which charter schools supported through the programs are—

[(i) held accountable to the public;

[(ii) effective in improving public education; and

[(iii) open and accessible to all students.

[(b) PER-PUPIL FACILITIES AID PROGRAMS.—

[(1) DEFINITION OF PER-PUPIL FACILITIES AID PROGRAM.—In this subsection, the term "per-pupil facilities aid program" means a program in which a State makes payments, on a per-pupil basis, to charter schools to provide the schools with financing—

[(A) that is dedicated solely for funding charter school facilities; or

[(B) a portion of which is dedicated for funding charter school facilities.

[(2) GRANTS.—

[(A) IN GENERAL.—From the amount made available to carry out this subsection under paragraphs (2) and (3)(B) of section 5211(b) for any fiscal year, the Secretary shall make grants, on a competitive basis, to States to pay for the Federal share of the cost of establishing or enhancing, and administering per-pupil facilities aid programs.

[(B) PERIOD.—The Secretary shall award grants under this subsection for periods of not more than 5 years.

[(C) FEDERAL SHARE.—The Federal share of the cost described in subparagraph (A) for a per-pupil facilities aid program shall be not more than—

[(i) 90 percent of the cost, for the first fiscal year for which the program receives assistance under this subsection;

[(ii) 80 percent in the second such year;

[(iii) 60 percent in the third such year;

[(iv) 40 percent in the fourth such year; and

[(v) 20 percent in the fifth such year.

[(3) USE OF FUNDS.—

[(A) IN GENERAL.—A State that receives a grant under this subsection shall use the funds made available through the grant to establish or enhance, and administer, a per-pupil facilities aid program for charter schools in the State.

[(B) EVALUATIONS; TECHNICAL ASSISTANCE; DISSEMINATION.—From the amount made available to a State through a grant under this subsection for a fiscal year, the State may reserve not more than 5 percent to carry out evaluations, to provide technical assistance, and to disseminate information.

[(C) SUPPLEMENT, NOT SUPPLANT.—Funds made available under this subsection shall be used to supplement, and not supplant, State and local public funds expended to provide per pupil facilities aid programs, operations financing programs, or other programs, for charter schools.

[(4) REQUIREMENTS.—

[(A) VOLUNTARY PARTICIPATION.—No State may be required to participate in a program carried out under this subsection.

[(B) STATE LAW.—To be eligible to receive a grant under this subsection, a State shall establish or enhance, and administer, a per-pupil facilities aid program for charter schools in the State, that—

[(i) is specified in State law; and

[(ii) provides annual financing, on a per-pupil basis, for charter school facilities.

[(5) APPLICATIONS.—To be eligible to receive a grant under this subsection, a State shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

[(6) PRIORITIES.—In making grants under this subsection, the Secretary shall give priority to States that meet the criteria described in paragraph (2), and subparagraphs (A), (B), and (C) of paragraph (3), of section 5202(e).

[(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require charter schools to collect any data described in subsection (a).]

[SEC. 5206. [20 U.S.C. 7221e] FEDERAL FORMULA ALLOCATION DURING FIRST YEAR AND FOR SUCCESSIVE ENROLLMENT EXPANSIONS.]

[(a) IN GENERAL.—For purposes of the allocation to schools by the States or their agencies of funds under part A of title I, and any other Federal funds which the Secretary allocates to States on a formula basis, the Secretary and each State educational agency shall take such measures as are necessary to ensure that every charter school receives the Federal funding for which the charter school is eligible not later than 5 months after the charter school first opens, notwithstanding the fact that the identity and characteristics of the students enrolling in that charter school are not fully and completely determined until that charter school actually opens. The measures similarly shall ensure that every charter school expanding its enrollment in any subsequent year of operation receives the Federal funding for which the charter school is eligible not later than 5 months after such expansion.

[(b) ADJUSTMENT AND LATE OPENINGS.—

[(1) IN GENERAL.—The measures described in subsection (a) shall include provision for appropriate adjustments, through recovery of funds or reduction of payments for the succeeding year, in cases where payments made to a charter school on the basis of estimated or projected enrollment data exceed the amounts that the school is eligible to receive on the basis of actual or final enrollment data.

[(2) RULE.—For charter schools that first open after November 1 of any academic year, the State, in accordance with guidance provided by the Secretary and applicable Federal statutes and regulations, shall ensure that such charter schools that are eligible for the funds described in subsection (a) for such academic year have a full and fair opportunity to receive those funds during the charter schools' first year of operation.]

[SEC. 5207. [20 U.S.C. 7221f] SOLICITATION OF INPUT FROM CHARTER SCHOOL OPERATORS.]

[To the extent practicable, the Secretary shall ensure that administrators, teachers, and other individuals directly involved in the operation of charter schools are consulted in the development of any rules or regulations required to implement this subpart, as well as in the development of any rules or regulations relevant to charter schools that are required to implement part A of title I, the Individuals with Disabilities Education Act, or any other program administered by the Secretary that provides education funds to charter schools or regulates the activities of charter schools.]

[SEC. 5208. [20 U.S.C. 7221g] RECORDS TRANSFER.]

[State educational agencies and local educational agencies, to the extent practicable, shall ensure that a student's records and, if applicable, a student's individualized education program as defined in section 602 of the Individuals with Disabilities Education Act, are transferred to a charter school upon the transfer of the student to the charter school, and to another public school upon the transfer of the student from a charter school to another public school, in accordance with applicable State law.]

[SEC. 5209. [20 U.S.C. 7221h] PAPERWORK REDUCTION.]

[To the extent practicable, the Secretary and each authorized public chartering agency shall ensure that implementation of this subpart results in a minimum of paperwork for any eligible applicant or charter school.]

[SEC. 5210. [20 U.S.C. 7221i] DEFINITIONS.]

[In this subpart:

[(1) CHARTER SCHOOL.—The term "charter school" means a public school that—

[(A) in accordance with a specific State statute authorizing the granting of charters to schools, is exempt from significant State or local rules that inhibit the flexible operation and management of public schools, but not from any rules relating to the other requirements of this paragraph;

[(B) is created by a developer as a public school, or is adapted by a developer from an existing public school, and is operated under public supervision and direction;

[(C) operates in pursuit of a specific set of educational objectives determined by the school's developer and agreed to by the authorized public chartering agency;

[(D) provides a program of elementary or secondary education, or both;

[(E) is nonsectarian in its programs, admissions policies, employment practices, and all other operations, and is not affiliated with a sectarian school or religious institution;

[(F) does not charge tuition;

[(G) complies with the Age Discrimination Act of 1975, title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, and part B of the Individuals with Disabilities Education Act;

[(H) is a school to which parents choose to send their children, and that admits students on the basis of a lottery, if more students apply for admission than can be accommodated;

[(I) agrees to comply with the same Federal and State audit requirements as do other elementary schools and secondary schools in the State, unless such requirements are specifically waived for the purpose of this program;

[(J) meets all applicable Federal, State, and local health and safety requirements;

[(K) operates in accordance with State law; and

[(L) has a written performance contract with the authorized public chartering agency in the State that includes a description of how student performance will be measured in charter schools pursuant to State assessments that are required of other schools and pursuant to any other assessments mutually agreeable to the authorized public chartering agency and the charter school.

[(2) DEVELOPER.—The term "developer" means an individual or group of individuals (including a public or private nonprofit organization), which may include teachers, administrators and other school staff, parents, or other members of the local community in which a charter school project will be carried out.

[(3) ELIGIBLE APPLICANT.—The term "eligible applicant" means a developer that has—

[(A) applied to an authorized public chartering authority to operate a charter school; and

[(B) provided adequate and timely notice to that authority under section 5203(d)(3).

[(4) AUTHORIZED PUBLIC CHARTERING AGENCY.—The term "authorized public chartering agency" means a State educational agency, local educational agency, or other public entity that has the authority pursuant to State law and approved by the Secretary to authorize or approve a charter school.]

[SEC. 5211. [20 U.S.C. 7221j] AUTHORIZATION OF APPROPRIATIONS.]

[(a) IN GENERAL.—There are authorized to be appropriated to carry out this subpart $300,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years.

[(b) RESERVATION.—From the amount appropriated under subsection (a) for each fiscal year, the Secretary shall reserve—

[(1) $200,000,000 to carry out this subpart, other than section 5205(b); and

[(2) any funds in excess of $200,000,000, that do not exceed $300,000,000, to carry out section 5205(b); and

[(3)(A) 50 percent of any funds in excess of $300,000,000 to carry out this subpart, other than section 5205(b); and

[(B) 50 percent of any funds in excess of $300,000,000 to carry out section 5205(b).]

[Subpart 2—Credit Enhancement Initiatives To Assist Charter School Facility Acquisition, Construction, and Renovation]

[SEC. 5221. [20 U.S.C. 7223] PURPOSE.]

[The purpose of this subpart is to provide grants to eligible entities to permit the eligible entities to demonstrate innovative credit enhancement initiatives that assist charter schools to address the cost of acquiring, constructing, and renovating facilities.]

[SEC. 5222. [20 U.S.C. 7223a] GRANTS TO ELIGIBLE ENTITIES.]

[(a) GRANTS.—The Secretary shall use 100 percent of the amount available to carry out this subpart to award not less than three grants to eligible entities that have applications approved under this subpart to demonstrate innovative methods of assisting charter schools to address the cost of acquiring, constructing, and renovating facilities by enhancing the availability of loans or bond financing.

[(b) GRANTEE SELECTION.—

[(1) EVALUATION OF APPLICATION.—The Secretary shall evaluate each application submitted under section 5223, and shall determine whether the application is sufficient to merit approval.

[(2) DISTRIBUTION OF GRANTS.—The Secretary shall award at least one grant to an eligible entity described in section 5230(2)(A), at least one grant to an eligible entity described in section 5230(2)(B), and at least one grant to an eligible entity described in section 5230(2)(C), if applications are submitted that permit the Secretary to do so without approving an application that is not of sufficient quality to merit approval.

[(c) GRANT CHARACTERISTICS.—Grants under this subpart shall be of a sufficient size, scope, and quality so as to ensure an effective demonstration of an innovative means of enhancing credit for the financing of charter school acquisition, construction, or renovation.

[(d) SPECIAL RULE.—In the event the Secretary determines that the funds made available under this subpart are insufficient to permit the Secretary to award not less than three grants in accordance with subsections (a) through (c), such three-grant minimum and subsection (b)(2) shall not apply, and the Secretary may determine the appropriate number of grants to be awarded in accordance with subsection (c).]

[SEC. 5223. [20 U.S.C. 7223b] APPLICATIONS.]

[(a) IN GENERAL.—To receive a grant under this subpart, an eligible entity shall submit to the Secretary an application in such form as the Secretary may reasonably require.

[(b) CONTENTS.—An application submitted under subsection (a) shall contain—

[(1) a statement identifying the activities proposed to be undertaken with funds received under this subpart, including how the eligible entity will determine which charter schools will receive assistance, and how much and what types of assistance charter schools will receive;

[(2) a description of the involvement of charter schools in the application's development and the design of the proposed activities;

[(3) a description of the eligible entity's expertise in capital market financing;

[(4) a description of how the proposed activities will leverage the maximum amount of private-sector financing capital relative to the amount of government funding used and otherwise enhance credit available to charter schools;

[(5) a description of how the eligible entity possesses sufficient expertise in education to evaluate the likelihood of success of a charter school program for which facilities financing is sought;

[(6) in the case of an application submitted by a State governmental entity, a description of the actions that the entity has taken, or will take, to ensure that charter schools within the State receive the funding the charter schools need to have adequate facilities; and

[(7) such other information as the Secretary may reasonably require.]

[SEC. 5224. [20 U.S.C. 7223c] CHARTER SCHOOL OBJECTIVES.]

[An eligible entity receiving a grant under this subpart shall use the funds deposited in the reserve account established under section 5225(a) to assist one or more charter schools to access private sector capital to accomplish one or both of the following objectives:

[(1) The acquisition (by purchase, lease, donation, or otherwise) of an interest (including an interest held by a third party for the benefit of a charter school) in improved or unimproved real property that is necessary to commence or continue the operation of a charter school.

[(2) The construction of new facilities, or the renovation, repair, or alteration of existing facilities, necessary to commence or continue the operation of a charter school.]

[SEC. 5225. [20 U.S.C. 7223d] RESERVE ACCOUNT.]

[(a) USE OF FUNDS.—To assist charter schools to accomplish the objectives described in section 5224, an eligible entity receiving a grant under this subpart shall, in accordance with State and local law, directly or indirectly, alone or in collaboration with others, deposit the funds received under this subpart (other than funds used for administrative costs in accordance with section 5226) in a reserve account established and maintained by the eligible entity for this purpose. Amounts deposited in such account shall be used by the eligible entity for one or more of the following purposes:

[(1) Guaranteeing, insuring, and reinsuring bonds, notes, evidences of debt, loans, and interests therein, the proceeds of which are used for an objective described in section 5224.

[(2) Guaranteeing and insuring leases of personal and real property for an objective described in section 5224.

[(3) Facilitating financing by identifying potential lending sources, encouraging private lending, and other similar activities that directly promote lending to, or for the benefit of, charter schools.

[(4) Facilitating the issuance of bonds by charter schools, or by other public entities for the benefit of charter schools, by providing technical, administrative, and other appropriate assistance (including the recruitment of bond counsel, underwriters, and potential investors and the consolidation of multiple charter school projects within a single bond issue).

[(b) INVESTMENT.—Funds received under this subpart and deposited in the reserve account established under subsection (a) shall be invested in obligations issued or guaranteed by the United States or a State, or in other similarly low-risk securities.

[(c) REINVESTMENT OF EARNINGS.—Any earnings on funds received under this subpart shall be deposited in the reserve account established under subsection (a) and used in accordance with such subsection.]

[SEC. 5226. [20 U.S.C. 7223e] LIMITATION ON ADMINISTRATIVE COSTS.]

[An eligible entity may use not more than 0.25 percent of the funds received under this subpart for the administrative costs of carrying out its responsibilities under this subpart.]

[SEC. 5227. [20 U.S.C. 7223f] AUDITS AND REPORTS.]

[(a) FINANCIAL RECORD MAINTENANCE AND AUDIT.—The financial records of each eligible entity receiving a grant under this subpart shall be maintained in accordance with generally accepted accounting principles and shall be subject to an annual audit by an independent public accountant.

[(b) REPORTS.—

[(1) GRANTEE ANNUAL REPORTS.—Each eligible entity receiving a grant under this subpart annually shall submit to the Secretary a report of its operations and activities under this subpart.

[(2) CONTENTS.—Each annual report submitted under paragraph (1) shall include—

[(A) a copy of the most recent financial statements, and any accompanying opinion on such statements, prepared by the independent public accountant reviewing the financial records of the eligible entity;

[(B) a copy of any report made on an audit of the financial records of the eligible entity that was conducted under subsection (a) during the reporting period;

[(C) an evaluation by the eligible entity of the effectiveness of its use of the Federal funds provided under this subpart in leveraging private funds;

[(D) a listing and description of the charter schools served during the reporting period;

[(E) a description of the activities carried out by the eligible entity to assist charter schools in meeting the objectives set forth in section 5224; and

[(F) a description of the characteristics of lenders and other financial institutions participating in the activities undertaken by the eligible entity under this subpart during the reporting period.

[(3) SECRETARIAL REPORT.—The Secretary shall review the reports submitted under paragraph (1) and shall provide a

comprehensive annual report to Congress on the activities conducted under this subpart.]

[SEC. 5228. [20 U.S.C. 7223g] NO FULL FAITH AND CREDIT FOR GRANTEE OBLIGATIONS.]

[No financial obligation of an eligible entity entered into pursuant to this subpart (such as an obligation under a guarantee, bond, note, evidence of debt, or loan) shall be an obligation of, or guaranteed in any respect by, the United States. The full faith and credit of the United States is not pledged to the payment of funds which may be required to be paid under any obligation made by an eligible entity pursuant to any provision of this subpart.]

[SEC. 5229. [20 U.S.C. 7223h] RECOVERY OF FUNDS.]

[(a) IN GENERAL.—The Secretary, in accordance with chapter 37 of title 31, United States Code, shall collect—

[(1) all of the funds in a reserve account established by an eligible entity under section 5225(a) if the Secretary determines, not earlier than 2 years after the date on which the eligible entity first received funds under this subpart, that the eligible entity has failed to make substantial progress in carrying out the purposes described in section 5225(a); or

[(2) all or a portion of the funds in a reserve account established by an eligible entity under section 5225(a) if the Secretary determines that the eligible entity has permanently ceased to use all or a portion of the funds in such account to accomplish any purpose described in section 5225(a).

[(b) EXERCISE OF AUTHORITY.—The Secretary shall not exercise the authority provided in subsection (a) to collect from any eligible entity any funds that are being properly used to achieve one or more of the purposes described in section 5225(a).

[(c) PROCEDURES.—The provisions of sections 451, 452, and 458 of the General Education Provisions Act shall apply to the recovery of funds under subsection (a).

[(d) CONSTRUCTION.—This section shall not be construed to impair or affect the authority of the Secretary to recover funds under part D of the General Education Provisions Act.]

[SEC. 5230. [20 U.S.C. 7223i] DEFINITIONS.]

[In this subpart:

[(1) CHARTER SCHOOL.—The term "charter school" has the meaning given such term in section 5210.

[(2) ELIGIBLE ENTITY.—The term "eligible entity" means—

[(A) a public entity, such as a State or local governmental entity;

[(B) a private nonprofit entity; or

[(C) a consortium of entities described in subparagraphs (A) and (B).]

[SEC. 5231. [20 U.S.C. 7223j] AUTHORIZATION OF APPROPRIATIONS.]

[For the purpose of carrying out this subpart, there are authorized to be appropriated $150,000,000 for fiscal year 2002 and such sums as may be necessary for fiscal year 2003.]

[Subpart 3—Voluntary Public School Choice Programs]

[SEC. 5241. [20 U.S.C. 7225] GRANTS.]

[(a) AUTHORIZATION.—From funds made available under section 5248 to carry out this subpart, the Secretary shall award grants, on a competitive basis, to eligible entities to enable the entities to establish or expand a program of public school choice (referred to in this subpart as a "program") in accordance with this subpart.

[(b) DURATION.—Grants awarded under subsection (a) may be awarded for a period of not more than 5 years.]

[SEC. 5242. [20 U.S.C. 7225a] USES OF FUNDS.]

[(a) REQUIRED USE OF FUNDS.—An eligible entity that receives a grant under this subpart shall use the grant funds to provide students selected to participate in the program with transportation services or the cost of transportation to and from the public elementary schools and secondary schools, including charter schools, that the students choose to attend under the program.

[(b) PERMISSIBLE USES OF FUNDS.—An eligible entity that receives a grant under this subpart may use the grant funds for—

[(1) planning or designing a program (for not more than 1 year);

[(2) the cost of making tuition transfer payments to public elementary schools or secondary schools to which students transfer under the program;

[(3) the cost of capacity-enhancing activities that enable high-demand public elementary schools or secondary schools to accommodate transfer requests under the program;

[(4) the cost of carrying out public education campaigns to inform students and parents about the program; and

[(5) other costs reasonably necessary to implement the program.

[(c) NONPERMISSIBLE USES OF FUNDS.—An eligible entity that receives a grant under this subpart may not use the grant funds for school construction.

[(d) ADMINISTRATIVE EXPENSES.—The eligible entity may use not more than 5 percent of the funds made available through the grant for any fiscal year for administrative expenses.]

[SEC. 5243. [20 U.S.C. 7225b] APPLICATIONS.]

[(a) SUBMISSION.—An eligible entity that desires a grant under this subpart shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

[(b) CONTENTS.—An application submitted under subsection (a) shall include—

[(1) a description of the program for which the eligible entity seeks funds and the goals for such program;

[(2) a description of how and when parents of students will be given the notice required under section 5245(a)(2);

[(3) a description of how students will be selected for the program;

[(4) a description of how the program will be coordinated with, and will complement and enhance, other related Federal and non-Federal projects;

[(5) if the program is to be carried out by a partnership, the name of each partner and a description of the partner's responsibilities; and

[(6) such other information as the Secretary may require.]

[SEC. 5244. [20 U.S.C. 7225c] PRIORITIES.]

[In awarding grants under this subpart, the Secretary shall give priority to an eligible entity—

[(1) whose program would provide the widest variety of choices to all students in participating schools;

[(2) whose program would, through various choice options, have the most impact in allowing students in low-performing schools to attend higher-performing schools; and

[(3) that is a partnership that seeks to implement an interdistrict approach to carrying out a program.]

[SEC. 5245. [20 U.S.C. 7225d] REQUIREMENTS AND VOLUNTARY PARTICIPATION.]

[(a) PARENT AND COMMUNITY INVOLVEMENT AND NOTICE.—In carrying out a program under this subpart, an eligible entity shall—

[(1) develop the program with—

[(A) the involvement of parents and others in the community to be served; and

[(B) individuals who will carry out the program, including administrators, teachers, principals, and other staff; and

[(2) provide to parents of students in the area to be served by the program with prompt notice of—

[(A) the existence of the program;

[(B) the program's availability; and

[(C) a clear explanation of how the program will operate.

[(b) SELECTION OF STUDENTS.—An eligible entity that receives a grant under this subpart shall select students to participate in a program on the basis of a lottery, if more students apply for admission to the program than can be accommodated.

[(c) VOLUNTARY PARTICIPATION.—Student participation in a program funded under this subpart shall be voluntary.]

[SEC. 5246. [20 U.S.C. 7225e] EVALUATIONS.]

[(a) IN GENERAL.—From the amount made available to carry out this subpart for any fiscal year, the Secretary may reserve not more than 5 percent—

[(1) to carry out evaluations;

[(2) to provide technical assistance; and

[(3) to disseminate information.

[(b) EVALUATIONS.—In carrying out the evaluations under subsection (a), the Secretary shall, at a minimum, address—

[(1) how, and the extent to which, the programs promote educational equity and excellence;

[(2) the characteristics of the students participating in the programs; and

[(3) the effect of the programs on the academic achievement of students participating in the programs, particularly students who move from schools identified under section 1116 to schools not so identified, and on the overall quality of participating schools and districts.]

[SEC. 5247. [20 U.S.C. 7225f] DEFINITIONS.]

[In this subpart:

[(1) CHARTER SCHOOL.—The term "charter school" has the meaning given such term in section 5210.

[(2) ELIGIBLE ENTITY.—The term "eligible entity" means—

[(A) one or more State educational agencies;

[(B) one or more local educational agencies; or

[(C) a partnership of—

[(i) one or more—

[(I) State educational agencies; and

[(II) local educational agencies or other public, for-profit, or nonprofit entities; or

[(ii) one or more—

[(I) local educational agencies; and

[(II) public, for-profit, or nonprofit entities.

[(3) LOW-PERFORMING SCHOOL.—The term "low-performing school" means a public elementary school or secondary school that has failed to make adequate yearly progress, as described in section 1111(b), for two or more consecutive years.]

[SEC. 5248. [20 U.S.C. 7225g] AUTHORIZATION OF APPROPRIATIONS.]

[There are authorized to be appropriated to carry out this subpart $100,000,000 for fiscal year 2002 and each of the 5 succeeding fiscal years.]

PART B—INVESTING IN INNOVATION

SEC. 5201. PURPOSES.

The purposes of this part are to—

(1) fund the identification, development, evaluation, and expansion of innovative, research- and evidence-based practices, programs, and strategies in order to significantly—

(A) increase student academic achievement and close achievement gaps;

(B) increase high school graduation rates;

(C) increase college enrollment rates and rates of college persistence;

(D) improve teacher and school leader effectiveness; and

(E) improve school readiness and strengthen collaboration and coordination among elementary schools and early childhood care and education; and

(2) support the rapid development, expansion, adoption, and implementation of tools and resources that improve the efficiency, effectiveness, or pace of adoption of such educational practices, programs, and strategies.

SEC. 5202. RESERVATIONS.

(a) ARPA-ED.—The Secretary may reserve not more than 30 percent of the funds appropriated under section 3(s) for each fiscal year to carry out the activities of the Advanced Research Projects Agency-

Education established under section 221 of the Department of Education Organization Act, except that the amount so reserved for any fiscal year shall not exceed $100,000,000.

(b) NATIONAL ACTIVITIES.—From the amount remaining after a reservation made under subsection (a), the Secretary may reserve not more than 5 percent of the funds appropriated under section 3(s) for any fiscal year to carry out activities of national significance. Such activities may include—

(1) capacity-building;

(2) technical assistance;

(3) dissemination of best practices developed with grant funds provided under this part; and

(4) carrying out prize awards consistent with section 24 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3719).

(c) AVAILABILITY OF FUNDS.—Funds for the activities described in subsection (a), and for prize awards under subsection (b)(4), shall be available until expended.

SEC. 5203. PROGRAM AUTHORIZED; LENGTH OF GRANTS; PRIORITIES.

(a) PROGRAM AUTHORIZATION.—

(1) IN GENERAL.—The Secretary shall use funds made available to carry out this part for a fiscal year to award grants, on a competitive basis, to eligible entities.

(2) ELIGIBLE ENTITY.—In this part, the term "eligible entity" means—

(A) a local educational agency or a consortium of local educational agencies; or

(B) a partnership between a nonprofit organization or an educational service agency and—

(i) 1 or more local educational agencies; or

(ii) a consortium of public schools.

(b) DURATION OF GRANTS.—The Secretary—

(1) shall award grants under this part for a period of not more than 3 years; and

(2) may extend such grants for an additional 2-year period if the grantee demonstrates to the Secretary that it is making significant progress on the program performance measures identified in section 5206.

(c) RURAL SET-ASIDE.—The Secretary shall ensure that not less than 22 percent of the funds awarded under subsection (a) for any fiscal year are for projects that meet both of the following requirements, except that the Secretary shall not be required to make such awards unless a sufficient number of otherwise eligible high quality applications are received:

(1) The eligible entity includes—

(A) a local educational agency with an urban-centric district locale code of 32, 33, 41, 42, or 43, as determined by the Secretary;

(B) a consortium of such local educational agencies; or

(C) if the applicant is a partnership, an educational service agency or a nonprofit organization with demonstrated expertise in serving students from rural areas.

(2) A majority of the schools to be served by the project are designated with a school locale code of 41, 42, or 43, or a combination of such codes, as determined by the Secretary, and—

(A) are served by a local educational agency in which 20 percent or more of the children ages 5 through 17 years old are from families with incomes below the poverty line;

(B) are served by a local educational agency in which the total number of students in average daily attendance at all of the schools served by the local educational agency is fewer than 600; or

(C) are served by a local educational agency located in a county that has a total population density of fewer than 10 persons per square mile.

(d) PRIORITIES.—In awarding grants under this part, the Secretary shall give priority to an eligible entity that includes, in its application under section 5204, a plan to—

(1) address the needs of high-need local educational agencies;

(2) improve school readiness; or

(3) address the unique learning needs of students who are children with disabilities or English learners.

(e) STANDARDS OF EVIDENCE.—The Secretary shall set standards for the quality of evidence that an applicant shall provide in order to demonstrate that the activities it proposes to carry out with funds under this part are likely to succeed in improving student outcomes, including academic achievement and graduation rates. These standards shall include the following:

(1) Strong evidence that the activities proposed by the applicant will have a statistically significant effect on student outcomes.

(2) Moderate evidence that the activities proposed by the applicant will improve outcomes.

(3) A rationale based on research findings or a reasonable hypothesis that the activities proposed by the applicant will improve student outcomes.

(f) SUPPORT FOR NEW PRACTICES, STRATEGIES, OR PROGRAMS.—

(1) IN GENERAL.—The Secretary shall ensure that not less than one-half of the funds awarded under subsection (a) for any fiscal year are for projects that—

(A) meet an evidence standard described in paragraph (2) or (3) of subsection (e); and

(B) do not meet the evidence standard described in paragraph (1) of subsection (e).

(2) EXCEPTION.—The Secretary shall not be required to make the awards described in paragraph (1) unless a sufficient number of otherwise eligible high-quality applications are received.

SEC. 5204. APPLICATIONS.

Each eligible entity that desires to receive a grant under this part shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. At a minimum, each application shall—

(1) describe the project for which the applicant is seeking a grant and how the evidence supporting that project meets the standards of evidence established by the Secretary under section 5203(e);

(2) describe how the applicant will address at least 1 of the areas described in section 5205(a)(1);

(3) provide an estimate of the number of children that the applicant plans to serve under the proposed project, including the percentage of those children who are from low-income families;

(4) demonstrate that the applicant has established 1 or more partnerships with public or private organizations and that the partner or partners will provide matching funds, except that the Secretary may waive the matching funds requirement on a case-by-case basis, upon a showing of exceptional circumstances;

(5) describe the applicant's plan for continuing the proposed project after funding under this part ends;

(6) if the applicant is a local educational agency—

(A) document the local educational agency's record during the previous 3 years in—

(i) increasing student achievement, including achievement for each subgroup of students described in section 1111(a)(2)(B)(ix); and

(ii) closing achievement gaps; and

(B) demonstrate how the local educational agency has made significant improvements in other outcomes, as applicable, on the performance measures described in section 5206;

(7) if the applicant is a partnership that includes a nonprofit organization, provide evidence that the nonprofit organization has helped at least 1 school or local educational agency, during the previous 3 years, significantly—

(A) increase student achievement, including achievement for each subgroup of students described in section 1111(a)(2)(B)(ix); and

(B) close achievement gaps;

(8) provide a description of the applicant's plan for independently evaluating the effectiveness of activities carried out with funds under this part;

(9) provide an assurance that the applicant will—

(A) cooperate with evaluations, as requested by the Secretary;

(B) make data available to third parties for validation and further study; and

(C) participate in communities of practice; and

(10) if the applicant is a partnership that includes a nonprofit organization that intends to make subgrants, consistent with section 5205(b), provide an assurance that the applicant will apply paragraphs (1) through (9), as appropriate, in its selection of subgrantees and in its oversight of those subgrants.

SEC. 5205. USES OF FUNDS.

(a) USES OF FUNDS.—

(1) MANDATORY USES.—Each eligible entity that receives a grant under this part shall carry out the following:

(A) Use the grant funds to carry out, at a minimum, 1 of the following activities:

(i) Improving the effectiveness of teachers and school leaders and increasing equity in the distribution of effective teachers and school leaders.

(ii) Strengthening the use of data to improve teaching and learning.

(iii) Providing high-quality instruction based on college and career ready standards and measuring students' mastery of standards using high-quality assessments aligned with those standards.

(iv) Turning around the lowest-performing schools.

(v) Improving school readiness for students who are low-income, English learners, and children with disabilities.

(vi) Other areas relating to school improvement consistent with the purposes of this part, as determined by the Secretary.

(B) Use the grant funds to develop or expand strategies to improve the performance of high-need students on the performance measures described in section 5206.

(2) PERMISSIVE USE OF FUNDS.—Each eligible entity that receives a grant under this part may use the grant funds for an independent evaluation, as required under section 5204(a)(8), of the innovative practice carried out with the grant.

(b) AUTHORITY TO SUBGRANT.—

(1) IN GENERAL.—If an eligible entity that receives a grant under this part includes a nonprofit organization, such nonprofit organization may use the grant funds to award subgrants to other entities to provide support to 1 or more schools or local educational agencies.

(2) COMPLIANCE WITH REQUIREMENTS OF GRANTEES.—Each entity awarded a subgrant under paragraph (1) shall comply with the requirements of this part relating to grantees, as appropriate.

SEC. 5206. PERFORMANCE MEASURES.

The Secretary shall establish performance measures for the programs and activities carried out under this part. These measures, at a minimum, shall track the grantee's progress in improving outcomes for each subgroup of students described in section 1111(a)(2)(B)(ix) that is served by the grantee, including, as applicable, by—

(1) increasing student achievement and decreasing achievement gaps;

(2) increasing high school graduation rates;

(3) increasing college enrollment rates and rates of college persistence;

(4) improving teacher and school leader effectiveness;

(5) improving school readiness; and

(6) any other indicator as the Secretary or grantee may determine.

SEC. 5207. REPORTING.

An eligible entity that receives a grant under this part shall submit to the Secretary, at such time and in such manner as the Secretary may require, an annual report that includes, among other things, information on the entity's progress on the performance measures established under section 5206, and the data supporting that progress.

PART C—MAGNET SCHOOLS ASSISTANCE

SEC. 5301. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) * * *

[(2) The use of magnet schools has increased dramatically since the inception of the magnet schools assistance program under this Act, with approximately 2,000,000 students nationwide attending such schools, of whom more than 65 percent are non-white.]

(2) The use of magnet schools has increased dramatically since the inception of the magnet schools assistance program under this Act, with more than 1,500,000 students nationwide attending such schools.

(3) * * *

(4) It is in the best interests of the United States—

(A) * * *

[(B) to ensure that all students have equitable access to a high quality education that will prepare all students to function well in a technologically oriented and a highly competitive economy comprised of people from many different racial and ethnic backgrounds; and]

(B) to ensure that all students have equitable access to a high-quality public education that will prepare them to succeed in a highly competitive economy comprised of people from many different racial and ethnic backgrounds; and

* * * * * * *

(b) PURPOSE.—* * *

(1) * * *

(2) the development and implementation of magnet school programs*, particularly whole-school programs,* that will assist local educational agencies in achieving systemic reforms and providing all students the opportunity to meet [challenging State academic content standards and student academic achievement standards]*college and career ready State academic content standards and student academic achievement standards under section 1111(a)*;

[(3) the development and design of innovative educational methods and practices that promote diversity and increase choices in public elementary schools and public secondary schools and public educational programs;

[(4) courses of instruction within magnet schools that will substantially strengthen the knowledge of academic subjects and the attainment of tangible and marketable vocational, technological, and professional skills of students attending such schools;]

(3) the development and design of evidence-based educational methods and practices that promote diversity and increase high-quality public educational options;

(4) courses of instruction within magnet schools that will substantially increase the college and career readiness of students attending such schools;

* * * * * * *

SEC. 5303. PROGRAM AUTHORIZED.

The Secretary, in accordance with this part, is authorized to award *competitive* grants to eligible local educational agencies, and consortia of such agencies where appropriate, to carry out the purpose of this part for magnet schools that are—

(1) * * *

* * * * * * *

SEC. 5305. APPLICATIONS AND REQUIREMENTS.

(a) APPLICATIONS.—* * *

[(b) INFORMATION AND ASSURANCES.—Each application submitted under subsection (a) shall include—

[(1) a description of—

[(A) how a grant awarded under this part will be used to promote desegregation, including how the proposed magnet school programs will increase interaction among students of different social, economic, ethnic, and racial backgrounds;

[(B) the manner and extent to which the magnet school program will increase student academic achievement in the instructional area or areas offered by the school;

[(C) how the applicant will continue the magnet school program after assistance under this part is no longer available, and, if applicable, an explanation of why magnet schools established or supported by the applicant with grant funds under this part cannot be continued without the use of grant funds under this part;

[(D) how grant funds under this part will be used—

[(i) to improve student academic achievement for all students attending the magnet school programs; and

[(ii) to implement services and activities that are consistent with other programs under this Act, and other Acts, as appropriate; and

[(E) the criteria to be used in selecting students to attend the proposed magnet school program; and

[(2) assurances that the applicant will—

[(A) use grant funds under this part for the purposes specified in section 5301(b);

[(B) employ highly qualified teachers in the courses of instruction assisted under this part;

[(C) not engage in discrimination based on race, religion, color, national origin, sex, or disability in—

[(i) the hiring, promotion, or assignment of employees of the applicant or other personnel for whom the applicant has any administrative responsibility;

[(ii) the assignment of students to schools, or to courses of instruction within the schools, of such applicant, except to carry out the approved plan; and

[(iii) designing or operating extracurricular activities for students;

[(D) carry out a high-quality education program that will encourage greater parental decisionmaking and involvement; and

[(E) give students residing in the local attendance area of the proposed magnet school program equitable consideration for placement in the program, consistent with desegregation guidelines and the capacity of the applicant to accommodate the students.]

(b) INFORMATION AND ASSURANCES.—Each application submitted under subsection (a) shall include—

(1) a description of—

(A) how a grant awarded under this part will be used to—

(i) improve student academic achievement for all students and subgroups of students described in section 1111(a)(2)(B)(ix) attending the magnet school program; and

(ii) promote desegregation, including how the proposed magnet school program will increase interaction among students of different social, economic, ethnic, and racial backgrounds, including the policies, programs, and activities aimed at increasing interaction among such students;

(B)(i) a description of the evidence that the magnet school program that the applicant proposes to implement would improve student academic achievement and reduce minority group isolation; or

(ii) if such evidence is not available, a rationale, based on current research findings, for how the program would improve student academic achievement and reduce minority group isolation;

(C) how the applicant will continue the magnet school program after assistance under this part is no longer available, and, if applicable, an explanation of why magnet schools established or supported by the applicant with grant funds under this part cannot be continued without the use of grant funds under this part;

(D) how grant funds under this part will be used—

(i) to improve student academic achievement for all students attending the magnet school programs; and

(ii) to implement services and activities that are consistent with other programs under this Act, and other Acts, as appropriate;

(E) the student application process, and selection criteria, if any, to be used by the proposed magnet school program;

(F) how the applicant will conduct outreach and disseminate information about the proposed magnet school program, including the application and selection process, in a timely, clear, and accessible manner to all students and their parents and families and, to the extent practicable, in a language they can understand; and

(G) how the applicant will assess, monitor, and evaluate the impact of the activities funded under this part on student academic achievement and integration; and

(2) assurances that the applicant will—

(A) use grant funds under this part for the purpose specified in section 5301(b);

(B) employ highly rated school leaders and teachers in the courses of instruction assisted under this part;

(C) not engage in discrimination based on race, religion, color, national origin, sex, or disability in—

(i) the hiring, promotion, or assignment of employees of the applicant or other personnel for whom the applicant has any administrative responsibility;

(ii) the assignment of students to schools, or to courses of instruction within the schools, of such applicant, except to carry out the approved plan; and

(iii) designing or operating extracurricular activities for students;

(D) carry out a high-quality education program that will result in greater parent and family decisionmaking and engagement; and

(E) give students residing in the local attendance area of the proposed magnet school program equitable consideration for placement in the program, consistent with desegregation guidelines and the capacity of the applicant to accommodate the students.

(c) SPECIAL RULE.—No grant shall be awarded under this part unless the Assistant Secretary of Education for Civil Rights determines that the assurances described in subsection (b)(2)(C) [will be met]*are being met*.

* * * * * * *

SEC. 5306. PRIORITY.

In awarding grants under this part, the Secretary shall give priority to applicants that—

[(1) demonstrate the greatest need for assistance, based on the expense or difficulty of effectively carrying out approved desegregation plans and the magnet school program for which the grant is sought;

[(2) propose to carry out new magnet school programs, or significantly revise existing magnet school programs; and

[(3) propose to select students to attend magnet school programs by methods such as lottery, rather than through academic examination.]

(1) have the highest quality applications or demonstrate the greatest need for assistance, based on the expense or difficulty of effectively carrying out approved desegregation plans and the magnet school program for which the grant is sought;

(2) propose to carry out new magnet school programs, significantly revise existing magnet school programs, or significantly expand magnet school programs, in a manner that—

(A) is aligned with other programs that have demonstrated a record of success in increasing student academic achievement and reducing minority group isolation; or

(B) has a strong research basis for improving student academic achievement and reducing minority group isolation;

(3) select, or propose to select, students to attend magnet school programs solely or primarily by lottery, rather than

through academic examination or other selective enrollment methods; and

(4) propose to serve the entire student population of a school.

* * * * * * *

SEC. 5307. USE OF FUNDS.

(a) IN GENERAL.—Grant funds made available under this part may be used by an eligible local educational agency, or consortium of such agencies—

[(1) for planning and promotional activities directly related to the development, expansion, continuation, or enhancement of academic programs and services offered at magnet schools;

[(2) for the acquisition of books, materials, and equipment, including computers and the maintenance and operation of materials, equipment, and computers, necessary to conduct programs in magnet schools;

[(3) for the compensation, or subsidization of the compensation, of elementary school and secondary school teachers who are highly qualified, and instructional staff where applicable, who are necessary to conduct programs in magnet schools;

[(4) with respect to a magnet school program offered to less than the entire student population of a school, for instructional activities that—

[(A) are designed to make available the special curriculum that is offered by the magnet school program to students who are enrolled in the school but who are not enrolled in the magnet school program; and

[(B) further the purpose of this part;

[(5) for activities, which may include professional development, that will build the recipient's capacity to operate magnet school programs once the grant period has ended;

[(6) to enable the local educational agency, or consortium of such agencies, to have more flexibility in the administration of a magnet school program in order to serve students attending a school who are not enrolled in a magnet school program; and

[(7) to enable the local educational agency, or consortium of such agencies, to have flexibility in designing magnet schools for students in all grades.]

(1) for planning, outreach, and promotional activities directly related to the development, expansion, continuation, or enhancement of academic programs and services offered at magnet schools;

(2) for the acquisition of books, educational technology, materials, and equipment necessary to conduct programs in magnet schools;

(3) for—

(A) the compensation, or subsidization of the compensation, of elementary school and secondary school teachers, leaders, and other instructional staff who are highly rated; and

(B) high-quality professional development and staff capacity-building activities, including those designed to recruit, prepare, support, and retain highly rated school teachers, leaders, and other instructional staff;

(4) with respect to a magnet school program offered to less than the entire student population of a school, for instructional activities that are designed to make available the special curriculum that is offered by the magnet school program to students who are enrolled in the school but who are not enrolled in the magnet school program;

(5) for activities, which may include the formation of partnerships with public or nonprofit organizations to help enhance the program or promote parent and family decisionmaking and engagement that will build the recipient's capacity to operate magnet school programs once the grant period has ended;

(6) to enable the local educational agency, or consortium of such agencies, to have more flexibility in designing magnet schools for students in all grades; and

(7) for other operational costs that cannot be met with other State or local sources.

(b) SPECIAL RULE.—Grant funds under this part may be used for activities described in paragraphs (2) and (3) of subsection (a) only if the activities are directly related to improving student academic achievement [based on the State's challenging academic content standards and student academic achievement standards or directly related to improving student reading skills or knowledge of mathematics, science, history, geography, English, foreign languages, art, or music, or to improving vocational, technological, and professional skills]*and growth and leading to students being on track to college and career readiness*.

* * * * * * *

SEC. 5309. LIMITATIONS.

(a) DURATION OF AWARDS.—A grant under this part shall be awarded for [a period that shall not exceed 3 fiscal years]*an initial period of not more than 3 fiscal years, and may be renewed for not more than an additional 2 years if the Secretary finds that the grantee is achieving the intended outcomes of the grant and shows improvement in increasing student academic achievement and reducing minority-group isolation, and other indicators of success established by the Secretary*.

(b) LIMITATION ON PLANNING FUNDS.—A local educational agency, or consortium of such agencies, may expend for planning (professional development shall not be considered to be planning for purposes of this subsection) not more than [50]*40* percent of the grant funds received under this part for the first year of the program and not more than [15]*10* percent of such funds for each of the second and third such years.

* * * * * * *

[SEC. 5310. [20 U.S.C. 7231i] EVALUATIONS.]

[(a) RESERVATION.—The Secretary may reserve not more than 2 percent of the funds appropriated under section 5311(a) for any fiscal year to carry out evaluations, provide technical assistance, and carry out dissemination projects with respect to magnet school programs assisted under this part.

[(b) CONTENTS.—Each evaluation described in subsection (a), at a minimum, shall address—

[(1) how and the extent to which magnet school programs lead to educational quality and improvement;

[(2) the extent to which magnet school programs enhance student access to a high quality education;

[(3) the extent to which magnet school programs lead to the elimination, reduction, or prevention of minority group isolation in elementary schools and secondary schools with substantial proportions of minority students; and

[(4) the extent to which magnet school programs differ from other school programs in terms of the organizational characteristics and resource allocations of such magnet school programs.

[(c) DISSEMINATION.—The Secretary shall collect and disseminate to the general public information on successful magnet school programs.]

SEC. 5310. EVALUATIONS.

(a) IMPACT OF ACTIVITIES.—From the amount reserved for evaluation activities in accordance with section 9601(a), the Secretary, acting through the Director of the Institute of Education Sciences, shall, in consultation with the relevant program office at the Department, evaluate the implementation and impact of the activities supported under this part, consistent with section 9601, including—

(1) how, and the extent to which, magnet school programs lead to educational quality and improvement;

(2) the extent to which magnet school programs enhance student access to a high quality education;

(3) the extent to which magnet school programs lead to the elimination, reduction, or prevention of minority group isolation in elementary schools and secondary schools with substantial proportions of minority students; and

(4) the extent to which magnet school programs differ from other school programs in terms of the organizational characteristics and resource allocations of such magnet school programs.

(b) DISSEMINATION.—The Secretary shall collect and disseminate to the general public information on successful magnet school programs.

* * * * * * *

[SEC. 5311. [20 U.S.C. 7231j] AUTHORIZATION OF APPROPRIATIONS; RESERVATION.]

[(a) AUTHORIZATION.—For the purpose of carrying out this part, there are authorized to be appropriated $125,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years.

[(b) AVAILABILITY OF FUNDS FOR GRANTS TO AGENCIES NOT PREVIOUSLY ASSISTED.—In any fiscal year for which the amount appropriated pursuant to subsection (a) exceeds $75,000,000, the Secretary shall give priority in using such amounts in excess of $75,000,000 to awarding grants to local educational agencies or consortia of such agencies that did not receive a grant under this part in the preceding fiscal year.]

SEC. 5311. AVAILABILITY OF FUNDS FOR GRANTS TO AGENCIES NOT PREVIOUSLY ASSISTED.

For any fiscal year for which the amount appropriated pursuant to section 3(t) exceeds $75,000,000, the Secretary shall give priority

in using such amounts in excess of $75,000,000 to awarding grants to local educational agencies or consortia of such agencies that did not receive a grant under this part for the preceding fiscal year.

* * * * * * *

[PART D—FUND FOR THE IMPROVEMENT OF EDUCATION]

[SEC. 5401. [20 U.S.C. 7241] AUTHORIZATION OF APPROPRIATIONS.]

[There are authorized to be appropriated to carry out this part the following amounts:

[(1) $550,000,000 for fiscal year 2002.

[(2) $575,000,000 for fiscal year 2003.

[(3) $600,000,000 for fiscal year 2004.

[(4) $625,000,000 for fiscal year 2005.

[(5) $650,000,000 for fiscal year 2006.

[(6) $675,000,000 for fiscal year 2007.]

[Subpart 1—Fund for the Improvement of Education]

[SEC. 5411. [20 U.S.C. 7243] PROGRAMS AUTHORIZED.]

[(a) AUTHORIZATION.—The Secretary is authorized to support nationally significant programs to improve the quality of elementary and secondary education at the State and local levels and help all children meet challenging State academic content and student academic achievement standards. The Secretary may carry out such programs directly, or through grants to, or contracts with—

[(1) States or local educational agencies;

[(2) institutions of higher education; and

[(3) other public and private agencies, organizations, and institutions.

[(b) USES OF FUNDS.—Funds made available under section 5401 to carry out this subpart may be used for any of the following programs:

[(1) Activities to promote systemic education reform at the State and local levels, including scientifically based research, development, and evaluation designed to improve—

[(A) student academic achievement at the State and local level; and

[(B) strategies for effective parent and community involvement.

[(2) Programs at the State and local levels that are designed to yield significant results, including programs to explore approaches to public school choice and school-based decision-making.

[(3) Recognition programs, which may include financial awards to States, local educational agencies, and schools that have made the greatest progress, based on the Secretary's determination or on a nomination by the State in which the school is located (or in the case of a Bureau funded school, by the Secretary of the Interior) in—

[(A) improving the academic achievement of economically disadvantaged students and students from major racial and ethnic minority groups; and

[(B) closing the academic achievement gap for those groups of students farthest away from the proficient level on the academic assessments administered by the State under section 1111.

[(4) Scientifically based studies and evaluations of education reform strategies and innovations, and the dissemination of information on the effectiveness of such strategies and innovations.

[(5) Identification and recognition of exemplary schools and programs, such as Blue Ribbon Schools, including programs to evaluate the effectiveness of using the best practices of exemplary or Blue Ribbon Schools to improve academic achievement.

[(6) Activities to support Scholar-Athlete Games programs, including the World Scholar-Athlete Games and the U.S. Scholar-Athlete Games.

[(7) Programs to promote voter participation in American elections through programs, such as the National Student/Parent Mock Election and Kids Voting USA.

[(8) Demonstrations relating to the planning and evaluation of the effectiveness of programs under which local educational agencies or schools contract with private management organizations to reform a school or schools.

[(9) Other programs that meet the purposes of this Act.

[(c) BASIS OF AWARDS.—The Secretary is authorized to—

[(1) make awards under this subpart on the basis of competitions announced by the Secretary; and

[(2) support meritorious unsolicited proposals for awards under this subpart.

[(d) EFFECTIVENESS OF PROGRAMS.—The Secretary shall ensure that programs supported under this subpart are designed so that their effectiveness is readily ascertainable, and shall ensure that such effectiveness is assessed using rigorous, scientifically based research and evaluations.]

[SEC. 5412. [20 U.S.C. 7243a] APPLICATIONS.]

[(a) SUBMISSION.—To be eligible for an award under this subpart, an entity shall submit an application to the Secretary, at such time, in such manner, and containing such information as the Secretary may require.

[(b) CONTENTS.—Each application submitted under subsection (a) shall—

[(1) establish clear objectives, which are based on scientifically based research, for the proposed program; and

[(2) describe the activities the applicant will carry out in order to meet the objectives described in paragraph (1).

[(c) PEER REVIEW.—The Secretary shall use a peer review process in reviewing applications for awards under this subpart and in recognizing States, local educational agencies, and schools under section 5411(b)(3), only if funds are used for such recognition programs. The Secretary may use funds appropriated under this subpart for the cost of such peer review.]

[SEC. 5413. [20 U.S.C. 7243b] PROGRAM REQUIREMENTS.]

[(a) EVALUATIONS.—A recipient of an award under this subpart shall—

[(1) evaluate the effectiveness of the program funded under the award in achieving the objectives stated in applications submitted under section 5412; and

[(2) report to the Secretary such information as may be required to determine the effectiveness of such program, including evidence of progress toward meeting such objectives.

[(b) DISSEMINATION OF EVALUATION RESULTS.—The Secretary shall provide for the dissemination of the evaluations of programs funded under this subpart by making the evaluations publicly available upon request, and shall provide public notice that the evaluations are so available.

[(c) MATCHING FUNDS.—The Secretary may require recipients of awards under this subpart to provide matching funds from non-Federal sources, and shall permit the recipients to match funds in whole or in part with in-kind contributions.

[(d) SPECIAL RULE FOR RECOGNITION PROGRAMS.—The application requirements of section 5412(b), and the evaluation requirements of subsections (a) and (b) of this section, do not apply to recognition programs under section 5411(b)(3).]

[SEC. 5414. [20 U.S.C. 7243c] STUDIES OF NATIONAL SIGNIFICANCE.]

[(a) STUDIES.—The Secretary shall conduct the following studies of national significance:

[(1) UNHEALTHY PUBLIC SCHOOL BUILDINGS.—A study regarding the health and learning impacts of environmentally unhealthy public school buildings on students and teachers. The study shall include the following information:

[(A) The characteristics of those public elementary school and secondary school buildings that contribute to unhealthy school environments.

[(B) The health and learning impacts of environmental unhealthy public school buildings on students that are attending or that have attended such schools.

[(C) Recommendations to Congress on how to assist schools that are out of compliance with Federal or State health and safety codes, and a cost estimate of bringing up environmentally unhealthy public school buildings to minimum Federal health and safety building standards.

[(2) EXPOSURE TO VIOLENT ENTERTAINMENT.—A study regarding how exposure to violent entertainment (such as in movies, music, television, Internet content, video games, and arcade games) affects children's cognitive development and educational achievement.

[(3) SEXUAL ABUSE IN SCHOOLS.—A study regarding the prevalence of sexual abuse in schools, including recommendations and legislative remedies for addressing the problem of sexual abuse in schools.

[(b) COMPLETION DATE.—The studies under subsection (a) shall be completed not later than 18 months after the date of enactment of the No Child Left Behind Act of 2001.

[(c) PUBLIC DISSEMINATION.—The Secretary shall make the study conducted under subsection (a)(1) available to the public

through the Educational Resources Information Center National Clearinghouse for Educational Facilities of the Department.]

[Subpart 2—Elementary and Secondary School Counseling Programs]

[SEC. 5421. [20 U.S.C. 7245] ELEMENTARY AND SECONDARY SCHOOL COUNSELING PROGRAMS.]

[(a) GRANTS AUTHORIZED.—

[(1) IN GENERAL.—The Secretary is authorized to award grants to local educational agencies to enable such agencies to establish or expand elementary school and secondary school counseling programs that comply with the requirements of subsection (c)(2).

[(2) SPECIAL CONSIDERATION.—In awarding grants under this section, the Secretary shall give special consideration to applications describing programs that—

[(A) demonstrate the greatest need for new or additional counseling services among children in the schools served by the local educational agency, in part by providing information on current ratios of students to school counselors, students to school social workers, and students to school psychologists;

[(B) propose the most promising and innovative approaches for initiating or expanding school counseling; and

[(C) show the greatest potential for replication and dissemination.

[(3) EQUITABLE DISTRIBUTION.—In awarding grants under this section, the Secretary shall ensure an equitable geographic distribution among the regions of the United States and among local educational agencies located in urban, rural, and suburban areas.

[(4) DURATION.—A grant under this section shall be awarded for a period not to exceed 3 years.

[(5) MAXIMUM GRANT.—A grant awarded under this section shall not exceed $400,000 for any fiscal year.

[(6) SUPPLEMENT, NOT SUPPLANT.—Funds made available under this section shall be used to supplement, and not supplant, other Federal, State, or local funds used for providing school-based counseling and mental health services to students.

[(b) APPLICATIONS.—

[(1) IN GENERAL.—Each local educational agency desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

[(2) CONTENTS.—Each application for a grant under this section shall—

[(A) describe the school population to be targeted by the program, the particular counseling needs of such population, and the current school counseling resources available for meeting such needs;

[(B) describe the activities, services, and training to be provided by the program and the specific approaches to be used to meet the needs described in subparagraph (A);

[(C) describe the methods to be used to evaluate the outcomes and effectiveness of the program;

[(D) describe how the local educational agency will involve community groups, social service agencies, and other public and private entities in collaborative efforts to enhance the program and promote school-linked services integration;

[(E) document that the local educational agency has the personnel qualified to develop, implement, and administer the program;

[(F) describe how diverse cultural populations, if applicable, will be served through the program;

[(G) assure that the funds made available under this subpart for any fiscal year will be used to supplement, and not supplant, any other Federal, State, or local funds used for providing school-based counseling and mental health services to students; and

[(H) assure that the applicant will appoint an advisory board composed of interested parties, including parents, teachers, school administrators, counseling services providers described in subsection (c)(2)(D), and community leaders, to advise the local educational agency on the design and implementation of the program.

[(c) USE OF FUNDS.—

[(1) IN GENERAL.—The Secretary is authorized to award grants to local educational agencies to enable the local educational agencies to initiate or expand elementary school or secondary school counseling programs that comply with the requirements of paragraph (2).

[(2) REQUIREMENTS.—Each program funded under this section shall—

[(A) be comprehensive in addressing the counseling and educational needs of all students;

[(B) use a developmental, preventive approach to counseling;

[(C) increase the range, availability, quantity, and quality of counseling services in the elementary schools and secondary schools of the local educational agency;

[(D) expand counseling services through qualified school counselors, school social workers, school psychologists, other qualified psychologists, or child and adolescent psychiatrists;

[(E) use innovative approaches to increase children's understanding of peer and family relationships, work and self, decisionmaking, or academic and career planning, or to improve peer interaction;

[(F) provide counseling services in settings that meet the range of student needs;

[(G) include in-service training appropriate to the activities funded under this Act for teachers, instructional staff, and appropriate school personnel, including in-service

training in appropriate identification and early intervention techniques by school counselors, school social workers, school psychologists, other qualified psychologists, and child and adolescent psychiatrists;

[(H) involve parents of participating students in the design, implementation, and evaluation of the counseling program;

[(I) involve community groups, social service agencies, or other public or private entities in collaborative efforts to enhance the program and promote school-linked integration of services;

[(J) evaluate annually the effectiveness and outcomes of the counseling services and activities assisted under this section;

[(K) ensure a team approach to school counseling in the schools served by the local educational agency by working toward ratios recommended by the American School Health Association of one school counselor to 250 students, one school social worker to 800 students, and one school psychologist to 1,000 students; and

[(L) ensure that school counselors, school psychologists, other qualified psychologists, school social workers, or child and adolescent psychiatrists paid from funds made available under this section spend a majority of their time counseling students or in other activities directly related to the counseling process.

[(d) LIMITATION ON ADMINISTRATIVE COSTS.—Not more than 4 percent of the amounts made available under this section for any fiscal year may be used for administrative costs to carry out this section.

[(e) DEFINITIONS.—For the purpose of this section—

[(1) the term "child and adolescent psychiatrist" means an individual who—

[(A) possesses State medical licensure; and

[(B) has completed residency training programs in both general psychiatry and child and adolescent psychiatry;

[(2) the term "other qualified psychologist" means an individual who has demonstrated competence in counseling children in a school setting and who—

[(A) is licensed in psychology by the State in which the individual works; and

[(B) practices in the scope of the individual's education, training, and experience with children in school settings;

[(3) the term "school counselor" means an individual who has documented competence in counseling children and adolescents in a school setting and who—

[(A) is licensed by the State or certified by an independent professional regulatory authority;

[(B) in the absence of such State licensure or certification, possesses national certification in school counseling or a specialty of counseling granted by an independent professional organization; or

[(C) holds a minimum of a master's degree in school counseling from a program accredited by the Council for

Accreditation of Counseling and Related Educational Programs or the equivalent;

[(4) the term "school psychologist" means an individual who—

[(A) has completed a minimum of 60 graduate semester hours in school psychology from an institution of higher education and has completed 1,200 clock hours in a supervised school psychology internship, of which 600 hours are in the school setting;

[(B) is licensed or certified in school psychology by the State in which the individual works; or

[(C) in the absence of such State licensure or certification, possesses national certification by the National School Psychology Certification Board; and

[(5) the term "school social worker" means an individual who—

[(A) holds a master's degree in social work from a program accredited by the Council on Social Work Education; and

[(B)(i) is licensed or certified by the State in which services are provided; or

[(ii) in the absence of such State licensure or certification, possesses a national credential or certification as a school social work specialist granted by an independent professional organization.

[(f) REPORT.—Not later than 2 years after assistance is made available to local educational agencies under subsection (c), the Secretary shall make publicly available a report—

[(1) evaluating the programs assisted pursuant to each grant under this subpart; and

[(2) outlining the information from local educational agencies regarding the ratios of students to—

[(A) school counselors;

[(B) school social workers; and

[(C) school psychologists.

[(g) SPECIAL RULE.—

[(1) AMOUNT EQUALS OR EXCEEDS $40,000,000.—If the amount of funds made available by the Secretary for this subpart equals or exceeds $40,000,000, the Secretary shall award not less than $40,000,000 in grants to local educational agencies to enable the agencies to establish or expand counseling programs in elementary schools.

[(2) AMOUNT LESS THAN $40,000,000.—If the amount of funds made available by the Secretary for this subpart is less than $40,000,000, the Secretary shall award grants to local educational agencies only to establish or expand counseling programs in elementary schools.]

[Subpart 3—Partnerships in Character Education]

[SEC. 5431. [20 U.S.C. 7247] PARTNERSHIPS IN CHARACTER EDUCATION PROGRAM.]

[(a) PROGRAM AUTHORIZED.—

[(1) IN GENERAL.—The Secretary is authorized to award grants to eligible entities for the design and implementation of character education programs that—

[(A) are able to be integrated into classroom instruction and to be consistent with State academic content standards; and

[(B) are able to be carried out in conjunction with other educational reform efforts.

[(2) ELIGIBLE ENTITY.—In this section, the term "eligible entity" means—

[(A) a State educational agency in partnership with—

[(i) one or more local educational agencies; or

[(ii) one or more—

[(I) local educational agencies; and

[(II) nonprofit organizations or entities, including an institution of higher education;

[(B) a local educational agency or consortium of local educational agencies; or

[(C) a local educational agency in partnership with one or more nonprofit organizations or entities, including an institution of higher education.

[(3) DURATION.—Each grant under this section shall be awarded for a period not to exceed 5 years, of which the eligible entity may not use more than 1 year for planning and program design.

[(4) AMOUNT OF GRANTS FOR STATE EDUCATIONAL AGENCIES.—Subject to the availability of appropriations, the amount of a grant made by the Secretary to a State educational agency under this section shall not be less than $500,000 if the State educational agency—

[(A) is in a partnership described in paragraph (2)(A); and

[(B) meets such requirements as the Secretary may establish under this section.

[(b) CONTRACTS UNDER PROGRAM.—

[(1) EVALUATION.—Each eligible entity awarded a grant under this section may contract with outside sources, including institutions of higher education and private and nonprofit organizations, for the purposes of—

[(A) evaluating the program for which the assistance is made available;

[(B) measuring the integration of such program into the curriculum and teaching methods of schools where the program is carried out; and

[(C) measuring the success of such program in fostering the elements of character selected by the recipient under subsection (c).

[(2) MATERIALS AND PROGRAM DEVELOPMENT.—Each eligible entity awarded a grant under this section may contract with outside sources, including institutions of higher education and private and nonprofit organizations, for assistance in—

[(A) developing secular curricula, materials, teacher training, and other activities related to character education; and

[(B) integrating secular character education into the curricula and teaching methods of schools where the program is carried out.

[(c) ELEMENTS OF CHARACTER.—

[(1) SELECTION.—

[(A) IN GENERAL.—Each eligible entity awarded a grant under this section may select the elements of character that will be taught under the program for which the grant was awarded.

[(B) CONSIDERATION OF VIEWS.—In selecting elements of character under subparagraph (A), the eligible entity shall consider the views of the parents of the students to be taught under the program and the views of the students.

[(2) EXAMPLE ELEMENTS.—Elements of character selected under this subsection may include any of the following:

[(A) Caring.

[(B) Civic virtue and citizenship.

[(C) Justice and fairness.

[(D) Respect.

[(E) Responsibility.

[(F) Trustworthiness.

[(G) Giving.

[(H) Any other elements deemed appropriate by the eligible entity.

[(d) USE OF FUNDS BY STATE EDUCATIONAL AGENCY RECIPIENTS.—Of the total funds received in any fiscal year under this section by an eligible entity that is a State educational agency—

[(1) not more than 3 percent of such funds may be used for administrative purposes; and

[(2) the remainder of such funds may be used for—

[(A) collaborative initiatives with and between local educational agencies and schools;

[(B) the preparation or purchase of materials, and teacher training;

[(C) providing assistance to local educational agencies, schools, or institutions of higher education; and

[(D) technical assistance and evaluation.

[(e) APPLICATION.—

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

[(2) REQUIRED INFORMATION.—Each application for a grant under this section shall include (together with any other information that the Secretary may require) information that—

[(A) demonstrates that the program for which the grant is sought has clear objectives that are based on scientifically based research;

[(B) describes any partnerships or collaborative efforts among the organizations and entities of the eligible entity;

[(C) describes the activities that will be carried out with the grant funds and how such activities will meet the objectives described in subparagraph (A), including—

[(i) how parents, students, students with disabilities (including those with mental or physical disabilities),

and other members of the community, including members of private and nonprofit organizations, will be involved in the design and implementation of the program and how the eligible entity will work with the larger community to increase the reach and promise of the program;

[(ii) curriculum and instructional practices that will be used or developed; and

[(iii) methods of teacher training and parent education that will be used or developed;

[(D) describes how the program for which the grant is sought will be linked to other efforts to improve academic achievement, including—

[(i) broader educational reforms that are being instituted by the eligible entity or its partners; and

[(ii) State academic content standards;

[(E) in the case of an eligible entity that is a State educational agency, describes how the State educational agency—

[(i) will provide technical and professional assistance to its local educational agency partners in the development and implementation of character education programs; and

[(ii) will assist other interested local educational agencies that are not members of the original partnership in designing and establishing character education programs;

[(F) describes how the eligible entity will evaluate the success of its program—

[(i) based on the objectives described in subparagraph (A); and

[(ii) in cooperation with any national evaluation conducted pursuant to subsection (h)(2)(B)(iii); and

[(G) assures that the eligible entity annually will provide to the Secretary such information as may be required to determine the effectiveness of the program.

[(f) SELECTION OF RECIPIENTS.—

[(1) PEER REVIEW.—

[(A) IN GENERAL.—In selecting eligible entities to receive grants under this section from among the applicants for such grants, the Secretary shall use a peer review process that includes the participation of experts in the field of character education and development.

[(B) USE OF FUNDS.—The Secretary may use funds appropriated under this section for the cost of carrying out peer reviews under this paragraph.

[(2) SELECTION CRITERIA.—Each selection under paragraph (1) shall be made on the basis of the quality of the application submitted, taking into consideration such factors as—

[(A) the extent to which the program fosters character in students and the potential for improved student academic achievement;

[(B) the extent and ongoing nature of parental, student, and community involvement;

[(C) the quality of the plan for measuring and assessing success; and

[(D) the likelihood that the objectives of the program will be achieved.

[(3) EQUITABLE DISTRIBUTION.—In making selections under this subsection, the Secretary shall ensure, to the extent practicable under paragraph (2), that the programs assisted under this section are equitably distributed among the geographic regions of the United States, and among urban, suburban, and rural areas.

[(g) PARTICIPATION BY PRIVATE SCHOOL CHILDREN AND TEACHERS.—Each eligible entity that receives a grant under this section shall provide, to the extent feasible and appropriate, for the participation in programs and activities under this section of students and teachers in private elementary schools and secondary schools.

[(h) EVALUATION AND PROGRAM DEVELOPMENT.—

[(1) STATE AND LOCAL REPORTING AND EVALUATION.—Each eligible entity receiving a grant under this section shall submit to the Secretary a comprehensive evaluation of the program assisted under this section, including its impact on students, students with disabilities (including those with mental or physical disabilities), teachers, administrators, parents, and others—

[(A) by the end of the second year of the program; and

[(B) not later than 1 year after completion of the grant period.

[(2) NATIONAL RESEARCH, DISSEMINATION, AND EVALUATION.—

[(A) IN GENERAL.—

[(i) AUTHORIZATION.—The Secretary is authorized to award grants to, or enter into contracts or cooperative agreements with, State educational agencies or local educational agencies, institutions of higher education, tribal organizations, or other public or private agencies or organizations to carry out research, development, dissemination, technical assistance, and evaluation activities that support or inform State and local character education programs.

[(ii) RESERVATION OF FUNDS.—The Secretary shall reserve not more than 5 percent of the funds made available under this section to carry out this paragraph.

[(B) USES.—Funds made available under subparagraph (A) may be used for the following:

[(i) Conducting research and development activities that focus on matters such as—

[(I) the extent to which schools are undertaking character education initiatives;

[(II) the effectiveness of instructional models for all students, including students with disabilities (including those with mental or physical disabilities);

[(III) materials and curricula for use by programs in character education;

[(IV) models of professional development in character education;

[(V) the development of measures of effectiveness for character education programs (which may include the factors described in paragraph (3)); and

[(VI) the effectiveness of State and local programs receiving funds under this section.

[(ii) Providing technical assistance to State and local programs, particularly on matters of program evaluation.

[(iii) Conducting evaluations of State and local programs receiving funding under this section, that may be conducted through a national clearinghouse under clause (iv).

[(iv) Compiling and disseminating, through a national clearinghouse or other means—

[(I) information on model character education programs;

[(II) information about high quality character education materials and curricula;

[(III) research findings in the area of character education and character development; and

[(IV) any other information that will be useful to character education program participants nationwide, including educators, parents, and administrators.

[(C) PARTNERSHIPS.—In carrying out national activities under this paragraph, the Secretary may enter into partnerships with national nonprofit character education organizations and institutions of higher education with expertise and successful experience in implementing—

[(i) character education programs that had an effective impact on schools, students, students with disabilities (including those with mental or physical disabilities), and teachers; or

[(ii) character education program evaluation and research.

[(D) PARTNERSHIP FOR ACTIVITIES UNDER SUBPARAGRAPH (B)(iv).—In carrying out national activities under subparagraph (B)(iv), the Secretary may enter into a partnership with a national nonprofit character education organization that will disseminate information to educators, parents, administrators, and others nationwide, including information about the range of model character education programs, materials, and curricula.

[(E) REPORT.—Each entity awarded a grant or entering into a contract or cooperative agreement under this paragraph shall submit an annual report to the Secretary that—

[(i) describes the entity's progress in carrying out research, development, dissemination, evaluation, and technical assistance under this paragraph;

[(ii) identifies unmet and future information needs in the field of character education; and

[(iii) if applicable, describes the progress of the entity in carrying out the requirements of subparagraph (B)(iv), including a listing of—

[(I) the number of requests for information received by the entity in the course of carrying out such requirements;

[(II) the types of organizations making such requests; and

[(III) the types of information requested.

[(3) FACTORS.—Factors that may be considered in evaluating the success of programs funded under this section include the following:

[(A) Discipline issues.

[(B) Student academic achievement.

[(C) Participation in extracurricular activities.

[(D) Parental and community involvement.

[(E) Faculty and administration involvement.

[(F) Student and staff morale.

[(G) Overall improvements in school climate for all students, including students with disabilities (including those with mental or physical disabilities).

[(i) PERMISSIVE MATCH.—

[(1) IN GENERAL.—The Secretary may require eligible entities to match funds awarded under this section with non-Federal funds, except that the amount of the match may not exceed the amount of the grant award.

[(2) SLIDING SCALE.—The amount of a match under paragraph (1) shall be established based on a sliding scale that takes into account—

[(A) the poverty of the population to be targeted by the eligible entity; and

[(B) the ability of the eligible entity to obtain funding for the match.

[(3) IN-KIND CONTRIBUTIONS.—The Secretary shall permit eligible entities to match funds in whole or in part with in-kind contributions.

[(4) CONSIDERATION.—Notwithstanding this subsection, the Secretary in making awards under this section shall not consider the ability of an eligible entity to match funds.]

[Subpart 4—Smaller Learning Communities]

[SEC. 5441. [20 U.S.C. 7249] SMALLER LEARNING COMMUNITIES.]

[(a) GRANT AUTHORITY.—The Secretary is authorized to award grants to local educational agencies to enable the agencies to create a smaller learning community or communities.

[(b) APPLICATION.—Each local educational agency desiring a grant under this subpart shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. The application shall include descriptions of the following:

[(1) Strategies and methods the local educational agency will use to create the smaller learning community or communities.

[(2) Curriculum and instructional practices, including any particular themes or emphases, to be used in the smaller learning environment.

[(3) The extent of involvement of teachers and other school personnel in investigating, designing, implementing, and sustaining the smaller learning community or communities.

[(4) The process to be used for involving students, parents, and other stakeholders in the development and implementation of the smaller learning community or communities.

[(5) Any cooperation or collaboration among community agencies, organizations, businesses, and others to develop or implement a plan to create the smaller learning community or communities.

[(6) The training and professional development activities that will be offered to teachers and others involved in the activities assisted under this subpart.

[(7) The objectives of the activities assisted under this subpart, including a description of how such activities will better enable all students to reach challenging State academic content standards and State student academic achievement standards.

[(8) The methods by which the local educational agency will assess progress in meeting the objectives described in paragraph (7).

[(9) If the smaller learning community or communities exist as a school-within-a-school, the relationship, including governance and administration, of the smaller learning community to the remainder of the school.

[(10) The administrative and managerial relationship between the local educational agency and the smaller learning community or communities, including how such agency will demonstrate a commitment to the continuity of the smaller learning community or communities (including the continuity of student and teacher assignment to a particular learning community).

[(11) How the local educational agency will coordinate or use funds provided under this subpart with other funds provided under this Act or other Federal laws.

[(12) The grade levels or ages of students who will participate in the smaller learning community or communities.

[(13) The method of placing students in the smaller learning community or communities, such that students are not placed according to ability or any other measure, but are placed at random or by their own choice, and not pursuant to testing or other judgments.

[(c) AUTHORIZED ACTIVITIES.—Funds under this section may be used for one or more of the following:

[(1) To study—

[(A) the feasibility of creating the smaller learning community or communities; and

[(B) effective and innovative organizational and instructional strategies that will be used in the smaller learning community or communities.

[(2) To research, develop, and implement—

[(A) strategies for creating the smaller learning community or communities; and

[(B) strategies for effective and innovative changes in curriculum and instruction, geared to challenging State academic content standards and State student academic achievement standards.

[(3) To provide professional development for school staff in innovative teaching methods that—

[(A) challenge and engage students; and

[(B) will be used in the smaller learning community or communities.

[(4) To develop and implement strategies to include parents, business representatives, local institutions of higher education, community-based organizations, and other community members in the smaller learning communities as facilitators of activities that enable teachers to participate in professional development activities and provide links between students and their community.]

[Subpart 5—Reading Is Fundamental—Inexpensive Book Distribution Program]

[SEC. 5451. [20 U.S.C. 7251] INEXPENSIVE BOOK DISTRIBUTION PROGRAM FOR READING MOTIVATION.]

[(a) PURPOSE.—The purpose of this subpart is to establish and implement a model partnership between a governmental entity and a private entity, to help prepare young children for reading and to motivate older children to read, through the distribution of inexpensive books. Local reading motivation programs assisted under this section shall use such assistance to provide books, training for volunteers, motivational activities, and other essential literacy resources and shall assign the highest priority to serving the youngest and neediest children in the United States.

[(b) AUTHORIZATION.—The Secretary is authorized to enter into a contract with Reading Is Fundamental (RIF) (hereafter in this section referred to as the "contractor") to support and promote programs, which include the distribution of inexpensive books to young and school-age children, that motivate children to read.

[(c) REQUIREMENTS OF CONTRACT.—Any contract entered into under subsection (b) shall contain each of the following:

[(1) A provision that the contractor will enter into subcontracts with local private nonprofit groups or organizations, or with public agencies, under which each subcontractor will agree to establish, operate, and provide the non-Federal share of the cost of reading motivation programs that include the distribution of books, by gift (to the extent feasible) or by loan, to children from birth through secondary school age, including children in family literacy programs.

[(2) A provision that funds made available to subcontractors will be used only to pay the Federal share of the cost of such programs.

[(3) A provision that, in selecting subcontractors for initial funding, the contractor will give priority to programs that will serve a substantial number or percentage of children with special needs, such as the following:

[(A) Low-income children, particularly in high-poverty areas.

[(B) Children at risk of school failure.

[(C) Children with disabilities.

[(D) Foster children.

[(E) Homeless children.

[(F) Migrant children.

[ildren without access to libraries.

[(H) Institutionalized or incarcerated children.

[(I) Children whose parents are institutionalized or incarcerated.

[(4) A provision that the contractor will provide such training and technical assistance to subcontractors as may be necessary to carry out the purpose of this subpart.

[(5) A provision that the contractor will annually report to the Secretary the number, and a description, of programs funded under paragraph (3).

[(6) Such other terms and conditions as the Secretary determines to be appropriate to ensure the effectiveness of such programs.

[(d) RESTRICTION ON PAYMENTS.—The Secretary shall make no payment of the Federal share of the cost of acquiring and distributing books under any contract under this section unless the Secretary determines that the contractor or subcontractor, as the case may be, has made arrangements with book publishers or distributors to obtain books at discounts at least as favorable as discounts that are customarily given by such publisher or distributor for book purchases made under similar circumstances in the absence of Federal assistance.

[(e) SPECIAL RULES FOR CERTAIN SUBCONTRACTORS.—

[(1) FUNDS FROM OTHER FEDERAL SOURCES.—Subcontractors operating programs under this section in low-income communities with a substantial number or percentage of children with special needs, as described in subsection (c)(3), may use funds from other Federal sources to pay the non-Federal share of the cost of the program, if those funds do not comprise more than 50 percent of the non-Federal share of the funds used for the cost of acquiring and distributing books.

[(2) WAIVER AUTHORITY.—Notwithstanding subsection (c), the contractor may waive, in whole or in part, the requirement in subsection (c)(1) for a subcontractor, if the subcontractor demonstrates that it would otherwise not be able to participate in the program, and enters into an agreement with the contractor with respect to the amount of the non-Federal share to which the waiver will apply. In a case in which such a waiver is granted, the requirement in subsection (c)(2) shall not apply.

[(f) MULTI-YEAR CONTRACTS.—The contractor may enter into a multi-year subcontract under this section, if—

[(1) the contractor believes that such subcontract will provide the subcontractor with additional leverage in seeking local commitments; and

[(2) the subcontract does not undermine the finances of the national program.

[(g) FEDERAL SHARE DEFINED.—In this section, the term "Federal share" means, with respect to the cost to a subcontractor of purchasing books to be paid for under this section, 75 percent of such costs to the subcontractor, except that the Federal share for programs serving children of migrant or seasonal farmworkers shall be 100 percent of such costs to the subcontractor.]

[Subpart 6—Gifted and Talented Students]

[SEC. 5461. [20 U.S.C. 7253] SHORT TITLE.]

[This subpart may be cited as the "Jacob K. Javits Gifted and Talented Students Education Act of 2001".]

[SEC. 5462. [20 U.S.C. 7253a] PURPOSE.]

[The purpose of this subpart is to initiate a coordinated program of scientifically based research, demonstration projects, innovative strategies, and similar activities designed to build and enhance the ability of elementary schools and secondary schools nationwide to meet the special educational needs of gifted and talented students.]

[SEC. 5463. [20 U.S.C. 7253b] RULE OF CONSTRUCTION.]

[Nothing in this subpart shall be construed to prohibit a recipient of funds under this subpart from serving gifted and talented students simultaneously with students with similar educational needs, in the same educational settings, where appropriate.]

[SEC. 5464. [20 U.S.C. 7253c] AUTHORIZED PROGRAMS.]

[(a) ESTABLISHMENT OF PROGRAM.—

[(1) IN GENERAL.—The Secretary (after consultation with experts in the field of the education of gifted and talented students) is authorized to make grants to, or enter into contracts with, State educational agencies, local educational agencies, institutions of higher education, other public agencies, and other private agencies and organizations (including Indian tribes and Indian organizations (as such terms are defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)) and Native Hawaiian organizations) to assist such agencies, institutions, and organizations in carrying out programs or projects authorized by this subpart that are designed to meet the educational needs of gifted and talented students, including the training of personnel in the education of gifted and talented students and in the use, where appropriate, of gifted and talented services, materials, and methods for all students.

[(2) APPLICATION.—Each entity seeking assistance under this subpart shall submit an application to the Secretary at such time, in such manner, and containing such information as

the Secretary may reasonably require. Each such application shall describe how—

[(A) the proposed gifted and talented services, materials, and methods can be adapted, if appropriate, for use by all students; and

[(B) the proposed programs can be evaluated.

[(b) USE OF FUNDS.—Programs and projects assisted under this section may include each of the following:

[(1) Conducting—

[(A) scientifically based research on methods and techniques for identifying and teaching gifted and talented students and for using gifted and talented programs and methods to serve all students; and

[(B) program evaluations, surveys, and the collection, analysis, and development of information needed to accomplish the purpose of this subpart.

[(2) Carrying out professional development (including fellowships) for personnel (including leadership personnel) involved in the education of gifted and talented students.

[(3) Establishing and operating model projects and exemplary programs for serving gifted and talented students, including innovative methods for identifying and educating students who may not be served by traditional gifted and talented programs (such as summer programs, mentoring programs, service learning programs, and cooperative programs involving business, industry, and education).

[(4) Implementing innovative strategies, such as cooperative learning, peer tutoring, and service learning.

[(5) Carrying out programs of technical assistance and information dissemination, including assistance and information with respect to how gifted and talented programs and methods, where appropriate, may be adapted for use by all students.

[(6) Making materials and services available through State regional educational service centers, institutions of higher education, or other entities.

[(7) Providing funds for challenging, high-level course work, disseminated through technologies (including distance learning), for individual students or groups of students in schools and local educational agencies that would not otherwise have the resources to provide such course work.

[(c) SPECIAL RULE.—To the extent that funds appropriated to carry out this subpart for a fiscal year beginning with fiscal year 2002 exceed such funds appropriated for fiscal year 2001, the Secretary shall use such excess funds to award grants, on a competitive basis, to State educational agencies, local educational agencies, or both, to implement activities described in subsection (b).

[(d) CENTER FOR RESEARCH AND DEVELOPMENT.—

[(1) IN GENERAL.—The Secretary (after consultation with experts in the field of the education of gifted and talented students) shall establish a National Research Center for the Education of Gifted and Talented Children and Youth through grants to, or contracts with, one or more institutions of higher education or State educational agencies, or a combination or consortium of such institutions and agencies and other public

or private agencies and organizations, for the purpose of carrying out activities described in subsection (b).

[(2) DIRECTOR.—The National Center shall be headed by a Director. The Secretary may authorize the Director to carry out such functions of the National Center as may be agreed upon through arrangements with institutions of higher education, State educational agencies, local educational agencies, or other public or private agencies and organizations.

[(3) FUNDING.—The Secretary may use not more than 30 percent of the funds made available under this subpart for fiscal year 2001 to carry out this subsection.

[(e) COORDINATION.—Scientifically based research activities supported under this subpart—

[(1) shall be carried out in consultation with the Institute of Education Sciences to ensure that such activities are coordinated with and enhance the research and development activities supported by such Institute; and

[(2) may include collaborative scientifically based research activities which are jointly funded and carried out with such Institute.]

[SEC. 5465. [20 U.S.C. 7253d] PROGRAM PRIORITIES.]

[(a) GENERAL PRIORITY.—In carrying out this subpart, the Secretary shall give highest priority to programs and projects designed to develop new information that—

[(1) improves the capability of schools to plan, conduct, and improve programs to identify and serve gifted and talented students; and

[(2) assists schools in the identification of, and provision of services to, gifted and talented students (including economically disadvantaged individuals, individuals with limited English proficiency, and individuals with disabilities) who may not be identified and served through traditional assessment methods.

[(b) SERVICE PRIORITY.—The Secretary shall ensure that not less than 50 percent of the applications approved under section 5464(a)(2) in a fiscal year address the priority described in subsection (a)(2).]

[SEC. 5466. [20 U.S.C. 7253e] GENERAL PROVISIONS.]

[(a) PARTICIPATION OF PRIVATE SCHOOL CHILDREN AND TEACHERS.—In making grants and entering into contracts under this subpart, the Secretary shall ensure, where appropriate, that provision is made for the equitable participation of students and teachers in private nonprofit elementary schools and secondary schools, including the participation of teachers and other personnel in professional development programs serving such students.

[(b) REVIEW, DISSEMINATION, AND EVALUATION.—The Secretary shall—

[(1) use a peer review process in reviewing applications under this subpart;

[(2) ensure that information on the activities and results of programs and projects funded under this subpart is disseminated to appropriate State educational agencies, local edu-

cational agencies, and other appropriate organizations, including nonprofit private organizations; and

[(3) evaluate the effectiveness of programs under this subpart in accordance with section 9601, in terms of the impact on students traditionally served in separate gifted and talented programs and on other students, and submit the results of such evaluation to Congress not later than 2 years after the date of enactment of the No Child Left Behind Act of 2001.

[(c) PROGRAM OPERATIONS.—The Secretary shall ensure that the programs under this subpart are administered within the Department by a person who has recognized professional qualifications and experience in the field of the education of gifted and talented students and who shall—

[(1) administer and coordinate the programs authorized under this subpart;

[(2) serve as a focal point of national leadership and information on the educational needs of gifted and talented students and the availability of educational services and programs designed to meet such needs;

[(3) assist the Assistant Secretary for Educational Research and Improvement in identifying research priorities that reflect the needs of gifted and talented students; and

[(4) shall disseminate, and consult on, the information developed under this subpart with other offices within the Department.]

[Subpart 7—Star Schools Program]

[SEC. 5471. [20 U.S.C. 7255] SHORT TITLE.]

[This subpart may be cited as the "Star Schools Act".]

[SEC. 5472. [20 U.S.C. 7255a] PURPOSES.]

[The purposes of this subpart are the following:

[(1) To encourage improved instruction in mathematics, science, and foreign languages as well as other subjects (such as literacy skills and vocational education).

[(2) To serve underserved populations, including disadvantaged, illiterate, limited English proficient populations, and individuals with disabilities through a Star Schools program under which grants are made to eligible telecommunication partnerships to enable such partnerships—

[(A) to develop, construct, acquire, maintain, and operate telecommunications audio and visual facilities and equipment;

[(B) to develop and acquire educational and instructional programming; and

[(C) to obtain technical assistance for the use of such facilities and instructional programming.]

[SEC. 5473. [20 U.S.C. 7255b] GRANT PROGRAM AUTHORIZED.]

[(a) AUTHORIZATION.—The Secretary, in conjunction with the Office of Educational Technology, is authorized to make grants, in accordance with the provisions of this subpart, to eligible entities to pay the Federal share of the cost of the following:

[(1) Development, construction, acquisition, maintenance, and operation of telecommunications facilities and equipment.

[(2) Development and acquisition of live, interactive instructional programming.

[(3) Development and acquisition of preservice and inservice teacher training programs based on established research regarding teacher-to-teacher mentoring, and ongoing, in-class instruction.

[(4) Establishment of teleconferencing facilities and resources for making interactive training available to teachers.

[(5) Obtaining technical assistance.

[(6) Coordination of the design and connectivity of telecommunications networks to reach the greatest number of schools.

[(b) DURATION AND AMOUNT.—

[(1) IN GENERAL.—A grant under this section may not exceed—

[(A) 5 years in duration (subject to subsection (c)); and

[(B) $10,000,000 in any single fiscal year.

[(c) RENEWAL.—

[(1) IN GENERAL.—Grants awarded under subsection (a) may be renewed for a single additional period of 3 years.

[(2) CONTINUING ELIGIBILITY.—In order to be eligible to receive a grant renewal under this subsection, a grant recipient shall demonstrate, to the satisfaction of the Secretary, in an addendum to its application submitted under section 5474, that the grant recipient will—

[(A) continue to provide services in the subject areas and geographic areas assisted with funds received under this subpart for the previous grant period; and

[(B) use all grant funds received under this subpart for the 3 year renewal period to provide expanded services by—

[(i) increasing the number of students, schools, or school districts served by the courses of instruction assisted under this part in the previous fiscal year;

[(ii) providing new courses of instruction; and

[(iii) serving new populations of underserved individuals, such as children or adults who are disadvantaged, have limited English proficiency, are individuals with disabilities, are illiterate, or lack secondary school diplomas or their recognized equivalent.

[(3) SUPPLEMENT, NOT SUPPLANT.—Grant funds received under this subsection shall be used to supplement, and not supplant, services provided by the grant recipient under this subpart in the previous fiscal year.

[(d) RESERVATIONS.—

[(1) INSTRUCTIONAL PROGRAMMING.—At least 25 percent of the funds made available to the Secretary for any fiscal year under this subpart shall be used for the cost of instructional programming.

[(2) LOCAL EDUCATIONAL AGENCY ASSISTANCE.—At least 50 percent of the funds available in any fiscal year under this subpart shall be used for the cost of facilities, equipment, teacher

training or retraining, technical assistance, or programming, for local educational agencies that are eligible to receive assistance under part A of title I.

[(e) FEDERAL SHARE.—

[(1) AMOUNT.—The Federal share of the cost of projects funded under this section shall not exceed the following amounts:

[(A) 75 percent for the first and second years for which an eligible telecommunications partnership receives a grant under this subpart.

[(B) 60 percent for the third and fourth such years.

[(C) 50 percent for the fifth such year.

[(2) REDUCTION OR WAIVER.—The Secretary may reduce or waive the corresponding non-Federal share under paragraph (1) upon a showing of financial hardship.

[(f) REQUIRED LOCAL EDUCATIONAL AGENCY PARTICIPATION.—The Secretary is authorized to make a grant under this section to any eligible entity, if at least one local educational agency is participating in the proposed program.

[(g) ASSISTANCE OBTAINING SATELLITE TIME.—The Secretary may assist recipients of grants made under this section in acquiring satellite time, where appropriate, as economically as possible.]

[SEC. 5474. [20 U.S.C. 7255c] APPLICATIONS.]

[(a) SUBMISSION.—Each eligible entity that desires to receive a grant under section 5473 shall submit an application to the Secretary, at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

[(b) CONTENTS.—An application submitted under subsection (a) shall include each of the following:

[(1) A description of how the proposed program will assist all students to have an opportunity to meet challenging State academic achievement standards, how such program will assist State and local educational reform efforts, and how such program will contribute to creating a high-quality system of educational development.

[(2) A description of the telecommunications facilities and equipment and technical assistance for which assistance is sought, which may include—

[(A) the design, development, construction, acquisition, maintenance, and operation of State or multistate educational telecommunications networks and technology resource centers;

[(B) microwave, fiber optics, cable, and satellite transmission equipment or any combination thereof;

[(C) reception facilities;

[(D) satellite time;

[(E) production facilities;

[(F) other telecommunications equipment capable of serving a wide geographic area;

[(G) the provision of training services to instructors who will be using the facilities and equipment for which assistance is sought, including training in using such facilities

and equipment and training in integrating programs into the classroom curriculum; and

[(H) the development of educational and related programming for use on a telecommunications network.

[(3) In the case of an application for assistance for instructional programming, a description of the types of programming that will be developed to enhance instruction and training and provide an assurance that such programming will be designed in consultation with professionals (including classroom teachers) who are experts in the applicable subject matter and grade level.

[(4) A description of how the eligible entity has engaged in sufficient survey and analysis of the area to be served to ensure that the services offered by the eligible entity will increase the availability of courses of instruction in English, mathematics, science, foreign languages, arts, history, geography, or other disciplines.

[(5) A description of the professional development policies for teachers and other school personnel to be implemented to ensure the effective use of the telecommunications facilities and equipment for which assistance is sought.

[(6) A description of the manner in which historically underserved students (such as students from low-income families, limited English proficient students, students with disabilities, or students who have low literacy skills) and their families, will participate in the benefits of the telecommunications facilities, equipment, technical assistance, and programming assisted under this subpart.

[(7) A description of how existing telecommunications equipment, facilities, and services, where available, will be used.

[(8) An assurance that the financial interest of the United States in the telecommunications facilities and equipment will be protected for the useful life of such facilities and equipment.

[(9) An assurance that a significant portion of any facilities and equipment, technical assistance, and programming for which assistance is sought for elementary schools and secondary schools will be made available to schools or local educational agencies that have a high number or percentage of children eligible to be counted under part A of title I.

[(10) An assurance that the applicant will use the funds provided under this subpart to supplement, and not supplant, funds available for the purposes of this subpart.

[(11) A description of how funds received under this subpart will be coordinated with funds received for educational technology in the classroom.

[(12) A description of the activities or services for which assistance is sought, such as—

[(A) providing facilities, equipment, training services, and technical assistance;

[(B) making programs accessible to students with disabilities through mechanisms such as closed captioning and descriptive video services;

[(C) linking networks around issues of national importance (such as elections) or to provide information about

employment opportunities, job training, or student and other social service programs;

[(D) sharing curriculum resources between networks and development of program guides which demonstrate cooperative, cross-network listing of programs for specific curriculum areas;

[(E) providing teacher and student support services, including classroom and training support materials which permit student and teacher involvement in the live interactive distance learning telecasts;

[(F) incorporating community resources, such as libraries and museums, into instructional programs;

[(G) providing professional development for teachers, including, as appropriate, training to early childhood development and Head Start teachers and staff and vocational education teachers and staff, and adult and family educators;

[(H) providing programs for adults to maximize the use of telecommunications facilities and equipment;

[(I) providing teacher training on proposed or established models of exemplary academic content standards in mathematics and science and other disciplines as such standards are developed; and

[(J) providing parent education programs during and after the regular school day which reinforce a student's course of study and actively involve parents in the learning process.

[(13) A description of how the proposed program as a whole will be financed and how arrangements for future financing will be developed before the program expires.

[(14) An assurance that a significant portion of any facilities, equipment, technical assistance, and programming for which assistance is sought for elementary schools and secondary schools will be made available to schools in local educational agencies that have a high percentage of children counted for the purpose of part A of title I.

[(15) An assurance that the applicant will provide such information and cooperate in any evaluation that the Secretary may conduct under this subpart.

[(16) Such additional assurances as the Secretary may reasonably require.

[(c) APPROVAL.—In approving applications submitted under subsection (a) for grants under section 5473, the Secretary shall—

[(1) to the extent feasible, ensure an equitable geographic distribution of services provided under this subpart.

[(2) give priority to applications describing programs that—

[(A) propose high-quality plans, will provide instruction consistent with State academic content standards, or will otherwise provide significant and specific assistance to States and local educational agencies undertaking systemic education reform;

[(B) will provide services to programs serving adults, especially parents, with low levels of literacy;

[(C) will serve schools with significant numbers of children counted for the purposes of part A of title I;

[(D) ensure that the eligible entity will—

[(i) serve the broadest range of institutions, programs providing instruction outside of the school setting, programs serving adults, especially parents, with low levels of literacy, institutions of higher education, teacher training centers, research institutes, and private industry;

[(ii) have substantial academic and teaching capabilities, including the capability of training, retraining, and inservice upgrading of teaching skills and the capability to provide professional development;

[(iii) provide a comprehensive range of courses for educators to teach instructional strategies for students with different skill levels;

[(iv) provide training to participating educators in ways to integrate telecommunications courses into existing school curriculum;

[(v) provide instruction for students, teachers, and parents;

[(vi) serve a multistate area; and

[(vii) give priority to the provision of equipment and linkages to isolated areas; and

[(E) involve a telecommunications entity (such as a satellite, cable, telephone, computer, or public or private television stations) participating in the eligible entity and donating equipment or in-kind services for telecommunications linkages.]

[SEC. 5475. [20 U.S.C. 7255d] OTHER GRANT ASSISTANCE.]

[(a) SPECIAL STATEWIDE NETWORK.—

[(1) IN GENERAL.—The Secretary, in conjunction with the Office of Educational Technology, may provide assistance to a statewide telecommunications network if such network—

[(A) provides 2-way full-motion interactive video and audio communications;

[(B) links together public colleges and universities and secondary schools throughout the State; and

[(C) meets any other requirements determined appropriate by the Secretary.

[(2) MATCHING CONTRIBUTION.—A statewide telecommunications network assisted under paragraph (1) shall contribute, either directly or through private contributions, non-Federal funds equal to not less than 50 percent of the cost of such network.

[(b) SPECIAL LOCAL NETWORK.—

[(1) IN GENERAL.—The Secretary is authorized to provide assistance, on a competitive basis, to a local educational agency, or a consortium of such agencies, to enable such agency or consortium to establish a high-technology demonstration program.

[(2) PROGRAM REQUIREMENTS.—A high-technology demonstration program assisted under paragraph (1) shall—

[(A) include 2-way full-motion interactive video, audio, and text communications;

[(B) link together elementary schools and secondary schools, colleges, and universities;

[(C) provide parent participation and family programs;

[(D) include a staff development program; and

[(E) have a significant contribution and participation from business and industry.

[(3) MATCHING REQUIREMENT.—A local educational agency or consortium receiving a grant under paragraph (1) shall provide, either directly or through private contributions, non-Federal matching funds equal to not less than 50 percent of the amount of the grant.

[(c) TELECOMMUNICATIONS PROGRAMS FOR CONTINUING EDUCATION.—

[(1) AUTHORITY.—The Secretary is authorized to award grants, on a competitive basis, to eligible entities to develop and operate one or more programs that provide online access to educational resources in support of continuing education and curriculum requirements relevant to achieving a secondary school diploma or its recognized equivalent. The program authorized by this subsection shall be designed to advance adult literacy, secondary school completion, and the acquisition of specified competency by the end of the 12th grade.

[(2) APPLICATIONS.—Each eligible entity desiring a grant under this subsection shall submit an application to the Secretary. The application shall include each of the following:

[(A) A demonstration that the applicant will use publicly funded or free public telecommunications infrastructure to deliver video, voice, and data in an integrated service to support and assist in the acquisition of a secondary school diploma or its recognized equivalent.

[(B) An assurance that the content of the materials to be delivered is consistent with the accreditation requirements of the State for which such materials are used.

[(C) To the extent feasible, materials developed in the Federal departments and agencies and under appropriate federally funded programs.

[(D) An assurance that the applicant has the technological and substantive experience to carry out the program.

[(E) Such additional assurances as the Secretary may reasonably require.]

[SEC. 5476. [20 U.S.C. 7255e] ADMINISTRATIVE PROVISIONS.]

[(a) LEADERSHIP, EVALUATION, AND PEER REVIEW.—

[(1) RESERVATION OF FUNDS.—The Secretary may reserve not more than 5 percent of the amount made available to carry out this subpart for a fiscal year for national leadership, evaluation, and peer review activities, which the Secretary may carry out directly or through grants, contracts, and cooperative agreements.

[(2) LEADERSHIP.—Funds reserved for leadership activities under paragraph (1) may be used for—

[(A) disseminating information, including lists and descriptions of services available from grant recipients under this subpart; and

[(B) other activities designed to enhance the quality of distance learning activities nationwide.

[(3) EVALUATION.—Funds reserved for evaluation activities under paragraph (1) may be used to conduct independent evaluations of the activities assisted under this subpart and of distance learning in general, including—

[(A) analyses of distance learning efforts (including such efforts that are, or are not, assisted under this subpart); and

[(B) comparisons of the effects (including student outcomes) of different technologies in distance learning efforts.

[(4) PEER REVIEW.—Funds reserved for peer review activities under paragraph (1) may be used for peer review of—

[(A) applications for grants under this subpart; and

[(B) activities assisted under this subpart.

[(b) COORDINATION.—The Department, the National Science Foundation, the Department of Agriculture, the Department of Commerce, and any other Federal department or agency operating a telecommunications network for educational purposes, shall coordinate the activities assisted under this subpart with the activities of such department or agency relating to a telecommunications network for educational purposes.

[(c) FUNDS FROM OTHER AGENCIES.—The Secretary may accept funds from other Federal departments or agencies to carry out the purposes of this subpart, including funds for the purchase of equipment.

[(d) AVAILABILITY OF FUNDS.—Funds made available to carry out this subpart shall remain available until expended.

[(e) CLOSED CAPTIONING AND DESCRIPTIVE VIDEO.—The Secretary shall encourage each entity receiving funds under this subpart to provide—

[(1) closed captioning of the verbal content of the entity's programming, as appropriate; and

[(2) descriptive video of the visual content of the entity's programming, as appropriate.]

[SEC. 5477. [20 U.S.C. 7255f] DEFINITIONS.]

[In this subpart:

[(1) EDUCATIONAL INSTITUTION.—The term "educational institution" means an institution of higher education, a local educational agency, or a State educational agency.

[(2) ELIGIBLE ENTITY.—The term "eligible entity" includes any of the following that is organized on a Statewide or multistate basis:

[(A) A public agency or corporation established for the purpose of developing and operating telecommunications networks to enhance educational opportunities provided by educational institutions, teacher training centers, and other entities, except that any such agency or corporation shall represent the interests of elementary schools and secondary schools that are eligible to participate in the program under part A of title I.

[(B) A partnership that will provide telecommunications services and that includes three or more of the following

entities, at least one of which shall be an agency described in clause (i) or (ii):

[(i) A local educational agency that serves a significant number of elementary schools and secondary schools that are eligible for assistance under part A of title I, or elementary schools and secondary schools operated or funded for Indian children by the Department of the Interior eligible under section 1121(d)(1)(A).

[(ii) A State educational agency.

[(iii) An adult and family education program.

[(iv) An institution of higher education or a State higher education agency (as that term is defined in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003)).

[(v) A teacher training center or academy that—

[(I) provides teacher preservice and inservice training; and

[(II) receives Federal financial assistance or has been approved by a State agency;

[(vi)(I) A public or private entity with experience and expertise in the planning and operation of a telecommunications network, including entities involved in telecommunications through satellite, cable, telephone, or computer; or

[(II) a public broadcasting entity with such experience.

[(vii) A public or private elementary school or secondary school.

[(3) INSTRUCTIONAL PROGRAMMING.—The term "instructional programming" means courses of instruction and training courses for elementary and secondary students, teachers, and others, and materials for use in such instruction and training that have been prepared in audio and visual form on tape, disc, film, or live, and presented by means of telecommunications devices.

[(4) PUBLIC BROADCASTING ENTITY.—The term "public broadcasting entity" has the same meaning given such term in section 397 of the Communications Act of 1934 (47 U.S.C. 397).]

[Subpart 8—Ready to Teach]

[SEC. 5481. [20 U.S.C. 7257] GRANTS.]

[(a) IN GENERAL.—The Secretary is authorized to award grants to a nonprofit telecommunications entity, or partnership of such entities, for the purpose of carrying out a national telecommunications-based program to improve teaching in core curriculum areas. The program shall be designed to assist elementary school and secondary school teachers in preparing all students to achieve challenging State academic content and student academic achievement standards in core curriculum areas.

[(b) DIGITAL EDUCATIONAL PROGRAMMING.—The Secretary is authorized to award grants, as provided for in section 5484, to eligible entities described in subsection (b) of such section, to enable such

entities to develop, produce, and distribute innovative educational and instructional video programming that is designed for use by elementary schools and secondary schools and based on challenging State academic content and student academic achievement standards. In awarding such grants, the Secretary shall ensure that eligible entities enter into multiyear content development collaborative arrangements with State educational agencies, local educational agencies, institutions of higher education, businesses, or other agencies or organizations.]

[SEC. 5482. [20 U.S.C. 7257a] APPLICATION REQUIRED.]

[(a) GENERAL APPLICATION.—

[(1) IN GENERAL.—To be eligible to receive a grant under section 5481(a), a nonprofit telecommunications entity, or partnership of such entities shall submit an application to the Secretary. Each such application shall—

[(A) demonstrate that the applicant will use the public broadcasting infrastructure, the Internet, and school digital networks, where available, to deliver video and data in an integrated service to train teachers in the use of materials and learning technologies for achieving challenging State academic content and student academic achievement standards;

[(B) ensure that the project for which assistance is sought will be conducted in cooperation with appropriate State educational agencies, local educational agencies, and State or local nonprofit public telecommunications entities;

[(C) ensure that a significant portion of the benefits available for elementary schools and secondary schools from the project for which assistance is sought will be available to schools of local educational agencies that have a high percentage of children counted for the purpose of part A of title I; and

[(D) contain such additional assurances as the Secretary may reasonably require.

[(2) SITES.—In approving applications under paragraph (1), the Secretary shall ensure that the program authorized by section 5481(a) is conducted at elementary school and secondary school sites throughout the United States.

[(b) PROGRAMMING APPLICATION.—To be eligible to receive a grant under section 5481(b), an entity shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.]

[SEC. 5483. [20 U.S.C. 7257b] REPORTS AND EVALUATION.]

[An entity receiving a grant under section 5481(a) shall prepare and submit to the Secretary an annual report that contains such information as the Secretary may require. At a minimum, such report shall describe the program activities undertaken with funds received under the grant, including—

[(1) the core curriculum areas for which program activities have been undertaken and the number of teachers using the program in each core curriculum area; and

[(2) the States in which teachers using the program are located.]

[SEC. 5484. [20 U.S.C. 7257c] DIGITAL EDUCATIONAL PROGRAMMING GRANTS.]

[(a) GRANTS.—The Secretary is authorized to award grants under section 5481(b) to eligible entities to facilitate the development of educational programming that shall—

[(1) include student assessment tools to provide feedback on student academic achievement;

[(2) include built-in teacher utilization and support components to ensure that teachers understand and can easily use the content of the programming with group instruction or for individual student use;

[(3) be created for, or adaptable to, challenging State academic content standards and student academic achievement standards; and

[(4) be capable of distribution through digital broadcasting and school digital networks.

[(b) ELIGIBLE ENTITIES.—To be eligible to receive a grant under section 5481(b), an entity shall be a local public telecommunications entity, as defined in section 397(12) of the Communications Act of 1934, that is able to demonstrate a capacity for the development and distribution of educational and instructional television programming of high quality.

[(c) COMPETITIVE BASIS.—Grants under section 5481(b) shall be awarded on a competitive basis as determined by the Secretary.

[(d) MATCHING REQUIREMENT.—To be eligible to receive a grant under section 5481(b), an entity shall contribute to the activities assisted under such grant non-Federal matching funds in an amount equal to not less than 100 percent of the amount of the grant. Such matching funds may include funds provided for the transition to digital broadcasting, as well as in-kind contributions.

[(e) DURATION.—A grant under section 5481(b) shall be awarded for a period of 3 years in order to provide a sufficient period of time for the creation of a substantial body of significant content.]

[SEC. 5485. [20 U.S.C. 7257d] ADMINISTRATIVE COSTS.]

[An entity that receives a grant under this subpart may not use more than 5 percent of the amount received under the grant for administrative costs.]

[Subpart 9—Foreign Language Assistance Program]

[SEC. 5491. [20 U.S.C. 7259] SHORT TITLE.]

[This subpart may be cited as the "Foreign Language Assistance Act of 2001".]

[SEC. 5492. [20 U.S.C. 7259a] PROGRAM AUTHORIZED.]

[(a) PROGRAM AUTHORITY.—

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

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

[(b) REQUIREMENTS.—

[(1) GRANTS TO STATE EDUCATIONAL AGENCIES.—In awarding a grant under subsection (a) to a State educational agency, the Secretary shall support programs that promote systemic approaches to improving foreign language learning in the State.

[(2) GRANTS TO LOCAL EDUCATIONAL AGENCIES.—In awarding a grant under subsection (a) to a local educational agency, the Secretary shall support programs that—

[(A) show the promise of being continued beyond the grant period;

[(B) demonstrate approaches that can be disseminated and duplicated in other local educational agencies; and

[(C) may include a professional development component.

[(c) FEDERAL SHARE.—

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

[(2) WAIVER.—Notwithstanding paragraph (1), the Secretary may determine the Federal share for any local educational agency which the Secretary determines does not have adequate resources to pay the non-Federal share of the cost of the activities assisted under this subpart.

[(d) SPECIAL RULE.—Not less than ¾ of the funds made available under section 5401 to carry out this subpart shall be used for the expansion of foreign language learning in the elementary grades.

[(e) RESERVATION.—The Secretary may reserve not more than 5 percent of funds made available under section 5401 to carry out this subpart for a fiscal year to evaluate the efficacy of programs assisted under this subpart.]

[SEC. 5493. [20 U.S.C. 7259b] APPLICATIONS.]

[(a) IN GENERAL.—Any State educational agency or local educational agency desiring a grant under this subpart shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require.

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

[(1) include intensive summer foreign language programs for professional development;

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

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

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

[(5) promote innovative activities, such as foreign language immersion, partial foreign language immersion, or content-based instruction; and

[(6) are carried out through a consortium comprised of the agency receiving the grant and an elementary school or secondary school.]

[SEC. 5494. [20 U.S.C. 7259c] ELEMENTARY SCHOOL FOREIGN LANGUAGE INCENTIVE PROGRAM.]

[(a) INCENTIVE PAYMENTS.—From amounts made available under section 5401 to carry out this subpart, the Secretary shall make an incentive payment for each fiscal year to each public elementary school that provides to students attending such school a program designed to lead to communicative competency in a foreign language.

[(b) AMOUNT.—The Secretary shall determine the amount of the incentive payment under subsection (a) for each public elementary school for each fiscal year on the basis of the number of students participating in a program described in such subsection at such school for such year compared to the total number of such students at all such schools in the United States for such year.

[(c) REQUIREMENT.—The Secretary shall consider a program to be designed to lead to communicative competency in a foreign language if such program is comparable to a program that provides not less than 45 minutes of instruction in a foreign language for not fewer than 4 days per week throughout an academic year.]

[Subpart 10—Physical Education]

[SEC. 5501. [20 U.S.C. 7261] SHORT TITLE.]

[This subpart may be cited as the "Carol M. White Physical Education Program".]

[SEC. 5502. [20 U.S.C. 7261a] PURPOSE.]

[The purpose of this subpart is to award grants and contracts to initiate, expand, and improve physical education programs for all kindergarten through 12th-grade students.]

[SEC. 5503. [20 U.S.C. 7261b] PROGRAM AUTHORIZED.]

[(a) AUTHORIZATION.—The Secretary is authorized to award grants to local educational agencies and community-based organizations (such as Boys and Girls Clubs, Boy Scouts and Girl Scouts, and the Young Men's Christian Organization (YMCA) and Young Women's Christian Organization (YWCA)) to pay the Federal share of the costs of initiating, expanding, and improving physical education programs (including after-school programs) for kindergarten through 12th-grade students by—

[(1) providing equipment and support to enable students to participate actively in physical education activities; and

[(2) providing funds for staff and teacher training and education.

[(b) PROGRAM ELEMENTS.—A physical education program funded under this subpart may provide for one or more of the following:

[(1) Fitness education and assessment to help students understand, improve, or maintain their physical well-being.

[(2) Instruction in a variety of motor skills and physical activities designed to enhance the physical, mental, and social or emotional development of every student.

[(3) Development of, and instruction in, cognitive concepts about motor skill and physical fitness that support a lifelong healthy lifestyle.

[(4) Opportunities to develop positive social and cooperative skills through physical activity participation.

[(5) Instruction in healthy eating habits and good nutrition.

[(6) Opportunities for professional development for teachers of physical education to stay abreast of the latest research, issues, and trends in the field of physical education.

[(c) SPECIAL RULE.—For the purpose of this subpart, extracurricular activities, such as team sports and Reserve Officers' Training Corps (ROTC) program activities, shall not be considered as part of the curriculum of a physical education program assisted under this subpart.]

[SEC. 5504. [20 U.S.C. 7261c] APPLICATIONS.]

[(a) SUBMISSION.—Each local educational agency or community-based organization desiring a grant or contract under this subpart shall submit to the Secretary an application that contains a plan to initiate, expand, or improve physical education programs in order to make progress toward meeting State standards for physical education.

[(b) PRIVATE SCHOOL AND HOME-SCHOOLED STUDENTS.—An application for funds under this subpart may provide for the participation, in the activities funded under this subpart, of—

[(1) students enrolled in private nonprofit elementary schools or secondary schools, and their parents and teachers; or

[(2) home-schooled students, and their parents and teachers.]

[SEC. 5505. [20 U.S.C. 7261d] REQUIREMENTS.]

[(a) ANNUAL REPORT TO THE SECRETARY.—In order to continue receiving funding after the first year of a multiyear grant or contract under this subpart, the administrator of the grant or contract for the local educational agency or community-based organization shall submit to the Secretary an annual report that—

[(1) describes the activities conducted during the preceding year; and

[(2) demonstrates that progress has been made toward meeting State standards for physical education.

[(b) ADMINISTRATIVE EXPENSES.—Not more than 5 percent of the grant funds made available to a local educational agency or community-based organization under this subpart for any fiscal year may be used for administrative expenses.]

[SEC. 5506. [20 U.S.C. 7261e] ADMINISTRATIVE PROVISIONS.]

[(a) FEDERAL SHARE.—The Federal share under this subpart may not exceed—

[(1) 90 percent of the total cost of a program for the first year for which the program receives assistance under this subpart; and

[(2) 75 percent of such cost for the second and each subsequent such year.

[(b) PROPORTIONALITY.—To the extent practicable, the Secretary shall ensure that grants awarded under this subpart shall be equitably distributed among local educational agencies and community-based organizations serving urban and rural areas.

[(c) REPORT TO CONGRESS.—Not later than June 1, 2003, the Secretary shall submit a report to Congress that—

[(1) describes the programs assisted under this subpart;

[(2) documents the success of such programs in improving physical fitness; and

[(3) makes such recommendations as the Secretary determines appropriate for the continuation and improvement of the programs assisted under this subpart.

[(d) AVAILABILITY OF FUNDS.—Amounts made available to the Secretary to carry out this subpart shall remain available until expended.]

[SEC. 5507. [20 U.S.C. 7261f] SUPPLEMENT, NOT SUPPLANT.]

[Funds made available under this subpart shall be used to supplement, and not supplant, any other Federal, State, or local funds available for physical education activities.]

[Subpart 11—Community Technology Centers]

[SEC. 5511. [20 U.S.C. 7263] PURPOSE AND PROGRAM AUTHORIZATION.]

[(a) PURPOSE.—It is the purpose of this subpart to assist eligible applicants—

[(1) to create or expand community technology centers that will provide disadvantaged residents of economically distressed urban and rural communities with access to information technology and related training; and

[(2) to provide technical assistance and support to community technology centers.

[(b) PROGRAM AUTHORIZATION.—The Secretary is authorized, in conjunction with the Office of Educational Technology, to award grants, contracts, or cooperative agreements, on a competitive basis, for a period of not more than 3 years, to eligible applicants in order to assist such applicants in—

[(1) creating or expanding community technology centers; or

[(2) providing technical assistance and support to community technology centers.

[(3) SERVICE OF AMERICORPS PARTICIPANTS.—The Secretary may collaborate with the Chief Executive Officer of the Corporation for National and Community Service on the use in community technology centers of participants in National Service programs carried out under subtitle C of title I of the National and Community Service Act of 1990 (42 U.S.C. 12571 et seq.).]

[SEC. 5512. [20 U.S.C. 7263a] ELIGIBILITY AND APPLICATION REQUIREMENTS.]

[(a) ELIGIBLE APPLICANTS.—In order to be eligible to receive an award under this subpart, an applicant shall—

[(1) be an entity (such as a foundation, museum, library, for-profit business, public or private nonprofit organization, or community-based organization), an institution of higher education, a State educational agency, a local education agency, or a consortium of such entities, institutions, or agencies; and

[(2) have the capacity to significantly expand access to computers and related services for disadvantaged residents of economically distressed urban and rural communities (who would otherwise be denied such access).

[(b) APPLICATION REQUIREMENTS.—In order to receive an award under this subpart, an eligible applicant shall submit an application to the Secretary at such time, and containing such information, as the Secretary may require. The application shall include each of the following:

[(1) A description of the proposed project, including a description of the magnitude of the need for the services and how the project would expand access to information technology and related services to disadvantaged residents of an economically distressed urban or rural community.

[(2) A demonstration of—

[(A) the commitment, including the financial commitment, of entities (such as institutions, organizations, business and other groups in the community) that will provide support for the creation, expansion, and continuation of the proposed project; and

[(B) the extent to which the proposed project coordinates with other appropriate agencies, efforts, and organizations providing services to disadvantaged residents of an economically distressed urban or rural community.

[(3) A description of how the proposed project would be sustained once the Federal funds awarded under this subpart end.

[(4) A plan for the evaluation of the program, which shall include benchmarks to monitor progress toward specific project objectives.

[(c) MATCHING REQUIREMENTS.—The Federal share of the cost of any project funded under this subpart shall not exceed 50 percent. The non-Federal share of such project may be in cash or in kind, fairly evaluated, including services.]

[SEC. 5513. [20 U.S.C. 7263b] USES OF FUNDS.]

[(a) REQUIRED USES.—A recipient shall use funds under this subpart for—

[(1) creating or expanding community technology centers that expand access to information technology and related training for disadvantaged residents of distressed urban or rural communities; and

[(2) evaluating the effectiveness of the project.

[(b) PERMISSIBLE USES.—A recipient may use funds under this subpart for activities, described in its application, that carry out the purposes of this subpart, such as—

[(1) supporting a center coordinator, and staff, to supervise instruction and build community partnerships;

[(2) acquiring equipment, networking capabilities, and infrastructure to carry out the project; and

[(3) developing and providing services and activities for community residents that provide access to computers, information technology, and the use of such technology in support of preschool preparation, academic achievement, educational development, and workforce development, such as the following:

[(A) After-school activities in which children and youths use software that provides academic enrichment and assistance with homework, develop their technical skills, explore the Internet, and participate in multimedia activities, including web page design and creation.

[(B) Adult education and family literacy activities through technology and the Internet, including—

[(i) General Education Development, Language Instruction Educational Programs, and adult basic education classes or programs;

[(ii) introduction to computers;

[(iii) intergenerational activities; and

[(iv) educational development opportunities.

[(C) Career development and job preparation activities, such as—

[(i) training in basic and advanced computer skills;

[(ii) resume writing workshops; and

[(iii) access to databases of employment opportunities, career information, and other online materials.

[(D) Small business activities, such as—

[(i) computer-based training for basic entrepreneurial skills and electronic commerce; and

[(ii) access to information on business start-up programs that is available online, or from other sources.

[(E) Activities that provide home access to computers and technology, such as assistance and services to promote the acquisition, installation, and use of information technology in the home through low-cost solutions such as networked computers, web-based television devices, and other technology.]

[Subpart 12—Educational, Cultural, Apprenticeship, and Exchange Programs for Alaska Natives, Native Hawaiians, and Their Historical Whaling and Trading Partners in Massachusetts]

[SEC. 5521. [20 U.S.C. 7265] SHORT TITLE.]

[This subpart may be cited as the "Alaska Native and Native Hawaiian Education Through Cultural and Historical Organizations Act".]

[SEC. 5522. [20 U.S.C. 7265a] FINDINGS AND PURPOSES.]

[(a) FINDINGS.—Congress finds the following:

[(1) Alaska Natives and Native Hawaiians have been linked for over 200 years to the coastal towns of Salem, Massachusetts, and New Bedford, Massachusetts, through the China trade from Salem and whaling voyages from New Bedford.

[(2) Nineteenth-century trading ships sailed from Salem, Massachusetts, around Cape Horn of South America, and up the Northwest coast of the United States to Alaska, where their crews traded with Alaska Native people for furs, and then went on to Hawaii to trade for sandalwood with Native Hawaiians before going on to China.

[(3) During the 19th century, over 2,000 whaling voyages sailed out of New Bedford, Massachusetts to the Arctic region of Alaska, and joined Alaska Natives from Barrow, Alaska and other areas in the Arctic region in subsistence whaling activities.

[(4) Many New Bedford whaling voyages continued on to Hawaii, where they joined Native Hawaiians from the neighboring islands.

[(5) From those commercial and whaling voyages, a rich cultural exchange and strong trading relationships developed among the three peoples involved.

[(6) In the past decades, awareness of the historical trading, cultural, and whaling links has faded among Alaska Natives, Native Hawaiians, and the people of the continental United States.

[(7) In 2000, the Alaska Native Heritage Center in Alaska, the Bishop Museum in Hawaii, and the Peabody-Essex Museum in Massachusetts initiated the New Trade Winds project to use 21st-century technology, including the Internet, to educate students and their parents about historic and contemporary cultural and trading ties that continue to link the diverse cultures of the peoples involved.

[(8) The New Bedford Whaling Museum, in partnership with the New Bedford Whaling National Historical Park, has developed a cultural exchange and educational program with the Inupiat Heritage Center in Barrow, Alaska to bring together the children, parents, and elders from the Arctic region of Alaska with children and families of Massachusetts to learn about their historical ties and about each other's contemporary cultures.

[(9) Within the fast-growing cultural sector, meaningful educational and career opportunities based on traditional relationships exist for Alaska Natives, Native Hawaiians, and low-income youth in Massachusetts.

[(10) Cultural institutions can provide practical, culturally relevant, education-related internship and apprentice programs, such as the Museum Action Corps at the Peabody-Essex Museum and similar programs at the New Bedford Oceanarium and other institutions, to prepare youths and their families for careers in the cultural sector.

[(11) The resources of the institutions described in paragraphs (7) and (8) provide unique opportunities for illustrating and interpreting the contributions of Alaska Natives, Native Hawaiians, the whaling industry, and the China trade to the economic, social, and environmental history of the United States, for educating students and their parents, and for providing opportunities for internships and apprenticeships leading to careers with cultural institutions.

[(b) PURPOSES.—The purposes of this subpart are the following:

[(1) To authorize and develop innovative culturally-based educational programs and cultural exchanges to assist Alaska Natives, Native Hawaiians, and children and families of Massachusetts linked by history and tradition to Alaska and Hawaii to learn about shared culture and traditions.

[(2) To authorize and develop internship and apprentice programs to assist Alaska Natives, Native Hawaiians, and children and families of Massachusetts linked by history and tradition with Alaska and Hawaii to prepare for careers with cultural institutions.

[(3) To supplement programs and authorities in the area of education to further the objectives of this subpart.

[(4) To authorize and develop cultural and educational programs relating to any Federally recognized Indian tribe in Mississippi.]

[SEC. 5523. [20 U.S.C. 7265b] PROGRAM AUTHORIZATION.]

[(a) GRANTS AND CONTRACTS.—In order to carry out programs that fulfill the purposes of this subpart, the Secretary is authorized to make grants to, or enter into contracts with, the following:

[(1) The Alaska Native Heritage Center in Anchorage, Alaska.

[(2) The Inupiat Heritage Center in Barrow, Alaska.

[(3) The Bishop Museum in Hawaii.

[(4) The Peabody-Essex Museum in Salem, Massachusetts.

[(5) The New Bedford Whaling Museum and the New Bedford Oceanarium in New Bedford, Massachusetts.

[(6) The Mississippi Band of Choctaw Indians in Choctaw, Mississippi.

[(7) Other Alaska Native and Native Hawaiian cultural and educational organizations.

[(8) Cultural and educational organizations with experience in developing or operating programs that illustrate and interpret the contributions of Alaska Natives, Native Hawaiians, the whaling industry, and the China trade to the economic, social, and environmental history of the United States.

[(9) Consortia of the organizations and entities described in this subsection.

[(b) USES OF FUNDS.—Activities provided through programs carried out under this subpart may include one or more of the following:

[(1) Development and implementation of educational programs to increase understanding of cultural diversity and multicultural communication among Alaska Natives, Native Hawaiians, and the people of the continental United States, based on historic patterns of trading and commerce.

[(2) Development and implementation of programs using modern technology, including the Internet, to educate students, their parents, and teachers about historic and contemporary cultural and trading ties that continue to link the diverse cultures of Alaska Natives, Native Hawaiians, and the people of Massachusetts.

[(3) Cultural exchanges of elders, students, parents, and teachers among Alaska Natives, Native Hawaiians, and the people of Massachusetts to increase awareness of diverse cultures among each group.

[(4) Sharing of collections among cultural institutions designed to increase awareness of diverse cultures and links among them.

[(5) Development and implementation of internship and apprentice programs in cultural institutions to train Alaska Natives, Native Hawaiians, and low-income students in Massachusetts for careers with cultural institutions.

[(6) Other activities, consistent with the purposes of this subpart, to meet the educational needs of Alaska Natives, Native Hawaiians, and students and their parents in Massachusetts.

[(7) Cultural and educational programs relating to any Federally recognized Indian tribe in Mississippi.]

[SEC. 5524. [20 U.S.C. 7265c] ADMINISTRATIVE PROVISIONS.]

[(a) APPLICATION REQUIRED.—No grant may be made under this subpart, and no contract may be entered into under this subpart, unless the entity seeking the grant or contract submits an application to the Secretary at such time, in such manner, and containing such information as the Secretary may determine to be necessary to carry out the provisions of this subpart.

[(b) LOCAL EDUCATIONAL AGENCY COORDINATION.—Each applicant for a grant or contract under this subpart shall inform each local educational agency serving students who will participate in the program to be carried out under the grant or contract about the application.]

[SEC. 5525. [20 U.S.C. 7265d] AVAILABILITY OF FUNDS.]

[If sufficient funds are made available under section 5401 to carry out this subpart for a fiscal year, the Secretary shall make available, to support activities described in section 5523(b), the following amounts:

[(1) Not less than $2,000,000 each to—

[(A) the New Bedford Whaling Museum, in partnership with the New Bedford Oceanarium, in Massachusetts;

[(B) the Inupiat Heritage Center in Alaska; and

[(C) the Mississippi Band of Choctaw Indians in Choctaw, Mississippi.

[(2) For the New Trade Winds project, not less than $1,000,000 each to—

[(A) the Alaska Native Heritage Center in Alaska;

[(B) the Bishop Museum in Hawaii; and

[(C) the Peabody-Essex Museum in Massachusetts.

[(3) For internship and apprenticeship programs (including the Museum Action Corps of the Peabody-Essex Museum), not less than $1,000,000 each to—

[(A) the Alaska Native Heritage Center in Alaska;

[(B) the Bishop Museum in Hawaii; and

[(C) the Peabody-Essex Museum in Massachusetts.]

[SEC. 5526. [20 U.S.C. 7265e] DEFINITIONS.]

[In this subpart:

[(1) ALASKA NATIVE.—The term "Alaska Native" has the meaning given that term in section 7306.

[(2) NATIVE HAWAIIAN.—The term "Native Hawaiian" has the meaning given that term in section 7207.]

[Subpart 13—Excellence in Economic Education]

[SEC. 5531. [20 U.S.C. 7267] SHORT TITLE.]

[This subpart may be cited as the "Excellence in Economic Education Act of 2001".]

[SEC. 5532. [20 U.S.C. 7267a] PURPOSE AND GOALS.]

[(a) PURPOSE.—The purpose of this subpart is to promote economic and financial literacy among all students in kindergarten through grade 12 by awarding a competitive grant to a national nonprofit educational organization that has as its primary purpose the improvement of the quality of student understanding of personal finance and economics.

[(b) OBJECTIVES.—The objectives of this subpart are the following:

[(1) To increase students' knowledge of, and achievement in, economics to enable the students to become more productive and informed citizens.

[(2) To strengthen teachers' understanding of, and competency in, economics to enable the teachers to increase student mastery of economic principles and the practical application of those principles.

[(3) To encourage economic education research and development, to disseminate effective instructional materials, and to promote replication of best practices and exemplary programs that foster economic literacy.

[(4) To assist States in measuring the impact of education in economics.

[(5) To leverage and expand private and public support for economic education partnerships at national, State, and local levels.]

[SEC. 5533. [20 U.S.C. 7267b] GRANT PROGRAM AUTHORIZED.]

[(a) AUTHORIZATION.—The Secretary is authorized to award a competitive grant to a national nonprofit educational organization that has as its primary purpose the improvement of the quality of student understanding of personal finance and economics through effective teaching of economics in the Nation's classrooms (referred to in this subpart as the "grantee").

[(b) USES OF FUNDS.—

[(1) DIRECT ACTIVITIES.—The grantee shall use 25 percent of the funds made available through the grant for a fiscal year—

[(A) to strengthen and expand the grantee's relationships with State and local personal finance, entrepreneurial, and economic education organizations;

[(B) to support and promote training of teachers who teach a grade from kindergarten through grade 12 regarding economics, including the dissemination of information on effective practices and research findings regarding the teaching of economics;

[(C) to support research on effective teaching practices and the development of assessment instruments to document student understanding of personal finance and economics; and

[(D) to develop and disseminate appropriate materials to foster economic literacy.

[(2) SUBGRANTS.—The grantee shall use 75 percent of the funds made available through the grant for a fiscal year to award subgrants to State educational agencies or local educational agencies, and State or local economic, personal finance, or entrepreneurial education organizations (referred to in this section as the "recipient"). The grantee shall award such a subgrant to pay for the Federal share of the cost of enabling the recipient to work in partnership with one or more of the entities described in paragraph (3) for one or more of the following purposes:

[(A) Collaboratively establishing and conducting teacher training programs that use effective and innovative approaches to the teaching of economics, personal finance, and entrepreneurship.

[(B) Providing resources to school districts that desire to incorporate economics and personal finance into the curricula of the schools in the districts.

[(C) Conducting evaluations of the impact of economic and financial literacy education on students.

[(D) Conducting economic and financial literacy education research.

[(E) Creating and conducting school-based student activities to promote consumer, economic, and personal finance education (such as saving, investing, and entrepreneurial education) and to encourage awareness and student academic achievement in economics.

[(F) Encouraging replication of best practices to promote economic and financial literacy.

[(3) PARTNERSHIP ENTITIES.—The entities described in this paragraph are the following:

[(A) A private sector entity.

[(B) A State educational agency.

[(C) A local educational agency.

[(D) An institution of higher education.

[(E) An organization promoting economic development.

[(F) An organization promoting educational excellence.

[(G) An organization promoting personal finance or entrepreneurial education.]

[SEC. 5534. [20 U.S.C. 7267c] APPLICATIONS.]

[(a) GRANTEE APPLICATIONS.—To be eligible to receive a grant under this subpart, the grantee shall submit to the Secretary an application at such time, in such manner, and accompanied by such information as the Secretary may require.

[(b) RECIPIENT APPLICATIONS.—

[(1) SUBMISSION.—To be eligible to receive a subgrant under this section, a recipient shall submit an application to the grantee at such time, in such manner, and accompanied by such information as the grantee may require.

[(2) REVIEW.—The grantee shall invite the individuals described in paragraph (3) to review all applications from recipients for a subgrant under this section and to make rec-

ommendations to the grantee regarding the approval of the applications.

[(3) REVIEWERS.—The individuals described in this paragraph are the following:

[(i) Leaders in the fields of economics and education.

[(ii)[1] Such other individuals as the grantee determines to be necessary, especially members of the State and local business, banking, and finance communities.]

[SEC. 5535. [20 U.S.C. 7267d] REQUIREMENTS.]

[(a) ADMINISTRATIVE COSTS.—The grantee and each recipient receiving a subgrant under this subpart for a fiscal year may use not more than 5 percent of the funds made available through the grant or subgrant for administrative costs.

[(b) TEACHER TRAINING PROGRAMS.—In carrying out the teacher training programs described in section 5533(b)(2)(A), a recipient shall—

[(1) train teachers who teach a grade from kindergarten through grade 12; and

[(2) encourage teachers from disciplines other than economics and financial literacy to participate in such teacher training programs, if the training will promote the economic and financial literacy of those teachers' students.

[(c) INVOLVEMENT OF BUSINESS COMMUNITY.—In carrying out the activities assisted under this subpart, the grantee and recipients are strongly encouraged to—

[(1) include interactions with the local business community to the fullest extent possible to reinforce the connection between economic and financial literacy and economic development; and

[(2) work with private businesses to obtain matching contributions for Federal funds and assist recipients in working toward self-sufficiency.

[(d) ADDITIONAL REQUIREMENTS AND TECHNICAL ASSISTANCE.—The grantee shall—

[(1) meet such other requirements as the Secretary determines to be necessary to assure compliance with this section; and

[(2) receive from the Secretary such technical assistance as may be necessary to carry out this section.]

[SEC. 5536. [20 U.S.C. 7267e] ADMINISTRATIVE PROVISIONS.]

[(a) FEDERAL SHARE.—The Federal share of the cost described in section 5533(b)(2) shall be 50 percent.

[(b) PAYMENT OF NON-FEDERAL SHARE.—The non-Federal share may be paid in cash or in kind (fairly evaluated, including plant, equipment, or services).

[(c) REPORTS TO CONGRESS.—Not later than 2 years after the date funds are first made available to carry out this subpart, and every 2 years thereafter, the Secretary shall submit to the appropriate committees of Congress a report regarding activities assisted under this subpart.]

[SEC. 5537. [20 U.S.C. 7267f] SUPPLEMENT, NOT SUPPLANT.]

[Funds made available to carry out this subpart shall be used to supplement, and not supplant, other Federal, State, and local funds expended for the purpose described in section 5532(a).]

[Subpart 14—Grants to Improve the Mental Health of Children]

[SEC. 5541. [20 U.S.C. 7269] GRANTS FOR THE INTEGRATION OF SCHOOLS AND MENTAL HEALTH SYSTEMS.]

[(a) AUTHORIZATION.—The Secretary is authorized to award grants to, or enter into contracts or cooperative agreements with, State educational agencies, local educational agencies, or Indian tribes, for the purpose of increasing student access to quality mental health care by developing innovative programs to link local school systems with the local mental health system.

[(b) DURATION.—With respect to a grant, contract, or cooperative agreement awarded or entered into under this section, the period during which payments under such grant, contract or agreement are made to the recipient may not exceed 5 years.

[(c) USE OF FUNDS.—A State educational agency, local educational agency, or Indian tribe that receives a grant, contract, or cooperative agreement under this section shall use amounts made available through such grant, contract, or cooperative agreement for the following:

[(1) To enhance, improve, or develop collaborative efforts between school-based service systems and mental health service systems to provide, enhance, or improve prevention, diagnosis, and treatment services to students.

[(2) To enhance the availability of crisis intervention services, appropriate referrals for students potentially in need of mental health services, and ongoing mental health services.

[(3) To provide training for the school personnel and mental health professionals who will participate in the program carried out under this section.

[(4) To provide technical assistance and consultation to school systems and mental health agencies and families participating in the program carried out under this section.

[(5) To provide linguistically appropriate and culturally competent services.

[(6) To evaluate the effectiveness of the program carried out under this section in increasing student access to quality mental health services, and make recommendations to the Secretary about sustainability of the program.

[(d) APPLICATIONS.—To be eligible to receive a grant, contract, or cooperative agreement under this section, a State educational agency, local educational agency, or Indian tribe shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. The application shall include each of the following:

[(1) A description of the program to be funded under the grant, contract, or cooperative agreement.

[(2) A description of how such program will increase access to quality mental health services for students.

[(3) A description of how the applicant will establish a crisis intervention program to provide immediate mental health services to the school community when necessary.

[(4) An assurance that—

[(A) persons providing services under the grant, contract, or cooperative agreement are adequately trained to provide such services;

[(B) the services will be provided in accordance with subsection (c);

[(C) teachers, principal administrators, and other school personnel are aware of the program; and

[(D) parents of students participating in services under this section will be involved in the design and implementation of the services.

[(5) An explanation of how the applicant will support and integrate existing school-based services with the program to provide appropriate mental health services for students.

[(6) An explanation of how the applicant will establish a program that will support students and the school in maintaining an environment conducive to learning.

[(e) INTERAGENCY AGREEMENTS.—

[(1) DESIGNATION OF LEAD AGENCY.—The recipient of each grant, contract, or cooperative agreement shall designate a lead agency to direct the establishment of an interagency agreement among local educational agencies, juvenile justice authorities, mental health agencies, and other relevant entities in the State, in collaboration with local entities and parents and guardians of students.

[(2) CONTENTS.—The interagency agreement shall ensure the provision of the services described in subsection (c), specifying with respect to each agency, authority, or entity—

[(A) the financial responsibility for the services;

[(B) the conditions and terms of responsibility for the services, including quality, accountability, and coordination of the services; and

[(C) the conditions and terms of reimbursement among the agencies, authorities, or entities that are parties to the interagency agreement, including procedures for dispute resolution.

[(f) EVALUATION.—The Secretary shall evaluate each program carried out by a State educational agency, local educational agency, or Indian tribe under this section and shall disseminate the findings with respect to each such evaluation to appropriate public and private entities.

[(g) DISTRIBUTION OF AWARDS.—The Secretary shall ensure that grants, contracts, and cooperative agreements awarded or entered into under this section are equitably distributed among the geographical regions of the United States and among urban, suburban, and rural populations.

[(h) RULE OF CONSTRUCTION.—Nothing in Federal law shall be construed—

[(1) to prohibit an entity involved with a program carried out under this section from reporting a crime that is committed by a student to appropriate authorities; or

[(2) to prevent State law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to crimes committed by a student.

[(i) SUPPLEMENT, NOT SUPPLANT.—Any services provided through programs carried out under this section must supplement, and not supplant, existing mental health services, including any services required to be provided under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).]

[SEC. 5542. [20 U.S.C. 7269a] PROMOTION OF SCHOOL READINESS THROUGH EARLY CHILDHOOD EMOTIONAL AND SOCIAL DEVELOPMENT.]

[(a) AUTHORIZATION.—The Secretary, in consultation with the Secretary of Health and Human Services, may award grants (to be known as "Foundations for Learning Grants") to local educational agencies, local councils, community-based organizations, and other public or nonprofit private entities to assist eligible children to become ready for school.

[(b) APPLICATIONS.—To be eligible to receive a grant under this section, a local educational agency, local council, community-based organization, or other public or nonprofit private entity, or a combination of such entities, shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require. The application shall include each of the following:

[(1) A description of the population that the applicant intends to serve and the types of services to be provided under the grant.

[(2) A description of the manner in which services under the grant will be coordinated with existing similar services provided by public and nonprofit private entities within the State.

[(3) An assurance that—

[(A) services under the grant shall be provided by or under the supervision of qualified professionals with expertise in early childhood development;

[(B) such services shall be culturally competent;

[(C) such services shall be provided in accordance with subsection (c);

[(D) funds received under this section shall be used to supplement, and not supplant, non-Federal funds; and

[(E) parents of students participating in services under this section will be involved in the design and implementation of the services.

[(c) USES OF FUNDS.—A local educational agency, local council, community-based organization, or other public or nonprofit private entity that receives funds under this section may use such funds to benefit eligible children, for one or more of the following:

[(1) To deliver services to eligible children and their families that foster eligible children's emotional, behavioral, and social development and take into consideration the characteristics described in subsection (f)(1).

[(2) To coordinate and facilitate access by eligible children and their families to the services available through community resources, including mental health, physical health, substance

abuse, educational, domestic violence prevention, child welfare, and social services.

[(3) To provide ancillary services such as transportation or child care in order to facilitate the delivery of any other services or activities authorized by this section.

[(4) To develop or enhance early childhood community partnerships and build toward a community system of care that brings together child-serving agencies or organizations to provide individualized supports for eligible children and their families.

[(5) To evaluate the success of strategies and services provided pursuant to this section in promoting young children's successful entry to school and to maintain data systems required for effective evaluations.

[(6) To pay for the expenses of administering the activities authorized under this section, including assessment of children's eligibility for services.

[(d) LIMITATIONS.—

[(1) SERVICES NOT OTHERWISE FUNDED.—A local educational agency, local council, community-based organization, or other public or nonprofit private entity may use funds under this section only to pay for services that cannot be paid for using other Federal, State, or local public resources or through private insurance.

[(2) ADMINISTRATIVE EXPENSES.—A grantee may not use more than 3 percent of the amount of the grant to pay the administrative expenses described in subsection (c)(6).

[(e) EVALUATIONS.—The Secretary shall directly evaluate, or enter into a contract for an outside evaluation of, each program carried out under this section and shall disseminate the findings with respect to such evaluation to appropriate public and private entities.

[(f) DEFINITIONS.—In this section:

[(1) ELIGIBLE CHILD.—The term "eligible child" means a child who has not attained the age of 7 years, and to whom two or more of the following characteristics apply:

[(A) The child has been abused, maltreated, or neglected.

[(B) The child has been exposed to violence.

[(C) The child has been homeless.

[(D) The child has been removed from child care, Head Start, or preschool for behavioral reasons or is at risk of being so removed.

[(E) The child has been exposed to parental depression or other mental illness.

[(F) The family income with respect to the child is below 200 percent of the poverty line.

[(G) The child has been exposed to parental substance abuse.

[(H) The child has had early behavioral and peer relationship problems.

[(I) The child had a low birth weight.

[(J) The child has a cognitive deficit or developmental disability.

[(2) LOCAL COUNCIL.—The term "local council" means a council that is established or designated by a local government entity, Indian tribe, regional corporation, or native Hawaiian entity, as appropriate, which is composed of representatives of local agencies directly affected by early learning programs, parents, key community leaders, and other individuals concerned with early learning issues in the locality, such as elementary education, child care resource and referral services, early learning opportunities, child care, and health services.

[(3) PROVIDER OF EARLY CHILDHOOD SERVICES.—The term "provider of early childhood services" means a public or private entity that has regular contact with young children, including child welfare agencies, child care providers, Head Start and Early Head Start providers, preschools, kindergartens, libraries, mental health professionals, family courts, homeless shelters, and primary care providers.]

[Subpart 15—Arts in Education]

[SEC. 5551. [20 U.S.C. 7271] ASSISTANCE FOR ARTS EDUCATION.]

[(a) PURPOSES.—The purposes of this subpart are the following:

[(1) To support systemic education reform by strengthening arts education as an integral part of the elementary school and secondary school curriculum.

[(2) To help ensure that all students meet challenging State academic content standards and challenging State student academic achievement standards in the arts.

[(3) To support the national effort to enable all students to demonstrate competence in the arts.

[(b) AUTHORITY.—The Secretary is authorized to make grants to, or enter into contracts or cooperative agreements with, eligible entities described in subsection (c).

[(c) ELIGIBLE ENTITIES.—The Secretary may make assistance available under subsection (b) to each of the following eligible entities:

[(1) State educational agencies.

[(2) Local educational agencies.

[(3) Institutions of higher education.

[(4) Museums or other cultural institutions.

[(5) Any other public or private agencies, institutions, or organizations.

[(d) USE OF FUNDS.—Assistance made available under this subpart may be used for any of the following:

[(1) Research on arts education.

[(2) Planning, developing, acquiring, expanding, improving, or disseminating information about model school-based arts education programs.

[(3) The development of model State arts education assessments based on State academic achievement standards.

[(4) The development and implementation of curriculum frameworks for arts education.

[(5) The development of model inservice professional development programs for arts educators and other instructional staff.

[(6) Supporting collaborative activities with Federal agencies or institutions involved in arts education, arts educators, and organizations representing the arts, including State and local arts agencies involved in arts education.

[(7) Supporting model projects and programs in the performing arts for children and youth through arrangements made with the John F. Kennedy Center for the Performing Arts.

[(8) Supporting model projects and programs by Very Special Arts which assure the participation in mainstream settings in arts and education programs of individuals with disabilities.

[(9) Supporting model projects and programs to integrate arts education into the regular elementary school and secondary school curriculum.

[(10) Other activities that further the purposes of this subpart.

[(e) SPECIAL RULE.—If the amount made available to the Secretary to carry out this subpart for any fiscal year is $15,000,000 or less, then such amount shall only be available to carry out the activities described in paragraphs (7) and (8) of subsection (d).

[(f) CONDITIONS.—As conditions of receiving assistance made available under this subpart, the Secretary shall require each entity receiving such assistance—

[(1) to coordinate, to the extent practicable, each project or program carried out with such assistance with appropriate activities of public or private cultural agencies, institutions, and organizations, including museums, arts education associations, libraries, and theaters; and

[(2) to use such assistance only to supplement, and not to supplant, any other assistance or funds made available from non-Federal sources for the activities assisted under this subpart.

[(g) CONSULTATION.—In carrying out this subpart, the Secretary shall consult with Federal agencies or institutions, arts educators (including professional arts education associations), and organizations representing the arts (including State and local arts agencies involved in arts education).]

[Subpart 16—Parental Assistance and Local Family Information Centers]

[SEC. 5561. [20 U.S.C. 7273] PURPOSES.]

[The purposes of this subpart are the following:

[(1) To provide leadership, technical assistance, and financial support to nonprofit organizations (including statewide nonprofit organizations) and local educational agencies to help the organizations and agencies implement successful and effective parental involvement policies, programs, and activities that lead to improvements in student academic achievement.

[(2) To strengthen partnerships among parents (including parents of children from birth through age 5), teachers, principals, administrators, and other school personnel in meeting the educational needs of children.

[(3) To develop and strengthen the relationship between parents and their children's school.

[(4) To further the developmental progress of children assisted under this subpart.

[(5) To coordinate activities funded under this subpart with parental involvement initiatives funded under section 1118 and other provisions of this Act.

[(6) To provide a comprehensive approach to improving student learning, through coordination and integration of Federal, State, and local services and programs.]

[SEC. 5562. [20 U.S.C. 7273a] GRANTS AUTHORIZED.]

[(a) PARENTAL INFORMATION AND RESOURCE CENTERS.—The Secretary is authorized to award grants in each fiscal year to nonprofit organizations (including statewide nonprofit organizations), and consortia of such organizations and local educational agencies, to establish school-linked or school-based parental information and resource centers that provide comprehensive training, information, and support to—

[(1) parents of children enrolled in elementary schools and secondary schools;

[(2) individuals who work with the parents of children enrolled in elementary schools and secondary schools;

[(3) State educational agencies, local educational agencies, schools, organizations that support family-school partnerships (such as parent-teacher associations and Parents as Teachers organizations), and other organizations that carry out parent education and family involvement programs; and

[(4) parents of children from birth through age 5.

[(b) GEOGRAPHIC DISTRIBUTION.—In awarding grants under this subpart, the Secretary shall, to the extent practicable, ensure that such grants are distributed in all geographic regions of the United States.]

[SEC. 5563. [20 U.S.C. 7273b] APPLICATIONS.]

[(a) SUBMISSION.—Each nonprofit organization (including a statewide nonprofit organization), or a consortia of such an organization and a local educational agency, that desires a grant under this subpart shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

[(b) CONTENTS.—Each application submitted under subsection (a), at a minimum, shall include assurances that the organization or consortium will—

[(1)(A) be governed by a board of directors the membership of which includes parents; or

[(B) be an organization or consortium that represents the interests of parents;

[(2) establish a special advisory committee the membership of which includes—

[(A) parents of children enrolled in elementary schools and secondary schools, who shall constitute a majority of the members of the special advisory committee;

[(B) representatives of education professionals with expertise in improving services for disadvantaged children; and

[(C) representatives of local elementary schools and secondary schools, including students and representatives from local youth organizations;

[(3) use at least 50 percent of the funds received under this subpart in each fiscal year to serve areas with high concentrations of low-income families, in order to serve parents who are severely educationally or economically disadvantaged;

[(4) operate a center of sufficient size, scope, and quality to ensure that the center is adequate to serve the parents in the area;

[(5) serve both urban and rural areas;

[(6) design a center that meets the unique training, information, and support needs of parents of children enrolled in elementary schools and secondary schools, particularly such parents who are educationally or economically disadvantaged;

[(7) demonstrate the capacity and expertise to conduct the effective training, information, and support activities for which assistance is sought;

[(8) network with—

[(A) local educational agencies and schools;

[(B) parents of children enrolled in elementary schools and secondary schools;

[(C) parent training and information centers assisted under section 671 of the Individuals with Disabilities Education Act;

[(D) clearinghouses; and

(E) other organizations and agencies;

[(9) focus on serving parents of children enrolled in elementary schools and secondary schools who are parents of low-income, minority, and limited English proficient children;

[(10) use at least 30 percent of the funds received under this subpart in each fiscal year to establish, expand, or operate Parents as Teachers programs, Home Instruction for Preschool Youngsters programs, or other early childhood parent education programs;

[(11) provide assistance to parents in areas such as understanding State and local standards and measures of student and school academic achievement;

[(12) work with State educational agencies and local educational agencies to determine parental needs and the best means for delivery of services;

[(13) identify and coordinate Federal, State, and local services and programs that support improved student learning, including programs supported under this Act, violence prevention programs, nutrition programs, housing programs, Head Start programs, adult education, and job training; and

[(14) work with and foster partnerships with other agencies that provide programs and deliver services described in paragraph (13) to make such programs and services more accessible to children and families.]

[SEC. 5564. [20 U.S.C. 7273c] USES OF FUNDS.]

[(a) IN GENERAL.—Grant funds received under this subpart shall be used for one or more of the following:

[(1) To assist parents in participating effectively in their children's education and to help their children meet State and local standards, such as assisting parents—

[(A) to engage in activities that will improve student academic achievement, including understanding the accountability systems in place within their State educational agency and local educational agency and understanding their children's educational academic achievement in comparison to State and local standards;

[(B) to provide follow-up support for their children's educational achievement;

[(C) to communicate effectively with teachers, principals, counselors, administrators, and other school personnel;

[(D) to become active participants in the development, implementation, and review of school-parent compacts, parent involvement policies, and school planning and improvement;

[(E) to participate in the design and provision of assistance to students who are not making adequate academic progress;

[(F) to participate in State and local decisionmaking; and

[(G) to train other parents (such as training related to Parents as Teachers activities).

[(2) To obtain information about the range of options, programs, services, and resources available at the national, State, and local levels to assist parents and school personnel who work with parents.

[(3) To help the parents learn and use the technology applied in their children's education.

[(4) To plan, implement, and fund activities for parents that coordinate the education of their children with other Federal, State, and local services and programs that serve their children or their families.

[(5) To provide support for State or local educational personnel, if the participation of such personnel will further the activities assisted under the grant.

[(6) To coordinate and integrate early childhood programs with school-age programs.

[(b) PERMISSIVE ACTIVITIES.—Grant funds received under this subpart may be used to assist schools with activities including one or more of the following:

[(1) Developing and implementing the schools' plans or activities under sections 1118 and 1119.

[(2) Developing and implementing school improvement plans, including addressing problems that develop in the implementation of the schools' plans or activities under sections 1118 and 1119.

[(3) Providing information about assessment and individual results to parents in a manner and a language the family can understand.

[(4) Coordinating the efforts of Federal, State, and local parent education and family involvement initiatives.

[(5) Providing training, information, and support to—

[(A) State educational agencies;

[(B) local educational agencies and schools, especially low-performing local educational agencies and schools; and

[(C) organizations that support family-school partnerships.]

[SEC. 5565. [20 U.S.C. 7273d] ADMINISTRATIVE PROVISIONS.]

[(a) MATCHING FUNDS FOR GRANT RENEWAL.—For each fiscal year after the first fiscal year in which an organization or consortium receives assistance under this subpart, the organization or consortium shall demonstrate in the application submitted for such fiscal year, that a portion of the services provided by the organization or consortium is supported through non-Federal contributions, which contributions may be in cash or in kind.

[(b) SUBMISSION OF INFORMATION.—

[(1) IN GENERAL.—Each organization or consortium receiving assistance under this subpart shall submit to the Secretary, on an annual basis, information concerning the parental information and resource centers assisted under this subpart, including the following information:

[(A) The number of parents (including the number of minority and limited English proficient parents) who receive information and training.

[(B) The types and modes of training, information, and support provided under this subpart.

[(C) The strategies used to reach and serve parents of minority and limited English proficient children, parents with limited literacy skills, and other parents in need of the services provided under this subpart.

[(D) The parental involvement policies and practices used by the center and an evaluation of whether such policies and practices are effective in improving home-school communication, student academic achievement, student and school academic achievement, and parental involvement in school planning, review, and improvement.

[(E) The effectiveness of the activities that local educational agencies and schools are carrying out, with regard to parental involvement and other activities assisted under this Act, that lead to improved student academic achievement and improved student and school academic achievement.

[(2) DISSEMINATION.—The Secretary shall disseminate annually to Congress and the public the information that each organization or consortium submits under paragraph (1).

[(c) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance, by grant or contract, for the establishment, development, and coordination of parent training, information, and support programs and parental information and resource centers.

[(d) RULE OF CONSTRUCTION.—Nothing in this subpart shall be construed to prohibit a parental information and resource center from—

[(1) having its employees or agents meet with a parent at a site that is not on school grounds; or

[(2) working with another agency that serves children.

[(e) PARENTAL RIGHTS.—Notwithstanding any other provision of this subpart—

[(1) no person (including a parent who educates a child at home, a public school parent, or a private school parent) shall be required to participate in any program of parent education or developmental screening under this subpart; and

[(2) no program or center assisted under this subpart shall take any action that infringes in any manner on the right of a parent to direct the education of their children.

[(f) CONTINUATION OF AWARDS.—The Secretary shall use funds made available under this subpart to continue to make grant or contract payments to each entity that was awarded a multiyear grant or contract under title IV of the Goals 2000: Educate America Act (as such title was in effect on the day before the date of enactment of the No Child Left Behind Act of 2001) for the duration of the grant or contract award.]

[SEC. 5566. [20 U.S.C. 7273e] LOCAL FAMILY INFORMATION CENTERS.]

[(a) IN GENERAL.—If the amount made available to carry out this subpart for a fiscal year is more than $50,000,000, the Secretary is authorized to award 50 percent of the amount that exceeds $50,000,000 as grants to, and enter into contracts and cooperative agreements with, local nonprofit parent organizations to enable the organizations to support local family information centers that help ensure that parents of students in elementary schools and secondary schools assisted under this subpart have the training, information, and support the parents need to enable the parents to participate effectively in their children's early childhood education, in their children's elementary and secondary education, and in helping their children to meet challenging State academic content and student academic achievement standards.

[(b) LOCAL NONPROFIT PARENT ORGANIZATION DEFINED.—In this section, the term "local nonprofit parent organization" means a private nonprofit organization (other than an institution of higher education) that—

[(1) has a demonstrated record of working with low-income individuals and parents;

[(2)(A) has a board of directors, the majority of whom are parents of students in elementary schools and secondary schools assisted under part A of title I and located in the geographic area to be served by a local family information center; or

[(B) has a special governing committee to direct and implement a local family information center, a majority of the members of whom are parents of students in schools assisted under part A of title I; and

[(3) is located in a community with elementary schools and secondary schools that receive funds under part A of title I, and is accessible to the families of students in those schools.]

[Subpart 17—Combatting Domestic Violence]

[SEC. 5571. [20 U.S.C. 7275] GRANTS TO COMBAT THE IMPACT OF EXPERIENCING OR WITNESSING DOMESTIC VIOLENCE ON ELEMENTARY AND SECONDARY SCHOOL CHILDREN.]

[(a) DEFINITIONS.—In this section:

[(1) DOMESTIC VIOLENCE.—The term "domestic violence" has the meaning given that term in section 2003 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2).

[(2) EXPERT.—The term "expert" means—

[(A) an expert on domestic violence, sexual assault, and child abuse from the educational, legal, youth, mental health, substance abuse, or victim advocacy field; and

[(B) a State or local domestic violence coalition or community-based youth organization.

[(3) WITNESS DOMESTIC VIOLENCE.—

[(A) IN GENERAL.—The term "witness domestic violence" means to witness—

[(i) an act of domestic violence that constitutes actual or attempted physical assault; or

[(ii) a threat or other action that places the victim in fear of domestic violence.

[(B) WITNESS.—In subparagraph (A), the term "witness" means—

[(i) to directly observe an act, threat, or action described in subparagraph (A), or the aftermath of that act, threat, or action; or

[(ii) to be within earshot of an act, threat, or action described in subparagraph (A), or the aftermath of that act, threat, or action.

[(b) GRANTS AUTHORIZED.—

[(1) AUTHORITY.—The Secretary is authorized to award grants to local educational agencies that work with experts to enable the elementary schools and secondary schools served by the local educational agency—

[(A) to provide training to school administrators, faculty, and staff, with respect to issues concerning children who experience domestic violence in dating relationships or who witness domestic violence, and the impact of the violence on the children;

[(B) to provide educational programming for students regarding domestic violence and the impact of experiencing or witnessing domestic violence on children;

[(C) to provide support services for students and school personnel to develop and strengthen effective prevention and intervention strategies with respect to issues concerning children who experience domestic violence in dating relationships or who witness domestic violence, and the impact of the violence on the children; and

[(D) to develop and implement school system policies regarding appropriate and safe responses to, identification of, and referral procedures for, students who are experiencing or witnessing domestic violence.

[(2) AWARD BASIS.—The Secretary is authorized to award grants under this section—

[(A) on a competitive basis; and

[(B) in a manner that ensures that such grants are equitably distributed among local educational agencies located in rural, urban, and suburban areas.

[(3) POLICY DISSEMINATION.—The Secretary shall disseminate to local educational agencies any Department policy guidance regarding the prevention of domestic violence and the impact on children of experiencing or witnessing domestic violence.

[(c) USES OF FUNDS.—Funds made available to carry out this subpart may be used for one or more of the following purposes:

[(1) To provide training for elementary school and secondary school administrators, faculty, and staff that addresses issues concerning elementary school and secondary school students who experience domestic violence in dating relationships or who witness domestic violence, and the impact of such violence on those students.

[(2) To provide education programs for elementary school and secondary school students that are developmentally appropriate for the students' grade levels and are designed to meet any unique cultural and language needs of the particular student populations.

[(3) To develop and implement elementary school and secondary school system policies regarding—

[(A) appropriate and safe responses to, identification of, and referral procedures for, students who are experiencing or witnessing domestic violence; and

[(B) to develop and implement policies on reporting and referral procedures for those students.

[(4) To provide the necessary human resources to respond to the needs of elementary school and secondary school students and personnel who are faced with the issue of domestic violence, such as a resource person who is either on-site or on-call and who is an expert.

[(5) To provide media center materials and educational materials to elementary schools and secondary schools that address issues concerning children who experience domestic violence in dating relationships or who witness domestic violence, and the impact of the violence on those children.

[(6) To conduct evaluations to assess the impact of programs and policies assisted under this subpart in order to enhance the development of the programs.

[(d) CONFIDENTIALITY.—Policies, programs, training materials, and evaluations developed and implemented under subsection (c) shall address issues of safety and confidentiality for the victim and the victim's family in a manner consistent with applicable Federal and State laws.

[(e) APPLICATION.—To be eligible for a grant under this section for a fiscal year, a local educational agency, in consultation with an expert, shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. The application shall include each of the following:

[(1) A description of the need for funds provided under the grant and the plan for implementation of any of the activities described in subsection (c).

[(2) A description of how the experts will work in consultation and collaboration with the local educational agency.

[(3) Measurable objectives for, and expected results from, the use of the funds provided under the grant.

[(4) Provisions for appropriate remuneration for collaborating partners.]

[Subpart 18—Healthy, High-Performance Schools]

[SEC. 5581. [20 U.S.C. 7277] GRANT PROGRAM AUTHORIZED.]

[The Secretary, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, is authorized to award grants to State educational agencies to permit such State educational agencies to carry out section 5582.

[SEC. 5582. [20 U.S.C. 7277a] STATE USES OF FUNDS.]

[(a) SUBGRANTS.—

[(1) IN GENERAL.—A State educational agency receiving a grant under this subpart shall use funds made available under the grant to award subgrants to local educational agencies to permit such local educational agencies to carry out the activities described in section 5583.

[(2) LIMITATION.—A State educational agency shall award subgrants under this subsection to local educational agencies that are the neediest, as determined by the State, and that have made a commitment to develop healthy, high-performance school buildings in accordance with the plan developed and approved under paragraph (3)(A).

[(3) IMPLEMENTATION.—

[(A) PLANS.—A State educational agency shall award subgrants under this subsection only to local educational agencies that, in consultation with the State educational agency and State agencies with responsibilities relating to energy and health, have developed plans that the State educational agency determines to be feasible and appropriate in order to achieve the purposes for which the subgrants are made.

[(B) SUPPLEMENTING GRANT FUNDS.—The State educational agency shall encourage local educational agencies that receive subgrants under this subsection to supplement their subgrant funds with funds from other sources in order to implement their plans.

[(b) ADMINISTRATION.—A State educational agency receiving a grant under this subpart shall use the grant funds made available under this subpart for one or more of the following:

[(1) To evaluate compliance by local educational agencies with the requirements of this subpart.

[(2) To distribute information and materials on healthy, high-performance school buildings for both new and existing facilities.

[(3) To organize and conduct programs for school board members, school district personnel, and others to disseminate information on healthy, high-performance school buildings.

[(4) To provide technical services and assistance in planning and designing healthy, high-performance school buildings.

[(5) To collect and monitor information pertaining to healthy, high-performance school building projects.]

[SEC. 5583. [20 U.S.C. 7277b] LOCAL USES OF FUNDS.]

[(a) IN GENERAL.—A local educational agency that receives a subgrant under section 5582(a) shall use the subgrant funds to plan and prepare for healthy, high-performance school building projects that—

[(1) reduce energy use to at least 30 percent below that of a school constructed in compliance with standards prescribed in chapter 8 of the 2000 International Energy Conservation Code, or a similar State code intended to achieve substantially equivalent results;

[(2) meet Federal and State health and safety codes; and

[(3) support healthful, energy efficient, and environmentally sound practices.

[(b) USE OF FUNDS.—A local educational agency that receives a subgrant under section 5582(a) shall use funds for one or more of the following:

[(1) To develop a comprehensive energy audit of the energy consumption characteristics of a building and the need for additional energy conservation measures necessary to allow schools to meet the guidelines set out in subsection (a).

[(2) To produce a comprehensive analysis of building strategies, designs, materials, and equipment that—

[(A) are cost effective, produce greater energy efficiency, and enhance indoor air quality; and

[(B) can be used when conducting school construction and renovation or purchasing materials and equipment.

[(3) To obtain research and provide technical services and assistance in planning and designing healthy, high-performance school buildings, including developing a timeline for implementation of such plans.]

[SEC. 5584. [20 U.S.C. 7277c] REPORT TO CONGRESS.]

[The Secretary shall conduct a biennial review of State actions implementing this subpart and carrying out the plans developed under this subpart through State and local funding, and shall submit a report to Congress on the results of such reviews.]

[SEC. 5585. [20 U.S.C. 7277d] LIMITATIONS.]

[No funds received under this subpart may be used for any of the following:

[(1) Payment of maintenance of costs in connection with any projects constructed in whole or in part with Federal funds provided under this subpart.

[(2) Construction, renovation, or repair of school facilities.

[(3) Construction, renovation, repair, or acquisition of a stadium or other facility primarily used for athletic contests or exhibitions, or other events for which admission is charged to the general public.]

[SEC. 5586. [20 U.S.C. 7277e] HEALTHY, HIGH-PERFORMANCE SCHOOL BUILDING DEFINED.]

[In this subpart, the term "healthy, high-performance school building" means a school building in which the design, construction, operation, and maintenance—

[(1) use energy-efficient and affordable practices and materials;

[(2) are cost-effective;

[(3) enhance indoor air quality; and

[(4) protect and conserve water.]

[Subpart 19—Grants for Capital Expenses of Providing Equitable Services for Private School Students]

[SEC. 5591. [20 U.S.C. 7279] GRANT PROGRAM AUTHORIZED.]

[The Secretary is authorized to award grants to State educational agencies, from allotments made under section 5593, to enable the State educational agencies to award subgrants to local educational agencies to pay for capital expenses in accordance with this subpart.]

[SEC. 5592. [20 U.S.C. 7279a] USES OF FUNDS.]

[A local educational agency that receives a subgrant under this subpart shall use the subgrant funds only to pay for capital expenses incurred in providing equitable services for private school students under section 1120.]

[SEC. 5593. [20 U.S.C. 7279b] ALLOTMENTS TO STATES.]

[From the funds made available to carry out this subpart for a fiscal year, the Secretary shall allot to each State an amount that bears the same ratio to the funds made available as the number of private school students who received services under part A of title I in the State in the most recent year for which data, satisfactory to the Secretary, are available bears to the number of such students in all States in such year.]

[SEC. 5594. [20 U.S.C. 7279c] SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.]

[(a) APPLICATIONS.—A local educational agency that desires to receive a subgrant under this subpart shall submit an application to the State educational agency involved at such time, in such manner, and containing such information as the State educational agency may require.

[(b) DISTRIBUTION.—A State educational agency shall award subgrants to local educational agencies within the State based on the degree of need set forth in their respective applications submitted under subsection (a).]

[SEC. 5595. [20 U.S.C. 7279d] CAPITAL EXPENSES DEFINED.]

[In this subpart, the term "capital expenses" means—

[(1) expenditures for noninstructional goods and services, such as the purchase, lease, or renovation of real and personal property, including mobile educational units and leasing of neutral sites or spaces;

[(2) insurance and maintenance costs;

[(3) transportation; and

[(4) other comparable goods and services.]

[SEC. 5596. [20 U.S.C. 7279e] TERMINATION.]

[The authority provided by this subpart terminates effective October 1, 2003.]

[Subpart 20—Additional Assistance for Certain Local Educational Agencies Impacted by Federal Property Acquisition]

[SEC. 5601. [20 U.S.C. 7281] RESERVATION.]

[The Secretary is authorized to provide additional assistance to meet special circumstances relating to the provision of education in local educational agencies eligible to receive assistance under section 8002.]

[SEC. 5602. [20 U.S.C. 7281a] ELIGIBILITY.]

[A local educational agency is eligible to receive additional assistance under this subpart only if such agency—

[(1) received a payment under both section 8002 and section 8003(b) for fiscal year 1996 and is eligible to receive payments under those sections for the year of application;

[(2) provided a free public education to children described under subparagraph (A), (B), or (D) of section 8003(a)(1);

[(3) had a military installation located within the geographic boundaries of the local educational agency that was closed as a result of base closure or realignment and, at the time at which the agency is applying for a payment under this subpart, the agency does not have a military installation located within its geographic boundaries;

[(4) remains responsible for the free public education of children residing in housing located on Federal property within the boundaries of the closed military installation but whose parents are on active duty in the uniformed services and assigned to a military activity located within the boundaries of an adjoining local educational agency; and

[(5) demonstrates to the satisfaction of the Secretary that such agency's per-pupil revenue derived from local sources for current expenditures is not less than that revenue for the preceding fiscal year.]

[SEC. 5603. [20 U.S.C. 7281b] MAXIMUM AMOUNT.]

[(a) MAXIMUM AMOUNT.—The maximum amount that a local educational agency is eligible to receive under this subpart for any fiscal year, when combined with its payment under section 8002(b), shall not be more than 50 percent of the maximum amount determined under section 8002(b).

[(b) INSUFFICIENT FUNDS.—If funds appropriated under section 5401 are insufficient to pay the amount determined under subsection (a), the Secretary shall ratably reduce the payment to each local educational agency eligible under this subpart.

[(c) EXCESS FUNDS.—If funds appropriated under section 5401 are in excess of the amount determined under subsection (a), the

Secretary shall ratably distribute any excess funds to all local educational agencies eligible for payment under section 8002(b).]

[Subpart 21—Women's Educational Equity Act]

[SEC. 5611. [20 U.S.C. 7283] SHORT TITLE AND FINDINGS.]

[(a) SHORT TITLE.—This subpart may be cited as the "Women's Educational Equity Act of 2001".

[(b) FINDINGS.—Congress finds that—

[(1) since the enactment of title IX of the Education Amendments of 1972, women and girls have made strides in educational achievement and in their ability to avail themselves of educational opportunities;

[(2) because of funding provided under the Women's Educational Equity Act of 2001, more curricula, training, and other educational materials concerning educational equity for women and girls are available for national dissemination;

[(3) teaching and learning practices in the United States are frequently inequitable as such practices relate to women and girls, for example—

[(A) sexual harassment, particularly that experienced by girls, undermines the ability of schools to provide a safe and equitable learning or workplace environment;

[(B) classroom textbooks and other educational materials do not sufficiently reflect the experiences, achievements, or concerns of women and, in most cases, are not written by women or persons of color;

[(C) girls do not take as many mathematics and science courses as boys, girls lose confidence in their mathematics and science ability as girls move through adolescence, and there are few women role models in the sciences; and

[(D) pregnant and parenting teenagers are at high risk for dropping out of school and existing dropout prevention programs do not adequately address the needs of such teenagers;

[(4) efforts to improve the quality of public education also must include efforts to ensure equal access to quality education programs for all women and girls;

[(5) Federal support should address not only research and development of innovative model curricula and teaching and learning strategies to promote gender equity, but should also assist schools and local communities implement gender equitable practices;

[(6) Federal assistance for gender equity must be tied to systemic reform, involve collaborative efforts to implement effective gender practices at the local level, and encourage parental participation; and

[(7) excellence in education, high educational achievements and standards, and the full participation of women and girls in American society, cannot be achieved without educational equity for women and girls.]

[SEC. 5612. [20 U.S.C. 7283a] STATEMENT OF PURPOSE.]

[It is the purpose of this subpart—

[(1) to promote gender equity in education in the United States;

[(2) to provide financial assistance to enable educational agencies and institutions to meet the requirements of title IX of the Educational Amendments of 1972; and

[(3) to promote equity in education for women and girls who suffer from multiple forms of discrimination based on sex, race, ethnic origin, limited English proficiency, disability, or age.]

[SEC. 5613. [20 U.S.C. 7283b] PROGRAMS AUTHORIZED.]

[(a) IN GENERAL.—The Secretary is authorized—

[(1) to promote, coordinate, and evaluate gender equity policies, programs, activities, and initiatives in all Federal education programs and offices;

[(2) to develop, maintain, and disseminate materials, resources, analyses, and research relating to education equity for women and girls;

[(3) to provide information and technical assistance to assure the effective implementation of gender equity programs;

[(4) to coordinate gender equity programs and activities with other Federal agencies with jurisdiction over education and related programs;

[(5) to assist the Director of the Institute of Education Sciences in identifying research priorities related to education equity for women and girls; and

[(6) to perform any other activities consistent with achieving the purposes of this subpart.

[(b) GRANTS AUTHORIZED.—

[(1) IN GENERAL.—The Secretary is authorized to award grants to, and enter into contracts and cooperative agreements with, public agencies, private nonprofit agencies, organizations, institutions, student groups, community groups, and individuals, for a period not to exceed 4 years, to—

[(A) provide grants to develop model equity programs; and

[(B) provide funds for the implementation of equity programs in schools throughout the Nation.

[(2) SUPPORT AND TECHNICAL ASSISTANCE.—To achieve the purposes of this subpart, the Secretary is authorized to provide support and technical assistance—

[(A) to implement effective gender-equity policies and programs at all educational levels, including—

[(i) assisting educational agencies and institutions to implement policies and practices to comply with title IX of the Education Amendments of 1972;

[(ii) training for teachers, counselors, administrators, and other school personnel, especially preschool and elementary school personnel, in gender equitable teaching and learning practices;

[(iii) leadership training for women and girls to develop professional and marketable skills to compete in the global marketplace, improve self-esteem, and benefit from exposure to positive role models;

[(iv) school-to-work transition programs, guidance and counseling activities, and other programs to in-

crease opportunities for women and girls to enter a technologically demanding workplace and, in particular, to enter highly skilled, high paying careers in which women and girls have been underrepresented;

[(v) enhancing educational and career opportunities for those women and girls who suffer multiple forms of discrimination, based on sex, and on race, ethnic origin, limited English proficiency, disability, socioeconomic status, or age;

[(vi) assisting pregnant students and students rearing children to remain in or to return to secondary school, graduate, and prepare their preschool children to start school;

[(vii) evaluating exemplary model programs to assess the ability of such programs to advance educational equity for women and girls;

[(viii) introduction into the classroom of textbooks, curricula, and other materials designed to achieve equity for women and girls;

[(ix) programs and policies to address sexual harassment and violence against women and girls and to ensure that educational institutions are free from threats to the safety of students and personnel;

[(x) nondiscriminatory tests of aptitude and achievement and of alternative assessments that eliminate biased assessment instruments from use;

[(xi) programs to increase educational opportunities, including higher education, vocational training, and other educational programs for low-income women, including underemployed and unemployed women, and women receiving assistance under a State program funded under part A of title IV of the Social Security Act;

[(xii) programs to improve representation of women in educational administration at all levels; and

[(xiii) planning, development, and initial implementation of—

[(I) comprehensive institutionwide or districtwide evaluation to assess the presence or absence of gender equity in educational settings;

[(II) comprehensive plans for implementation of equity programs in State educational agencies and local educational agencies and institutions of higher education, including community colleges; and

[(III) innovative approaches to school-community partnerships for educational equity; and

[(B) for research and development, which shall be coordinated with each of the National Education Centers of the Institute of Education Sciences to avoid duplication of research efforts, designed to advance gender equity nationwide and to help make policies and practices in educational agencies and institutions, and local communities, gender equitable, including—

[(i) research and development of innovative strategies and model training programs for teachers and other education personnel;

[(ii) the development of high-quality and challenging assessment instruments that are nondiscriminatory;

[(iii) the development and evaluation of model curricula, textbooks, software, and other educational materials to ensure the absence of gender stereotyping and bias;

[(iv) the development of instruments and procedures that employ new and innovative strategies to assess whether diverse educational settings are gender equitable;

[(v) the development of instruments and strategies for evaluation, dissemination, and replication of promising or exemplary programs designed to assist local educational agencies in integrating gender equity in their educational policies and practices;

[(vi) updating high-quality educational materials previously developed through awards made under this subpart;

[(vii) the development of policies and programs to address and prevent sexual harassment and violence to ensure that educational institutions are free from threats to safety of students and personnel;

[(viii) the development and improvement of programs and activities to increase opportunity for women, including continuing educational activities, vocational education, and programs for low-income women, including underemployed and unemployed women, and women receiving assistance under the State program funded under part A of title IV of the Social Security Act; and

[(ix) the development of guidance and counseling activities, including career education programs, designed to ensure gender equity.]

[SEC. 5614. [20 U.S.C. 7283c] APPLICATIONS.]

[An application under this subpart shall—

[(1) set forth policies and procedures that will ensure a comprehensive evaluation of the activities assisted under this subpart, including an evaluation of the practices, policies, and materials used by the applicant and an evaluation or estimate of the continued significance of the work of the project following completion of the award period;

[(2) demonstrate how the applicant will address perceptions of gender roles based on cultural differences or stereotypes;

[(3) for applications for assistance under section 5613(b)(1), demonstrate how the applicant will foster partnerships and, where applicable, share resources with State educational agencies, local educational agencies, institutions of higher education, community-based organizations (including organizations serving women), parent, teacher, and student groups, busi-

nesses, or other recipients of Federal educational funding which may include State literacy resource centers;

[(4) for applications for assistance under section 5613(b)(1), demonstrate how parental involvement in the project will be encouraged; and

[(5) for applications for assistance under section 5613(b)(1), describe plans for continuation of the activities assisted under this subpart with local support following completion of the grant period and termination of Federal support under this subpart.]

[SEC. 5615. [20 U.S.C. 7283d] CRITERIA AND PRIORITIES.]

[(a) CRITERIA AND PRIORITIES.—

[(1) IN GENERAL.—The Secretary shall establish separate criteria and priorities for awards under paragraphs (1) and (2) of section 5613(b) to ensure that funds under this subpart are used for programs that most effectively will achieve the purposes of this subpart.

[(2) CRITERIA.—The criteria described in paragraph (1) may include the extent to which the activities assisted under this subpart—

[(A) address the needs of women and girls of color and women and girls with disabilities;

[(B) meet locally defined and documented educational equity needs and priorities, including compliance with title IX of the Education Amendments of 1972;

[(C) are a significant component of a comprehensive plan for educational equity and compliance with title IX of the Education Amendments of 1972 in the particular school district, institution of higher education, vocational-technical institution, or other educational agency or institution; and

[(D) implement an institutional change strategy with long-term impact that will continue as a central activity of the applicant after the grant under this subpart has terminated.

[(b) PRIORITIES.—In awarding grants under this subpart, the Secretary may give special consideration to applications—

[(1) submitted by applicants that have not received assistance under this subpart or this subpart's predecessor authorities;

[(2) for projects that will contribute significantly to directly improving teaching and learning practices in the local community; and

[(3) for projects that will—

[(A) provide for a comprehensive approach to enhancing gender equity in educational institutions and agencies;

[(B) draw on a variety of resources, including the resources of local educational agencies, community-based organizations, institutions of higher education, and private organizations;

[(C) implement a strategy with long-term impact that will continue as a central activity of the applicant after the grant under this subpart has terminated;

[(D) address issues of national significance that can be duplicated; and

[(E) address the educational needs of women and girls who suffer multiple or compound discrimination based on sex and on race, ethnic origin, disability, or age.

[(c) SPECIAL RULE.—To the extent feasible, the Secretary shall ensure that grants awarded under this subpart for each fiscal year address—

[(1) all levels of education, including preschool, elementary and secondary education, higher education, vocational education, and adult education;

[(2) all regions of the United States; and

[(3) urban, rural, and suburban educational institutions.

[(d) COORDINATION.—Research activities supported under this subpart—

[(1) shall be carried out in consultation with the Institute of Education Sciences to ensure that such activities are coordinated with and enhance the research and development activities supported by the Institute; and

[(2) may include collaborative research activities which are jointly funded and carried out with the Institute of Education Sciences.

[(e) LIMITATION.—Nothing in this subpart shall be construed as prohibiting men and boys from participating in any programs or activities assisted with funds under this subpart.]

[SEC. 5616. [20 U.S.C. 7283e] REPORT.]

[Not later than January 1, 2006, the Secretary shall submit to the President and Congress a report on the status of educational equity for girls and women in the Nation.]

[SEC. 5617. [20 U.S.C. 7283f] ADMINISTRATION.]

[(a) EVALUATION AND DISSEMINATION.—Not later than January 1, 2005, the Secretary shall evaluate and disseminate materials and programs developed under this subpart and shall report to Congress regarding such evaluation materials and programs.

[(b) PROGRAM OPERATIONS.—The Secretary shall ensure that the activities assisted under this subpart are administered within the Department by a person who has recognized professional qualifications and experience in the field of gender equity education.]

[SEC. 5618. [20 U.S.C. 7283g] AMOUNT.]

[From amounts made available to carry out this subpart for a fiscal year, not less than two-thirds of such amount shall be used to carry out the activities described in section 5613(b)(1).]

PART D—PUBLIC CHARTER SCHOOLS

SEC. 5401. PURPOSE.

The purpose of this part is to support the creation, expansion, and replication of high-performing charter schools that serve the needs and increase the academic achievement of all students.

SEC. 5402. DISTRIBUTION OF FUNDS.

From the funds appropriated to carry out this part for a fiscal year—

(1) 85 percent shall be available to carry out subpart 1; and
(2) 15 percent shall be available to carry out subpart 2.

Subpart 1—Successful Charter Schools Program

SEC. 5411. DEFINITIONS.

In this subpart:

(1) CHARTER SCHOOL.—The term "charter school" means a public school that—

(A) is governed by a separate and independent board that exercises authority over 1 or more schools, including authority in the areas of governance, personnel, budget, schedule, and instructional program;

(B) has ongoing, significant autonomy in the areas of—

(i) the hiring, replacement, and salaries of the school staff;

(ii) the school budget;

(iii) scheduling formats for the school day and school year;

(iv) the instructional programs of the school, including instructional models and curricula; and

(v) the management and daily operation of the school;

(C) in accordance with a specific State statute authorizing the granting of charters to schools, is exempt from significant State or local rules that inhibit the flexible operation and management of public schools, but not from any rules relating to the other requirements of this paragraph;

(D) is created by a developer as a public school, or is adapted by a developer from an existing public school, and is operated under public supervision and direction;

(E) operates in pursuit of a specific set of educational objectives determined by the school's developer and agreed to by the charter school authorizer;

(F) provides 1 or more programs of elementary education, secondary education, or both, and may also provide early childhood education and care or adult education, in accordance with State law;

(G) is nonsectarian in its programs, admissions policies, employment practices, and all other operations, and is not affiliated with a sectarian school or religious institution;

(H) does not charge tuition;

(I) complies with the Age Discrimination Act of 1975, title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, title II of the Americans with Disabilities Act of 1990, and part B of the Individuals with Disabilities Education Act;

(J) is a school to which parents choose to send their children, and that admits students on the basis of a lottery if more students apply for admission than can be accommodated, except as modified by the Secretary by regulation in accordance with clause (v) or (vi) of section 1116(c)(6)(B);

(K) complies with the same Federal and State audit requirements as do other elementary schools, secondary schools, and early childhood education and care and adult education programs, as applicable, in the State, unless such requirements are specifically waived for the purpose of this program;

(L) meets all applicable Federal, State, and local health and safety requirements;

(M) operates in accordance with State law; and

(N) has a written performance contract with a charter school authorizer that includes—

(i) a description of how student performance will be measured on the basis of—

(I) State assessments that are required of other public schools; and

(II) any other assessments that are mutually agreeable to the charter school authorizer and the charter school;

(ii) a requirement that student academic achievement and growth, consistent with section 1111, for the students enrolled at the school as a whole and for each subgroup described in section 1116(b)(1)(B) will be used as a primary factor in decisions about the renewal or revocation of the charter, in addition to other criteria, as appropriate;

(iii) the student academic achievement, growth (consistent with section 1111), and student retention goals, and, in the case of a high school, graduation rate goals for the students enrolled at the school as a whole and for each subgroup described in section 1116(b)(1)(B), and any other goals to be achieved by the end of the contract period;

(iv) the obligations and responsibilities of the charter school and the charter school authorizer; and

(v) a description of the autonomy that will be granted to the charter school in each area described under subparagraph (B).

(2) CHARTER SCHOOL AUTHORIZER.—The term "charter school authorizer" means any public or nonprofit entity that has the authority under State law, and is approved by the Secretary, to authorize or approve a public charter school.

(3) DEVELOPER.—The term "developer" means any individual, group of individuals, or public nonprofit organization that—

(A) has applied for, or been granted, a charter for a charter school; or

(B) has received authorization to start a charter school.

(4) ELIGIBLE ENTITY.—The term "eligible entity" means—

(A) a State educational agency;

(B) a local educational agency, except a charter school that is considered a local educational agency under State law;

(C) a charter school authorizer; or

(D) a charter management organization.

(5) EXPAND.—The term "expand" means to increase the student enrollment of an existing high-performing charter school by more than 50 percent or through the addition of not less than 2 grades to such existing charter school over the course of a grant or subgrant under this part.

(6) HIGH-PERFORMING CHARTER SCHOOL.—The term "high-performing charter school" means—

(A) in the case of a charter school that was not open or did not enroll students in the preceding school year, a charter school that has a written performance contract with a charter school authorizer that includes, for the students enrolled at the school as a whole and for each subgroup described in section 1116(b)(1)(B) for the most recent year for which such data are available—

(i) student academic achievement and growth goals (as measured, in the case of a charter school that is an elementary school or secondary school, by performance on the statewide academic assessments required under section 1111(a)(2) and individual academic growth, consistent with section 1111) that are higher than the average student academic achievement and growth results, consistent with section 1111, in demographically similar schools in the State;

(ii) student retention goals that are similar to, or greater than, the average student retention rates in demographically similar schools in the State; and

(iii) if the charter school is a high school, goals for graduation rates, rates of student enrollment at institutions of higher education, and rates of student persistence at institutions of higher education that are higher than such average rates in demographically similar schools in the State; or

(B) in the case of a charter school that was open and enrolled students for the preceding school year, a charter school that has, for the students enrolled at the school as a whole and for each subgroup described in section 1116(b)(1)(B) for the most recent year for which such data are available—

(i) student academic achievement and growth results (as measured, in the case of a charter school that is an elementary school or secondary school, by performance on the statewide academic assessments required under section 1111(a)(2) and individual academic growth, consistent with section 1111) that are significantly higher than the average student academic achievement and growth results, consistent with section 1111, in demographically similar schools in the State;

(ii) student retention rates that are similar to or higher than the average student retention rates in demographically similar schools in the State; and

(iii) if the school is a high school, higher graduation rates, rates of student enrollment at institutions of higher education, and rates of student persistence at

institutions of higher education than such average rates in demographically similar schools in the State.

(7) REPLICATE.—The term "replicate" means that an existing high-performing charter school will open 1 or more new campuses under a new or existing charter, or both, over the course of a grant or subgrant under this part.

SEC. 5412. PROGRAM AUTHORIZED.

(a) IN GENERAL.—From the amount available to carry out this subpart, the Secretary shall award grants, on a competitive basis, to eligible entities to enable such eligible entities to award subgrants to developers to create, expand, or replicate 1 or more high-performing charter schools, including through conversion of an existing school into a charter school.

(b) ALLOCATIONS.—The Secretary shall use not less than 65 percent of funds to award grants to eligible entities described in 5411(4)(A).

(c) CONSIDERATIONS.—In awarding grants under this subpart, the Secretary shall consider—

(1) the geographic diversity of the eligible entities, including the distribution of grants among urban, suburban, and rural areas; and

(2) the number of eligible entities in a State that are receiving grants under this subpart in any fiscal year.

(d) GRANT AMOUNT.—

(1) In determining the amount of each grant to be awarded under subsection (a), the Secretary shall consider—

(A) the number of operating charter schools under the jurisdiction or in the service area of the eligible entity;

(B) to the extent practicable, the number of students, including students on charter school waiting lists, that will be served by high-performing charter schools that receive funds under this subpart; and

(C) the amount of funds that is needed to implement the activities described in the approved application.

(e) DURATION.—

(1) IN GENERAL.—Each grant awarded under this subpart shall be for an initial period of not more than 3 years.

(2) RENEWAL.—The Secretary may renew a grant awarded under this subpart for an additional period of not more than 2 years, if the eligible entity is achieving the objectives of the grant and has shown improvement on the performance measures and targets described in section 5417(a).

(f) LIMITATIONS.—

(1) GRANTS.—An eligible entity described under subparagraph (A) of section 5411(4) may not receive more than 1 grant at a time under this section.

(2) SUBGRANTS.—A developer may not receive more than 1 grant or subgrant at a time under this section.

(g) RESERVATIONS.—

(1) ADMINISTRATIVE EXPENSES.—An eligible entity that receives a grant under this subpart may use not more than a total of 5 percent of grant funds for administrative expenses associated with the grant, including for improvement of the eligible entity's oversight or management of charter schools.

(2) IMPROVING AUTHORIZER QUALITY.—An eligible entity described in subparagraph (A), (B), or (C) of section 5411(4), shall use 5 percent of grant funds for improving authorizer quality, including charter school oversight and monitoring systems and procedures for revoking or not renewing charters.

(h) WAIVER.—The Secretary may waive a statutory or regulatory requirement over which the Secretary exercises administrative authority, except a requirement described in section 5411(1), if—

(1) the waiver is requested in an approved application under this subpart; and

(2) the Secretary determines that granting the waiver will promote the purpose of this subpart.

SEC. 5413. APPLICATIONS.

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

(b) CONTENTS.—

(1) ELIGIBLE ENTITIES.—At a minimum, the application described in subsection (a) shall include a description of —

(A) how the eligible entity will use grant funds to create, expand, or replicate 1 or more high-performing charter schools;

(B) the need for the high-performing charter schools that the eligible entity seeks to support, including information that demonstrates the interest of parents and communities in increasing charter school enrollment capacity, such as the number of students who are on waiting lists for charter schools under the jurisdiction of the eligible entity;

(C) the performance measures the eligible entity will use to measure outcomes;

(D) how the eligible entity will provide information and support to parents, families, and students regarding the available charter school options in a simple, clear, and easily accessible format and, to the extent practicable, in a language that such parents, families, and students can understand;

(E) how the eligible entity will coordinate the grant funds received under this subpart with other Federal, State, and local funds;

(F) how the eligible entity will ensure that each charter school within such eligible entity's jurisdiction or service area—

(i) meets the requirements of section 5411(1); and

(ii) provides equitable access and effectively serves the needs of all students, including children with disabilities and English learners, and implements outreach and recruitment practices that include families of such students;

(G) how the eligible entity will award subgrants to developers, on a competitive basis and through a high-quality review process, including a description of the subgrant application;

(H) how the eligible entity will target subgrants to high-performing charter schools that plan to serve students who attend schools that have been identified through the State accountability and improvement system described in section 1116;

(I) the eligible entity's record, if applicable, of success in creating, expanding, replicating, managing, and overseeing high-performing charter schools, and closing unsuccessful schools;

(J) how the eligible entity will hold charter schools within such eligible entity's jurisdiction accountable if such schools do not meet the objectives specified in the performance contract described in section 5411(1)(N), including by closing unsuccessful schools; and

(K) how charter school authorizers are approved, monitored, held accountable for establishing rigorous standards, periodically reviewed, and re-approved in the State in which the eligible entity operates, based on the performance of the charter schools that such charter school authorizers authorize, including in the areas of student safety, financial management, and compliance with all applicable statutes and regulations.

(2) STATE EDUCATIONAL AGENCIES.—Each eligible entity described in section 5411(4)(A) shall include in the application described in paragraph (1) (in addition to the requirements of such paragraph), the following:

(A) A description of the State's laws, policies, or procedures, if applicable, that address—

(i) how decisions are made to close unsuccessful charter schools, and how student academic achievement and growth, consistent with section 1111, for all students and for each subgroup of students described in section 1116(b)(1)(B), is a primary factor in such decisions;

(ii) how charter schools are monitored and held accountable for—

(I) meeting the requirements described in section 5411(1); and

(II) providing equitable access and effectively serving the needs of all students, including students with disabilities and English learners; and

(iii) how a charter school that is considered a local educational agency under State law, or a local educational agency in which a charter school is located, will comply with subsections (a)(5) and (e)(1)(B) of section 613 of the Individuals with Disabilities Education Act.

(B) Information about the eligible entity's record of funding charter schools, including funding charter school facilities.

(C) Information about the number of charter schools in the State that—

(i) have been closed or have had charters revoked or not renewed in the preceding 5-year period, and the reasons for such closures, revocations, or nonrenewals;

(ii) have been identified through the State accountability and improvement system described in section 1116 in the preceding 5-year period;

(iii) have met objectives specified in the performance contract described in section 5411(1)(N); and

(iv) the charter school authorizer has authorized that are high-performing charter schools, and the percentage of such charter schools as compared to the total number of charter schools that the charter school authorizer has authorized.

(3) LOCAL EDUCATIONAL AGENCIES.—Each eligible entity described in section 5411(4)(B) shall include in the application described in paragraph (1) (in addition to the requirements described in such paragraph), a description of the eligible entity's policies and procedures for—

(A) ensuring that charter schools under the jurisdiction of such eligible entity have equitable access to school facilities;

(B) complying with subsections (a)(5) and (e)(1)(B) of section 613 of the Individuals with Disabilities Education Act; and

(C) supporting public school choice.

(4) CHARTER SCHOOL AUTHORIZERS.—Each eligible entity described in section 5411(4)(C) shall include in the application described in paragraph (1) (in addition to the requirements of such paragraph), the following:

(A) A demonstration that the eligible entity has explicit and clear policies and procedures in place for the approval, monitoring, renewal, and closure of charter schools, and an assurance that such policies and procedures make student academic achievement and growth, consistent with section 1111, for all students and for each subgroup of students described in section 1116(b)(1)(B), a primary factor in such decisions.

(B) A description of how the eligible entity will make publicly available (in a clear and uniform format, a timely manner, and a form that is easily accessible, and, to the extent practicable, in a language that families and students can understand)—

(i) information about the criteria and procedures for granting, denying, revoking, and renewing charters for charter schools; and

(ii) the results of decisions relating to the granting, denial, revocation, and renewal of charters for charter schools, including performance data and other relevant information on which each decision is based.

(C) Information about the number of charter schools that—

(i) the charter school authorizer has authorized that have been closed or have had charters revoked or not renewed by the eligible entity in the preceding 5-year

period, and the reasons for such closures, revocations, or nonrenewals;

(ii) have been identified through the State accountability and improvement system described in section 1116;

(iii) have met objectives specified in the performance contract described in section 5411(1)(N); and

(iv) the charter school authorizer has authorized that are high-performing charter schools, and the percentage of such charter schools as compared to the total number of charter schools that the charter school authorizer has authorized.

(5) CHARTER MANAGEMENT ORGANIZATIONS.—Each eligible entity described in section 5411(4)(D) shall include in the application described in paragraph (1) (in addition to the requirements of such paragraph), a description of—

(A) the qualifications of such eligible entity's management team; and

(B) a multi-year financial and operating model for each of the high-performing charter schools that such eligible entity will create, expand, or replicate under the grant.

(6) SPECIAL RULE.—In the case of a developer that plans to open a charter school in a jurisdiction or service area where no eligible entity will be awarding subgrants under this subpart for the fiscal year for which the developer applies, the Secretary may award a grant to such developer if such developer has an approved application that includes the requirements described in subparagraphs (A) through (F) of paragraph (1) and paragraph (5). The requirements of subsections (b) and (c) of section 5416 and section 5417(c) shall apply to a developer receiving a grant under this paragraph in the same manner as such sections apply to a developer receiving a subgrant under section 5416, except that the developer shall submit the data under section 5417(c) directly to the Secretary.

SEC. 5414. SELECTION CRITERIA; PRIORITY.

(a) SELECTION CRITERIA.—

(1) IN GENERAL.—In awarding grants to eligible entities under this subpart, the Secretary shall consider—

(A) the quality of the eligible entity's application;

(B) the eligible entity's record, if applicable, of success in creating, expanding, replicating, managing, and overseeing high-performing charter schools;

(C) the eligible entity's record of discontinuing funding or closing low-performing charter schools, including, as applicable, by revoking or not renewing the charters of such charter schools, and the eligible entity's commitment to discontinuing funding or closing low-performing charter schools in the future;

(D) the extent to which the eligible entity demonstrates that such eligible entity will award subgrants targeted to serving students who attend schools that have been identified through the State accountability and improvement system described in section 1116;

(E) the quality of the eligible entity's plan for supporting subgrant recipients, through such activities as technical assistance, directly or through grants, contracts, or cooperative agreements, in order to—

(i) improve student academic achievement and growth, consistent with section 1111, for all students and for each subgroup of students described in section 1116(b)(1)(B); and

(ii) promote effective outreach to, and recruitment of, students who are children with disabilities and students who are English learners, and the parents and families of such students; and

(F) the extent to which the State in which the eligible entity operates provides for and enforces high-quality standards for charter school authorizers, including by establishing standards for rigorous and periodic reviews.

(2) STATE EDUCATIONAL AGENCIES.—In the case of an applicant that is an eligible entity described in section 5411(4)(A), in addition to the elements described in paragraph (1), the Secretary shall also consider, the extent to which such eligible entity—

(A) ensures that charter schools receive equitable funding compared to other public schools in the State, and a commensurate share of Federal, State, and local revenues compared to public schools in the State, including equitable State funding to support early childhood education and care programs operated by charter schools in the State, in accordance with State law; and

(B) provides charter schools with equitable access to funds for facilities (which may include funds for leasing or purchasing facilities or for making tenant improvements), assistance for facilities acquisition, access to public facilities, the ability to share in the proceeds of bonds and levies, or other support related to facilities.

(3) LOCAL EDUCATIONAL AGENCIES.—In the case of an applicant that is an eligible entity described in section 5411(4)(B) (except for a charter school that is considered a local educational agency under State law) in addition to the elements described in paragraph (1), the Secretary shall also consider—

(A) if charter schools are operating within the area served by such eligible entity, the extent to which the eligible entity has policies and procedures in place to ensure that—

(i) charter schools have equitable access to school facilities; or

(ii) charter schools are not denied access to available public school facilities; and

(B) the extent to which the eligible entity demonstrates support for public school choice.

(4) CHARTER SCHOOL AUTHORIZERS.—In the case of an applicant that is an eligible entity described in section 5411(4)(C), in addition to the elements described in paragraph (1), the Secretary shall also consider the eligible entity's record of success in authorizing and supporting high-performing charter schools.

(5) CHARTER MANAGEMENT ORGANIZATIONS.—In the case of an applicant that is an eligible entity described in section 5411(4)(D), in addition to the elements described in paragraph (1), as applicable, the Secretary shall also consider—

(A) the quality of the eligible entity's management team; and

(B) the quality and sustainability of the eligible entity's multi-year financial and operating model.

(b) PRIORITY.—

(1) STUDENTS FROM LOW-INCOME FAMILIES.—In awarding grants under this subpart, the Secretary shall give priority to eligible entities that propose to create, expand, or replicate high-performing charter schools that plan to enroll a large percentage of students from low-income families.

(2) DIVERSITY.—In awarding grants under this subpart, the Secretary may give priority to eligible entities that propose to create, expand, or replicate a high-performing charter school that will have a diverse student population.

(3) STATE EDUCATIONAL AGENCIES.—In the case of an applicant that is an eligible entity described in section 5411(4)(A), the Secretary shall give priority to such eligible entities—

(A) from States that do not have a law that prohibits, or effectively inhibits, increasing the number of high-performing charter schools in the State;

(B) from States that—

(i) provide for, and adequately support, 2 or more charter school authorizers, of which not less than 1 is a statewide charter school authorizer; or

(ii) in the case of a State in which local educational agencies are the only charter school authorizers—

(I) allow for an appeals process through which developers have an opportunity to appeal a denial to another authorizer that will issue a final determination regarding whether or not to grant the developer a charter; and

(II) require charter school authorizers to indicate an affirmative interest in serving as charter school authorizers; and

(C) that have a policy or procedure in place that ensures that charter schools are reauthorized or have their charter renewed not less than once every 5 years.

SEC. 5415. USES OF FUNDS.

(a) REQUIRED USES OF FUNDS.—Each eligible entity receiving a grant under section 5412(a) shall—

(1) use not less than 95 percent of the remaining grant funds, after the reservations made under section 5412(g), to award subgrants to 1 or more developers, as described under section 5416, to enable such developers to create, expand, or replicate 1 or more high-performing charter schools (which may include opening new schools or converting existing schools into charter schools) in the area served by the eligible entity or under the jurisdiction of the eligible entity;

(2) in awarding subgrants, give priority to developers that propose to create, expand, or replicate a high-performing char-

ter school in which a large percentage of the students enrolled are from low-income families;

(3) provide developers who are receiving a subgrant with support and technical assistance in—

(A) improving student academic achievement and growth, consistent with section 1111;

(B) effectively serving the needs of all students, including students who are children with disabilities and students who are English learners; and

(C) implementing outreach and recruitment practices that includes families of students who are children with disabilities and English learners;

(4) directly, or through a partnership with a nonprofit organization (such as a community-based organization), develop and implement parent, family, and student information, outreach, and recruitment programs to provide information and support to parents, families, and students about the public school choice options available to them, including students who are children with disabilities and students who are English learners, in a simple, clear, and easily accessible format and, to the extent practicable, in a language that such parents, families, and students can understand.

(b) PERMISSIBLE USE OF FUNDS.—Each eligible entity receiving a grant under section 5412(a) may use not more than 1 percent of grant funds to disseminate information to public schools in the eligible entity's jurisdiction or service area about lessons learned through the grant activities, in order to—

(1) successfully address the education needs of all students, including students who are children with disabilities and students who are English learners; and

(2) replicate high-performing charter school models.

SEC. 5416. SUBGRANTS.

(a) APPLICATIONS.—Each developer that desires to receive a subgrant under this subpart shall submit an application to the appropriate eligible entity at such time, in such form, and including such information and assurances as the eligible entity may reasonably require, which shall include the information required under subparagraphs (A) through (F) of paragraph (1) and paragraph (5) of section 5413(b).

(b) USE OF FUNDS.—A developer that receives a subgrant under this subpart shall use such subgrant funds to create, expand, or replicate 1 or more high-performing charter schools, which may include carrying out the following activities:

(1) If necessary, carrying out not more than 12 months of planning and program design, unless such developer demonstrates the need for an additional planning period of not more than 3 months.

(2) Recruiting and providing preparation, induction, and professional development for teachers, school leaders, and other staff who will work in a charter school that is supported by the developer.

(3) Acquiring necessary equipment, supplies, and educational materials, including curricula, assessments, and instructional materials.

(4) Professional development and implementation of systems for the delivery of appropriate services for students who are children with disabilities and students who are English learners, including through centralizing, purchasing, or sharing the provision of such services with other organizations.

(5) Providing transportation to students to and from the school.

(6) Paying operational costs for a charter school that cannot be met through State or local funding sources.

(7) Directly, or through a partnership with a nonprofit organization (including a community-based organization), developing and implementing parent, family, and student information and outreach programs to provide information and support to parents, families, and students about each charter school, in a simple, clear, and easily accessible format and, to the extent practicable, in a language that the parents, families, and students can understand.

(8) Developing and implementing effective outreach and recruitment strategies to inform families of students who are children with disabilities and students who are English learners about the charter school, the charter school admissions process, and the charter school's plan to effectively provide appropriate educational and related services to such students.

(9) Evaluating and disseminating information, including through technical assistance, about the effectiveness of the activities supported by the subgrant.

(c) LIMITATIONS.—Not more than 1 percent of subgrant funds may be used to carry out the activities described in subsection (b)(9).

SEC. 5417. PERFORMANCE MEASURES; REPORTS.

(a) PERFORMANCE MEASURES AND TARGETS.—Each eligible entity receiving a grant under this subpart shall establish performance measures and annual targets, approved by the Secretary, for the charter schools that are created, expanded, or replicated with funds provided through a grant or subgrant under this subpart. Such measures and targets shall include, at a minimum, in the aggregate and disaggregated by each subgroup of students described in section 1116(b)(1)(B)—

(1) the number of students enrolled in each charter school;

(2) the number of students enrolled in each high-performing charter school;

(3) the number of students enrolled in each high-performing charter school who were formerly attending a school that has been identified through the State accountability and improvement system described in section 1116;

(4) student academic achievement and growth, consistent with section 1111, including, if applicable, performance on the State academic assessments required under section 1111(a)(2), and student growth consistent with section 1111;

(5) student retention rates;

(6) in the case of a public charter school that is a secondary school, student graduation rates, and student rates of enrollment and persistence in institutions of higher education; and

(7) other measures required by the Secretary.

(b) REPORTS.—Each eligible entity receiving a grant under this subpart shall annually prepare and submit a report to the Secretary containing the information described under subsection (a).

(c) DEVELOPERS.—Each developer receiving a subgrant under this subpart from an eligible entity shall provide the eligible entity with the data necessary to comply with the requirements of this section.

SEC. 5418. FEDERAL FORMULA ALLOCATION DURING FIRST YEAR AND FOR SUCCESSIVE ENROLLMENT EXPANSIONS.

(a) IN GENERAL.—For purposes of the allocation to schools by the States or their agencies of funds under part A of title I, and any other Federal funds which the Secretary allocates to States on a formula basis, the Secretary and each State educational agency shall take such measures as are necessary to ensure that every charter school receives the Federal funding for which the charter school is eligible not later than 5 months after the charter school first opens, notwithstanding the fact that the identity and characteristics of the students enrolling in that charter school are not fully and completely determined until that charter school actually opens. The measures similarly shall ensure that every charter school expanding its enrollment in any subsequent year of operation receives the Federal funding for which the charter school is eligible not later than 5 months after such expansion.

(b) ADJUSTMENT AND LATE OPENINGS.—

(1) IN GENERAL.—The measures described in subsection (a) shall include provision for appropriate adjustments, through recovery of funds or reduction of payments for the succeeding year, in cases where payments made to a charter school on the basis of estimated or projected enrollment data exceed the amounts that the school is eligible to receive on the basis of actual or final enrollment data.

(2) RULE.—For charter schools that first open after November 1 of any academic year, the State, in accordance with guidance provided by the Secretary and applicable Federal statutes and regulations, shall ensure that such charter schools that are eligible for the funds described in subsection (a) for such academic year have a full and fair opportunity to receive those funds during the charter schools' first year of operation.

SEC. 5419. RECORDS TRANSFER.

State educational agencies and local educational agencies receiving funds under part A of title I or any other Federal funds from the Secretary, shall, in the most timely manner possible and to the extent practicable, ensure that a student's records and, if applicable, a student's individualized education program as defined in section 602(11) of the Individuals with Disabilities Education Act, are transferred to a charter school upon the transfer of the student to the charter school, and to another public school upon the transfer of the student from a charter school to another public school, in accordance with applicable State law.

SEC. 5420. NATIONAL ACTIVITIES.

From funds made available under this subpart for each fiscal year, the Secretary may reserve not more than 2.5 percent for national activities to carry out (directly or through grants, contracts that use a competitive bidding process, or cooperative agreements)

research, development, data collection, technical assistance, outreach, and dissemination activities, including—

(1) research, technical assistance, and other activities to assist eligible entities receiving a grant under this subpart, and other eligible entities in improving the entity's capacity to—

(A) create, expand, replicate, operate, or support high-performing charter schools that meet the needs of, and improve the outcomes for, all students, including students who are children with disabilities and students who are English learners;

(B) support charter school authorizers to improve quality through the adoption of research-based policies and procedures and increased capacity; and

(C) work to turn around schools that have been identified through the State accountability and improvement system described in section 1116;

(2) providing for the research and dissemination of information about specific charter school models and program characteristics for which there is strong evidence of a significant impact on improving student academic achievement and growth, consistent with section 1111, for all students, including students who are children with disabilities and English learners;

(3) developing and implementing activities that help parents, families, students, and the community identify and access high-performing charter schools;

(4) providing for the collection of information regarding the financial resources available to charter schools (including access to private capital) and widely disseminating to charter schools any such relevant information and model descriptions of successful programs; and

(5) carrying out other related activities.

Subpart 2—Charter School Facility Acquisition, Construction, and Renovation

SEC. 5431. PURPOSE.

The purpose of this subpart is to provide grants to eligible entities to improve access to facilities and facilities financing for high-performing charter schools and assist such schools to address the cost of acquiring, constructing, and renovating facilities.

SEC. 5432. DEFINITIONS.

In this subpart:

(1) ELIGIBLE ENTITY.—The term "eligible entity" means—

(A) a State educational agency;

(B) a local educational agency, except a charter school that is considered a local educational agency under State law;

(C) a nonprofit entity;

(D) a State financing authority; or

(E) a consortium of entities described in any of subparagraphs (A) through (D).

(2) HIGH-PERFORMING CHARTER SCHOOL.—The term "high-performing charter school" has the meaning given such term in section 5411(6).

(3) PER-PUPIL FACILITIES AID PROGRAM.—The term "per-pupil facilities aid program" means a program—

(A) that is specified in State law;

(B) that provides annual financing, on a per-pupil basis, for charter school facilities; and

(C) in which a State makes payments, on a per-pupil basis, to charter schools to provide such schools with financing—

(i) that is dedicated solely for funding charter school facilities; or

(ii) a portion of which is dedicated for funding charter school facilities.

SEC. 5433. GRANTS TO ELIGIBLE ENTITIES.

(a) CREDIT ENHANCEMENT GRANTS.—The Secretary shall use not less than 65 percent of the amount available to carry out this subpart to award grants on a competitive basis to eligible entities to enable such eligible entities to demonstrate innovative credit enhancement methods of assisting high-performing charter schools to access private sector capital to address the cost of acquiring, constructing, and renovating facilities by enhancing the availability of loans or bond financing.

(b) OTHER FACILITIES GRANTS.—The Secretary shall use the remainder of the amount available to carry out this subpart to award grants on a competitive basis to eligible entities to—

(1) improve access to facilities and facilities financing for high-performing charter schools, through methods that may include—

(A) leveraging State and local facilities funds, including the cost of implementing school bond programs that include high-performing charter schools;

(B) implementing open-facilities-access programs or making available renovated or adapted space for high-performing charter schools; and

(C) assisting with constructing or improving, at low cost, facilities for high-performing charter schools through innovative methods; and

(2) support an eligible entity described in section 5432(1)(A) in the establishment, enhancement, and administration of a per-pupil facilities aid program through Federal payments that shall be not more than—

(A) 90 percent of the cost, for the first fiscal year for which the program receives assistance under this subsection;

(B) 80 percent in the second such year;

(C) 60 percent in the third such year;

(D) 40 percent in the fourth such year; and

(E) 20 percent in the fifth such year.

(c) STATE SHARE OF PER-PUPIL FACILITIES AID PROGRAM.—A State receiving a grant under subsection (b)(2) may partner with 1 or more organizations to provide not more than 50 percent of the

State share of the cost of establishing, enhancing, or administering the per-pupil facilities aid program.

(d) GRANT AMOUNT.—In determining the amount of each grant to be awarded under this subpart, the Secretary shall consider—

(1) the quality of the application submitted under section 5435;

(2) the number of students that are served or may be served by high-performing charter schools that would receive assistance under the grant program; and

(3) the amount of funds that is needed to implement the activities described in the approved application.

(e) SUPPLEMENT NOT SUPPLANT.—Funds made available under this section shall be used to supplement, and not supplant, State and local public funds expended to provide programs for charter schools.

SEC. 5434. CHARTER SCHOOL OBJECTIVES.

An eligible entity receiving a grant under this subpart shall use the funds to assist 1 or more high-performing charter schools to accomplish 1 or both of the following objectives:

(1) The acquisition (by purchase, lease, donation, or otherwise) of an interest (including an interest held by a third party for the benefit of a charter school) in improved or unimproved real property that is necessary to commence or continue the operation of a charter school.

(2) The construction of new facilities, or the renovation, repair, or alteration of existing facilities, necessary to commence or continue the operation of a charter school.

SEC. 5435. APPLICATIONS; SELECTION CRITERIA.

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

(b) CONTENTS.—An application submitted under subsection (a) shall include—

(1) a description of the activities that the eligible entity proposes to carry out using funds received under this subpart;

(2) a demonstration that the eligible entity will consider the quality of a charter school when determining—

(A) which charter schools will receive assistance under this subpart;

(B) how much grant assistance will be provided to each charter school; and

(C) the type of assistance that each charter school will receive;

(3) a description of the eligible entity's record of successfully carrying out the activities that such eligible entity proposes to carry out;

(4) if applicable, the eligible entity's record of leveraging private-sector funding and a description of how the proposed activities will leverage the maximum amount of private-sector financing capital relative to the amount of government funding;

(5) an explanation of how the eligible entity possesses sufficient expertise in education to evaluate the likelihood of success of a charter school for which facilities financing is sought;

(6) in the case of an application submitted by an eligible entity that includes 1 or more State or local educational agencies, a description of the agency's policies and procedures for ensuring that charter schools have equitable access to school facilities; and

(7) such other information as the Secretary may reasonably require.

(c) SELECTION CRITERIA.—In awarding grants under this subpart, the Secretary shall consider—

(1) the quality of the eligible entity's application;

(2) the extent to which the eligible entity proposes to support high-performing charter schools that plan to enroll a large percentage of students from low-income families;

(3) the geographic diversity of the eligible entities, including the distribution of grants between urban and rural areas; and

(4) the number of eligible entities in a State that are receiving grants under this subpart in any fiscal year.

SEC. 5436. RESERVE ACCOUNT.

(a) USE OF FUNDS.—To assist charter schools with addressing the cost of acquiring, constructing, and renovating facilities and accessing facilities and facilities financing, an eligible entity receiving a grant under section 5433(a) shall, in accordance with State and local law, directly or indirectly, alone or in collaboration with others, deposit the funds received under this subpart (other than funds used for administrative costs in accordance with section 5437) in a reserve account established and maintained by the eligible entity for this purpose. Amounts deposited in such account shall be used by the eligible entity for 1 or more of the following purposes:

(1) Guaranteeing, insuring, and reinsuring bonds, notes, evidences of debt, loans, and interests therein, the proceeds of which are used for an objective described in section 5434.

(2) Guaranteeing and insuring leases of personal and real property for an objective described in section 5434.

(3) Facilitating financing by identifying potential lending sources, encouraging private lending, and other similar activities that directly promote lending to, or for the benefit of, charter schools.

(4) Facilitating the issuance of bonds by charter schools, or by other public entities for the benefit of charter schools, by providing technical, administrative, and other appropriate assistance (including the recruitment of bond counsel, underwriters, and potential investors and the consolidation of multiple charter school projects within a single bond issue).

(b) INVESTMENT.—Funds received under this subpart and deposited in the reserve account established under subsection (a) shall be invested in obligations issued or guaranteed by the United States or a State, or in other similarly low-risk securities.

(c) REINVESTMENT OF EARNINGS.—Any earnings on funds received under this subpart shall be deposited in the reserve account established under subsection (a) and used in accordance with such subsection.

SEC. 5437. LIMITATION ON ADMINISTRATIVE COSTS.

An eligible entity may use not more than 2.5 percent of the funds received under this subpart for the administrative costs of carrying out its responsibilities under this subpart.

SEC. 5438. AUDITS AND REPORTS.

(a) FINANCIAL RECORD MAINTENANCE AND AUDIT.—The financial records of each eligible entity receiving a grant under this subpart shall be maintained in accordance with generally accepted accounting principles and shall be subject to an annual audit by an independent public accountant.

(b) REPORTS.—

(1) GRANTEE ANNUAL REPORTS.—Each eligible entity receiving a grant under this subpart annually shall submit to the Secretary a report of its operations and activities under this subpart.

(2) CONTENTS.—Each annual report submitted under paragraph (1) shall include—

(A) a copy of the most recent financial statements, and any accompanying opinion on such statements, prepared by the independent public accountant reviewing the financial records of the eligible entity;

(B) a copy of any report made on an audit of the financial records of the eligible entity that was conducted under subsection (a) during the reporting period;

(C) if applicable, an evaluation by the eligible entity of the effectiveness of its use of the Federal funds provided under this subpart in leveraging private funds;

(D) a listing and description of the charter schools served during the reporting period and the performance of such charter schools in increasing student achievement and growth, consistent with section 1111;

(E) a description of the activities carried out by the eligible entity to assist charter schools in meeting the objectives set forth in section 5434; and

(F) a description of the characteristics of lenders and other financial institutions participating in the activities undertaken by the eligible entity under this subpart during the reporting period, if applicable.

(3) SECRETARIAL REPORT.—The Secretary shall review the reports submitted under paragraph (1) and shall provide a comprehensive annual report to Congress on the activities conducted under this subpart.

SEC. 5439. NO FULL FAITH AND CREDIT FOR GRANTEE OBLIGATIONS.

No financial obligation of an eligible entity entered into pursuant to this subpart (such as an obligation under a guarantee, bond, note, evidence of debt, or loan) shall be an obligation of, or guaranteed in any respect by, the United States. The full faith and credit of the United States is not pledged to the payment of funds which may be required to be paid under any obligation made by an eligible entity pursuant to any provision of this subpart.

SEC. 5440. RECOVERY OF FUNDS.

(a) IN GENERAL.—The Secretary, in accordance with chapter 37 of title 31, United States Code, shall collect—

(1) all of the funds in a reserve account established by an eligible entity under section 5436(a) if the Secretary determines, not earlier than 2 years after the date on which the eligible entity first received funds under this subpart, that the eligible entity has failed to make substantial progress in carrying out the purposes described in section 5436(a); or

(2) all or a portion of the funds in a reserve account established by an eligible entity under section 5436(a) if the Secretary determines that the eligible entity has permanently ceased to use all or a portion of the funds in such account to accomplish any purpose described in section 5436(a).

(b) EXERCISE OF AUTHORITY.—The Secretary shall not exercise the authority provided in subsection (a) to collect from any eligible entity any funds that are being properly used to achieve 1 or more of the purposes described in section 5436(a).

(c) PROCEDURES.—The provisions of sections 451, 452, and 458 of the General Education Provisions Act shall apply to the recovery of funds under subsection (a).

(d) CONSTRUCTION.—This section shall not be construed to impair or affect the authority of the Secretary to recover funds under part D of the General Education Provisions Act.

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PART E—VOLUNTARY PUBLIC SCHOOL CHOICE PROGRAMS

SEC. 5501. GRANTS.

(a) AUTHORIZATION.—From funds made available to carry out this subpart, the Secretary shall award grants, on a competitive basis, to eligible entities to enable the entities to establish or expand a program of public school choice (referred to in this subpart as a "program") in accordance with this subpart.

(b) DURATION.—Grants awarded under subsection (a) may be awarded for a period of 3 years and may be renewed for not more than an additional 2 years if the Secretary finds that the grantee is achieving the objectives of the grant.

SEC. 5502. USES OF FUNDS.

(a) REQUIRED USE OF FUNDS.—An eligible entity that receives a grant under this subpart shall use the grant funds to establish or expand inter- or intra-district public school choice programs for students attending the lowest-performing schools to attend high-quality public elementary schools and secondary schools, including charter schools.

(b) PERMISSIBLE USES OF FUNDS.—An eligible entity that receives a grant under this subpart may use the grant funds for—

(1) planning or designing a program (for not more than 1 year);

(2) transportation services to and from high-quality schools for participating students;

(3) improving public school finance systems to allow school funding to follow students, including tuition transfer payments to high-quality public elementary schools or secondary schools to which students transfer under the program;

(4) capacity-enhancing activities that enable high-quality public elementary schools or secondary schools to accommodate transfer requests under the program;

(5) public education and recruitment campaigns to inform students attending the lowest-performing schools and their parents about the program and to facilitate their participation; and

(6) other costs reasonably necessary to implement the program, such as the development of lottery systems.

(c) NONPERMISSIBLE USES OF FUNDS.—An eligible entity that receives a grant under this subpart may not use the grant funds for school construction.

(d) ADMINISTRATIVE EXPENSES.—The eligible entity may use not more than 5 percent of the funds made available through the grant for any fiscal year for administrative expenses.

SEC. 5503. APPLICATIONS.

(a) SUBMISSION.—An eligible entity that desires a grant under this subpart shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(b) CONTENTS.—An application submitted under subsection (a) shall include a comprehensive plan that describes—

(1) the activities to be carried out;

(2) how the activities—

(A) will increase access to high-quality schools for students attending the lowest-performing schools;

(B) will increase the student academic achievement and student growth of students participating in the grant activities, including English learners and students with disabilities; and

(C) if applicable, will increase diversity;

(3) how students will be selected to participate in grant activities, including the design and implementation of a lottery system if the program is oversubscribed, and how students and parents will be informed of their opportunity to participate;

(4) how the program will be coordinated with and leverage other related Federal and non-Federal funding and programs;

(5) how the applicant will continue to implement the plan after the period of the grant has expired;

(6) if the activities required under section 5505(a)(2) are to be carried out in partnership with a public or other nonprofit organization, a description of the organization's experience, capacity, responsibilities, and how the eligible entity will monitor the public or other nonprofit organization's effectiveness in carrying our such activities; and

(7) such other information as the Secretary may require.

(c) SELECTION CRITERIA.—In selecting grantees under this part, the Secretary shall consider—

(1) the quality of the applicant's comprehensive plan;

(2) the extent to which the applicant can demonstrate that its grant activities will increase student academic achievement and student growth for students participating in the grant activities, including English learners and students with disabilities; and

(3) the extent to which the applicant can demonstrate that its grant activities will ensure that parents and students are in-

formed of the program, in a clear and uniform format and, to the extent practicable, in a language that the parents and students can understand, to increase the likelihood that parents will have their children participate in the grantee's program.

SEC. 5504. PRIORITIES.

In awarding grants under this subpart, the Secretary shall give priority to an eligible entity that proposes to—

(1) establish or expand an inter-district choice program that serves a large percentage of students from low-income families; and

(2) establish or expand a program that will increase diversity.

SEC. 5505. REQUIREMENTS AND VOLUNTARY PARTICIPATION.

(a) PARENT AND COMMUNITY INVOLVEMENT AND NOTICE.—In carrying out a program under this subpart, an eligible entity shall carry out the following:

(1) Develop the program with—

(A) the involvement of parents and other education stakeholders in the community to be served; and

(B) individuals who will carry out the program, including administrators, teachers, principals, and other staff.

(2) Develop and carry out the following activities, alone or in partnership with a public or other nonprofit organization that has a record of success in implementing such activities:

(A) Disseminating timely and accurate information about the program to parents of students attending the lowest-performing schools, in a clear and uniform format and, to the extent practicable, in a language that they can understand, including through the use of a variety of effective and innovative outreach approaches, such as by sending customized letters to each family about available programs.

(B) Providing education and training to parents of students attending the lowest-performing schools to enable the parents to use the information provided under subparagraph (A) in their decisions about their children's education.

(b) SELECTION OF STUDENTS.—An eligible entity that receives a grant under this subpart shall select students to participate in a program on the basis of a lottery, if more students apply for admission to the program than can be accommodated.

(c) VOLUNTARY PARTICIPATION.—Student participation in a program funded under this subpart shall be voluntary.

(d) PERFORMANCE MEASURES.—

(1) IN GENERAL.—Each eligible entity awarded a grant under this part shall establish performance measures and targets that—

(A) are approved by the Secretary;

(B) are implemented for each program established or expanded with funds provided under this part; and

(C) at a minimum, track—

(i) the number of students participating;

(ii) the participating students' academic achievement and student growth;

(iii) in the case of participating high school students, their graduation rates; and

(iv) any other measure required by the Secretary.

(2) REPORTS.—Each eligible entity awarded a grant under this part shall annually report to the Secretary on its performance on the measures and targets established under paragraph (1), and shall provide that information both in the aggregate and disaggregated for each subgroup of students described in section 1111(a)(2)(B)(ix).

SEC. 5506. EVALUATIONS.

From the amount reserved for evaluation activities in accordance with section 9601(a), the Secretary, acting through the Director of the Institute of Education Sciences, shall, in consultation with the relevant program office at the Department, evaluate the implementation and impact of the activities supported under this part, consistent with section 9601, including—

(1) how, and the extent to which, the programs promote educational equity and excellence;

(2) the characteristics of the students participating in the programs; and

(3) the effect of the programs on the academic achievement and student growth of students participating in the programs both in the aggregate and disaggregated for each subgroup of students described in section 1111(a)(2)(B)(ix).

SEC. 5507. DEFINITIONS.

In this subpart:

(1) CHARTER SCHOOL.—The term "charter school" has the meaning given such term in section 5411.

(2) ELIGIBLE ENTITY.—The term "eligible entity" means—

(A) 1 or more high-need local educational agencies applying with 1 or more other local educational agencies; or

(B) a State educational agency applying with 1 or more high-need local educational agencies.

(3) LOWEST-PERFORMING SCHOOL.—The term "lowest-performing school" means a public elementary school or secondary school that has been identified as an achievement gap school pursuant to section 1116(b) or a persistently low-achieving school pursuant to section 1116(c).

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TITLE VI—[FLEXIBILITY AND ACCOUNTABILITY]*PROMOTING FLEXIBILITY; RURAL EDUCATION*

[PART A—IMPROVING ACADEMIC ACHIEVEMENT]

[Subpart 1—Accountability]

[SEC. 6111. [20 U.S.C. 7301] GRANTS FOR STATE ASSESSMENTS AND RELATED ACTIVITIES.]

[The Secretary shall make grants to States to enable the States—

[(1) to pay the costs of the development of the additional State assessments and standards required by section 1111(b), which may include the costs of working in voluntary partnerships with other States, at the sole discretion of each such State; and

[(2) if a State has developed the assessments and standards required by section 1111(b), to administer those assessments or to carry out other activities described in this subpart and other activities related to ensuring that the State's schools and local educational agencies are held accountable for results, such as the following:

[(A) Developing challenging State academic content and student academic achievement standards and aligned assessments in academic subjects for which standards and assessments are not required by section 1111(b).

[(B) Developing or improving assessments of English language proficiency necessary to comply with section 1111(b)(7).

[(C) Ensuring the continued validity and reliability of State assessments.

[(D) Refining State assessments to ensure their continued alignment with the State's academic content standards and to improve the alignment of curricula and instructional materials.

[(E) Developing multiple measures to increase the reliability and validity of State assessment systems.

[(F) Strengthening the capacity of local educational agencies and schools to provide all students the opportunity to increase educational achievement, including carrying out professional development activities aligned with State student academic achievement standards and assessments.

[(G) Expanding the range of accommodations available to students with limited English proficiency and students with disabilities to improve the rates of inclusion of such students, including professional development activities aligned with State academic achievement standards and assessments.

[(H) Improving the dissemination of information on student achievement and school performance to parents and the community, including the development of information and reporting systems designed to identify best educational practices based on scientifically based research or to assist in linking records of student achievement, length of enrollment, and graduation over time.]

[SEC. 6112. [20 U.S.C. 7301a] GRANTS FOR ENHANCED ASSESSMENT INSTRUMENTS.]

[(a) GRANT PROGRAM AUTHORIZED.—From funds made available to carry out this subpart, the Secretary shall award, on a competitive basis, grants to State educational agencies that have submitted an application at such time, in such manner, and containing such information as the Secretary may require, which demonstrate to the satisfaction of the Secretary, that the requirements of this section will be met, for the following:

[(1) To enable States (or consortia of States) to collaborate with institutions of higher education, other research institutions, or other organizations to improve the quality, validity, and reliability of State academic assessments beyond the requirements for such assessments described in section 1111(b)(3).

[(2) To measure student academic achievement using multiple measures of student academic achievement from multiple sources.

[(3) To chart student progress over time.

[(4) To evaluate student academic achievement through the development of comprehensive academic assessment instruments, such as performance and technology-based academic assessments.

[(b) APPLICATION.—Each State wishing to apply for funds under this section shall include in its State plan under part A of title I such information as the Secretary may require.

[(c) ANNUAL REPORT.—Each State educational agency receiving a grant under this section shall submit an annual report to the Secretary describing its activities, and the result of those activities, under the grant.]

[SEC. 6113. [20 U.S.C. 7301b] FUNDING.]

[(a) AUTHORIZATION OF APPROPRIATIONS.—

[(1) NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS.—For the purpose of administering the State assessments under the National Assessment of Educational Progress, there are authorized to be appropriated $72,000,000 for fiscal year 2002, and such sums as may be necessary for each of the 5 succeeding fiscal years.

[(2) STATE ASSESSMENTS AND RELATED ACTIVITIES.—For the purpose of carrying out this subpart, there are authorized to be appropriated $490,000,000 for fiscal year 2002, and such sums as may be necessary for each of the 5 succeeding fiscal years.

[(b) ALLOTMENT OF APPROPRIATED FUNDS.—

[(1) IN GENERAL.—From amounts made available for each fiscal year under subsection (a)(2) that are equal to or less than the amount described in section 1111(b)(3)(D) (hereinafter

in this subsection referred to as the "trigger amount"), the Secretary shall—

[(A) reserve one-half of 1 percent for the Bureau of Indian Affairs;

[(B) reserve one-half of 1 percent for the outlying areas; and

[(C) from the remainder, allocate to each State an amount equal to—

[(i) $3,000,000; and

[(ii) with respect to any amounts remaining after the allocation is made under clause (i), an amount that bears the same relationship to such total remaining amounts as the number of students ages 5 through 17 in the State (as determined by the Secretary on the basis of the most recent satisfactory data) bears to the total number of such students in all States.

[(2) REMAINDER.—Any amounts remaining for a fiscal year after the Secretary carries out paragraph (1) shall be made available as follows:

[(A)(i) To award funds under section 6112 to States according to the quality, needs, and scope of the State application under that section.

[(ii) In determining the grant amount under clause (i), the Secretary shall ensure that a State's grant shall include an amount that bears the same relationship to the total funds available under this paragraph for the fiscal year as the number of students ages 5 through 17 in the State (as determined by the Secretary on the basis of the most recent satisfactory data) bears to the total number of such students in all States.

[(B) Any amounts remaining after the Secretary awards funds under subparagraph (A) shall be allocated to each State that did not receive a grant under such subparagraph, in an amount that bears the same relationship to the total funds available under this subparagraph as the number of students ages 5 through 17 in the State (as determined by the Secretary on the basis of the most recent satisfactory data) bears to the total number of such students in all States.

[(c) STATE DEFINED.—In this section, the term "State" means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.]

[Subpart 2—Funding Transferability for State and Local Educational Agencies]

[SEC. 6121. [20 U.S.C. 7305] SHORT TITLE.]

[This subpart may be cited as the "State and Local Transferability Act".]

[SEC. 6122. [20 U.S.C. 7305a] PURPOSE.]

[The purpose of this subpart is to allow States and local educational agencies the flexibility—

[(1) to target Federal funds to Federal programs that most effectively address the unique needs of States and localities; and

[(2) to transfer Federal funds allocated to other activities to allocations for certain activities authorized under title I.]

[SEC. 6123. [20 U.S.C. 7305b] TRANSFERABILITY OF FUNDS.]

[(a) TRANSFERS BY STATES.—

[(1) IN GENERAL.—In accordance with this subpart, a State may transfer not more than 50 percent of the nonadministrative State funds (including funds transferred under paragraph (2)) allotted to the State for use for State-level activities under the following provisions for a fiscal year to one or more of the State's allotments for such fiscal year under any other of such provisions:

[(A) Section 2113(a)(3).

[(B) Section 2412(a)(1).

[(C) Subsections (a)(1) (with the agreement of the Governor) and (c)(1) of section 4112 and section 4202(c)(3).

[(D) Section 5112(b).

[(2) ADDITIONAL FUNDS FOR TITLE I.—In accordance with this subpart and subject to the 50 percent limitation described in paragraph (1), a State may transfer any funds allotted to the State under a provision listed in paragraph (1) to its allotment under title I.

[(b) TRANSFERS BY LOCAL EDUCATIONAL AGENCIES.—

[(1) AUTHORITY TO TRANSFER FUNDS.—

[(A) IN GENERAL.—In accordance with this subpart, a local educational agency (except a local educational agency identified for improvement under section 1116(c) or subject to corrective action under section 1116(c)(9)) may transfer not more than 50 percent of the funds allocated to it (including funds transferred under subparagraph (C)) under each of the provisions listed in paragraph (2) for a fiscal year to one or more of its allocations for such fiscal year under any other provision listed in paragraph (2).

[(B) AGENCIES IDENTIFIED FOR IMPROVEMENT.—In accordance with this subpart, a local educational agency identified for improvement under section 1116(c) may transfer not more than 30 percent of the funds allocated to it (including funds transferred under subparagraph (C)) under each of the provisions listed in paragraph (2) for a fiscal year—

[(i) to its allocation for school improvement for such fiscal year under section 1003; or

[(ii) to any other allocation for such fiscal year if such transferred funds are used only for local educational agency improvement activities consistent with section 1116(c).

[(C) ADDITIONAL FUNDS FOR TITLE I.—In accordance with this subpart and subject to the percentage limitation described in subparagraph (A) or (B), as applicable, a local educational agency may transfer funds allocated to such agency under any of the provisions listed in paragraph (2)

for a fiscal year to its allocation for part A of title I for that fiscal year.

[(2) APPLICABLE PROVISIONS.—A local educational agency may transfer funds under subparagraph (A), (B), or (C) of paragraph (1) from allocations made under each of the following provisions:

[(A) Section 2121.

[(B) Section 2412(a)(2)(A).

[(C) Section 4112(b)(1).

[(D) Section 5112(a).

[(c) NO TRANSFER OF TITLE I FUNDS.—A State or a local educational agency may not transfer under this subpart to any other program any funds allotted or allocated to it for part A of title I.

[(d) MODIFICATION OF PLANS AND APPLICATIONS; NOTIFICATION.—

[(1) STATE TRANSFERS.—Each State that makes a transfer of funds under this section shall—

[(A) modify, to account for such transfer, each State plan, or application submitted by the State, to which such funds relate;

[(B) not later than 30 days after the date of such transfer, submit a copy of such modified plan or application to the Secretary; and

[(C) not later than 30 days before the effective date of such transfer, notify the Secretary of such transfer.

[(2) LOCAL TRANSFERS.—Each local educational agency that makes a transfer of funds under this section shall—

[(A) modify, to account for such transfer, each local plan, or application submitted by the agency, to which such funds relate;

[(B) not later than 30 days after the date of such transfer, submit a copy of such modified plan or application to the State; and

[(C) not later than 30 days before the effective date of such transfer, notify the State of such transfer.

[(e) APPLICABLE RULES.—

[(1) IN GENERAL.—Except as otherwise provided in this subpart, funds transferred under this section are subject to each of the rules and requirements applicable to the funds under the provision to which the transferred funds are transferred.

[(2) CONSULTATION.—Each State educational agency or local educational agency that transfers funds under this section shall conduct consultations in accordance with section 9501, if such transfer transfers funds from a program that provides for the participation of students, teachers, or other educational personnel, from private schools.]

[Subpart 3—State and Local Flexibility Demonstration]

[SEC. 6131. [20 U.S.C. 7311] SHORT TITLE.]

[This subpart may be cited as the "State and Local Flexibility Demonstration Act".]

[SEC. 6132. [20 U.S.C. 7311a] PURPOSE.]

[The purpose of this subpart is to create options for selected State educational agencies and local educational agencies—

[(1) to improve the academic achievement of all students, and to focus the resources of the Federal Government upon such achievement;

[(2) to improve teacher quality and subject matter mastery, especially in mathematics, reading, and science;

[(3) to better empower parents, educators, administrators, and schools to effectively address the needs of their children and students;

[(4) to give participating State educational agencies and local educational agencies greater flexibility in determining how to increase their students' academic achievement and implement education reforms in their schools;

[(5) to eliminate barriers to implementing effective State and local education reform, while preserving the goals of opportunity for all students and accountability for student progress;

[(6) to hold participating State educational agencies and local educational agencies accountable for increasing the academic achievement of all students, especially disadvantaged students; and

[(7) to narrow achievement gaps between the lowest and highest achieving groups of students so that no child is left behind.]

[SEC. 6133. [20 U.S.C. 7311b] GENERAL PROVISION.]

[For purposes of this subpart, any State that is one local educational agency shall be considered a State educational agency and not a local educational agency.]

[CHAPTER A—STATE FLEXIBILITY AUTHORITY]

[SEC. 6141. [20 U.S.C. 7315] STATE FLEXIBILITY.]

[(a) FLEXIBILITY AUTHORITY.—Except as otherwise provided in this chapter, the Secretary shall, on a competitive basis, grant flexibility authority to not more than seven eligible State educational agencies, under which the agencies may consolidate and use funds in accordance with section 6142.

[(b) DEFINITIONS.—In this chapter:

[(1) ELIGIBLE STATE EDUCATIONAL AGENCY.—The term "eligible State educational agency" means a State educational agency that—

[(A) submits an approvable application under subsection (c); and

[(B) proposes performance agreements—

[(i) that shall be entered into with not fewer than 4, and not more than 10, local educational agencies;

[(ii) not fewer than half of which shall be entered into with high-poverty local educational agencies; and

[(iii) that require the local educational agencies described in clause (i) to align their use of consolidated funds under section 6152 with the State educational agency's use of consolidated funds under section 6142.

[(2) HIGH-POVERTY LOCAL EDUCATIONAL AGENCY.—The term "high-poverty local educational agency" means a local educational agency for which 20 percent or more of the children who are age 5 through 17, and served by the local educational agency, are from families with incomes below the poverty line.

[(c) STATE APPLICATIONS.—

[(1) APPLICATIONS.—To be eligible to receive flexibility authority under this chapter, a State educational agency shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including—

[(A) information demonstrating, to the satisfaction of the Secretary, that the grant of authority offers substantial promise of—

[(i) assisting the State educational agency in making adequate yearly progress, as defined under section 1111(b)(2); and

[(ii) aligning State and local reforms and assisting the local educational agencies that enter into performance agreements with the State educational agency under paragraph (2) in making such adequate yearly progress;

[(B) the performance agreements that the State educational agency proposes to enter into with eligible local educational agencies under paragraph (2);

[(C) information demonstrating that the State educational agency has consulted with and involved parents, representatives of local educational agencies, and other educators in the development of the terms of the grant of authority;

[(D) a provision specifying that the grant of flexibility authority shall be for a term of not more than 5 years;

[(E) a list of the programs described in section 6142(b) that are included in the scope of the grant of authority;

[(F) a provision specifying that no requirements of any program described in section 6142(b) and included by a State educational agency in the scope of the grant of authority shall apply to that agency, except as otherwise provided in this chapter;

[(G) a 5-year plan describing how the State educational agency intends to consolidate and use the funds from programs included in the scope of the grant of authority, for any educational purpose authorized under this Act, in order to make adequate yearly progress and advance the education priorities of the State and the local educational agencies with which the State educational agency enters into performance agreements;

[(H) an assurance that the State educational agency will provide parents, teachers, and representatives of local educational agencies and schools with notice and an opportunity to comment on the proposed terms of the grant of authority;

[(I) an assurance that the State educational agency, and the local educational agencies with which the State edu-

cational agency enters into performance agreements, will use fiscal control and fund accounting procedures that will ensure proper disbursement of, and accounting for, Federal funds consolidated and used under the grant of authority;

[(J) an assurance that the State educational agency, and the local educational agencies with which the State educational agency enters into performance agreements, will meet the requirements of all applicable Federal civil rights laws in carrying out the grant of authority, including consolidating and using funds under the grant of authority;

[(K) an assurance that, in consolidating and using funds under the grant of authority—

[(i) the State educational agency, and the local educational agencies with which the State educational agency enters into performance agreements, will provide for the equitable participation of students and professional staff in private schools consistent with section 9501; and

[(ii) that sections 9502, 9503, and 9504 shall apply to all services and assistance provided with such funds in the same manner as such sections apply to services and assistance provided in accordance with section 9501;

[(L) an assurance that the State educational agency will, for the duration of the grant of authority, use funds consolidated under section 6142 only to supplement the amount of funds that would, in the absence of those Federal funds, be made available from non-Federal sources for the education of students participating in programs assisted with the consolidated funds, and not to supplant those funds; and

[(M) an assurance that the State educational agency shall, not later than 1 year after the date on which the Secretary makes the grant of authority, and annually thereafter during the term of the grant of authority, disseminate widely to parents and the general public, transmit to the Secretary, distribute to print and broadcast media, and post on the Internet, a report, which shall include a detailed description of how the State educational agency, and the local educational agencies with which the State educational agency enters into performance agreements, used the funds consolidated under the grant of authority to make adequate yearly progress and advance the education priorities of the State and local educational agencies in the State.

[(2) PROPOSED PERFORMANCE AGREEMENTS WITH LOCAL EDUCATIONAL AGENCIES.—

[(A) IN GENERAL.—A State educational agency that wishes to receive flexibility authority under this subpart shall propose performance agreements that meet the requirements of clauses (i) and (ii) of subsection (b)(1)(B) (subject to approval of the application or amendment involved under subsection (d) or (e)).

[(B) PERFORMANCE AGREEMENTS.—Each proposed performance agreement with a local educational agency shall—

[(i) contain plans for the local educational agency to consolidate and use funds in accordance with section 6152, for activities that are aligned with the State educational agency's plan described in paragraph (1)(G);

[(ii) be subject to the requirements of chapter B relating to agreements between the Secretary and a local educational agency, except—

[(I) that, as appropriate, references in that chapter to the Secretary shall be deemed to be references to the State educational agency; and

[(II) as otherwise provided in this chapter; and

[(iii) contain an assurance that the local educational agency will, for the duration of the grant of authority, use funds consolidated under section 6152 only to supplement the amount of funds that would, in the absence of those Federal funds, be made available from non-Federal sources for the education of students participating in programs assisted with the consolidated funds, and not to supplant those funds.

[(d) APPROVAL AND SELECTION.—The Secretary shall—

[(1) establish a peer review process to assist in the review of proposed State applications under this section; and

[(2) appoint individuals to participate in the peer review process who are—

[(A) representative of parents, teachers, State educational agencies, and local educational agencies; and

[(B) familiar with educational standards, assessments, accountability, curricula, instruction, and staff development, and other diverse educational needs of students.

[(e) AMENDMENT TO GRANT OF AUTHORITY.—

[(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall amend the grant of flexibility authority made to a State educational agency under this chapter, in each of the following circumstances:

[(A) REDUCTION IN SCOPE OF THE GRANT OF AUTHORITY.—Not later than 1 year after receiving a grant of flexibility authority, the State educational agency seeks to amend the grant of authority to remove from the scope of the grant of authority any program described in section 6142(b).

[(B) EXPANSION OF SCOPE OF THE GRANT OF AUTHORITY.—Not later than 1 year after receiving a grant of flexibility authority, the State educational agency seeks to amend the grant of authority to include in the scope of the grant of authority any additional program described in section 6142(b) or any additional achievement indicators for which the State will be held accountable.

[(C) CHANGES WITH RESPECT TO NUMBER OF PERFORMANCE AGREEMENTS.—The State educational agency seeks to amend the grant of authority to include or remove per-

formance agreements that the State educational agency proposes to enter into with eligible local educational agencies, except that in no case may the State educational agency enter into performance agreements that do not meet the requirements of clauses (i) and (ii) of subsection (b)(1)(B).

[(2) APPROVAL AND DISAPPROVAL.—

[(A) DEEMED APPROVAL.—A proposed amendment to a grant of flexibility authority submitted by a State educational agency pursuant to paragraph (1) shall be deemed to be approved by the Secretary unless the Secretary makes a written determination, prior to the expiration of the 120-day period beginning on the date on which the Secretary received the proposed amendment, that the proposed amendment is not in compliance with this chapter.

[(B) DISAPPROVAL.—The Secretary shall not finally disapprove the proposed amendment, except after giving the State educational agency notice and an opportunity for a hearing.

[(C) NOTIFICATION.—If the Secretary finds that the proposed amendment is not in compliance, in whole or in part, with this chapter, the Secretary shall—

[(i) give the State educational agency notice and an opportunity for a hearing; and

[(ii) notify the State educational agency of the finding of noncompliance and, in such notification, shall—

[(I) cite the specific provisions in the proposed amendment that are not in compliance; and

[(II) request additional information, only as to the noncompliant provisions, needed to make the proposed amendment compliant.

[(D) RESPONSE.—If the State educational agency responds to the Secretary's notification described in subparagraph (C)(ii) during the 45-day period beginning on the date on which the agency received the notification, and resubmits the proposed amendment with the requested information described in subparagraph (C)(ii)(II), the Secretary shall approve or disapprove such proposed amendment prior to the later of—

[(i) the expiration of the 45-day period beginning on the date on which the proposed amendment is resubmitted; or

[(ii) the expiration of the 120-day period described in subparagraph (A).

[(E) FAILURE TO RESPOND.—If the State educational agency does not respond to the Secretary's notification described in subparagraph (C)(ii) during the 45-day period beginning on the date on which the agency received the notification, such proposed amendment shall be deemed to be disapproved.

[(3) TREATMENT OF PROGRAM FUNDS WITHDRAWN FROM GRANT OF AUTHORITY.—Beginning on the effective date of an amendment executed under paragraph (1)(A), each program requirement of each program removed from the scope of a grant

of authority shall apply to the use of funds made available under the program by the State educational agency and each local educational agency with which the State educational agency has a performance agreement.]

[SEC. 6142. [20 U.S.C. 7315a] CONSOLIDATION AND USE OF FUNDS.]

[(a) IN GENERAL.—

[(1) AUTHORITY.—Under a grant of flexibility authority made under this chapter, a State educational agency may consolidate Federal funds described in subsection (b) and made available to the agency, and use such funds for any educational purpose authorized under this Act.

[(2) PROGRAM REQUIREMENTS.—Except as otherwise provided in this chapter, a State educational agency may use funds under paragraph (1) notwithstanding the program requirements of the program under which the funds were made available to the State.

[(b) ELIGIBLE FUNDS AND PROGRAMS.—

[(1) FUNDS.—The funds described in this subsection are funds, for State-level activities and State administration, that are described in the following provisions:

[(A) Section 1004.

[(B) Paragraphs (4) and (5) of section 1202(d).

[(C) Section 2113(a)(3).

[(D) Section 2412(a)(1).

[(E) Subsections (a) (with the agreement of the Governor), (b)(2), and (c)(1) of section 4112.

[(F) Paragraphs (2) and (3) of section 4202(c).

[(G) Section 5112(b).

[(2) PROGRAMS.—The programs described in this subsection are the programs authorized to be carried out with funds described in paragraph (1).

[(c) SPECIAL RULE.—A State educational agency that receives a grant of flexibility authority under this chapter—

[(1) shall ensure that the funds described in section 5112(a) are allocated to local educational agencies in the State in accordance with section 5112(a); but

[(2) may specify how the local educational agencies shall use the allocated funds.]

[SEC. 6143. [20 U.S.C. 7315b] PERFORMANCE REVIEW AND PENALTIES.]

[(a) MIDTERM REVIEW.—

[(1) FAILURE TO MAKE ADEQUATE YEARLY PROGRESS.—If, during the term of a grant of flexibility authority under this chapter, a State educational agency fails to make adequate yearly progress for 2 consecutive years, the Secretary shall, after providing notice and an opportunity for a hearing, terminate the grant of authority promptly.

[(2) NONCOMPLIANCE.—The Secretary may, after providing notice and an opportunity for a hearing (including the opportunity to provide evidence as described in paragraph (3)), terminate a grant of flexibility authority for a State if there is evidence that the State educational agency involved has failed to comply with the terms of the grant of authority.

[(3) EVIDENCE.—If a State educational agency believes that a determination of the Secretary under this subsection is in error for statistical or other substantive reasons, the State educational agency may provide supporting evidence to the Secretary, and the Secretary shall consider that evidence before making a final termination determination under this subsection.

[(b) FINAL REVIEW.—

[(1) IN GENERAL.—If, at the end of the 5-year term of a grant of flexibility authority made under this chapter, the State educational agency has not met the requirements described in section 6141(c), the Secretary may not renew the grant of flexibility authority under section 6144.

[(2) COMPLIANCE.—Beginning on the date on which such term ends, the State educational agency, and the local educational agencies with which the State educational agency has entered into performance agreements, shall be required to comply with each of the program requirements in effect on such date for each program that was included in the grant of authority.]

[SEC. 6144. [20 U.S.C. 7315c] RENEWAL OF GRANT OF FLEXIBILITY AUTHORITY.]

[(a) IN GENERAL.—Except as provided in section 6143 and in accordance with this section, if a State educational agency has met, by the end of the original 5-year term of a grant of flexibility authority under this chapter, the requirements described in section 6141(c), the Secretary shall renew a grant of flexibility authority for one additional 5-year term.

[(b) RENEWAL.—The Secretary may not renew a grant of flexibility authority under this chapter unless, not later than 6 months before the end of the original term of the grant of authority, the State educational agency seeking the renewal notifies the Secretary, and the local educational agencies with which the State educational agency has entered into performance agreements, of the agency's intention to renew the grant of authority.

[(c) EFFECTIVE DATE.—A renewal under this section shall be effective on the later of—

[(1) the expiration of the original term of the grant of authority; or

[(2) the date on which the State educational agency seeking the renewal provides to the Secretary all data required for the application described in section 6141(c).]

[CHAPTER B—LOCAL FLEXIBILITY DEMONSTRATION]

[SEC. 6151. [20 U.S.C. 7321] LOCAL FLEXIBILITY DEMONSTRATION AGREEMENTS.]

[(a) AUTHORITY.—Except as otherwise provided in this chapter, the Secretary shall, on a competitive basis, enter into local flexibility demonstration agreements—

[(1) with local educational agencies that submit approvable proposed agreements under subsection (c) and that are selected under subsection (b); and

[(2) under which those agencies may consolidate and use funds in accordance with section 6152.

[(b) SELECTION OF LOCAL EDUCATIONAL AGENCIES.—

[(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall enter into local flexibility demonstration agreements under this chapter with not more than 80 local educational agencies. Each local educational agency shall be selected on a competitive basis from among those local educational agencies that—

[(A) submit a proposed local flexibility demonstration agreement under subsection (c) to the Secretary and demonstrate, to the satisfaction of the Secretary, that the agreement—

[(i) has a substantial promise of assisting the local educational agency in meeting the State's definition of adequate yearly progress, advancing the education priorities of the local educational agency, meeting the general purposes of the programs included under this chapter and the purposes of this part, improving student achievement, and narrowing achievement gaps in accordance with section 1111(b);

[(ii) meets the requirements of this chapter; and

[(iii) contains a plan to consolidate and use funds in accordance with section 6152 in order to meet the State's definition of adequate yearly progress and the local educational agency's specific, measurable goals for improving student achievement and narrowing achievement gaps; and

[(B) have consulted and involved parents and other educators in the development of the proposed local flexibility demonstration agreement.

[(2) GEOGRAPHIC DISTRIBUTION.—

[(A) INITIAL AGREEMENTS.—The Secretary may enter into not more than three local flexibility demonstration agreements under this chapter with local educational agencies in each State that does not have a grant of flexibility authority under chapter A.

[(B) URBAN AND RURAL AREAS.—If more than three local educational agencies in a State submit approvable local flexibility demonstration agreements under this chapter, the Secretary shall select local educational agencies with which to enter into such agreements in a manner that ensures an equitable distribution among such agencies serving urban and rural areas.

[(C) PRIORITY OF STATES TO ENTER INTO STATE FLEXIBILITY DEMONSTRATION AGREEMENTS.—Notwithstanding any other provision of this part, a local educational agency may not seek to enter into a local flexibility demonstration agreement under this chapter if that agency is located in a State for which the State educational agency—

[(i) has, not later than 4 months after the date of enactment of the No Child Left Behind Act of 2001, notified the Secretary of its intent to apply for a grant of flexibility authority under chapter A and, within such period of time as the Secretary may establish, is provided with such authority by the Secretary; or

[(ii) has, at any time after such period, been granted flexibility authority under chapter A.

[(c) REQUIRED TERMS OF LOCAL FLEXIBILITY DEMONSTRATION AGREEMENT.—Each local flexibility demonstration agreement entered into with the Secretary under this chapter shall contain each of the following terms:

[(1) DURATION.—The local flexibility demonstration agreement shall be for a term of 5 years.

[(2) APPLICATION OF PROGRAM REQUIREMENTS.—The local flexibility demonstration agreement shall provide that no requirements of any program described in section 6152 and included by a local educational agency in the scope of its agreement shall apply to that agency, except as otherwise provided in this chapter.

[(3) LIST OF PROGRAMS.—The local flexibility demonstration agreement shall list which of the programs described in section 6152 are included in the scope of the agreement.

[(4) USE OF FUNDS TO IMPROVE STUDENT ACHIEVEMENT.—The local flexibility demonstration agreement shall contain a 5-year plan describing how the local educational agency intends to consolidate and use the funds from programs included in the scope of the agreement for any educational purpose authorized under this Act to advance the education priorities of the local educational agency, meet the general purposes of the included programs, improve student achievement, and narrow achievement gaps in accordance with section 1111(b).

[(5) LOCAL INPUT.—The local flexibility demonstration agreement shall contain an assurance that the local educational agency will provide parents, teachers, and representatives of schools with notice and an opportunity to comment on the proposed terms of the local flexibility demonstration agreement.

[(6) FISCAL RESPONSIBILITIES.—The local flexibility demonstration agreement shall contain an assurance that the local educational agency will use fiscal control and fund accounting procedures that will ensure proper disbursement of, and accounting for, Federal funds consolidated and used under the agreement.

[(7) CIVIL RIGHTS.—The local flexibility demonstration agreement shall contain an assurance that the local educational agency will meet the requirements of all applicable Federal civil rights laws in carrying out the agreement and in consolidating and using the funds under the agreement.

[(8) PRIVATE SCHOOL PARTICIPATION.—The local flexibility demonstration agreement shall contain an assurance that the local educational agency agrees that in consolidating and using funds under the agreement—

[(A) the local educational agency, will provide for the equitable participation of students and professional staff in private schools consistent with section 9501; and

[(B) that sections 9502, 9503, and 9504 shall apply to all services and assistance provided with such funds in the same manner as such sections apply to services and assistance provided in accordance with section 9501.

[(9) SUPPLANTING.—The local flexibility demonstration agreement shall contain an assurance that the local educational agency will, for the duration of the grant of authority, use funds consolidated under section 6152 only to supplement the amount of funds that would, in the absence of those Federal funds, be made available from non-Federal sources for the education of students participating in programs assisted with the consolidated funds, and not to supplant those funds.

[(10) ANNUAL REPORTS.—The local flexibility demonstration agreement shall contain an assurance that the local educational agency shall, not later than 1 year after the date on which the Secretary enters into the agreement, and annually thereafter during the term of the agreement, disseminate widely to parents and the general public, transmit to the Secretary, and the State educational agency for the State in which the local educational agency is located, distribute to print and broadcast media, and post on the Internet, a report that includes a detailed description of how the local educational agency used the funds consolidated under the agreement to improve student academic achievement and reduce achievement gaps.

[(d) PEER REVIEW.—The Secretary shall—

[(1) establish a peer review process to assist in the review of proposed local flexibility demonstration agreements under this chapter; and

[(2) appoint individuals to the peer review process who are representative of parents, teachers, State educational agencies, and local educational agencies, and who are familiar with educational standards, assessments, accountability, curriculum, instruction and staff development, and other diverse educational needs of students.

[(e) AMENDMENT TO PERFORMANCE AGREEMENT.—

[(1) IN GENERAL.—In each of the following circumstances, the Secretary shall amend a local flexibility demonstration agreement entered into with a local educational agency under this chapter:

[(A) REDUCTION IN SCOPE OF LOCAL FLEXIBILITY DEMONSTRATION AGREEMENT.—Not later than 1 year after entering into a local flexibility demonstration agreement, the local educational agency seeks to amend the agreement to remove from the scope any program described in section 6152.

[(B) EXPANSION OF SCOPE OF LOCAL FLEXIBILITY DEMONSTRATION AGREEMENT.—Not later than 1 year after entering into the local flexibility demonstration agreement, a local educational agency seeks to amend the agreement to include in its scope any additional program described in section 6251 or any additional achievement indicators for which the local educational agency will be held accountable.

[(2) APPROVAL AND DISAPPROVAL.—

[(A) DEEMED APPROVAL.—A proposed amendment to a local flexibility demonstration agreement pursuant to paragraph (1) shall be deemed to be approved by the Secretary unless the Secretary makes a written determina-

tion, prior to the expiration of the 120-day period beginning on the date on which the Secretary received the proposed amendment, that the proposed amendment is not in compliance with this chapter.

[(B) DISAPPROVAL.—The Secretary shall not finally disapprove the proposed amendment, except after giving the local educational agency notice and an opportunity for a hearing.

[(C) NOTIFICATION.—If the Secretary finds that the proposed amendment is not in compliance, in whole or in part, with this chapter, the Secretary shall—

[(i) give the local educational agency notice and an opportunity for a hearing; and

[(ii) notify the local educational agency of the finding of noncompliance and, in such notification, shall—

[(I) cite the specific provisions in the proposed amendment that are not in compliance; and

[(II) request additional information, only as to the noncompliant provisions, needed to make the proposed amendment compliant.

[(D) RESPONSE.—If the local educational agency responds to the Secretary's notification described in subparagraph (C)(ii) during the 45-day period beginning on the date on which the agency received the notification, and resubmits the proposed amendment with the requested information described in subparagraph (C)(ii)(II), the Secretary shall approve or disapprove such proposed amendment prior to the later of—

[(i) the expiration of the 45-day period beginning on the date on which the proposed amendment is resubmitted; or

[(ii) the expiration of the 120-day period described in subparagraph (A).

[(E) FAILURE TO RESPOND.—If the local educational agency does not respond to the Secretary's notification described in subparagraph (C)(ii) during the 45-day period beginning on the date on which the agency received the notification, such proposed amendment shall be deemed to be disapproved.

[(3) TREATMENT OF PROGRAM FUNDS WITHDRAWN FROM AGREEMENT.—Beginning on the effective date of an amendment executed under paragraph (1)(A), each program requirement of each program removed from the scope of a local flexibility demonstration agreement shall apply to the use of funds made available under the program by the local educational agency.]

[SEC. 6152. [20 U.S.C. 7321a] CONSOLIDATION AND USE OF FUNDS.]

[(a) IN GENERAL.—

[(1) AUTHORITY.—Under a local flexibility demonstration agreement entered into under this chapter, a local educational agency may consolidate Federal funds made available to the agency under the provisions listed in subsection (b) and use such funds for any educational purpose permitted under this Act.

[(2) PROGRAM REQUIREMENTS.—Except as otherwise provided in this chapter, a local educational agency may use funds under paragraph (1) notwithstanding the program requirements of the program under which the funds were made available to the agency.

[(b) ELIGIBLE PROGRAMS.—Program funds made available to local educational agencies on the basis of a formula under the following provisions may be consolidated and used under subsection (a):

[(1) Subpart 2 of part A of title II.
[(2) Subpart 1 of part D of title II.
[(3) Subpart 1 of part A of title IV.
[(4) Subpart 1 of part A of title V.]

[SEC. 6153. [20 U.S.C. 7321b] LIMITATIONS ON ADMINISTRATIVE EXPENDITURES.]

[Each local educational agency that has entered into a local flexibility demonstration agreement with the Secretary under this chapter may use for administrative purposes not more than 4 percent of the total amount of funds allocated to the agency under the programs included in the scope of the agreement.]

[SEC. 6154. [20 U.S.C. 7321c] PERFORMANCE REVIEW AND PENALTIES.]

[(a) MIDTERM REVIEW.—

[(1) FAILURE TO MAKE ADEQUATE YEARLY PROGRESS.—If, during the term of a local flexibility demonstration agreement, a local educational agency fails to make adequate yearly progress for 2 consecutive years, the Secretary shall, after notice and opportunity for a hearing, promptly terminate the agreement.

[(2) NONCOMPLIANCE.—The Secretary may, after providing notice and an opportunity for a hearing (including the opportunity to provide information as provided for in paragraph (3)), terminate a local flexibility demonstration agreement under this chapter if there is evidence that the local educational agency has failed to comply with the terms of the agreement.

[(3) EVIDENCE.—If a local educational agency believes that the Secretary's determination under this subsection is in error for statistical or other substantive reasons, the local educational agency may provide supporting evidence to the Secretary, and the Secretary shall consider that evidence before making a final early termination determination.

[(b) FINAL REVIEW.—If, at the end of the 5-year term of a local flexibility demonstration agreement entered into under this chapter, the local educational agency has not met the requirements described in section 6151(c), the Secretary may not renew the agreement under section 6155 and, beginning on the date on which such term ends, the local educational agency shall be required to comply with each of the program requirements in effect on such date for each program included in the local flexibility demonstration agreement.]

[SEC. 6155. [20 U.S.C. 7321d] RENEWAL OF LOCAL FLEXIBILITY DEMONSTRATION AGREEMENT.]

[(a) IN GENERAL.—Except as provided in section 6154 and in accordance with this section, the Secretary shall renew for one additional 5-year term a local flexibility demonstration agreement en-

tered into under this chapter if the local educational agency has met, by the end of the original term of the agreement, the requirements described in section 6151(c).

[(b) NOTIFICATION.—The Secretary may not renew a local flexibility demonstration agreement under this chapter unless, not less than 6 months before the end of the original term of the agreement, the local educational agency seeking the renewal notifies the Secretary of its intention to renew.

[(c) EFFECTIVE DATE.—A renewal under this section shall be effective at the end of the original term of the agreement or on the date on which the local educational agency seeking renewal provides to the Secretary all data required under the agreement, whichever is later.]

[SEC. 6156. [20 U.S.C. 7321e] REPORTS.]

[(a) TRANSMITTAL TO CONGRESS.—Not later than 60 days after the Secretary receives a report described in section 6151(b)(10), the Secretary shall make the report available to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.

[(b) LIMITATION.—A State in which a local educational agency that has a local flexibility demonstration agreement is located may not require such local educational agency to provide any application information with respect to the programs included within the scope of that agreement other than that information that is required to be included in the report described in section 6151(b)(10).]

[Subpart 4—State Accountability for Adequate Yearly Progress]

[SEC. 6161. [20 U.S.C. 7325] ACCOUNTABILITY FOR ADEQUATE YEARLY PROGRESS.]

[In the case of a State educational agency that has a plan approved under subpart 1 of part A of title I after the date of enactment of the No Child Left Behind Act of 2001, and has a plan approved under subpart 1 of part A of title III of such Act after such date of enactment, the Secretary shall annually, starting with the beginning of the first school year following the first two school years for which such plans were implemented, review whether the State has—

[(1) made adequate yearly progress, as defined in section 1111(b)(2)(B), for each of the groups of students described in section 1111(b)(2)(C)(v); and

[(2) met its annual measurable achievement objectives under section 3122(a).]

[SEC. 6162. [20 U.S.C. 7325a] PEER REVIEW.]

[The Secretary shall use a peer review process to review, based on data from the State assessments administered under section 1111(b)(3) and on data from the evaluations conducted under section 3121, whether the State has failed to make adequate yearly progress for 2 consecutive years or whether the State has met its annual measurable achievement objectives.]

[SEC. 6163. [20 U.S.C. 7325b] TECHNICAL ASSISTANCE.]

[(a) PROVISION OF ASSISTANCE.—

[(1) ADEQUATE YEARLY PROGRESS.—Based on the review described in section 6161(1), the Secretary shall provide technical assistance to a State that has failed to make adequate yearly progress, as defined in section 1111(b)(2), for 2 consecutive years. The Secretary shall provide such assistance not later than the beginning of the first school year that begins after such determination is made.

[(2) ANNUAL MEASURABLE ACHIEVEMENT OBJECTIVES.—Based on the reviews described in section 6161(2), the Secretary may provide technical assistance to a State that has failed to meet its annual measurable achievement objectives under section 3122(a) for 2 consecutive years. The Secretary shall provide such assistance not later than the beginning of the first school year that begins after such determination is made.

[(b) CHARACTERISTICS.—The technical assistance described in subsection (a) shall—

[(1) be valid, reliable and rigorous; and

[(2) provide constructive feedback to help the State make adequate yearly progress, as defined in section 1111(b)(2), or meet the annual measurable achievement objectives under section 3122(a).]

[SEC. 6164. [20 U.S.C. 7325c] REPORT TO CONGRESS.]

[Beginning with the school year that begins in 2005, the Secretary shall submit an annual report to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate containing the following:

[(1) A list of each State that has not made adequate yearly progress based on the review conducted under section 6161(1).

[(2) A list of each State that has not met its annual measurable achievement objectives based on the review conducted under section 6161(2).

[(3) The information reported by the State to the Secretary pursuant to section 1119(a).

[(4) A description of any technical assistance provided pursuant to section 6163.]

PART A—TRANSFERABILITY

SEC. 6101. TRANSFERABILITY OF FUNDS.

(a) TRANSFERS BY STATES.—

(1) AUTHORITY TO TRANSFER.—Except as provided in paragraph (2), in accordance with this part, a State may transfer up to 100 percent of the State funds allotted to the State for a fiscal year for use for State-level activities described in this Act that are carried out as part of a grant program in which funds for the grant are distributed by a formula to 1 or more other State formula grant programs under this Act for such fiscal year.

(2) PROHIBITION AGAINST TRANSFERRING FUNDS OUT CERTAIN TITLES.—A State may not transfer, pursuant to paragraph (1),

any funds that originate in title I, III, VII, or VIII out of such respective title.

(b) TRANSFERS BY LOCAL EDUCATIONAL AGENCIES.—

(1) AUTHORITY TO TRANSFER.—Except as provided in paragraph (2), in accordance with this part, a local educational agency may transfer 100 percent of the funds allocated to it for a fiscal year for use for local-level activities described in this Act that are carried out as part of a grant program in which funds for the grant are distributed by a formula to 1 or more other local educational agency formula grant programs under this Act for such fiscal year.

(2) PROHIBITION AGAINST TRANSFERRING FUNDS OUT OF CERTAIN TITLES.—A local educational agency may not transfer, pursuant to paragraph (1), any funds that originate in title I, III, VII, or VIII out of such respective title.

(3) SPECIAL RULE WITH RESPECT TO RURAL DISTRICTS.—Except as provided in paragraph (2), a local educational agency that is eligible to receive assistance under part B may transfer 100 percent of the funds allocated to it for a fiscal year for use for local-level activities described in this Act that are carried out as part of a grant program in which funds for the grant are distributed by a formula to 1 or more other local educational agency formula grant programs under this Act for such fiscal year or to carry out activities under a grant program in which funds for the grant are distributed by formula to States.

(c) MODIFICATION OF PLANS AND APPLICATIONS; NOTIFICATION.—

(1) STATE TRANSFERS.—Each State that makes a transfer of funds under this section shall—

(A) modify, to account for such transfer, each State plan, or application submitted by the State, to which such funds relate;

(B) not later than 30 days after the date of such transfer, submit a copy of such modified plan or application to the Secretary; and

(C) not later than 30 days before the effective date of such transfer, notify the Secretary of such transfer.

(2) LOCAL TRANSFERS.—Each local educational agency that makes a transfer of funds under this section shall—

(A) modify, to account for such transfer, each local plan, or application submitted by the agency, to which such funds relate;

(B) not later than 30 days after the date of such transfer, submit a copy of such modified plan or application to the State; and

(C) not later than 30 days before the effective date of such transfer, notify the State of such transfer.

(d) APPLICABLE RULES.—

(1) IN GENERAL.—Except as otherwise provided in this part, funds transferred pursuant to this section are subject to each of the rules and requirements applicable to the funds under the provision—

(A) to which the transferred funds are transferred; and

(B) from which the transferred funds are transferred.

(2) CONSULTATION.—Each State educational agency or local educational agency that transfers funds under this section shall conduct consultations in accordance with section 9501, if such transfer transfers funds from a program that provides for the participation of students, teachers, or other educational personnel, from private schools.

PART B—RURAL EDUCATION INITIATIVE

SEC. 6201. SHORT TITLE.

* * *

* * * * * * *

Subpart 1—Small, Rural School Achievement Program

[SEC. 6211. [20 U.S.C. 7345] USE OF APPLICABLE FUNDING.]

[(a) ALTERNATIVE USES.—

[(1) IN GENERAL.—Notwithstanding any other provision of law, an eligible local educational agency may use the applicable funding that the agency is eligible to receive from the State educational agency for a fiscal year to carry out local activities authorized under any of the following provisions:

[(A) Part A of title I.

[(B) Part A or D of title II.

[(C) Title III.

[(D) Part A or B of title IV.

[(E) Part A of title V.

[(2) NOTIFICATION.—An eligible local educational agency shall notify the State educational agency of the local educational agency's intention to use the applicable funding in accordance with paragraph (1), by a date that is established by the State educational agency for the notification.

[(b) ELIGIBILITY.—

[(1) IN GENERAL.—A local educational agency shall be eligible to use the applicable funding in accordance with subsection (a) if—

[(A)(i)(I) the total number of students in average daily attendance at all of the schools served by the local educational agency is fewer than 600; or

[(II) each county in which a school served by the local educational agency is located has a total population density of fewer than 10 persons per square mile; and

[(ii) all of the schools served by the local educational agency are designated with a school locale code of 7 or 8, as determined by the Secretary; or

[(B) the agency meets the criteria established in subparagraph (A)(i) and the Secretary, in accordance with paragraph (2), grants the local educational agency's request to waive the criteria described in subparagraph (A)(ii).

[(2) CERTIFICATION.—The Secretary shall determine whether to waive the criteria described in paragraph (1)(A)(ii) based on

a demonstration by the local educational agency, and concurrence by the State educational agency, that the local educational agency is located in an area defined as rural by a governmental agency of the State.

[(c) APPLICABLE FUNDING DEFINED.—In this section, the term "applicable funding" means funds provided under any of the following provisions:

[(1) Subpart 2 and section 2412(a)(2)(A) of title II.

[(2) Section 4114.

[(3) Part A of title V.

[(d) DISBURSEMENT.—Each State educational agency that receives applicable funding for a fiscal year shall disburse the applicable funding to local educational agencies for alternative uses under this section for the fiscal year at the same time as the State educational agency disburses the applicable funding to local educational agencies that do not intend to use the applicable funding for such alternative uses for the fiscal year.

[(e) APPLICABLE RULES.—Applicable funding under this section shall be available to carry out local activities authorized under subsection (a).]

SEC. [6212]*6211*. [GRANT]PROGRAM AUTHORIZED.

(a) IN GENERAL—The Secretary is authorized to award grants to eligible local educational agencies to enable the local educational agencies to carry out [activities authorized under any of the following provisions:

[(1) Part A of title I.

[(2) Part A or D of title II.

[(3) Title III.

[(4) Part A or B of title IV.

[(5) Part A of title V.]*activities consistent with section 6101(b).*

(b) ALLOCATION.—

(1) IN GENERAL.—Except as provided in paragraph (3), the Secretary shall award a grant under subsection (a) to a local educational agency eligible under [section 6211(b)]*subsection (d)* for a fiscal year in an amount equal to the initial amount determined under paragraph (2) for the fiscal year minus the total amount received by the agency under the provisions of law described in [section 6211(c)]*subpart 2 of part A of title II* for the preceding fiscal year.

[(2) DETERMINATION OF INITIAL AMOUNT.—The initial amount referred to in paragraph (1) is equal to $100 multiplied by the total number of students in excess of 50 students, in average daily attendance at the schools served by the local educational agency, plus $20,000, except that the initial amount may not exceed $60,000.]

(2) DETERMINATION OF INITIAL AMOUNT.—

(A) IN GENERAL.—The initial amount referred to in paragraph (1) is equal to $100 multiplied by the total number of students in excess of 50 students, in average daily attendance at the schools served by the local educational agency, plus $20,000, except that the initial amount may not exceed $60,000.

(B) APPROPRIATION MORE THAN $211,723,832.—Notwithstanding subparagraph (A), if the appropriation for this part is more than $211,723,832, a grant under this part shall not be less than $25,000, and the initial amount may not exceed $80,000.

* * * * * * *

(c) DISBURSEMENT.—* * *

(d) ELIGIBILITY.—

(1) IN GENERAL.—A local educational agency shall be eligible for a grant under this section if—

(A)(i)(I) the total number of students in average daily attendance at all of the schools served by the local educational agency is fewer than 600; or

(II) each county or locale in which a school served by the local educational agency is located has a total population density of fewer than 10 persons per square mile; and

(ii) each of the schools served by the local educational agency is designated with a school locale code of 33, 41, 42, or 43, as determined by the Secretary; or

(B) the agency meets at least 1 of the criteria established in subparagraph (A)(i) and the Secretary, in accordance with paragraph (2), grants the State educational agency's request to waive the criterion described in subparagraph (A)(ii).

(2) CERTIFICATION.—The Secretary shall determine whether to waive the criterion described in paragraph (1)(A)(ii) based on a demonstration by the local educational agency, and with the concurrence of the State educational agency, that the local educational agency is located in an area defined as rural by a governmental agency of the State.

[(d)**]***(e)* SPECIAL ELIGIBILITY RULE.—A local educational agency that is eligible to receive a grant under this subpart for a fiscal year is not eligible to receive funds for such fiscal year under subpart 2.**]**

(1) ELIGIBILITY.—A local educational agency that is eligible to receive a grant under this subpart for a fiscal year shall be eligible to receive funds for such fiscal year under subpart 2.

(2) LIMITATION ON RECEIPT OF GRANTS.—A local educational agency may receive grant funding under subpart 1 or subpart 2, but may not receive grant funding under both such subparts.

* * * * * * *

[SEC. [6213]*6212*. ACCOUNTABILITY.]

[(a) ACADEMIC ACHIEVEMENT ASSESSMENT.—Each local educational agency that uses or receives funds under this subpart for a fiscal year shall administer an assessment that is consistent with section 1111(b)(3).

[(b) DETERMINATION REGARDING CONTINUING PARTICIPATION.—Each State educational agency that receives funding under the provisions of law described in section 6211(c) shall—

[(1) after the third year that a local educational agency in the State participates in a program under this subpart and on the basis of the results of the assessments described in subsection (a), determine whether the local educational agency

participating in the program made adequate yearly progress, as described in section 1111(b)(2);

[(2) permit only those local educational agencies that participated and made adequate yearly progress, as described in section 1111(b)(2), to continue to participate; and

[(3) permit those local educational agencies that participated and failed to make adequate yearly progress, as described in section 1111(b)(2), to continue to participate only if such local educational agencies use applicable funding under this subpart to carry out the requirements of section 1116.]

SEC. 6212. ACADEMIC ACHIEVEMENT ASSESSMENTS.

Each local educational agency that uses or receives funds under this subpart for a fiscal year shall administer assessments that are consistent with section 1111(a)(2).

* * * * * * *

Subpart 2—Rural and Low-Income School Program

SEC. 6221. PROGRAM AUTHORIZED.

(a) GRANTS TO STATES.—

(1) IN GENERAL.—From amounts appropriated [under section 6234 for]*to carry out* this subpart for a fiscal year that are not reserved under subsection (c), the Secretary shall award grants (from allotments made under paragraph (2)) for the fiscal year to State educational agencies that have applications submitted under section 6223 approved to enable the State educational agencies to award grants to eligible local educational agencies for local authorized activities described in section 6222(a).

* * * * * * *

(b) LOCAL AWARDS.—

(1) ELIGIBILITY.—A local educational agency shall be eligible to receive a grant under this subpart if—

(A) * * *

(B) all of the schools served by the agency are designated with a school locale code of [6, 7, or 8]*33, 41, 42, or 43,* as determined by the Secretary.

* * * * * * *

(c) RESERVATIONS.—From amounts appropriated [under section 6234 for]*to carry out* this subpart for a fiscal year, the Secretary shall reserve—

(1) one-half of 1 percent to make awards to elementary schools or secondary schools operated or supported by the [Bureau of Indian Affairs]*Bureau of Indian Education*, to carry out the activities authorized under this subpart; and

* * * * * * *

SEC. 6222. USES OF FUNDS.

[(a) LOCAL AWARDS.—Grant funds awarded to local educational agencies under this subpart shall be used for any of the following:

[(1) Teacher recruitment and retention, including the use of signing bonuses and other financial incentives.

[(2) Teacher professional development, including programs that train teachers to utilize technology to improve teaching and to train special needs teachers.

[(3) Educational technology, including software and hardware, as described in part D of title II.

[(4) Parental involvement activities.

[(5) Activities authorized under the Safe and Drug-Free Schools program under part A of title IV.

[(6) Activities authorized under part A of title I.

[(7) Activities authorized under title III.]

(a) LOCAL AWARDS.—Grant funds awarded to local educational agencies under this subpart shall be used to carry out local-level activities consistent with section 6101(b).

* * * * * * *

SEC. 6224. ACCOUNTABILITY.

(a) STATE REPORT.—* * *

* * * * * * *

(c) REPORT TO CONGRESS.—The Secretary shall prepare and submit to [the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate]*the authorizing committees* a biennial report. The report shall describe—

(1) the methods the State educational agencies used to award grants to eligible local educational agencies, and to provide assistance to schools, under this subpart;

[local educational agencies and schools]*(2) how local educational agencies and schools* used funds provided under this subpart; and

* * * * * * *

(d) ACADEMIC ACHIEVEMENT [ASSESSMENT]*ASSESSMENTS*.—Each local educational agency or specially qualified agency that receives a grant under this subpart for a fiscal year shall administer [an assessment that is consistent with section 1111(b)(3)]*assessments that are consistent with section 1111(a)(2).*

[(e) DETERMINATION REGARDING CONTINUING PARTICIPATION.—Each State educational agency or specially qualified agency that receives a grant under this subpart shall—

[(1) after the third year that a local educational agency or specially qualified agency in the State receives funds under this subpart, and on the basis of the results of the assessments described in subsection (d)—

[(A) in the case of a local educational agency, determine whether the local educational agency made adequate yearly progress, as described in section 1111(b)(2); and

[(B) in the case of a specially qualified agency, submit to the Secretary information that would allow the Secretary to determine whether the specially qualified agency has made adequate yearly progress, as described in section 1111(b)(2);

[(2) permit only those local educational agencies or specially qualified agencies that made adequate yearly progress, as described in section 1111(b)(2), to continue to receive grants under this subpart; and

[(3) permit those local educational agencies or specially qualified agencies that failed to make adequate yearly progress, as described in section 1111(b)(2), to continue to receive such grants only if the State educational agency disbursed such grants to the local educational agencies or specially qualified agencies to carry out the requirements of section 1116.]

Subpart 3—General Provisions

SEC. 6231. CHOICE OF PARTICIPATION.

If a local educational agency is eligible for funding under subpart 1 and subpart 2 of this part, such local educational agency may choose to participate in either subpart 1 or subpart 2.

SEC. [6231]*6232*. ANNUAL AVERAGE DAILY ATTENDANCE DETERMINATION.

(a) CENSUS DETERMINATION.—Each local educational agency desiring a grant under section [6212]*6211* and each local educational agency or specially qualified agency desiring a grant under subpart 2 shall—

* * * * * * *

(b) PENALTY.—If the Secretary determines that a local educational agency or specially qualified agency has knowingly submitted false information under subsection (a) for the purpose of gaining additional funds [under section 6212 or subpart 2]*under this part*, then the agency shall be fined an amount equal to twice the difference between the amount the agency received [under this section]*under this part* and the correct amount the agency would have received [under section 6212 or subpart 2]*under this part* if the agency had submitted accurate information under subsection (a).

* * * * * * *

SEC. [6232]*6233*. SUPPLEMENT, NOT SUPPLANT.

Funds made available under [subpart 1 or subpart 2]*this part* shall be used to supplement, and not supplant, any other Federal, State, or local education funds.

* * * * * * *

SEC. [6233]*6234*. RULE OF CONSTRUCTION.

* * * * * * *

[SEC. 6234. [20 U.S.C. 7355c] AUTHORIZATION OF APPROPRIATIONS.]

[There are authorized to be appropriated to carry out this part $300,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years, to be distributed equally between subparts 1 and 2.]

[PART C—GENERAL PROVISIONS]

[SEC. 6301. [20 U.S.C. 7371] PROHIBITION AGAINST FEDERAL MANDATES, DIRECTION, OR CONTROL.]

[Nothing in this title shall be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control a State, local educational agency, or school's specific instructional content, academic achievement standards and assessments, curriculum, or program of instruction, as a condition of eligibility to receive funds under this Act.]

[SEC. 6302. [20 U.S.C. 7372]]RULE OF CONSTRUCTION ON EQUALIZED SPENDING.]

[Nothing in this title shall be construed to mandate equalized spending per pupil for a State, local educational agency, or school.]

* * * * * * *

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

PART A—INDIAN EDUCATION

SEC. 7101. STATEMENT OF POLICY.

* * *

* * * * * * *

[SEC. 7102. [20 U.S.C. 7402] PURPOSE.]

[(a) PURPOSE.—It is the purpose of this part to support the efforts of local educational agencies, Indian tribes and organizations, postsecondary institutions, and other entities to meet the unique educational and culturally related academic needs of American Indian and Alaska Native students, so that such students can meet the same challenging State student academic achievement standards as all other students are expected to meet.

[(b) PROGRAMS.—This part carries out the purpose described in subsection (a) by authorizing programs of direct assistance for—

[(1) meeting the unique educational and culturally related academic needs of American Indians and Alaska Natives;

[(2) the education of Indian children and adults;

[(3) the training of Indian persons as educators and counselors, and in other professions serving Indian people; and

[(4) research, evaluation, data collection, and technical assistance.]

SEC. 7102. PURPOSE.

It is the purpose of this part to support the efforts of local educational agencies, Indian tribes and organizations, postsecondary institutions, and other entities—

(1) to ensure the academic achievement of Indian and Alaska Native students by meeting their unique cultural, language, and educational needs, consistent with section 1111(a);

(2) to ensure that Indian and Alaska Native students gain knowledge and understanding of Native communities, languages, tribal histories, traditions, and cultures; and

(3) to ensure that principals, teachers, and other staff who serve Indian and Alaska Native students have the ability to provide culturally appropriate and effective instruction to such students.

* * * * * * *

Subpart 1—Formula Grants to Local Educational Agencies

[SEC. 7111. [20 U.S.C. 7421] PURPOSE.]

[It is the purpose of this subpart to support local educational agencies in their efforts to reform elementary school and secondary school programs that serve Indian students in order to ensure that such programs—

[(1) are based on challenging State academic content and student academic achievement standards that are used for all students; and

[(2) are designed to assist Indian students in meeting those standards.]

SEC. 7111. PURPOSE.

It is the purpose of this subpart to support local educational agencies in developing elementary school and secondary school programs that are designed to—

(1) meet the unique cultural, language, and educational needs of Indian students; and

(2) ensure that all students meet the college and career ready student academic achievement standards adopted under section 1111(a)(1).

* * * * * * *

SEC. 7112. GRANTS TO LOCAL EDUCATIONAL AGENCIES AND TRIBES.

(a) IN GENERAL.—The Secretary may make grants, from allocations made under section 7113, to local educational agencies [and Indian tribes]*Indian tribes, and tribal organizations,* in accordance with this section and section 7113.

(b) LOCAL EDUCATIONAL AGENCIES.—

(1) ENROLLMENT REQUIREMENTS.—* * *

(2) EXCLUSION.—The requirement of paragraph (1) shall not apply in Alaska, California, or Oklahoma, or with respect to any local educational agency located on, or in proximity to, [a reservation]*an Indian reservation*.

[(c) INDIAN TRIBES.—

[(1) IN GENERAL.—If a local educational agency that is otherwise eligible for a grant under this subpart does not establish a committee under section 7114(c)(4) for such grant, an Indian tribe that represents not less than ½ of the eligible Indian children who are served by such local educational agency may apply for such grant.

[(2) SPECIAL RULE.—The Secretary shall treat each Indian tribe applying for a grant pursuant to paragraph (1) as if such Indian tribe were a local educational agency for purposes of this subpart, except that any such tribe is not subject to section 7114(c)(4), section 7118(c), or section 7119.]

(c) INDIAN TRIBES AND TRIBAL ORGANIZATIONS.—

(1) IN GENERAL.—If a local educational agency that is otherwise eligible for a grant under this subpart does not establish a committee under section 7114(c)(5) for such grant, an Indian tribe, a tribal organization (as defined for purposes of this title by section 4 of the Indian Self Determination and Education Act (25 U.S.C. 450b)), or a consortium of such entities that represents not less than one-third of the eligible Indian children who are served by such local educational agency may apply for such grant.

(2) SPECIAL RULE.—

(A) IN GENERAL.—The Secretary shall treat each Indian tribe, tribal organization, or consortium of such entities applying for a grant pursuant to paragraph (1) as if such entity were a local educational agency for purposes of this subpart.

(B) EXCEPTIONS.—Notwithstanding subparagraph (A), such Indian tribe, tribal organization, or consortium shall not be subject to the requirements of subsections (b)(9) or (c)(5) of section 7114 or section 7118(c).

(3) ELIGIBILITY.—If more than 1 Indian tribe, tribal organization, or consortium of such entities qualify to apply for a grant under paragraph (1), the entity that represents the most eligible Indian children who are served by the local educational agency shall be eligible to receive the grant.

(4) UNAFFILIATED INDIAN TRIBES.—An Indian tribe that operates a school and is not affiliated with either the local educational agency or the Bureau of Indian Education, shall be eligible to apply for a grant under this subpart.

(5) ASSURANCE TO SERVE ALL INDIAN CHILDREN.—An Indian tribe, tribal organization, or consortium of such entities that qualifies to apply for a grant under paragraph (1) shall provide in the application an assurance that the entity will use the grant funds to provide services to all Indian students served by the local educational agency.

* * * * * * *

SEC. 7113. AMOUNT OF GRANTS.

(a) AMOUNT OF GRANT AWARDS.—

(1) IN GENERAL.—* * *

* * * * * * *

(b) MINIMUM GRANT.—

(1) IN GENERAL.—Notwithstanding subsection (e), an entity that is eligible for a grant under section 7112, and a school that is operated or supported by the [Bureau of Indian Affairs]*Bureau of Indian Education* that is eligible for a grant under subsection (d), that submits an application that is approved by the Secretary, shall, subject to appropriations, receive a grant under this subpart in an amount that is not less than $3,000.

(2) CONSORTIA.—Local educational agencies may form a consortium *with other local educational agencies, Indian tribes, or*

tribal organizations for the purpose of obtaining grants *and operating programs* under this subpart.

* * * * * * *

(d) SCHOOLS OPERATED OR SUPPORTED BY THE [BUREAU OF INDIAN AFFAIRS]*BUREAU OF INDIAN EDUCATION*—

(1) IN GENERAL.—* * *

(A) * * *

(i) [the Bureau of Indian Affairs]*the Bureau of Indian Education*; or

* * * * * * *

(2) SPECIAL RULE.—Any school described in paragraph (1)(A) that wishes to receive an allocation under this subpart shall submit an application in accordance with section 7114, and shall otherwise be treated as a local educational agency for the purpose of this subpart, except that such school shall not be subject to [section 7114(c)(4)]*section 7114(c)(5)*, section 7118(c), or section 7119.

(e) RATABLE REDUCTIONS.—If the sums appropriated for any fiscal year [under section 7152(a)]*to carry out this subpart* are insufficient to pay in full the amounts determined for local educational agencies under subsection (a)(1) and for the Secretary of the Interior under subsection (d), each of those amounts shall be ratably reduced.

* * * * * * *

SEC. 7114. APPLICATIONS.

(a) APPLICATION REQUIRED.—* * *

(b) COMPREHENSIVE PROGRAM REQUIRED.—* * *

(1) * * *

(2)(A) [is consistent with]*supports* the State*, tribal,* and local plans submitted under other provisions of this Act; and

(B) includes academic content and student academic achievement goals for such children, and benchmarks for attaining [such goals, that are based on the challenging State academic content and student academic achievement standards adopted under title I for all children;]*such goals, to ensure such students meet the same college and career ready State academic achievement standards under section 1111(a)(1) for all children;*

[(3) explains how Federal, State, and local programs, especially programs carried out under title I, will meet the needs of such students;]

(3) explains how the local educational agency will use the funds made available under this subpart to supplement other Federal, State, and local programs that meet the needs of such students;

* * * * * * *

(5) * * *

(A) * * *

(B) all teachers who will be involved in programs assisted under this subpart have been properly trained to carry out such programs; [and]

* * * * * * *

(6) * * *

(A) * * *

(B) will provide the results of each assessment referred to in subparagraph (A) to—

(i) the committee described in [subsection (c)(4)]*subsection (c)(5)*; and

[(ii) the community served by the local educational agency; and)]

(ii) the Indian tribes whose children are served by the local educational agency; and

(C) is responding to findings of any previous assessments that are similar to the assessments described in subparagraph (A)[.]*;*

(7) provides an assurance that the local educational agency will coordinate activities under this title with other Federal programs supporting educational and related services administered by such agency;

(8) provides an assurance that the local educational agency conducted outreach to parents and family members to meet the requirements under subsection (c)(5); and

(9) describes—

(A) the formal process the local educational agency used to collaborate with Indian tribes located in the community in the development of the comprehensive programs; and

(B) the actions taken as a result of the collaboration.

(c) ASSURANCES.—* * *

(1) the local educational agency will use funds received under this subpart only to supplement the funds that, in the absence of the Federal funds made available under this subpart, such agency would make available for [the education of Indian children, and not to supplant such funds]*services and activities consistent with those described in this subpart, and not to supplant such funds*;

(2) the local educational agency will use funds received under this subpart only for activities described and authorized under this subpart;

[(2)]*(3)* the local educational agency will prepare and submit to the Secretary such reports, in such form and containing such information, as the Secretary may require to—

(A) * * *

(B) determine the extent to which activities carried out with funds provided to the local educational agency under this subpart are effective*, as measured by the State academic assessments required under section 1111(a)(2), high school graduation rates, and other academic outcomes as appropriate,* in improving the educational achievement of Indian students served by such agency;

[(3)]*(4)* the program for which assistance is sought—

(A) * * *

* * * * * * *

(C) was developed by such agency in open consultation with parents of Indian children and teachers, and, if appropriate, Indian students from secondary schools, including through public hearings held by such agency to provide

to the individuals described in this subparagraph a full opportunity to understand the program and to offer recommendations regarding the program; [and]

[(4)]*(5)* * * *

(A) * * *

(i) parents *and family members* of Indian children in the local educational agency's schools;

* * * * * * *

(B) a majority of whose members are parents *and family members* of Indian children;

(C) that has set forth such policies and procedures, including policies and procedures relating to the hiring of personnel, as will ensure that the program for which assistance is sought will be operated and evaluated in consultation with, and with the involvement of, parents *and family members* of the children, and representatives of the area, to be served;

(D) * * *

(i) * * *

(ii) determined that the program will not diminish the availability of culturally related activities for American Indian and Alaska Native students; [and]

(E) that has adopted reasonable bylaws for the conduct of the activities of the committee and abides by such bylaws[.]*;*

(F) that shall determine the extent to which the activities of the local educational agency will address the unique cultural, language, and education needs of Indian students; and

(G) that shall determine the extent to which grant funds will directly enhance the educational experiences of American Indian students.

* * * * * * *

SEC. 7115. AUTHORIZED SERVICES AND ACTIVITIES.

(a) GENERAL REQUIREMENTS.—* * *

(1) are designed to carry out the comprehensive program of the local educational agency for Indian students, and described in the application of the local educational agency submitted to the Secretary under section 7114(a) *solely for the services and activities described in such application*;

(2) * * *

(3) * * *

(b) PARTICULAR ACTIVITIES.—The services and activities referred to in subsection (a) may include—

(1) activities that support Native American language immersion programs and Native American language restoration programs, which may be taught by traditional leaders;

[(1)]*(2)* * * *

[(2)]*(3)* [early childhood]*high-quality early care and education* and family programs that emphasize school readiness;

[(3)]*(4)* enrichment programs that focus on problem solving and cognitive skills development and directly support the attainment of [challenging State academic content and student

academic achievement standards]*college and career ready State academic content and student academic achievement standards under section 1111(a)*;

[(4)]*(5)* integrated educational services in combination with other programs that meet the needs of Indian children and their families;]

(5) programs that promote parent, family, and tribal engagement to meet the unique needs of Indian and Alaska Native children;

[(5)]*(6)* career preparation activities to enable Indian students to participate in programs such as the programs supported by the Carl D. Perkins Career and Technical Education Act of 2006, including programs for tech-prep education, mentoring, and apprenticeship;

[(6)]*(7)* activities to educate individuals concerning substance abuse and to prevent substance abuse;]

(7) activities to educate individuals so as to prevent violence, suicide, and substance abuse;

[(7)]*(8)* * * *

[(8)]*(9)* * * *

[(9)]*(10)* activities that incorporate American Indian and Alaska Native specific curriculum content, consistent with State standards, into the curriculum used by the local educational agency;]

(10) activities that incorporate culturally and linguistically relevant curriculum content into classroom instruction that is responsive to the unique learning styles of Indian and Alaska Native children to ensure that such children are better able to meet the student academic achievement standards, consistent with section 1111(a);

[(10)]*(11)* family literacy services; and]

(11) family literacy activities;

[(11)]*(12)* activities that recognize and support the unique cultural and educational needs of Indian children, and incorporate appropriately [qualified tribal elders and seniors.]*traditional leaders; and*

(13) dropout prevention strategies, and strategies—

(A) to meet the educational needs of at-risk Indian students in correctional facilities; and

(B) to support Indian students who are transitioning from such facilities to schools served by local educational agencies.

(c) SCHOOLWIDE PROGRAMS.—* * *

(1) the committee established pursuant to [section 7114(c)(4)]*section 7114(c)(5)* approves the use of the funds for the schoolwide program; and

* * * * * * *

(e) LIMITATION ON USE OF FUNDS.—Funds provided to a grantee under this subpart may not be used for long-distance travel expenses for training activities available locally or regionally.

* * * * * * *

SEC. 7116. INTEGRATION OF SERVICES AUTHORIZED.

(a) PLAN.—* * *

* * * * * * *

(d) PLAN REQUIREMENTS.—* * *

(1) * * *

* * * * * * *

(9) be approved by a committee formed in accordance with [section 7114(c)(4)]*section 7114(c)(5)*, if such a committee exists.

* * * * * * *

(g) RESPONSIBILITIES OF DEPARTMENT OF EDUCATION.—Not later than 180 days after the date of enactment of [the No Child Left Behind Act of 2001]*the Elementary and Secondary Education Reauthorization Act of 2011*, the Secretary of Education, the Secretary of the Interior, *the Secretary of Health and Human Services,* and the head of any other Federal department or agency identified by the Secretary of Education, shall enter into an interdepartmental memorandum of agreement providing for the implementation *and coordination* of the demonstration projects authorized under this section. The lead agency head for a demonstration project under this section shall be—

(1) * * *

* * * * * * *

[(o) REPORT ON STATUTORY OBSTACLES TO PROGRAM INTEGRATION.—

[(1) PRELIMINARY REPORT.—Not later than 2 years after the date of enactment of the No Child Left Behind Act of 2001, the Secretary of Education shall submit a preliminary report to the Committee on Education and the Workforce and the Committee on Resources of the House of Representatives and the Committee on Health, Education, Labor, and Pensions and the Committee on Indian Affairs of the Senate on the status of the implementation of the demonstration projects authorized under this section.

[(2) FINAL REPORT.—Not later than 5 years after the date of enactment of the No Child Left Behind Act of 2001, the Secretary of Education shall submit a report to the Committee on Education and the Workforce and the Committee on Resources of the House of Representatives and the Committee on Health, Education, Labor, and Pensions and the Committee on Indian Affairs of the Senate on the results of the implementation of the demonstration projects authorized under this section. Such report shall identify statutory barriers to the ability of participants to integrate more effectively their education and related services to Indian students in a manner consistent with the objectives of this section.]

(o) REPORT ON STATUTORY OBSTACLES TO, AND BEST PRACTICES FOR, PROGRAM INTEGRATION.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of the Elementary and Secondary Education Reauthorization Act of 2011, the Secretary of Education shall submit a report to the authorizing committees, the Committee on Indian

Affairs of the Senate, and the Committee on Natural Resources of the House of Representatives on the results of the implementation of the demonstration projects authorized under this section.

(2) CONTENTS.—Such report shall identify—

(A) statutory barriers to the ability of participants to integrate more effectively their education and related services to Indian students in a manner consistent with the objectives of this section; and

(B) the best practices for program integration that result in increased student proficiency, graduation rates, and other relevant academic outcomes for Indian and Alaska Native students.

* * * * * * *

SEC. 7117. STUDENT ELIGIBILITY FORMS.

(a) IN GENERAL.—* * *

(b) FORMS.—The form described in subsection (a) shall include—

(1) either—

(A)(i) * * *

(ii) the enrollment *or membership* number establishing the membership of the child (if readily available); and

* * * * * * *

(B) the name, the enrollment *or membership* number (if readily available), and the name and address of the organization responsible for maintaining updated and accurate membership data, of any parent or grandparent of the child from whom the child claims eligibility under this subpart, if the child is not a member of the tribe or band of Indians (as so defined);

* * * * * * *

[(d) FORMS AND STANDARDS OF PROOF.—The forms and the standards of proof (including the standard of good faith compliance) that were in use during the 1985–86 academic year to establish the eligibility of a child for entitlement under the Indian Elementary and Secondary School Assistance Act shall be the forms and standards of proof used—

[(1) to establish eligibility under this subpart; and

[(2) to meet the requirements of subsection (a).**]**

(d) FORMS AND STANDARDS OF PROOF.—

(1) TYPES OF PROOF.—For purposes of determining whether a child is eligible to be counted for the purpose of computing the amount of a grant award under section 7113, the membership of the child, or any parent or grandparent of the child, in a tribe or tribal organization may be established by proof other than an enrollment number, notwithstanding the availability of an enrollment number for a member of such tribe or tribal organization.

(2) PREVIOUSLY FILED FORMS.—An Indian student eligibility form that was on file as required by this section on the day before the date of enactment of the Elementary and Secondary Education Reauthorization Act of 2011 and that met the requirements of this section, as this section was in effect on the

day before the date of enactment of such Act, shall remain valid for such Indian student.

[(e) DOCUMENTATION.—For purposes of determining whether a child is eligible to be counted for the purpose of computing the amount of a grant award under section 7113, the membership of the child, or any parent or grandparent of the child, in a tribe or band of Indians (as so defined) may be established by proof other than an enrollment number, notwithstanding the availability of an enrollment number for a member of such tribe or band. Nothing in subsection (b) shall be construed to require the furnishing of an enrollment number.]

[(f)]*(e)* * * *

* * * * * * *

(f) TECHNICAL ASSISTANCE.—The Secretary shall either directly or through a contract provide technical assistance to a local educational agency upon request, in addition to any technical assistance available under section 1116 or available through the Institute of Education Sciences, to support the services and activities described under this section, including for the—

(1) development of applications under this section;

(2) improvement in the quality of implementation, content of activities, and evaluation of activities supported under this subpart;

(3) integration of activities under this title with other educational activities established by the local educational agency; and

(4) coordination of activities under this title with programs administered by each Federal agency providing grants for the provision of educational and related services.

(g) TRIBAL GRANT AND CONTRACT SCHOOLS.—Notwithstanding any other provision of this section, in calculating the amount of a grant under this subpart to a tribal school that receives a grant or contract from [the Bureau of Indian Affairs]*the Bureau of Indian Education*, the Secretary shall use only one of the following, as selected by the school:

* * * * * * *

Subpart 2—Special Programs and Projects To Improve Educational Opportunities for Indian Children *and Youth*

SEC. 7121. IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN *AND YOUTH*.

(a) PURPOSE.—

(1) IN GENERAL.—It is the purpose of this section to support projects to develop, test, and demonstrate the effectiveness of services and programs to improve educational opportunities and achievement of Indian children *and youth*.

(2) COORDINATION.—* * *

(A) * * *

(B) other Federal programs operated for the benefit of American Indian and Alaska Native children *and youth*.

* * * * * * *

(c) GRANTS AUTHORIZED.—

(1) IN GENERAL.—* * *

(A) innovative programs related to the educational needs of educationally disadvantaged children *and youth*;

(B) educational services that are not available to such children *and youth* in sufficient quantity or quality, including remedial instruction, to raise the achievement of Indian children *and youth* in one or more of the core academic subjects of English, mathematics, science, foreign languages, art, history, and geography;

(C) bilingual and bicultural programs and projects;

(D) special health and nutrition services, and other related activities, that address the special health, social, *emotional,* and psychological problems of Indian children *and youth*;

(E) special compensatory and other programs and projects designed to assist and encourage Indian children *and youth* to enter, remain in, or reenter school, and to increase the rate of high school graduation for Indian children *and youth*;

(F) * * *

[(G) early childhood and kindergarten programs, including family-based preschool programs that emphasize school readiness and parental skills, and the provision of services to Indian children *and youth* with disabilities;**]**

(G) high-quality early childhood education and care programs that are effective in preparing young children to be on track for college and career readiness by the end of grade 3, including kindergarten and prekindergarten programs, family-based preschool programs that emphasize school readiness, screening and referral, and the provision of services to Indian children and youth with disabilities;

(H) * * *

* * * * * * *

(K) **[**family literacy services**]***family literacy activities*;

(L) activities that recognize and support the unique cultural and educational needs of Indian children *and youth*, and incorporate appropriately **[**qualified tribal elders and seniors; or**]***traditional leaders;*

(M) other services that meet the purpose described in this section**[**.**]***; or*

(N) other services that meet the purpose described in this section.

(2) PROFESSIONAL DEVELOPMENT.—**[**Professional development of**]***High-quality professional development of* teaching professionals and paraprofessionals may be a part of any program assisted under this section.

(d) GRANT REQUIREMENTS AND APPLICATIONS.—

(1) GRANT REQUIREMENTS.—

(A) IN GENERAL.—* * *

* * * * * * *

(C) PROGRESS.—The Secretary shall [make a grant payment for a grant described in this paragraph to an eligible entity after the initial year of the multiyear grant only if the Secretary determines]*award grants for an initial period of not more than 3 years and may renew such grants for not more than an additional 2 years if the Secretary determines* that the eligible entity has made substantial progress in carrying out the activities assisted under the grant in accordance with the application submitted under paragraph (3) and any subsequent modifications to such application.

* * * * * * *

(3) APPLICATION.—

(A) IN GENERAL.—* * *

(B) CONTENTS.—* * *

(i) a description of how [parents of Indian children and representatives of Indian tribes]*family members of Indian children and youth and official representatives designated by the Indian tribes* have been, and will be, involved in developing and implementing the activities for which assistance is sought;

* * * * * * *

(iii) [information]*evidence* demonstrating that the proposed program for the activities is a [scientifically based]*evidence-based* research program, where applicable, which may include a program that has been modified to be culturally appropriate for students who will be served;

(e) ADMINISTRATIVE COSTS.—* * *

(f) CONTINUATION.—Notwithstanding any other provision of this section, a grantee that is carrying out activities pursuant to a grant awarded under this section prior to the date of enactment of the Elementary and Secondary Education Reauthorization Act of 2011 may continue to carry out such activities under such grant in accordance with the terms of that grant award.

* * * * * * *

SEC. 7122. PROFESSIONAL DEVELOPMENT FOR TEACHERS AND EDUCATION PROFESSIONALS.

(a) PURPOSES.—The purposes of this section are—

[(1) to increase the number of qualified Indian individuals in teaching or other education professions that serve Indian people;

[(2) to provide training to qualified Indian individuals to enable such individuals to become teachers, administrators, teacher aides, social workers, and ancillary educational personnel; and]

(1) to increase the number of qualified Indian teachers and administrators serving Indian students;

(2) to recruit and provide training and support to qualified Indian individuals to enable such individuals to become highly rated teachers or administrators; and

* * * * * * *

(d) AUTHORIZED ACTIVITIES.—

(1) IN GENERAL.—* * *

* * * * * * *

(3) CONTINUATION.—Notwithstanding any other provision of this section, a grantee that is carrying out activities pursuant to a grant awarded under this section prior to the date of enactment of the Elementary and Secondary Education Reauthorization Act of 2011 may continue to carry out such activities under such grant in accordance with the terms of that award.

[(e) APPLICATION.—Each eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information, as the Secretary may reasonably require.**]**

(e) APPLICATION.—Each eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information, as the Secretary may reasonably require. At a minimum, an application under this section shall describe how the eligible entity will—

(1) recruit qualified Indian individuals, such as students who may not be of traditional college age, to become teachers or principals;

(2) use funds made available under the grant to support the recruitment, preparation, and professional development of Indian teachers or principals in local educational agencies that serve a high proportion of Indian students; and

(3) assist participants in meeting the requirements under subsection (h).

* * * * * * *

[(g) GRANT PERIOD.—Each grant under this section shall be awarded for a period of not more than 5 years.**]**

(g) GRANT PERIOD.—The Secretary shall award grants under this section for an initial period of not more than 3 years, and may renew such grants for not more than an additional 2 years if the Secretary finds that the grantee is achieving the objectives of the grant.

(h) SERVICE OBLIGATION.—

(1) IN GENERAL.—* * *

(A) perform work—

(i) * * *

[(ii) that benefits Indian people; or **]**

(ii) in a local educational agency that serves a high proportion of Indian students; or

* * * * * * *

Subpart 3—National Activities

SEC. 7131. NATIONAL RESEARCH ACTIVITIES.

(a) AUTHORIZED ACTIVITIES.—The Secretary may use funds made available [under section 7152(b)]*to carry out this subpart* for each fiscal year to—

(1) conduct research related to effective approaches for [the education]*improving the academic achievement and development* of Indian children and adults;

[(2) evaluate federally assisted education programs from which Indian children and adults may benefit;]

[(3)]*(2)* collect and analyze data on the educational status and needs of [Indians; and]*Indian students*;

(3) provide technical assistance and logistical support to grantees under this subpart; and

* * * * * * *

[(c) COORDINATION.—Research activities supported under this section—

[(1) shall be carried out in consultation with the Institute of Education Sciences to ensure that such activities are coordinated with and enhance the research and development activities supported by the Institute; and

[(2) may include collaborative research activities that are jointly funded and carried out by the Office of Indian Education Programs and the Institute of Education Sciences.]

(c) COORDINATION.—Research activities supported under this section—

(1) shall be coordinated with appropriate offices within the Department; and

(2) may include collaborative research activities that are jointly funded and carried out by the Bureau of Indian Education and the Institute of Education Sciences.

[SEC. 7132. [20 U.S.C. 7452] IN-SERVICE TRAINING FOR TEACHERS OF INDIAN CHILDREN.]

[(a) GRANTS AUTHORIZED.—In addition to the grants authorized by section 7122(c), the Secretary may make grants to eligible consortia for the provision of high quality in-service training. The Secretary may make such a grant to—

[(1) a consortium of a tribal college and an institution of higher education that awards a degree in education; or

[(2) a consortium of—

[(A) a tribal college;

[(B) an institution of higher education that awards a degree in education; and

[(C) one or more elementary schools or secondary schools operated by the Bureau of Indian Affairs, local educational agencies serving Indian children, or tribal educational agencies.

[(b) USE OF FUNDS.—

[(1) IN-SERVICE TRAINING.—A consortium that receives a grant under subsection (a) shall use the grant funds only to provide high quality in-service training to teachers, including teachers who are not Indians, in schools of local educational

agencies with substantial numbers of Indian children enrolled in their schools, in order to better meet the needs of those children.

[(2) COMPONENTS.—The training described in paragraph (1) shall include such activities as preparing teachers to use the best available scientifically based research practices and learning strategies, and to make the most effective use of curricula and materials, to respond to the unique needs of Indian children in their classrooms.

[(c) PREFERENCE FOR INDIAN APPLICANTS.—In applying section 7143 to this section, the Secretary shall give a preference to any consortium that includes one or more of the entities described in section 7143.]

[SEC. 7133. [20 U.S.C. 7453] FELLOWSHIPS FOR INDIAN STUDENTS.]

[(a) FELLOWSHIPS.—

[(1) AUTHORITY.—The Secretary is authorized to award fellowships to Indian students to enable such students to study in graduate and professional programs at institutions of higher education.

[(2) REQUIREMENTS.—The fellowships described in paragraph (1) shall be awarded to Indian students to enable such students to pursue a course of study—

[(A) of not more than 4 academic years; and

[(B) that leads—

[(i) toward a postbaccalaureate degree in medicine, clinical psychology, psychology, law, education, or a related field; or

[(ii) to an undergraduate or graduate degree in engineering, business administration, natural resources, or a related field.

[(b) STIPENDS.—The Secretary shall pay to Indian students awarded fellowships under subsection (a) such stipends (including allowances for subsistence of such students and dependents of such students) as the Secretary determines to be consistent with prevailing practices under comparable federally supported programs.

[(c) PAYMENTS TO INSTITUTIONS IN LIEU OF TUITION.—The Secretary shall pay to the institution of higher education at which such a fellowship recipient is pursuing a course of study, in lieu of tuition charged to such recipient, such amounts as the Secretary may determine to be necessary to cover the cost of education provided to such recipient.

[(d) SPECIAL RULES.—

[(1) IN GENERAL.—If a fellowship awarded under subsection (a) is vacated prior to the end of the period for which the fellowship is awarded, the Secretary may award an additional fellowship for the unexpired portion of the period of the first fellowship.

[(2) WRITTEN NOTICE.—Not later than 45 days before the commencement of an academic term, the Secretary shall provide to each individual who is awarded a fellowship under subsection (a) for such academic term written notice of—

[(A) the amount of the funding for the fellowship; and

[(B) any stipends or other payments that will be made under this section to, or for the benefit of, the individual for the academic term.

[(3) PRIORITY.—Not more than 10 percent of the fellowships awarded under subsection (a) shall be awarded, on a priority basis, to persons receiving training in guidance counseling with a specialty in the area of alcohol and substance abuse counseling and education.

[(e) SERVICE OBLIGATION.—

[(1) IN GENERAL.—The Secretary shall require, by regulation, that an individual who receives financial assistance under this section—

[(A) perform work—

[(i) related to the training for which the individual receives the assistance under this section; and

[(ii) that benefits Indian people; or

[(B) repay all or a prorated portion of such assistance.

[(2) REPORTING.—The Secretary shall establish, by regulation, a reporting procedure under which a recipient of assistance under this section shall, not later than 12 months after the date of completion of the training, and periodically thereafter, provide information concerning the compliance of such recipient with the work requirement described in paragraph (1).

[(f) ADMINISTRATION OF FELLOWSHIPS.—The Secretary may administer the fellowships authorized under this section through a grant to, or contract or cooperative agreement with, an Indian organization with demonstrated qualifications to administer all facets of the program assisted under this section.]

[SEC. 7134. [20 U.S.C. 7454] GIFTED AND TALENTED INDIAN STUDENTS.]

[(a) PROGRAM AUTHORIZED.—The Secretary is authorized to—

[(1) establish two centers for gifted and talented Indian students at tribally controlled community colleges in accordance with this section; and

[(2) support demonstration projects described in subsection (c).

[(b) ELIGIBLE ENTITIES.—The Secretary shall make grants, or enter into contracts, for the activities described in subsection (a), to or with—

[(1) two tribally controlled community colleges that—

[(A) are eligible for funding under the Tribally Controlled Colleges and Universities Assistance Act of 1978; and

[(B) are fully accredited; or

[(2) the American Indian Higher Education Consortium, if the Secretary does not receive applications that the Secretary determines to be approvable from two colleges that meet the requirements of paragraph (1).

[(c) USE OF FUNDS.—

[(1) IN GENERAL.—Funds made available through the grants made, or contracts entered into, by the Secretary under subsection (b) shall be used for—

[(A) the establishment of centers described in subsection (a); and

[(B) carrying out demonstration projects designed to—

[(i) address the special needs of Indian students in elementary schools and secondary schools who are gifted and talented; and

[(ii) provide such support services to the families of the students described in clause (i) as are needed to enable such students to benefit from the projects.

[(2) SUBCONTRACTS.—Each recipient of a grant or contract under subsection (b) to carry out a demonstration project under subsection (a) may enter into a contract with any other entity, including the Children's Television Workshop, to carry out the demonstration project.

[(3) DEMONSTRATION PROJECTS.—Demonstration projects assisted under subsection (b) may include—

[(A) the identification of the special needs of gifted and talented Indian students, particularly at the elementary school level, giving attention to—

[(i) identifying the emotional and psychosocial needs of such students; and

[(ii) providing such support services to the families of such students as are needed to enable such students to benefit from the projects;

[(B) the conduct of educational, psychosocial, and developmental activities that the Secretary determines hold a reasonable promise of resulting in substantial progress toward meeting the educational needs of such gifted and talented children, including—

[(i) demonstrating and exploring the use of Indian languages and exposure to Indian cultural traditions; and

[(ii) carrying out mentoring and apprenticeship programs;

[(C) the provision of technical assistance and the coordination of activities at schools that receive grants under subsection (d) with respect to the activities assisted under such grants, the evaluation of programs assisted under such grants, or the dissemination of such evaluations;

[(D) the use of public television in meeting the special educational needs of such gifted and talented children;

[(E) leadership programs designed to replicate programs for such children throughout the United States, including disseminating information derived from the demonstration projects conducted under subsection (a); and

[(F) appropriate research, evaluation, and related activities pertaining to the needs of such children and to the provision of such support services to the families of such children as are needed to enable such children to benefit from the projects.

[(4) APPLICATION.—Each eligible entity desiring a grant or contract under subsection (b) shall submit an application to the Secretary at such time, in such manner, and accompanied by such information, as the Secretary may reasonably require.

[(d) ADDITIONAL GRANTS.—

[(1) IN GENERAL.—The Secretary, in consultation with the Secretary of the Interior, shall award 5 grants to schools funded by the Bureau of Indian Affairs (hereafter referred to individually in this section as a Bureau school") for program research and development and the development and dissemination of curriculum and teacher training material, regarding—

[(A) gifted and talented students;

[(B) college preparatory studies (including programs for Indian students with an interest in pursuing teaching careers);

[(C) students with special culturally related academic needs, including students with social, lingual, and cultural needs; or

[(D) mathematics and science education.

[(2) APPLICATIONS.—Each Bureau school desiring a grant under this subsection shall submit an application to the Secretary at such time, in such manner, and accompanied by such information, as the Secretary may reasonably require.

[(3) SPECIAL RULE.—Each application described in paragraph (2) shall be developed, and each grant under this subsection shall be administered, jointly by the supervisor of the Bureau school and the local educational agency serving such school.

[(4) REQUIREMENTS.—In awarding grants under paragraph (1), the Secretary shall achieve a mixture of the programs described in paragraph (1) that ensures that Indian students at all grade levels and in all geographic areas of the United States are able to participate in a program assisted under this subsection.

[(5) GRANT PERIOD.—Subject to the availability of appropriations, a grant awarded under paragraph (1) shall be awarded for a 3-year period and may be renewed by the Secretary for additional 3-year periods if the Secretary determines that the performance of the grant recipient has been satisfactory.

[(6) DISSEMINATION.—

[(A) COOPERATIVE EFFORTS.—The dissemination of any materials developed from activities assisted under paragraph (1) shall be carried out in cooperation with entities that receive funds pursuant to subsection (b).

[(B) REPORT.—The Secretary shall prepare and submit to the Secretary of the Interior and to Congress a report concerning any results from activities described in this subsection.

[(7) EVALUATION COSTS.—

[(A) DIVISION.—The costs of evaluating any activities assisted under paragraph (1) shall be divided between the Bureau schools conducting such activities and the recipients of grants or contracts under subsection (b) who conduct demonstration projects under subsection (a).

[(B) GRANTS AND CONTRACTS.—If no funds are provided under subsection (b) for—

[(i) the evaluation of activities assisted under paragraph (1);

[(ii) technical assistance and coordination with respect to such activities; or

[(iii) the dissemination of the evaluations referred to in clause (i),

[the Secretary shall make such grants, or enter into such contracts, as are necessary to provide for the evaluations, technical assistance, and coordination of such activities, and the dissemination of the evaluations.

[(e) INFORMATION NETWORK.—The Secretary shall encourage each recipient of a grant or contract under this section to work cooperatively as part of a national network to ensure that the information developed by the grant or contract recipient is readily available to the entire educational community.]

[SEC. 7135. [20 U.S.C. 7455] GRANTS TO TRIBES FOR EDUCATION ADMINISTRATIVE PLANNING AND DEVELOPMENT.]

[(a) IN GENERAL.—The Secretary may make grants to Indian tribes, and tribal organizations approved by Indian tribes, to plan and develop a centralized tribal administrative entity to—

[(1) coordinate all education programs operated by the tribe or within the territorial jurisdiction of the tribe;

[(2) develop education codes for schools within the territorial jurisdiction of the tribe;

[(3) provide support services and technical assistance to schools serving children of the tribe; and

[(4) perform child-find screening services for the preschool-aged children of the tribe to—

[(A) ensure placement in appropriate educational facilities; and

[(B) coordinate the provision of any needed special services for conditions such as disabilities and English language skill deficiencies.

[(b) PERIOD OF GRANT.—Each grant awarded under this section may be awarded for a period of not more than 3 years. Such grant may be renewed upon the termination of the initial period of the grant if the grant recipient demonstrates to the satisfaction of the Secretary that renewing the grant for an additional 3-year period is necessary to carry out the objectives of the grant described in subsection (c)(2)(A).

[(c) APPLICATION FOR GRANT.—

[(1) IN GENERAL.—Each Indian tribe and tribal organization desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, containing such information, and consistent with such criteria, as the Secretary may prescribe in regulations.

[(2) CONTENTS.—Each application described in paragraph (1) shall contain—

[(A) a statement describing the activities to be conducted, and the objectives to be achieved, under the grant; and

[(B) a description of the method to be used for evaluating the effectiveness of the activities for which assistance is sought and for determining whether such objectives are achieved.

[(3) APPROVAL.—The Secretary may approve an application submitted by a tribe or tribal organization pursuant to this section only if the Secretary is satisfied that such application, including any documentation submitted with the application—

[(A) demonstrates that the applicant has consulted with other education entities, if any, within the territorial jurisdiction of the applicant who will be affected by the activities to be conducted under the grant;

[(B) provides for consultation with such other education entities in the operation and evaluation of the activities conducted under the grant; and

[(C) demonstrates that there will be adequate resources provided under this section or from other sources to complete the activities for which assistance is sought, except that the availability of such other resources shall not be a basis for disapproval of such application.

[(d) RESTRICTION.—A tribe may not receive funds under this section if such tribe receives funds under section 1144 of the Education Amendments of 1978.]

[SEC. 7136. [20 U.S.C. 7456] IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR ADULT INDIANS.]

[(a) IN GENERAL.—The Secretary shall make grants to State educational agencies, local educational agencies, and Indian tribes, institutions, and organizations—

[(1) to support planning, pilot, and demonstration projects that are designed to test and demonstrate the effectiveness of programs for improving employment and educational opportunities for adult Indians;

[(2) to assist in the establishment and operation of programs that are designed to stimulate—

[(A) the provision of basic literacy opportunities for all nonliterate Indian adults; and

[(B) the provision of opportunities to all Indian adults to qualify for a secondary school diploma, or its recognized equivalent, in the shortest period of time feasible;

[(3) to support a major research and development program to develop more innovative and effective techniques for achieving literacy and secondary school equivalency for Indians;

[(4) to provide for basic surveys and evaluations to define accurately the extent of the problems of illiteracy and lack of secondary school completion among Indians; and

[(5) to encourage the dissemination of information and materials relating to, and the evaluation of, the effectiveness of education programs that may offer educational opportunities to Indian adults.

[(b) EDUCATIONAL SERVICES.—The Secretary may make grants to Indian tribes, institutions, and organizations to develop and establish educational services and programs specifically designed to improve educational opportunities for Indian adults.

[(c) INFORMATION AND EVALUATION.—The Secretary may make grants to, and enter into contracts with, public agencies and institutions and Indian tribes, institutions, and organizations, for—

[(1) the dissemination of information concerning educational programs, services, and resources available to Indian adults,

including evaluations of the programs, services, and resources; and

[(2) the evaluation of federally assisted programs in which Indian adults may participate to determine the effectiveness of the programs in achieving the purposes of the programs with respect to Indian adults.

[(d) APPLICATIONS.—

[(1) IN GENERAL.—Each entity desiring a grant or contract under this section shall submit to the Secretary an application at such time, in such manner, containing such information, and consistent with such criteria, as the Secretary may prescribe in regulations.

[(2) CONTENTS.—Each application described in paragraph (1) shall contain—

[(A) a statement describing the activities to be conducted and the objectives to be achieved under the grant or contract; and

[(B) a description of the method to be used for evaluating the effectiveness of the activities for which assistance is sought and determining whether the objectives of the grant or contract are achieved.

[(3) APPROVAL.—The Secretary shall not approve an application described in paragraph (1) unless the Secretary determines that such application, including any documentation submitted with the application, indicates that—

[(A) there has been adequate participation, by the individuals to be served and the appropriate tribal communities, in the planning and development of the activities to be assisted; and

[(B) the individuals and tribal communities referred to in subparagraph (A) will participate in the operation and evaluation of the activities to be assisted.

[(4) PRIORITY.—In approving applications under paragraph (1), the Secretary shall give priority to applications from Indian educational agencies, organizations, and institutions.

[(e) ADMINISTRATIVE COSTS.—Not more than 5 percent of the funds made available to an entity through a grant or contract made or entered into under this section for a fiscal year may be used to pay for administrative costs.]

SEC. 7132. IMPROVEMENT OF ACADEMIC SUCCESS FOR STUDENTS THROUGH NATIVE AMERICAN LANGUAGE.

(a) PURPOSE.—It is the purpose of this section to improve educational opportunities and academic achievement of Indian and Alaska Native students through Native American language programs and to foster the acquisition of Native American language.

(b) ELIGIBLE ENTITIES.—In this section, the term 'eligible entity' means a State educational agency, local educational agency, Indian tribe, Indian organization, federally supported elementary school or secondary school for Indian students, Indian institution (including an Indian institution of higher education), or a consortium of such entities.

(c) GRANTS AUTHORIZED.—The Secretary shall award grants to eligible entities to enable such entities to carry out the following activities:

(1) Native American language programs that—

(A) provide instruction through the use of a Native American language for not less than 10 children for an average of not less than 500 hours per year per student;

(B) provide for the involvement of parents, caregivers, and families of students enrolled in the program;

(C) utilize, and may include the development of instructional courses and materials for learning Native American languages and for instruction through the use of Native American languages;

(D) provide support for professional development activities; and

(E) include a goal of all students achieving—

(i) fluency in a Native American language; and

(ii) academic proficiency in mathematics, English, reading or language arts, and science.

(2) Native American language restoration programs that—

(A) provide instruction in not less than 1 Native language;

(B) provide support for professional development activities for teachers of Native American languages;

(C) develop instructional materials for the programs; and

(D) include the goal of increasing proficiency and fluency in not less than 1 Native American language.

(d) APPLICATION.—

(1) IN GENERAL.—An eligible entity that desires to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

(2) CERTIFICATION.—An eligible entity that submits an application for a grant to carry out the activity specified in subsection (c)(1), shall include in such application a certification that assures that such entity has experience and a demonstrated record of effectiveness in operating and administering a Native American language program or any other educational program in which instruction is conducted in a Native American language.

(e) GRANT DURATION.—The Secretary shall make grants under this section only on a multi-year basis for a period not to exceed 5 years.

(f) DEFINITION.—In this section, the term 'average' means the aggregate number of hours of instruction through the use of a Native American language to all students enrolled in a Native language program during a school year divided by the total number of students enrolled in the program.

(g) ADMINISTRATIVE COSTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), not more than 5 percent of the funds provided to a grantee under this section for any fiscal year may be used for administrative purposes.

(2) EXCEPTION.—An elementary school or secondary school for Indian students that receives funds from a recipient of a grant under subsection (c) for any fiscal year may use not more than 10 percent of the funds for administrative purposes.

SEC. 7133. IMPROVING STATE AND TRIBAL EDUCATIONAL AGENCY COLLABORATION.

The Secretary, in consultation with the Director of the Bureau of Indian Education, shall conduct a study of the relationship among State educational agencies, local educational agencies, and other relevant State and local agencies, and tribes or tribal representatives to—

(1) identify examples of best practices in collaboration among those entities that result in the provision of better services to Indian students; and

(2) provide recommendations on—

(A) State educational agency functions that tribal educational agencies could perform;

(B) areas and agency functions in which greater State educational agency and tribal educational agency collaboration is needed; and

(C) other steps to reducing barriers to serving Indian students, especially such students who are at risk of academic failure.

* * * * * * *

Subpart 4—Federal Administration

SEC. 7141. NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION.

(a) MEMBERSHIP.—* * *

* * * * * * *

(b) DUTIES.—The Council shall—

(1) advise the Secretary *and the Secretary of the Interior* concerning the funding and administration (including the development of regulations and administrative policies and practices) of any program, including any program established under this part—

(A) * * *

* * * * * * *

Subpart 5—Definitions[; Authorizations of Appropriations]

SEC. 7151. DEFINITIONS.

For the purposes of this part:

(1) ADULT.—* * *

* * * * * * *

[(2) FREE PUBLIC EDUCATION.—The term free public education" means education that is—

[(A) provided at public expense, under public supervision and direction, and without tuition charge; and

[(B) provided as elementary or secondary education in the applicable State or to preschool children.]

[(3)]*(2)* INDIAN.—* * *

* * * * * * *

(3) TRADITIONAL LEADERS.—The term "traditional leaders" has the meaning given the term in the Native American Languages Act of 1990 (25 U.S.C. 2902).

* * * * * * *

[SEC. 7152. [20 U.S.C. 7492] AUTHORIZATIONS OF APPROPRIATIONS.]

[(a) SUBPART 1.—For the purpose of carrying out subpart 1, there are authorized to be appropriated $96,400,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years.

[(b) SUBPARTS 2 AND 3.—For the purpose of carrying out subparts 2 and 3, there are authorized to be appropriated $24,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years.]

* * * * * * *

PART B—[NATIVE HAWAIIAN EDUCATION]*NATIVE HAWAIIAN EDUCATION; ALASKA NATIVE EDUCATION*

Subpart 1—Native Hawaiian Education

SEC. 7201. SHORT TITLE.

This [part]*subpart* may be cited as the "Native Hawaiian Education Act".

* * * * * * *

[SEC. 7202. [20 U.S.C. 7512] FINDINGS.]

[Congress finds the following:

[(1) Native Hawaiians are a distinct and unique indigenous people with a historical continuity to the original inhabitants of the Hawaiian archipelago, whose society was organized as a nation and internationally recognized as a nation by the United States, Britain, France, and Japan, as evidenced by treaties governing friendship, commerce, and navigation.

[(2) At the time of the arrival of the first nonindigenous people in Hawaii in 1778, the Native Hawaiian people lived in a highly organized, self-sufficient subsistence social system based on a communal land tenure system with a sophisticated language, culture, and religion.

[(3) A unified monarchal government of the Hawaiian Islands was established in 1810 under Kamehameha I, the first King of Hawaii.

[(4) From 1826 until 1893, the United States recognized the sovereignty and independence of the Kingdom of Hawaii, which was established in 1810 under Kamehameha I, extended full and complete diplomatic recognition to the Kingdom of Hawaii, and entered into treaties and conventions with the Kingdom of Hawaii to govern friendship, commerce and navigation in 1826, 1842, 1849, 1875, and 1887.

[(5) In 1893, the sovereign, independent, internationally recognized, and indigenous government of Hawaii, the Kingdom of Hawaii, was overthrown by a small group of non-Hawaiians,

including United States citizens, who were assisted in their efforts by the United States Minister, a United States naval representative, and armed naval forces of the United States. Because of the participation of United States agents and citizens in the overthrow of the Kingdom of Hawaii, in 1993 the United States apologized to Native Hawaiians for the overthrow and the deprivation of the rights of Native Hawaiians to self-determination through Public Law 103–150 (107 Stat. 1510).

[(6) In 1898, the joint resolution entitled "Joint Resolution to provide for annexing the Hawaiian Islands to the United States", approved July 7, 1898 (30 Stat. 750), ceded absolute title of all lands held by the Republic of Hawaii, including the government and crown lands of the former Kingdom of Hawaii, to the United States, but mandated that revenue generated from the lands be used "solely for the benefit of the inhabitants of the Hawaiian Islands for educational and other public purposes".

[(7) By 1919, the Native Hawaiian population had declined from an estimated 1,000,000 in 1778 to an alarming 22,600, and in recognition of this severe decline, Congress enacted the Hawaiian Homes Commission Act, 1920 (42 Stat. 108), which designated approximately 200,000 acres of ceded public lands for homesteading by Native Hawaiians.

[(8) Through the enactment of the Hawaiian Homes Commission Act, 1920, Congress affirmed the special relationship between the United States and the Native Hawaiians, which was described by then Secretary of the Interior Franklin K. Lane, who said: "One thing that impressed me . . . was the fact that the natives of the island who are our wards, I should say, and for whom in a sense we are trustees, are falling off rapidly in numbers and many of them are in poverty.".

[(9) In 1938, Congress again acknowledged the unique status of the Hawaiian people by including in the Act of June 20, 1938 (52 Stat. 781, chapter 530; 16 U.S.C. 391b, 391b–1, 392b, 392c, 396, 396a), a provision to lease lands within the National Parks extension to Native Hawaiians and to permit fishing in the area "only by native Hawaiian residents of said area or of adjacent villages and by visitors under their guidance.".

[(10) Under the Act entitled "An Act to provide for the admission of the State of Hawaii into the Union", approved March 18, 1959 (73 Stat. 4), the United States transferred responsibility for the administration of the Hawaiian Home Lands to the State of Hawaii but reaffirmed the trust relationship between the United States and the Hawaiian people by retaining the exclusive power to enforce the trust, including the power to approve land exchanges and amendments to such Act affecting the rights of beneficiaries under such Act.

[(11) In 1959, under the Act entitled "An Act to provide for the admission of the State of Hawaii into the Union", the United States also ceded to the State of Hawaii title to the public lands formerly held by the United States, but mandated that such lands be held by the State "in public trust" and reaffirmed the special relationship that existed between the United States and the Hawaiian people by retaining the legal

responsibility to enforce the public trust responsibility of the State of Hawaii for the betterment of the conditions of Native Hawaiians, as defined in section 201(a) of the Hawaiian Homes Commission Act, 1920.

[(12) The United States has recognized and reaffirmed that—

[(A) Native Hawaiians have a cultural, historic, and land-based link to the indigenous people who exercised sovereignty over the Hawaiian Islands, and that group has never relinquished its claims to sovereignty or its sovereign lands;

[(B) Congress does not extend services to Native Hawaiians because of their race, but because of their unique status as the indigenous people of a once sovereign nation as to whom the United States has established a trust relationship;

[(C) Congress has also delegated broad authority to administer a portion of the Federal trust responsibility to the State of Hawaii;

[(D) the political status of Native Hawaiians is comparable to that of American Indians and Alaska Natives; and

[(E) the aboriginal, indigenous people of the United States have—

[(i) a continuing right to autonomy in their internal affairs; and

[(ii) an ongoing right of self-determination and self-governance that has never been extinguished.

[(13) The political relationship between the United States and the Native Hawaiian people has been recognized and reaffirmed by the United States, as evidenced by the inclusion of Native Hawaiians in—

[(A) the Native American Programs Act of 1974 (42 U.S.C. 2991 et seq.);

[(B) the American Indian Religious Freedom Act (42 U.S.C. 1996);

[(C) the National Museum of the American Indian Act (20 U.S.C. 80q et seq.);

[(D) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.);

[(E) the National Historic Preservation Act (16 U.S.C. 470 et seq.);

[(F) the Native American Languages Act (25 U.S.C. 2901 et seq.);

[(G) the American Indian, Alaska Native, and Native Hawaiian Culture and Art Development Act (20 U.S.C. 4401 et seq.);

[(H) the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.); and

[(I) the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.).

[(14) In 1981, Congress instructed the Office of Education to submit to Congress a comprehensive report on Native Hawaiian education. The report, entitled the "Native Hawaiian Edu-

cational Assessment Project", was released in 1983 and documented that Native Hawaiians scored below parity with regard to national norms on standardized achievement tests, were disproportionately represented in many negative social and physical statistics indicative of special educational needs, and had educational needs that were related to their unique cultural situation, such as different learning styles and low self-image.

[(15) In recognition of the educational needs of Native Hawaiians, in 1988, Congress enacted title IV of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 (102 Stat. 130) to authorize and develop supplemental educational programs to address the unique conditions of Native Hawaiians.

[(16) In 1993, the Kamehameha Schools Bishop Estate released a 10-year update of findings of the Native Hawaiian Educational Assessment Project, which found that despite the successes of the programs established under title IV of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988, many of the same educational needs still existed for Native Hawaiians. Subsequent reports by the Kamehameha Schools Bishop Estate and other organizations have generally confirmed those findings. For example—

[(A) educational risk factors continue to start even before birth for many Native Hawaiian children, including—

[(i) late or no prenatal care;

[(ii) high rates of births by Native Hawaiian women who are unmarried; and

[(iii) high rates of births to teenage parents;

[(B) Native Hawaiian students continue to begin their school experience lagging behind other students in terms of readiness factors such as vocabulary test scores;

[(C) Native Hawaiian students continue to score below national norms on standardized education achievement tests at all grade levels;

[(D) both public and private schools continue to show a pattern of lower percentages of Native Hawaiian students in the uppermost achievement levels and in gifted and talented programs;

[(E) Native Hawaiian students continue to be overrepresented among students qualifying for special education programs provided to students with learning disabilities, mild intellectual disabilities, emotional impairment, and other such disabilities;

[(F) Native Hawaiians continue to be underrepresented in institutions of higher education and among adults who have completed four or more years of college;

[(G) Native Hawaiians continue to be disproportionately represented in many negative social and physical statistics indicative of special educational needs, as demonstrated by the fact that—

[(i) Native Hawaiian students are more likely to be retained in grade level and to be excessively absent in secondary school;

[(ii) Native Hawaiian students have the highest rates of drug and alcohol use in the State of Hawaii; and

[(iii) Native Hawaiian children continue to be disproportionately victimized by child abuse and neglect; and

[(H) Native Hawaiians now comprise over 23 percent of the students served by the State of Hawaii Department of Education, and there are and will continue to be geographically rural, isolated areas with a high Native Hawaiian population density.

[(17) In the 1998 National Assessment of Educational Progress, Hawaiian fourth-graders ranked 39th among groups of students from 39 States in reading. Given that Hawaiian students rank among the lowest groups of students nationally in reading, and that Native Hawaiian students rank the lowest among Hawaiian students in reading, it is imperative that greater focus be placed on beginning reading and early education and literacy in Hawaii.

[(18) The findings described in paragraphs (16) and (17) are inconsistent with the high rates of literacy and integration of traditional culture and Western education historically achieved by Native Hawaiians through a Hawaiian language-based public school system established in 1840 by Kamehameha III.

[(19) Following the overthrow of the Kingdom of Hawaii in 1893, Hawaiian medium schools were banned. After annexation, throughout the territorial and statehood period of Hawaii, and until 1986, use of the Hawaiian language as an instructional medium in education in public schools was declared unlawful. The declaration caused incalculable harm to a culture that placed a very high value on the power of language, as exemplified in the traditional saying: "I ka "ōlelo nō ke ola; I ka "ōlelo nō ka make. In the language rests life; In the language rests death.".

[(20) Despite the consequences of over 100 years of non-indigenous influence, the Native Hawaiian people are determined to preserve, develop, and transmit to future generations their ancestral territory and their cultural identity in accordance with their own spiritual and traditional beliefs, customs, practices, language, and social institutions.

[(21) The State of Hawaii, in the constitution and statutes of the State of Hawaii—

[(A) reaffirms and protects the unique right of the Native Hawaiian people to practice and perpetuate their culture and religious customs, beliefs, practices, and language;

[(B) recognizes the traditional language of the Native Hawaiian people as an official language of the State of Hawaii, which may be used as the language of instruction for all subjects and grades in the public school system; and

[(C) promotes the study of the Hawaiian culture, language, and history by providing a Hawaiian education program and using community expertise as a suitable and essential means to further the program.]

SEC. 7202. FINDINGS.

Congress finds the following:

(1) Native Hawaiians are a distinct and unique indigenous people with a historical continuity to the original inhabitants of the Hawaiian archipelago, whose society was organized as a nation and internationally recognized as a nation by the United States, Britain, France, and Japan, as evidenced by treaties governing friendship, commerce, and navigation.

(2) The United States has recognized and reaffirmed that—

(A) Native Hawaiians have a cultural, historic, and land-based link to the indigenous people who exercised sovereignty over the Hawaiian Islands, and that group has never relinquished its claims to sovereignty or its sovereign lands;

(B) Congress does not extend services to Native Hawaiians because of their race, but because of their unique status as the indigenous people of a once sovereign nation as to whom the United States has established a trust relationship;

(C) Congress has also delegated broad authority to administer a portion of the Federal trust responsibility to the State of Hawaii;

(D) the political status of Native Hawaiians is comparable to that of American Indians and Alaska Natives; and

(E) the aboriginal, indigenous people of the United States have—

(i) a continuing right to autonomy in their internal affairs; and

(ii) an ongoing right of self-determination and self-governance that has never been extinguished.

(3) The political relationship between the United States and the Native Hawaiian people has been recognized and reaffirmed by the United States, as evidenced by the inclusion of Native Hawaiians in—

(A) the Native American Programs Act of 1974 (42 U.S.C. 2991 et seq.);

(B) the American Indian Religious Freedom Act (42 U.S.C. 1996);

(C) the National Museum of the American Indian Act (20 U.S.C. 80q et seq.);

(D) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.);

(E) the National Historic Preservation Act (16 U.S.C. 470 et seq.);

(F) the Native American Languages Act (25 U.S.C. 2901 et seq.);

(G) the American Indian, Alaska Native, and Native Hawaiian Culture and Art Development Act (20 U.S.C. 4401 et seq.);

(H) the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.); and

(I) the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.).

(4) In 1993, 2005, and 2009 the Kamehameha Schools Bishop Estate released an updated findings of the Native Hawaiian Educational Assessment Project, which found that despite the successes of the programs established under title IV of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988, many of the same educational needs still existed for Native Hawaiians. Subsequent reports by the Kamehameha Schools Bishop Estate and other organizations have generally confirmed those findings. For example—

(A) Native Hawaiian students continue to begin their school experience lagging behind other students in terms of readiness factors such as vocabulary test scores;

(B) Native Hawaiian students continue to score below national norms on standardized education achievement tests at all grade levels;

(C) both public and private schools continue to show a pattern of lower percentages of Native Hawaiian students in the uppermost achievement levels and in gifted and talented programs;

(D) Native Hawaiian students continue to be overrepresented among students qualifying for special education programs provided to students with learning disabilities, mild mental retardation, emotional impairment, and other such disabilities;

(E) Native Hawaiians continue to be underrepresented in institutions of higher education and among adults who have completed 4 or more years of college; and

(F) Native Hawaiians continue to be disproportionately represented in many negative social and physical statistics indicative of special educational needs.

(5) Native Hawaiian students served by the State of Hawaii Department of Education has risen from 20 percent in 1980 to 26 percent in 2008, and there are and will continue to be geographically rural, isolated areas with a high Native Hawaiian population density.

(6) Despite the consequences of more than 100 years of non-indigenous influence, the Native Hawaiian people are determined to preserve, develop, and transmit to future generations their ancestral territory and their cultural identity in accordance with their own spiritual and traditional beliefs, customs, practices, language, and social institutions.

(7) The State of Hawaii, in the constitution and statutes of the State of Hawaii—

(A) reaffirms and protects the unique right of the Native Hawaiian people to practice and perpetuate their culture and religious customs, beliefs, practices, and language;

(B) recognizes the traditional language of the Native Hawaiian people as an official language of the State of Hawaii, which may be used as the language of instruction for all subjects and grades in the public school system; and

(C) promotes the study of the Hawaiian culture, language, and history by providing a Hawaiian education pro-

gram and using community expertise as a suitable and essential means to further the program.

[SEC. 7203. [20U.S.C. 7513] PURPOSES.]

[The purposes of this part are to—

[(1) authorize and develop innovative educational programs to assist Native Hawaiians;

[(2) provide direction and guidance to appropriate Federal, State, and local agencies to focus resources, including resources made available under this part, on Native Hawaiian education, and to provide periodic assessment and data collection;

[(3) supplement and expand programs and authorities in the area of education to further the purposes of this title; and

[(4) encourage the maximum participation of Native Hawaiians in planning and management of Native Hawaiian education programs.]

SEC. 7203. PURPOSES.

The purposes of this subpart are to—

(1) develop, implement, assess, expand, and evaluate innovative educational programs, Native Hawaiian language medium programs, Native Hawaiian culture-based education programs, and other education programs to improve the academic achievement of Native Hawaiian students by meeting their unique cultural and language needs to help such students meet college and career ready State academic content and student academic achievement standards adopted under section 1111(a)(1);

(2) provide guidance to appropriate Federal, State, and local agencies to more effectively and efficiently focus resources, including resources made available under this subpart, on the development and implementation of—

(A) innovative educational programs for Native Hawaiian students;

(B) rigorous and substantive Native Hawaiian language programs; and

(C) Native Hawaiian culture-based educational programs; and

(3) create a system by which information from programs funded under this subpart will be collected, analyzed, evaluated, reported, and used in decision making activities with respect to the types of grants awarded under this subpart.

[SEC. 7204. [20 U.S.C. 7514] NATIVE HAWAIIAN EDUCATION COUNCIL AND ISLAND COUNCILS.]

[(a) ESTABLISHMENT OF NATIVE HAWAIIAN EDUCATION COUNCIL.—In order to better effectuate the purposes of this part through the coordination of educational and related services and programs available to Native Hawaiians, including those programs receiving funding under this part, the Secretary is authorized to establish a Native Hawaiian Education Council (hereafter in this part referred to as the "Education Council").

[(b) COMPOSITION OF EDUCATION COUNCIL.—The Education Council shall consist of not more than 21 members, unless otherwise determined by a majority of the council.

[(c) CONDITIONS AND TERMS.—

[(1) CONDITIONS.—At least 10 members of the Education Council shall be Native Hawaiian education service providers and 10 members of the Education Council shall be Native Hawaiians or Native Hawaiian education consumers. In addition, a representative of the State of Hawaii Office of Hawaiian Affairs shall serve as a member of the Education Council.

[(2) APPOINTMENTS.—The members of the Education Council shall be appointed by the Secretary based on recommendations received from the Native Hawaiian community.

[(3) TERMS.—Members of the Education Council shall serve for staggered terms of 3 years, except as provided in paragraph (4).

[(4) COUNCIL DETERMINATIONS.—Additional conditions and terms relating to membership on the Education Council, including term lengths and term renewals, shall be determined by a majority of the Education Council.

[(d) NATIVE HAWAIIAN EDUCATION COUNCIL GRANT.—The Secretary shall make a direct grant to the Education Council to carry out the following activities:

[(1) Coordinate the educational and related services and programs available to Native Hawaiians, including the programs assisted under this part.

[(2) Assess the extent to which such services and programs meet the needs of Native Hawaiians, and collect data on the status of Native Hawaiian education.

[(3) Provide direction and guidance, through the issuance of reports and recommendations, to appropriate Federal, State, and local agencies in order to focus and improve the use of resources, including resources made available under this part, relating to Native Hawaiian education, and serve, where appropriate, in an advisory capacity.

[(4) Make direct grants, if such grants enable the Education Council to carry out the duties of the Education Council, as described in paragraphs (1) through (3).

[(e) ADDITIONAL DUTIES OF THE EDUCATION COUNCIL.—

[(1) IN GENERAL.—The Education Council shall provide copies of any reports and recommendations issued by the Education Council, including any information that the Education Council provides to the Secretary pursuant to subsection (i), to the Secretary, the Committee on Education and the Workforce of the House of Representatives, and the Committee on Indian Affairs of the Senate.

[(2) ANNUAL REPORT.—The Education Council shall prepare and submit to the Secretary an annual report on the Education Council's activities.

[(3) ISLAND COUNCIL SUPPORT AND ASSISTANCE.—The Education Council shall provide such administrative support and financial assistance to the island councils established pursuant to subsection (f) as the Secretary determines to be appropriate, in a manner that supports the distinct needs of each island council.

[(f) ESTABLISHMENT OF ISLAND COUNCILS.—

[(1) IN GENERAL.—In order to better effectuate the purposes of this part and to ensure the adequate representation of is-

land and community interests within the Education Council, the Secretary is authorized to facilitate the establishment of Native Hawaiian education island councils (hereafter in this part referred to as an "island council") for the following islands:

[(A) Hawaii.
[(B) Maui.
[(C) Molokai.
[(D) Lanai.
[(E) Oahu.
[(F) Kauai.
[(G) Niihau.

[(2) COMPOSITION OF ISLAND COUNCILS.—Each island council shall consist of parents, students, and other community members who have an interest in the education of Native Hawaiians, and shall be representative of individuals concerned with the educational needs of all age groups, from children in preschool through adults. At least three-fourths of the members of each island council shall be Native Hawaiians.

[(g) ADMINISTRATIVE PROVISIONS RELATING TO EDUCATION COUNCIL AND ISLAND COUNCILS.—The Education Council and each island council shall meet at the call of the chairperson of the appropriate council, or upon the request of the majority of the members of the appropriate council, but in any event not less often than four times during each calendar year. The provisions of the Federal Advisory Committee Act shall not apply to the Education Council and each island council.

[(h) COMPENSATION.—Members of the Education Council and each island council shall not receive any compensation for service on the Education Council and each island council, respectively.

[(i) REPORT.—Not later than 4 years after the date of enactment of the No Child Left Behind Act of 2001, the Secretary shall prepare and submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Indian Affairs of the Senate a report that summarizes the annual reports of the Education Council, describes the allocation and use of funds under this part, and contains recommendations for changes in Federal, State, and local policy to advance the purposes of this part.]

SEC. 7204. NATIVE HAWAIIAN EDUCATION COUNCIL.

(a) ESTABLISHMENT OF NATIVE HAWAIIAN EDUCATION COUNCIL.—In order to better effectuate the purposes of this subpart through the coordination of educational and related services and programs available to Native Hawaiian students, including those programs receiving funding under this subpart, the Secretary shall establish a Native Hawaiian Education Council (referred to in this subpart as the "Education Council").

(b) COMPOSITION.—

(1) IN GENERAL.—The Education Council shall consist of 15 members of whom—

(A) 1 shall be the President of the University of Hawaii (or a designee);

(B) 1 shall be the Governor of the State of Hawaii (or a designee);

(C) 1 shall be the Superintendent of the State of Hawaii Department of Education (or a designee);

(D) 1 shall be the chairperson of the Office of Hawaiian Affairs (or a designee);

(E) 1 shall be the executive director of the Hawaii Charter School Network (or a designee);

(F) 1 shall be the chief executive officer of the Kamehameha Schools (or a designee);

(G) 1 shall be the chairperson of the Queen Liliuokalani Trust (or a designee);

(H) 1 shall be a member, selected by the other members of the Education Council, who represents a private grant making entity (or a designee);

(I) 1 shall be the mayor of the County of Hawaii (or a designee);

(J) 1 shall be the Mayor of Maui County (or a designee from the Island of Maui);

(K) 1 shall be the Mayor of the County of Kauai (or a designee);

(L) 1 shall be appointed by the Mayor of Maui County from the Island of either Molokai or Lanai;

(M) 1 shall be the Mayor of the City and County of Honolulu (or a designee);

(N) 1 shall be the Chairperson of the Hawaiian Homes Commission (or a designee); and

(O) 1 shall be the Chairperson of the Hawaii Workforce Development Council (or a designee representing the private sector).

(2) LIMITATION.—A member of the Education Council, including a designee, may not receive, as an individual, grant funds awarded under this subpart while serving on the Education Council.

(c) CHAIR, VICE CHAIR.—

(1) SELECTION.—The Education Council shall select a Chair and Vice Chair from among the members of the Education Council.

(2) SERVICE.—The Chair and Vice Chair selected under paragraph (1) shall each serve for one 2-year term.

(d) NATIVE HAWAIIAN EDUCATION COUNCIL GRANT.—The Secretary shall make a grant to the Education Council to carry out the following activities:

(1) Coordinate the educational and related services and programs available to Native Hawaiian students, including the programs assisted under this subpart.

(2) Assess the extent to which such services and programs meet the needs of Native Hawaiians, and collect data on the status of Native Hawaiian education.

(3) Provide direction and guidance, through the issuance of reports and recommendations, to appropriate Federal, State, and local agencies in order to focus and improve the use of resources, including resources made available under this subpart, relating to Native Hawaiian student education, and serve, where appropriate, in an advisory capacity.

(4) Make direct grants and subgrants, if such grants and subgrants would enable the Education Council to carry out the duties of the Education Council, as described in paragraphs (1) through (3).

(5) Hire an executive director who shall, through the Education Council, execute the duties and powers of the Education Council as described in subsection (e).

(e) DUTIES AND POWERS OF THE EDUCATION COUNCIL.—The Education Council shall—

(1) obtain from the Secretary information regarding grants awarded under this subpart;

(2) provide technical assistance to Native Hawaiian organizations that are grantees or potential grantees under this subpart;

(3) assess and define the educational needs of Native Hawaiian students;

(4) assess the programs and services currently available to address the educational needs of Native Hawaiian students;

(5) assess and evaluate the individual and aggregate impact achieved by grantees in improving Native Hawaiian educational performance and meeting the goals of this subpart;

(6) prepare and submit to the Secretary, before the end of each calendar year, annual reports that contain—

(A) a description of the activities of the Education Council during the preceding calendar year;

(B) recommendations of the Education Council, if any, regarding priorities established under section 7205(b);

(C) significant barriers to achieving the goals under this part;

(D) a summary of each community consultation session, as described in subsection (f);

(E) recommendations to establish funding priorities based on an assessment of—

(i) the educational needs of Native Hawaiians;

(ii) programs and services currently available to address such needs, including the effectiveness of such programs in improving educational performance of Native Hawaiians; and

(iii) priorities for funding in specific geographic communities; and

(7) hold annual community consultations as described in subsection (f).

(f) COMMUNITY CONSULTATIONS.—

(1) IN GENERAL.—The Education Council shall hold not less than 1 community consultation each year on each of the Islands of Hawaii, Maui, Molokai, Lanai, Oahu, and Kauai—

(A) which not less than 3 members of the Education Council shall attend;

(B) at which the Education Council shall gather community input regarding—

(i) entities that are, at the time of the community consultation, receiving a grant under this subpart;

(ii) priorities and needs;

(iii) other Native Hawaiian educational issues; and

(C) at which the Education Council shall report to the community on the outcomes of the grants awarded under this subpart.

(2) SUPPORT FOR COMMUNITY CONSULTATIONS.—The Education Council may, from funds made available under section 7205(h)(1), provide such financial support to the community consultations described in paragraph (1) as the Education Council determines to be appropriate.

(g) ADMINISTRATIVE PROVISIONS RELATING TO EDUCATION COUNCIL.—The Education Council shall meet at the call of the Chair of the Council, or upon request by a majority of the members of the Education Council, but in any event not less often than every 120 days.

(h) FUNDING.—

(1) IN GENERAL.—For each fiscal year, the Secretary shall provide to the Education Council (including through grants and contracts) the amount described in section 7205(h)(1), to remain available until expended.

(2) NO COMPENSATION.—Each member of the Education Council, and each member of a community consultation or other working group established by the Education Council, shall serve without compensation.

(i) REPORT.—Not later than 2 years after the date of enactment of the Elementary and Secondary Education Reauthorization Act of 2011, the Secretary shall prepare and submit to the Committee on Indian Affairs and the authorizing committees a report that—

(1) summarizes the annual reports of the Education Council;

(2) describes the allocation and use of funds under this subpart and the information gathered since the first annual report submitted by the Education Council to the Secretary under this section; and

(3) contains recommendations for changes in Federal, State, and local policy to advance the purposes of this subpart.

(j) FEDERAL ADVISORY COMMITTEE ACT APPLICABILITY.—The provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Education Council, except that section 14 of such Act shall not apply.

(k) TERMINATION.—The Education Council shall terminate on the date that is the expiration of the 10-year period following the date of enactment of the Elementary and Secondary Education Reauthorization Act of 2011.

* * * * * * *

[SEC. 7205. [20 U.S.C. 7515] PROGRAM AUTHORIZED.]

[(a) GENERAL AUTHORITY.—

[(1) GRANTS AND CONTRACTS.—The Secretary is authorized to make direct grants to, or enter into contracts with—

[(A) Native Hawaiian educational organizations;

[(B) Native Hawaiian community-based organizations;

[(C) public and private nonprofit organizations, agencies, and institutions with experience in developing or operating Native Hawaiian programs or programs of instruction in the Native Hawaiian language; and

[(D) consortia of the organizations, agencies, and institutions described in subparagraphs (A) through (C),

to carry out programs that meet the purposes of this part.

[(2) PRIORITIES.—In awarding grants or contracts to carry out activities described in paragraph (3), the Secretary shall give priority to entities proposing projects that are designed to address—

[(A) beginning reading and literacy among students in kindergarten through third grade;

[(B) the needs of at-risk children and youth;

[(C) needs in fields or disciplines in which Native Hawaiians are underemployed; and

[(D) the use of the Hawaiian language in instruction.

[(3) AUTHORIZED ACTIVITIES.—Activities provided through programs carried out under this part may include—

[(A) the development and maintenance of a statewide Native Hawaiian early education and care system to provide a continuum of services for Native Hawaiian children from the prenatal period of the children through age 5;

[(B) the operation of family-based education centers that provide such services as—

[(i) programs for Native Hawaiian parents and their infants from the prenatal period of the infants through age 3;

[(ii) preschool programs for Native Hawaiians; and

[(iii) research on, and development and assessment of, family-based, early childhood, and preschool programs for Native Hawaiians;

[(C) activities that enhance beginning reading and literacy in either the Hawaiian or the English language among Native Hawaiian students in kindergarten through third grade and assistance in addressing the distinct features of combined English and Hawaiian literacy for Hawaiian speakers in fifth and sixth grade;

[(D) activities to meet the special needs of Native Hawaiian students with disabilities, including—

[(i) the identification of such students and their needs;

[(ii) the provision of support services to the families of those students; and

[(iii) other activities consistent with the requirements of the Individuals with Disabilities Education Act;

[(E) activities that address the special needs of Native Hawaiian students who are gifted and talented, including—

[(i) educational, psychological, and developmental activities designed to assist in the educational progress of those students; and

[(ii) activities that involve the parents of those students in a manner designed to assist in the students' educational progress;

[(F) the development of academic and vocational curricula to address the needs of Native Hawaiian children

and adults, including curriculum materials in the Hawaiian language and mathematics and science curricula that incorporate Native Hawaiian tradition and culture;

[(G) professional development activities for educators, including—

[(i) the development of programs to prepare prospective teachers to address the unique needs of Native Hawaiian students within the context of Native Hawaiian culture, language, and traditions;

[(ii) in-service programs to improve the ability of teachers who teach in schools with concentrations of Native Hawaiian students to meet those students' unique needs; and

[(iii) the recruitment and preparation of Native Hawaiians, and other individuals who live in communities with a high concentration of Native Hawaiians, to become teachers;

[(H) the operation of community-based learning centers that address the needs of Native Hawaiian families and communities through the coordination of public and private programs and services, including—

[(i) preschool programs;

[(ii) after-school programs;

[(iii) vocational and adult education programs; and

[(iv) programs that recognize and support the unique cultural and educational needs of Native Hawaiian children, and incorporate appropriately qualified Native Hawaiian elders and seniors;

[(I) activities, including program co-location, to enable Native Hawaiians to enter and complete programs of postsecondary education, including—

[(i) provision of full or partial scholarships for undergraduate or graduate study that are awarded to students based on their academic promise and financial need, with a priority, at the graduate level, given to students entering professions in which Native Hawaiians are underrepresented;

[(ii) family literacy services;

[(iii) counseling and support services for students receiving scholarship assistance;

[(iv) counseling and guidance for Native Hawaiian secondary students who have the potential to receive scholarships; and

[(v) faculty development activities designed to promote the matriculation of Native Hawaiian students;

[(J) research and data collection activities to determine the educational status and needs of Native Hawaiian children and adults;

[(K) other research and evaluation activities related to programs carried out under this part; and

[(L) other activities, consistent with the purposes of this part, to meet the educational needs of Native Hawaiian children and adults.

[(4) SPECIAL RULE AND CONDITIONS.—

[(A) INSTITUTIONS OUTSIDE HAWAII.—The Secretary shall not establish a policy under this section that prevents a Native Hawaiian student enrolled at a 2- or 4-year degree granting institution of higher education outside of the State of Hawaii from receiving a scholarship pursuant to paragraph (3)(I).

[(B) SCHOLARSHIP CONDITIONS.—The Secretary shall establish conditions for receipt of a scholarship awarded under paragraph (3)(I). The conditions shall require that an individual seeking such a scholarship enter into a contract to provide professional services, either during the scholarship period or upon completion of a program of postsecondary education, to the Native Hawaiian community.

[(b) ADMINISTRATIVE COSTS.—Not more than 5 percent of funds provided to a recipient of a grant or contract under subsection (a) for any fiscal year may be used for administrative purposes.

[(c) AUTHORIZATION OF APPROPRIATIONS.—

[(1) IN GENERAL.—There are authorized to be appropriated to carry out this section and section 7204 such sums as may be necessary for fiscal year 2002 and each of the 5 succeeding fiscal years.

[(2) RESERVATION.—Of the funds appropriated under this subsection, the Secretary shall reserve $500,000 for fiscal year 2002 and each of the 5 succeeding fiscal years to make a direct grant to the Education Council to carry out section 7204.

[(3) AVAILABILITY.—Funds appropriated under this subsection shall remain available until expended.]

SEC. 7205. PROGRAM AUTHORIZED.

(a) GRANTS AND CONTRACTS.—In order to carry out programs that meet the purposes of this subpart, the Secretary is authorized to award grants to, or enter into contracts with—

(1) Native Hawaiian educational organizations;

(2) Native Hawaiian community-based organizations;

(3) public and private nonprofit organizations, agencies, and institutions with experience in successfully developing or operating Native Hawaiian education and workforce development programs or programs of instruction in the Native Hawaiian language;

(4) charter schools; and

(5) consortia of the organizations, agencies, and institutions described in paragraphs (1) through (4).

(b) PRIORITY.—In providing grants and entering into contracts under this subpart, the Secretary shall give priority to—

(1) programs that meet the educational priorities established by the Education Council under section 7204(e)(6);

(2) programs designed to improve the academic achievement of Native Hawaiian students by meeting their unique cultural and language needs in order to help such students meet college and career ready State academic content and student academic achievement standards adopted under section 1111(a)(1), including activities relating to—

(A) achieving competence in reading, literacy, mathematics, and science for students in preschool through grade 3;

(B) the educational needs of at-risk children and youth;

(C) professional development for teachers and administrators;

(D) the use of Native Hawaiian language and preservation or reclamation of Native Hawaiian culture-based educational practices;

(E) preparation for employment in fields in which Native Hawaiians are underemployed or underrepresented; and

(F) other programs relating to the activities described in this subpart; and

(3) programs in which a State educational agency, local educational agency, institution of higher education, or a State educational agency or local educational agency in partnership with an institution of higher education apply for a grant or contract under this subpart as part of a partnership or consortium involving—

(A) a Native Hawaiian community-based organization;

(B) a Native Hawaiian education organization;

(C) a Native Hawaiian focused public charter school; or

(D) a Native Hawaiian organization.

(c) AUTHORIZED ACTIVITIES.—Activities provided through programs carried out under this subpart may include—

(1) the development and maintenance of a statewide Native Hawaiian early childhood education and care system to provide a continuum of high-quality services for Native Hawaiian children from the prenatal period through the age of kindergarten entry;

(2) the operation of family-based education centers that provide such services as—

(A) programs for Native Hawaiian parents and their infants from the prenatal period of infancy through age 3;

(B) preschool programs for Native Hawaiian children; and

(C) research on, and development and assessment of, family-based early care and education and preschool programs for Native Hawaiians;

(3) activities that enhance beginning reading and literacy in either the Hawaiian or the English language among Native Hawaiian students in kindergarten through grade 3 and assistance in addressing the distinct features of combined English and Hawaiian literacy for Hawaiian speakers grades 5 and 6;

(4) activities to meet the special needs of Native Hawaiian students with disabilities, including—

(A) the identification of such students and their needs;

(B) the provision of support services to the families of those students; and

(C) other activities consistent with the requirements of the Individuals with Disabilities Education Act;

(5) activities that address the special needs of Native Hawaiian students who are gifted and talented, including—

(A) educational, psychological, social, emotional, and developmental activities designed to assist in the educational progress of such students; and

(B) activities that involve the parents of such students in a manner designed to assist in the students' educational progress;

(6) the development of academic and vocational curricula to address the needs of Native Hawaiian children, youth, and adults, including curricula materials in the Hawaiian language, mathematics, science, engineering, and technology curricula that incorporate Native Hawaiian tradition and culture;

(7) professional development activities for educators, including—

(A) the development of programs to prepare prospective teachers to address the unique needs of Native Hawaiian students within the context of Native Hawaiian culture, language, and traditions;

(B) in-service programs to improve the ability of teachers who teach in schools with concentrations of Native Hawaiian students to meet those students' unique needs; and

(C) the recruitment and preparation of Native Hawaiian individuals, and other individuals who live in communities with a high concentration of Native Hawaiians, to become teachers or leaders;

(8) the operation of community-based learning centers that address the needs of Native Hawaiian families and communities through the coordination of public and private programs and services, including—

(A) early care and education programs, including preschool programs;

(B) before- and after-school programs and Saturday academies;

(C) career and technical and adult education programs; and

(D) programs that recognize and support the unique cultural and educational needs of Native Hawaiian children and youth and incorporate appropriately qualified Native Hawaiian elders and seniors;

(9) activities, including program co-location, to enable Native Hawaiian individuals to enter and complete programs of postsecondary education, including—

(A) the provision of full or partial scholarships for undergraduate or graduate study that are awarded to students based on their academic promise and financial need, with a priority, at the graduate level, given to Native Hawaiian students entering professions in which Native Hawaiians are underrepresented;

(B) family literacy activities;

(C) counseling and support services for students receiving scholarship assistance;

(D) counseling and guidance for Native Hawaiian secondary school students who have the potential to receive scholarships;

(E) assistance with completing the college admissions and financial aid application process; and

(F) faculty development activities designed to promote the matriculation of Native Hawaiian students;

(10) activities that recognize and support the unique needs of Native Hawaiian youth regarding the completion of quality workforce preparation and training programs and activities, including apprenticeship programs;

(11) research and data collection activities to determine the educational status and needs of Native Hawaiian children and youth;

(12) other research and evaluation activities related to programs carried out under this subpart; and

(13) other activities, consistent with the purposes of this subpart, to meet the educational needs of Native Hawaiian children and youth.

(d) ADDITIONAL ACTIVITIES.—From funds made available to carry out this section, the Secretary shall support the following:

(1) The development of a body of Native Hawaiian law.

(2) The repair and renovation of public schools that serve high concentrations of Native Hawaiian students.

(3) Informal education programs that present traditional Hawaiian knowledge, science, astronomy, and the environment through State museums or learning centers.

(e) SPECIAL RULE AND CONDITIONS.—

(1) INSTITUTIONS OUTSIDE HAWAII.—The Secretary may not establish a policy under this section that prevents a Native Hawaiian student enrolled at a 2- or 4-year degree granting institution of higher education outside of the State of Hawaii from receiving a scholarship pursuant to subsection (c)(9)(A).

(2) SCHOLARSHIP CONDITIONS.—The Secretary shall establish conditions for receipt of a scholarship awarded under subsection (c)(9)(A). The conditions shall require that an individual seeking such a scholarship enter into a contract to provide professional services, either during the scholarship period or upon completion of a program of postsecondary education, to the Native Hawaiian community.

(f) TREATMENT OF FUNDS.—

(1) IN GENERAL.—Except as provided in paragraph (2), funds made available under this subpart shall be used to supplement, and not supplant, any State or local funds used to achieve the purposes of this subpart.

(2) EXCEPTION.—Paragraph (1) shall not apply to any nonprofit entity or Native Hawaiian community-based organization that receives a grant or other funds under this subpart.

(g) ADMINISTRATIVE COSTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), not more than 5 percent of funds provided to a recipient of a grant or contract under subsection (a) for any fiscal year may be used for administrative purposes.

(2) EXCEPTION.—Not more than 10 percent of funds provided under subsection (a) for any fiscal year to a nonprofit entity serving the Native Hawaiian community may be used for administrative purposes.

(h) RESERVATION; AVAILABILITY OF FUNDS.—

(1) RESERVATION.—From the funds made available to carry out this subpart, the Secretary shall reserve, for each of fiscal years 2012 through 2017 not less than $500,000 for the Education Council.

(2) AVAILABILITY.—Funds made available to carry out this subpart and funds reserved under this subsection shall remain available until expended.

[SEC. 7206. [20 U.S.C. 7516] ADMINISTRATIVE PROVISIONS.]

[(a) APPLICATION REQUIRED.—No grant may be made under this part, and no contract may be entered into under this part, unless the entity seeking the grant or contract submits an application to the Secretary at such time, in such manner, and containing such information as the Secretary may determine to be necessary to carry out the provisions of this part.

[(b) SPECIAL RULE.—Each applicant for a grant or contract under this part shall submit the application for comment to the local educational agency serving students who will participate in the program to be carried out under the grant or contract, and include those comments, if any, with the application to the Secretary.]

SEC. 7206. ADMINISTRATIVE PROVISIONS.

(a) APPLICATION REQUIRED.—

(1) IN GENERAL.—No grant may be made under this subpart, and no contract may be entered into under this subpart, unless the entity seeking the grant or contract submits an application to the Secretary at such time, in such manner, and containing such information as the Secretary may determine to be necessary to carry out the provisions of this subpart.

(2) ACADEMIC PROJECTS.—Applications submitted under this subpart to carry out projects and activities that are academic in nature shall describe—

(A) the criteria that will be used to ensure that such projects and activities use evidence-based strategies and methods; and

(B) the process through which the applicant will monitor and report such activities, including the achievement of identified objectives.

(b) APPLICATIONS TO EDUCATION COUNCIL.—The Secretary shall provide to the Education Council a copy of each grant or contract application submitted under this subpart.

(c) ANNUAL REPORT.—

(1) IN GENERAL.—Each entity that receives a grant under this subpart shall submit to the Secretary an annual report, in such form and containing such information as the Secretary may require that determines the extent to which activities carried out with funds provided under this subpart are effective in improving the educational achievement of Native Hawaiian students served by such funds.

(2) CONTENT.—As a part of the information reported under paragraph (1), each entity that receives a grant under this subpart shall provide data, using information from the most recent year for which data are available, on—

(A) the academic achievement of the Native Hawaiian students the entity serves, as measured by the State assessments required under section 1111(a) and the high school graduation and college attendance rates of those students; and

(B) such other measures as the Secretary may prescribe.

SEC. 7207. DEFINITIONS.

In this [part]*subpart*:

(1) COMMUNITY CONSULTATION.—The term "community consultation" means a public gathering—

(A) to discuss Native Hawaiian education concerns; and

(B) about which the public has been given not less than 30 days notice.

[(1)]*(2)* NATIVE HAWAIIAN.—* * *

(A) * * *

* * * * * * *

[(2)]*(3)* NATIVE HAWAIIAN COMMUNITY-BASED ORGANIZATION.—* * *

[(3)]*(4)* NATIVE HAWAIIAN EDUCATIONAL ORGANIZATION.—* * *

(A) * * *

* * * * * * *

[(4)]*(5)* NATIVE HAWAIIAN LANGUAGE.—* * *

[(5)]*(6)* NATIVE HAWAIIAN ORGANIZATION.—* * *

(A) * * *

* * * * * * *

[(6)]*(7)* OFFICE OF HAWAIIAN AFFAIRS.—* * *

[PART C]*Subpart 2*—[ALASKA NATIVE EDUCATION]*Alaska Native Education*

[SEC. 7301. [20 U.S.C. 7541] SHORT TITLE.]

[This part may be cited as the "Alaska Native Educational Equity, Support, and Assistance Act".]

[SEC. 7302. [20 U.S.C. 7542] FINDINGS.]

[Congress finds and declares the following:

[(1) The attainment of educational success is critical to the betterment of the conditions, long-term well-being, and preservation of the culture of Alaska Natives.

[(2) It is the policy of the Federal Government to encourage the maximum participation by Alaska Natives in the planning and the management of Alaska Native education programs.

[(3) Alaska Native children enter and exit school with serious educational handicaps.

[(4) The educational achievement of Alaska Native children is far below national norms. Native performance on standardized tests is low, Native student dropout rates are high, and Natives are significantly underrepresented among holders of baccalaureate degrees in the State of Alaska. As a result, Native students are being denied their opportunity to become full participants in society by grade school and high school edu-

cations that are condemning an entire generation to an underclass status and a life of limited choices.

[(5) The programs authorized in this part, combined with expanded Head Start, infant learning, and early childhood education programs, and parent education programs, are essential if educational handicaps are to be overcome.

[(6) The sheer magnitude of the geographic barriers to be overcome in delivering educational services in rural Alaska and Alaska villages should be addressed through the development and implementation of innovative, model programs in a variety of areas.

[(7) Native children should be afforded the opportunity to begin their formal education on a par with their non-Native peers. The Federal Government should lend support to efforts developed by and undertaken within the Alaska Native community to improve educational opportunity for all students.]

[SEC. 7303. [20 U.S.C. 7543] PURPOSES.]

[The purposes of this part are as follows:

[(1) To recognize the unique educational needs of Alaska Natives.

[(2) To authorize the development of supplemental educational programs to benefit Alaska Natives.

[(3) To supplement existing programs and authorities in the area of education to further the purposes of this part.

[(4) To provide direction and guidance to appropriate Federal, State and local agencies to focus resources, including resources made available under this part, on meeting the educational needs of Alaska Natives.]

[SEC. 7304. [20 U.S.C. 7544] PROGRAM AUTHORIZED.]

[(a) GENERAL AUTHORITY.—

[(1) GRANTS AND CONTRACTS.—The Secretary is authorized to make grants to, or enter into contracts with, Alaska Native organizations, educational entities with experience in developing or operating Alaska Native programs or programs of instruction conducted in Alaska Native languages, cultural and community-based organizations with experience in developing or operating programs to benefit Alaska Natives, and consortia of organizations and entities described in this paragraph to carry out programs that meet the purposes of this part.

[(2) PERMISSIBLE ACTIVITIES.—Activities provided through programs carried out under this part may include the following:

[(A) The development and implementation of plans, methods, and strategies to improve the education of Alaska Natives.

[(B) The development of curricula and educational programs that address the educational needs of Alaska Native students, including the following:

[(i) Curriculum materials that reflect the cultural diversity or the contributions of Alaska Natives.

[(ii) Instructional programs that make use of Native Alaskan languages.

[(iii) Networks that introduce successful programs, materials, and techniques to urban and rural schools.

[(C) Professional development activities for educators, including the following:

[(i) Programs to prepare teachers to address the cultural diversity and unique needs of Alaska Native students.

[(ii) In-service programs to improve the ability of teachers to meet the unique needs of Alaska Native students.

[(iii) Recruitment and preparation of teachers who are Alaska Native, reside in communities with high concentrations of Alaska Native students, or are likely to succeed as teachers in isolated, rural communities and engage in cross-cultural instruction in Alaska.

[(D) The development and operation of home instruction programs for Alaska Native preschool children, to ensure the active involvement of parents in their children's education from the earliest ages.

[(E) Family literacy services.

[(F) The development and operation of student enrichment programs in science and mathematics that—

[(i) are designed to prepare Alaska Native students from rural areas, who are preparing to enter secondary school, to excel in science and math;

[(ii) provide appropriate support services to the families of such students that are needed to enable such students to benefit from the programs; and

[(iii) may include activities that recognize and support the unique cultural and educational needs of Alaska Native children, and incorporate appropriately qualified Alaska Native elders and seniors.

[(G) Research and data collection activities to determine the educational status and needs of Alaska Native children and adults.

[(H) Other research and evaluation activities related to programs carried out under this part.

[(I) Remedial and enrichment programs to assist Alaska Native students in performing at a high level on standardized tests.

[(J) Education and training of Alaska Native students enrolled in a degree program that will lead to certification or licensing as teachers.

[(K) Parenting education for parents and caregivers of Alaska Native children to improve parenting and caregiving skills (including skills relating to discipline and cognitive development), including parenting education provided through in-home visitation of new mothers.

[(L) Cultural education programs operated by the Alaska Native Heritage Center and designed to share the Alaska Native culture with students.

[(M) A cultural exchange program operated by the Alaska Humanities Forum and designed to share Alaska Na-

tive culture with urban students in a rural setting, which shall be known as the Rose Cultural Exchange Program.

[(N) Activities carried out through Even Start programs carried out under subpart 3 of part B of title I and Head Start programs carried out under the Head Start Act, including the training of teachers for programs described in this subparagraph.

[(O) Other early learning and preschool programs.

[(P) Dropout prevention programs operated by the Cook Inlet Tribal Council's Partners for Success program.

[(Q) An Alaska Initiative for Community Engagement program.

[(R) Career preparation activities to enable Alaska Native children and adults to prepare for meaningful employment, including programs providing tech-prep, mentoring, training, and apprenticeship activities.

[(S) Provision of operational support and purchasing of equipment, to develop regional vocational schools in rural areas of Alaska, including boarding schools, for Alaska Native students in grades 9 through 12, or at higher levels of education, to provide the students with necessary resources to prepare for skilled employment opportunities.

[(T) Other activities, consistent with the purposes of this part, to meet the educational needs of Alaska Native children and adults.

[(3) HOME INSTRUCTION PROGRAMS.—Home instruction programs for Alaska Native preschool children carried out under paragraph (2)(D) may include the following:

[(A) Programs for parents and their infants, from the prenatal period of the infant through age 3.

[(B) Preschool programs.

[(C) Training, education, and support for parents in such areas as reading readiness, observation, story telling, and critical thinking.

[(b) LIMITATION ON ADMINISTRATIVE COSTS.—Not more than 5 percent of funds provided to a grantee under this section for any fiscal year may be used for administrative purposes.

[(c) PRIORITIES.—In awarding grants or contracts to carry out activities described in subsection (a)(2), except for activities listed in subsection (d)(2), the Secretary shall give priority to applications from Alaska Native regional nonprofit organizations, or consortia that include at least one Alaska Native regional nonprofit organization.

[(d) AUTHORIZATION OF APPROPRIATIONS.—

[(1) IN GENERAL.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2002 and each of the 5 succeeding fiscal years.

[(2) AVAILABILITY OF FUNDS.—Of the funds appropriated and made available under this section for a fiscal year, the Secretary shall make available—

[(A) not less than $1,000,000 to support activities described in subsection (a)(2)(K);

[(B) not less than $1,000,000 to support activities described in subsection (a)(2)(L);

[(C) not less than $1,000,000 to support activities described in subsection (a)(2)(M);

[(D) not less than $2,000,000 to support activities described in subsection (a)(2)(P); and

[(E) not less than $2,000,000 to support activities described in subsection (a)(2)(Q).]

[SEC. 7305. [20 U.S.C. 7545] ADMINISTRATIVE PROVISIONS.]

[(a) APPLICATION REQUIRED.—No grant may be made under this part, and no contract may be entered into under this part, unless the entity seeking the grant or contract submits an application to the Secretary in such form, in such manner, and containing such information as the Secretary may determine necessary to carry out the provisions of this part.

[(b) APPLICATIONS.—A State educational agency or local educational agency may apply for an award under this part only as part of a consortium involving an Alaska Native organization. The consortium may include other eligible applicants.

[(c) CONSULTATION REQUIRED.—Each applicant for an award under this part shall provide for ongoing advice from and consultation with representatives of the Alaska Native community.

[(d) LOCAL EDUCATIONAL AGENCY COORDINATION.—Each applicant for an award under this part shall inform each local educational agency serving students who would participate in the program to be carried out under the grant or contract about the application.]

[SEC. 7306. [20 U.S.C. 7546] DEFINITIONS.]

[In this part:

[(1) ALASKA NATIVE.—The term "Alaska Native" has the same meaning as the term "Native" has in section 3(b) of the Alaska Native Claims Settlement Act.

[(2) ALASKA NATIVE ORGANIZATION.—The term "Alaska Native organization" means a federally recognized tribe, consortium of tribes, regional nonprofit Native association, and another organization that—

[(A) has or commits to acquire expertise in the education of Alaska Natives; and

[(B) has Alaska Natives in substantive and policymaking positions within the organization.]

SEC. 7301. SHORT TITLE.

This subpart may be cited as the "Alaska Native Educational Equity, Support, and Assistance Act".

SEC. 7302. FINDINGS.

Congress finds the following:

(1) The attainment of educational success is critical to the betterment of the conditions, long-term well-being, and preservation of the culture and languages of Alaska Natives.

(2) It is the policy of the Federal Government to encourage the maximum participation by Alaska Natives in the planning and the management of Alaska Native education programs and to support efforts developed by and undertaken within the Alaska Native community to improve educational opportunity for all students.

(3) Alaska Native children enter and exit school with serious educational handicaps.

(4) The educational achievement of Alaska Native children is far below national norms. Native performance on standardized tests is low, Native student dropout rates are high, Natives are significantly underrepresented among holders of baccalaureate degrees in the State of Alaska, and Alaska Natives are more likely than other Alaskans to be without access to employment. As a result, Native students are being denied their opportunity to become full participants in society and an entire generation is being condemned to an underclass status and a life of limited choices.

(5) The programs and activities authorized in this subpart are essential if educational handicaps are to be overcome.

(6) The sheer magnitude of the geographic and other barriers to be overcome in delivering educational services in rural Alaska and Alaska villages should be addressed through the development and implementation of innovative, model programs in a variety of areas.

(7) Alaska Native children should be afforded the opportunity to begin their formal education on a par with their non-Native peers. The Federal Government should lend support to efforts developed by and undertaken within the Alaska Native community to improve educational opportunity for all students.

(8) In 1983, pursuant to Public Law 98–63, Alaska ceased to receive educational funding from the Bureau of Indian Affairs.

SEC. 7303. PURPOSES.

The purposes of this subpart are as follows:

(1) To address the critical need to meet the unique educational needs of Alaska Natives.

(2) To authorize the development and expansion of effective supplemental educational programs to benefit Alaska Natives.

(3) To supplement existing programs and authorities in the area of education to further the purposes of this subpart.

(4) To provide direction and guidance to appropriate Federal, State, and local agencies to focus resources, including resources made available under this subpart, on meeting the educational needs of Alaska Natives.

(5) To ensure the maximum participation by Alaska Natives in the planning and management of programs designed to serve Alaska Natives.

SEC. 7304. PROGRAM AUTHORIZED.

(a) GENERAL AUTHORITY.—

(1) GRANTS AND CONTRACTS.—The Secretary is authorized to make grants to, or enter into contracts with, the following entities in order to enable such entities to carry out programs that meet the purposes of this subpart:

(A) Alaska Native organizations.

(B) Educational entities with experience in developing or operating Alaska Native programs or programs of instruction conducted in Alaska Native languages.

(C) Cultural and community-based organizations with experience in developing or operating programs to benefit the educational needs of Alaska Natives.

(D) Consortia of organizations and entities described in this paragraph.

(2) PERMISSIBLE ACTIVITIES.—Activities provided through programs carried out under this subpart may include the following:

(A) The development and implementation of plans, methods, and strategies to improve the education of Alaska Natives.

(B) The development of curricula and programs that address the educational needs of Alaska Native students, including the following:

(i) Curricula materials that reflect the cultural diversity, languages, history, or the contributions of Alaska Natives.

(ii) Instructional programs that make use of Alaska Native languages and cultures.

(iii) Networks that develop, test, and disseminate best practices and introduce successful programs, materials, and techniques to meet the educational needs of Alaska Native students in urban and rural schools.

(C) Training and professional development activities for educators, including the following:

(i) Pre-service and in-service training and professional development programs to prepare teachers to develop appreciation for and understanding of Alaska Native cultures, values, and ways of knowing and learning in order to effectively address the cultural diversity and unique needs of Alaska Native students.

(ii) The recruitment and preparation of teachers who are Alaska Native.

(iii) Programs that will lead to the certification and licensing of Alaska Native teachers, principals, and superintendents.

(D) The development and operation of home instruction programs for Alaska Native preschool children, to ensure the active involvement of parents in their children's education from the earliest ages.

(E) Family literacy activities.

(F) The development and operation of student enrichment programs, including such programs in science, technology, engineering, and mathematics that—

(i) are designed to prepare Alaska Native students to excel in such subjects;

(ii) provide appropriate support services to the families of such students that are needed to enable such students to benefit from the programs; and

(iii) include activities that recognize and support the unique cultural and educational needs of Alaska Native children, and incorporate appropriately qualified Alaska Native elders and other tradition bearers.

(G) Research and data collection activities to determine the educational status and needs of Alaska Native children and adults.

(H) Other research and evaluation activities related to programs carried out under this subpart.

(I) Remedial and enrichment programs to assist Alaska Native students to be college or career ready upon graduation from high school.

(J) Parenting education for parents and caregivers of Alaska Native children to improve parenting and caregiving skills (including skills relating to discipline and cognitive development), including parenting education provided through in-home visitation of new mothers.

(K) Culturally based education programs designed and provided by an entity with demonstrated experience in—

(i) providing programs of study, both on site and in local schools, to share the rich and diverse cultures of Alaska Native peoples among youth, elders, teachers, and the larger community;

(ii) instructing Alaska Native youth in leadership, communication, Native culture, arts, and languages;

(iii) increasing the high school graduation rate of the Alaska Native students who are served;

(iv) providing instruction in Alaska Native history and ways of living to students and teachers in the local school district;

(v) providing intergenerational learning and internship opportunities to Alaska Native youth and young adults; and

(vi) providing cultural immersion activities aimed at Alaska Native cultural preservation.

(L) A statewide on-site exchange program, for both students and teachers, involving schools and culture camps that demonstrates effectiveness in facilitating cultural relationships between urban and rural Alaskans to build mutual respect and understanding, and foster a statewide sense of common identity through host family, school, and community cross-cultural immersion. Such a program should be competively awarded.

(M) Activities carried out through Head Start programs carried out under the Head Start Act, including the training of teachers for such programs.

(N) Other early learning and preschool programs.

(O) Education programs for at-risk urban Alaska Native students in kindergarten through grade 12 that are operated by tribes or tribal organizations that have demonstrated experience in increasing graduation rates among such students and that—

(i) include a culturally informed curriculum intended to preserve and promote Alaska Native culture;

(ii) partner effectively with the local school district by providing a school-within-a school program model;

(iii) provide high-quality academic instruction, small classroom sizes, and social-emotional support for students from elementary school through high school;

(iv) work with parents to increase parental involvement in their students' education;

(v) have a proven track record of improving academic proficiency and increasing graduation rates;

(vi) provide college preparation and career planning; and

(vii) incorporate a strong data collection and continuous evaluation component at all levels of the program.

(P) A statewide program that has demonstrated effectiveness in providing technical assistance and support to schools and communities in order to engage adults in promoting the academic progress and overall well-being of young people through strengths-based approaches to child and youth development, positive youth-adult relationships, improved conditions for learning (such as school climate and student connection to school and community), and increased connections between schools and families.

(Q) Career preparation activities to enable Alaska Native children and adults to prepare for meaningful employment, including programs providing career and technical preparation, mentoring, training, and apprenticeship activities.

(R) The provision of operational support and the purchase of equipment to develop regional vocational schools in rural areas of Alaska, including boarding schools, for Alaska Native students in grades 9 through 12, or at higher levels of education, to provide the students with necessary resources to prepare for skilled employment opportunities.

(S) Other activities, consistent with the purposes of this subpart, to meet the educational needs of Alaska Native children and adults.

(T) Regional leadership academies that demonstrate effectiveness in building respect and understanding and fostering a sense of Alaska Native identity to promote Alaska Native students pursuit of, and success in, completing higher education or career training.

(3) HOME INSTRUCTION PROGRAMS.—Home instruction programs for Alaska Native preschool children carried out under paragraph (2)(D) may include the following:

(A) Programs for parents and their infants, from the prenatal period of the infant through age 3.

(B) Preschool programs.

(C) Training, education, and support for parents in such areas as reading readiness, observation, story telling, and critical thinking.

(b) LIMITATION ON ADMINISTRATIVE COSTS.—Not more than 5 percent of funds provided to a grantee under this section for any fiscal year may be used for administrative purposes.

(c) PRIORITIES.—In awarding grants or contracts to carry out activities described in this subpart, the Secretary shall give priority to applications from Alaska Native regional nonprofit organizations,

Alaska Native organizations, or consortia that include not less than 1 Alaska Native regional nonprofit organization.

SEC. 7305. ADMINISTRATIVE PROVISIONS.

(a) APPLICATION REQUIRED.—No grant may be made under this subpart, and no contract may be entered into under this subpart, unless the entity seeking the grant or contract submits an application to the Secretary in such form, in such manner, and containing such information as the Secretary may determine necessary to carry out the provisions of this subpart.

(b) APPLICATIONS.—A State educational agency or local educational agency may apply for an award under this subpart only as part of a consortium involving an Alaska Native organization. The consortium may include other eligible applicants.

(c) CONSULTATION REQUIRED.—Each applicant for an award under this subpart shall provide for ongoing advice from and consultation with representatives of the Alaska Native community.

(d) LOCAL EDUCATIONAL AGENCY COORDINATION.—Each entity that applies for an award under this subpart shall inform each local educational agency that serves students who would participate in the program that such entity plans to carry out under the grant or contract about the application described in subsection (a).

SEC. 7306. DEFINITIONS.

In this subpart:

(1) ALASKA NATIVE.—The term "Alaska Native" has the same meaning as the term Native has in section 3(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(b)).

(2) ALASKA NATIVE ORGANIZATION.—The term "Alaska Native organization" means—

(A) a federally recognized tribe

(B) a consortium of tribes;

(C) a regional nonprofit Native association; or

(D) another organization that—

(i) has or commits to acquire expertise in the education of Alaska Natives; and

(ii) has Alaska Natives in substantive and policymaking positions within the organization.

* * * * * * *

TITLE VIII—IMPACT AID

SEC. 8001. PURPOSE.

In order to fulfill the Federal responsibility to assist with the provision of educational services to federally connected children in a manner that promotes control by local educational agencies with little or no Federal or State involvement, because certain activities of the Federal Government, such as activities to fulfill the responsibilities of the Federal Government with respect to Indian tribes and activities under section 511 of the Servicemembers Civil Relief Act, place a financial burden on the local educational agencies serving areas where such activities are carried out, and to help such children meet [challenging State standards]*college and career ready State academic content and student academic achievement*

standards under section 1111(a)(1), it is the purpose of this title to provide financial assistance to local educational agencies that—

(1) * * *

* * * * * * *

SEC. 8002. PAYMENTS RELATING TO FEDERAL ACQUISITION OF REAL PROPERTY.

(a) IN GENERAL.—* * *

* * * * * * *

(b) AMOUNT.—

(1) IN GENERAL.—(A)(i)(I) * * *

* * * * * * *

(B) If funds appropriated under section ⟦8014(a)⟧*3(aa)(1)* are insufficient to pay the amount determined under subparagraph (A), the Secretary shall calculate the payment for each eligible local educational agency in accordance with subsection (h).

* * * * * * *

(2) APPLICATION OF CURRENT LEVIED REAL PROPERTY TAX RATE.—In calculating the amount that a local educational agency is eligible to receive for a fiscal year, the Secretary shall apply the current levied real property tax rate for current expenditures levied by fiscally independent local educational agencies, or imputed for fiscally dependent local educational agencies, to the current annually determined ⟦aggregate assessed⟧*estimated taxable* value of such acquired Federal property.

⟦(3) DETERMINATION OF AGGREGATE ASSESSED VALUE.—Such aggregate assessed value of such acquired Federal property shall be determined on the basis of the highest and best use of property adjacent to such acquired Federal property as of the time such value is determined, and provided to the Secretary, by the local official responsible for assessing the value of real property located in the jurisdiction of such local educational agency for the purpose of levying a property tax.⟧

(3) DETERMINATION OF TAXABLE VALUE FOR ELIGIBLE FEDERAL PROPERTY.—

(A) IN GENERAL.—In determining the total taxable value of such acquired Federal property for fiscal year 2011 and each succeeding fiscal year, the Secretary shall—

(i) first determine the total taxable value for the purpose of levying property tax for school purposes for current expenditures of real property located within the boundaries of such local educational agency;

(ii) then determine the per acre value of the eligible Federal property by dividing the total taxable value as determined in clause (i) by the difference between the total acres located within the boundaries of the local educational agency and the number of Federal acres eligible under this section; and

(iii) multiply the per acre value as calculated under clause (ii) by the number of Federal acres eligible under this section.

(B) SPECIAL RULE.—When 2 or more local educational agencies share Federal property eligible under this section, a local educational agency may ask the Secretary to calculate the per acre value of each local educational agency as provided under subparagraph (A) and apply the average of these per acre values to the acres of the Federal property in that agency.

(c) APPLICABILITY TO TENNESSEE VALLEY AUTHORITY ACT.—* * *

* * * * * * *

[(f) SPECIAL RULE.—(1) Beginning with fiscal year 1994, and notwithstanding any other provision of law limiting the period during which fiscal year 1994 funds may be obligated, the Secretary shall treat the local educational agency serving the Wheatland R–II School District, Wheatland, Missouri, as meeting the eligibility requirements of section 2(a)(1)(C) of the Act of September 30, 1950 (Public Law 874, 81st Congress) (as such section was in effect on the day preceding the date of enactment of the Improving America's Schools Act of 1994) (20 U.S.C. 237(a)(1)(C)) or subsection (a)(1)(C).]

(f) SPECIAL RULE.—

(1) Beginning with fiscal year 1994, and notwithstanding any other provision of law limiting the period during which fiscal year 1994 funds may be obligated, the Secretary shall treat the local educational agency serving the Wheatland R–II School District, Wheatland, Missouri, as meeting the eligibility requirements of section 2(a)(1)(C) of the Act of September 30, 1950 (Public Law 874, 81st Congress) (as such section was in effect on the day preceding the date of enactment of the Improving America's Schools Act of 1994) (20 U.S.C. 237(a)(1)(C)) or subsection (a)(1)(C).

(2) For each fiscal year beginning with fiscal year 1999, the Secretary shall treat the Webster School District, Day County, South Dakota as meeting the eligibility requirements of subsection (a)(1)(C) of this section.

(3) For each fiscal year beginning with fiscal year 2000, the Secretary shall treat the Central Union, California; Island, California; Hill City, South Dakota; and Wall, South Dakota local educational agencies as meeting the eligibility requirements of subsection (a)(1)(C) of this section.

[(4) For the purposes of payments under this section for each fiscal year beginning with fiscal year 2000, the Secretary shall treat the Hot Springs, South Dakota local educational agency as if it had filed a timely application under section 8002 of the Elementary and Secondary Education Act of 1965 for fiscal year 1994 if the Secretary has received the fiscal year 1994 application, as well as Exhibits A and B not later than December 1, 1999.

[(5) For purposes of payments under this section for each fiscal year beginning with fiscal year 2000, the Secretary shall treat the Hueneme, California local educational agency as if it had filed a timely application under section 8002 of the Elementary and Secondary Education Act of 1965 if the Secretary has received the fiscal year 1995 application not later than December 1, 1999.]

[(g) FORMER DISTRICTS.—

[(1) IN GENERAL.—Where the school district of any local educational agency described in paragraph (2) is formed at any time after 1938 by the consolidation of two or more former school districts, such agency may elect (at any time such agency files an application under section 8005) for any fiscal year after fiscal year 1994 to have (A) the eligibility of such local educational agency, and (B) the amount which such agency shall be eligible to receive, determined under this section only with respect to such of the former school districts comprising such consolidated school districts as such agency shall designate in such election.

[(2) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—A local educational agency referred to in paragraph (1) is any local educational agency that, for fiscal year 1994 or any preceding fiscal year, applied for and was determined eligible under section 2(c) of the Act of September 30, 1950 (Public Law 874, 81st Congress) as such section was in effect for such fiscal year.]

(g) FORMER DISTRICTS.—

(1) CONSOLIDATIONS.—For fiscal year 2006 and all succeeding fiscal years, if a local educational agency described in paragraph (2) is formed at any time after 1938 by the consolidation of 2 or more former school districts, the local educational agency may elect to have the Secretary determine its eligibility and any amount for which the local educational agency is eligible under this section for any fiscal year on the basis of 1 or more of those former districts, as designated by the local educational agency.

(2) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—A local educational agency referred to in paragraph (1) is—

(A) any local educational agency that, for fiscal year 1994 or any preceding fiscal year, applied, and was determined to be eligible under section 2(c) of the Act of September 30, 1950 (Public Law 874, 81st Congress) as the section was in effect for that fiscal year; or

(B) a local educational agency formed by the consolidation of 2 or more districts, at least 1 of which was eligible for assistance under this section for the fiscal year proceeding the year of consolidation, if—

(i) for fiscal years 2006 through 2011, the local educational agency had notified the Secretary of the designation not later than 30 days after the date of enactment of the Elementary and Secondary Education Reauthorization Act of 2011; and

(ii) for fiscal year 2012, and any subsequent fiscal year, the local educational agency includes the designation in its application under section 8005 or any timely amendment to such application.

(3) AVAILABILITY OF FUNDS.—Notwithstanding any other provision of law limiting the period during which the Secretary may obligate funds appropriated for any fiscal year after 2005, the Secretary may obligate funds remaining after final pay-

ments have been made from any of such fiscal years to carry out this subsection.

(h) PAYMENTS WITH RESPECT TO FISCAL YEARS IN WHICH INSUFFICIENT FUNDS ARE APPROPRIATED.—For any fiscal year for which the amount appropriated under section [8014(a)]*3(aa)(1)* is insufficient to pay to each eligible local educational agency the full amount determined under subsection (b), the Secretary shall make payments to each local educational agency under this section as follows:

(1) FOUNDATION PAYMENTS [FOR PRE-1995 RECIPIENTS].—

(A) IN GENERAL.—The Secretary shall first make a foundation payment to each local educational agency that [is eligible to receive a payment under this section for the fiscal year involved and that filed, or has been determined pursuant to statute to have filed a timely application, and met, or has been determined pursuant to statute to meet, the eligibility requirements of section 2(a)(1)(C) of the Act of September 30, 1950 (Public Law 874, 81st Congress) (as such section was in effect on the day preceding the date of the enactment of the Improving America's Schools Act of 1994) for any of the fiscal years 1989 through 1994.]*was eligible to receive a payment under this section for fiscal year 2007.*

(B) AMOUNT.—The amount of a payment under subparagraph (A) for a local educational agency shall be equal to [38 percent of the local educational agency's maximum entitlement amount under section 2 of the Act of September 30, 1950, for fiscal year 1994 (or if the local educational agency did not meet, or has not been determined pursuant to statute to meet, the eligibility requirements of section 2(a)(1)(C) of the Act of September 30, 1950 for fiscal year 1994, the local educational agency's maximum entitlement amount under such section 2 for the most recent fiscal year preceding 1994).]*90 percent of the payment the local educational agency received in 2006.*

(C) INSUFFICIENT APPROPRIATIONS.—If the amount appropriated under section [8014(a)]*3(aa)(1)* is insufficient to pay the full amount determined under this paragraph for all eligible local educational agencies for the fiscal year, then the Secretary shall ratably reduce the payment to each local educational agency under this paragraph.

* * * * * * *

[(2) PAYMENTS FOR 1995 RECIPIENTS.—

[(A) IN GENERAL.—From any amounts remaining after making payments under paragraph (1) for the fiscal year involved, the Secretary shall make a payment to each eligible local educational agency that received a payment under this section for fiscal year 1995, or whose application under this section for fiscal year 1995 was determined pursuant to statute to be timely filed for purposes of payments for subsequent fiscal years.

[(B) AMOUNT.—The amount of a payment under subparagraph (A) for a local educational agency shall be determined as follows:

[(i) Calculate the difference between the amount appropriated to carry out this section for fiscal year 1995 and the total amount of foundation payments made under paragraph (1) for the fiscal year.

[(ii) Determine the percentage share for each local educational agency described in subparagraph (A) by dividing the assessed value of the Federal property of the local educational agency for fiscal year 1995 determined in accordance with subsection (b)(3), by the total eligible national assessed value of the eligible Federal property of all such local educational agencies for fiscal year 1995, as so determined.

[(iii) Multiply the percentage share described in clause (ii) for the local educational agency by the amount determined under clause (i).

[(3) SUBSECTION (i) RECIPIENTS.—From any funds remaining after making payments under paragraphs (1) and (2) for the fiscal year involved, the Secretary shall make payments in accordance with subsection (i).

[(4) REMAINING FUNDS.—From any funds remaining after making payments under paragraphs (1), (2), and (3) for the fiscal year involved—

[(A) the Secretary shall make a payment to each local educational agency that received a foundation payment under paragraph (1) for the fiscal year involved in an amount that bears the same relation to 25 percent of the remainder as the amount the local educational agency received under paragraph (1) for the fiscal year involved bears to the amount all local educational agencies received under paragraph (1) for the fiscal year involved; and

[(B) the Secretary shall make a payment to each local educational agency that is eligible to receive a payment under this section for the fiscal year involved in an amount that bears the same relation to 75 percent of the remainder as a percentage share determined for the local educational agency (by dividing the maximum amount that the agency is eligible to receive under subsection (b) by the total of the maximum amounts for all such agencies) bears to the percentage share determined (in the same manner) for all local educational agencies eligible to receive a payment under this section for the fiscal year involved, except that, for the purpose of calculating a local educational agency's maximum amount under subsection (b), data from the most current fiscal year shall be used.]

(2) FOUNDATION PAYMENTS FOR LOCAL EDUCATIONAL AGENCIES DETERMINED ELIGIBLE AFTER FISCAL YEAR 2007.—

(A) FIRST YEAR.—From any amounts remaining after making payments under paragraph (1) for the fiscal year involved, the Secretary shall make a payment, in an amount determined in accordance with subparagraph (C), to each local educational agency that the Secretary determines eligible for a payment under this section for a fiscal year after fiscal year 2007, for the fiscal year for which such agency was determined eligible for such payment.

(B) SECOND AND SUCCEEDING YEARS.—For any succeeding fiscal year after the first fiscal year that a local educational agency receives a foundation payment under subparagraph (A), the amount of the local educational agency's foundation payment under this paragraph for such succeeding fiscal year shall be equal to the local educational agency's foundation payment under this paragraph for the first fiscal year.

(C) AMOUNTS.—The amount of a payment under subparagraph (A) for a local educational agency shall be determined as follows:

(i) Calculate the local educational agency's maximum payment under subsection (b).

(ii) Calculate the percentage that the amount appropriated under section 3(aa)(1) for the most recent fiscal year for which the Secretary has completed making payments under this section is of the total maximum payments for such fiscal year for all local educational agencies eligible for a payment under subsection (b) and multiply the agency's maximum payment by such percentage.

(iii) Multiply the amount determined under clause (ii) by 90 percent.

(3) REMAINING FUNDS.—From any funds remaining after making payments under paragraphs (1) and (2) for the fiscal year involved, the Secretary shall make a payment to each local educational agency that received a foundation payment under paragraph (1) or (2), or subsection (i)(1), for the fiscal year involved in an amount that bears the same relation to the remainder as a percentage share determined for the local educational agency (by dividing the maximum amount that the agency is eligible to receive under subsection (b) by the total of the maximum amounts for all such agencies) bears to the percentage share determined (in the same manner) for all local educational agencies eligible to receive a payment under this section for the fiscal year involved, except that, for the purpose of calculating a local educational agency's maximum amount under subsection (b), data from the most current fiscal year shall be used.

(i) SPECIAL PAYMENTS.—

[(1) IN GENERAL.—For any fiscal year beginning with fiscal year 2000 for which the amount appropriated to carry out this section exceeds the amount so appropriated for fiscal year 1996 and for which subsection (b)(1)(B) applies, the Secretary shall use the remainder described in subsection (h)(3) for the fiscal year involved (not to exceed the amount equal to the difference between (A) the amount appropriated to carry out this section for fiscal year 1997 and (B) the amount appropriated to carry out this section for fiscal year 1996) to increase the payment that would otherwise be made under this section to not more than 50 percent of the maximum amount determined under subsection (b) for any local educational agency described in paragraph (2).]

(1) IN GENERAL.—The calculation of the foundation payment under subsection (h)(1)(B) for a local educational agency described in paragraph (2) of this subsection shall be equal to 90 percent of the payment received in fiscal year 2005, for fiscal year 2011 and each succeeding fiscal year.

* * * * * * *

[(k) SPECIAL RULE.—For purposes of payments under this section for each fiscal year beginning with fiscal year 1998—

[(1) the Secretary shall, for the Stanley County, South Dakota local educational agency, calculate payments as if subsection (e) had been in effect for fiscal year 1994; and

[(2) the Secretary shall treat the Delaware Valley, Pennsylvania local educational agency as if it had filed a timely application under section 2 of Public Law 81–874 for fiscal year 1994.]

[(l)]*(j)* PRIOR YEAR DATA.—Notwithstanding any other provision of this section, in determining the eligibility of a local educational agency for a payment under subsection (b) or [(h)(4)(B)]*(h)(3)* of this section for a fiscal year, and in calculating the amount of such payment, the Secretary—

(1) * * *

* * * * * * *

[(m) ELIGIBILITY.—

[(1) OLD FEDERAL PROPERTY.—Except as provided in paragraph (2), a local educational agency that is eligible to receive a payment under this section for Federal property acquired by the Federal Government, before the date of the enactment of the Impact Aid Reauthorization Act of 2000, shall be eligible to receive the payment only if the local educational agency submits an application for a payment under this section not later than 7 years after the date of the enactment of such Act.

[(2) COMBINED FEDERAL PROPERTY.—A local educational agency that is eligible to receive a payment under this section for Federal property acquired by the Federal Government before the date of the enactment of the Impact Aid Reauthorization Act of 2000 shall be eligible to receive the payment if—

[(A) the Federal property, when combined with other Federal property in the school district served by the local educational agency acquired by the Federal Government after the date of the enactment of such Act, meets the requirements of subsection (a); and

[(B) the local educational agency submits an application for a payment under this section not later than 7 years after the date of acquisition of the Federal property acquired after the date of the enactment of such Act.

[(3) NEW FEDERAL PROPERTY.—A local educational agency that is eligible to receive a payment under this section for Federal property acquired by the Federal Government after the date of the enactment of the Impact Aid Reauthorization Act of 2000 shall be eligible to receive the payment only if the local educational agency submits an application for a payment under this section not later than 7 years after the date of acquisition.]

[(n)]*(k)* LOSS OF ELIGIBILITY.—

* * * * * * *

(l) RECORDS.—The Secretary may base a determination of eligibility under subsection (a)(1) on original records (including facsimiles or other reproductions of those records) documenting the assessed value of real property, prepared by a legally authorized official as of the time of the Federal acquisition, or other records that the Secretary determines to be appropriate and reliable, including Federal agency records or local historical records.

* * * * * * *

SEC. 8003. PAYMENTS FOR ELIGIBLE FEDERALLY CONNECTED CHILDREN.

(a) COMPUTATION OF PAYMENT.—

(1) IN GENERAL.—For the purpose of computing the amount that a local educational agency is eligible to receive under subsection (b) or (d) for any fiscal year, the Secretary shall determine the number of children who were in average daily attendance in the schools of such agency *(including those children enrolled in a State that has a State open enrollment policy but not including children enrolled in a distance learning program who are not residing within the geographic boundaries of the agency)*, and for whom such agency provided free public education, during the preceding school year and who, while in attendance at such schools—

(A)(i) * * *

* * * * * * *

(4) MILITARY INSTALLATION AND INDIAN HOUSING UNDERGOING RENOVATION OR REBUILDING.—

(A) IN GENERAL.—(i) For purposes of computing the amount of a payment for a local educational agency for children described in paragraph (1)(D)(i), the Secretary shall consider such children to be children described in paragraph (1)(B) if the Secretary determines, on the basis of a certification provided to the Secretary by a designated representative of the Secretary of Defense, that such children would have resided in housing on Federal property in accordance with paragraph (1)(B) except that such housing was undergoing renovation or rebuilding*, or was authorized for demolition,* on the date for which the Secretary determines the number of children under paragraph (1).

(ii) For purposes of computing the amount of a payment for a local educational agency that received a payment for children that resided on Indian lands in accordance with paragraph (1)(C) for the fiscal year prior to the fiscal year for which the local educational agency is making an application, the Secretary shall consider such children to be children described in paragraph (1)(C) if the Secretary determines, on the basis of a certification provided to the Secretary by a designated representative of the Secretary of the Interior or the Secretary of Housing and Urban Development, that such children would have resided in housing on Indian lands in accordance with paragraph (1)(C)

except that such housing was undergoing renovation or rebuilding*, or was authorized for demolition,* on the date for which the Secretary determines the number of children under paragraph (1).

(B) LIMITATIONS.—(i)(I) Children described in paragraph (1)(D)(i) may be deemed to be children described in paragraph (1)(B) with respect to housing on Federal property undergoing renovation or rebuilding*, or authorized for demolition,* in accordance with subparagraph (A)(i) for a period not to exceed [3 fiscal years]*4 fiscal years (which are not required to run consecutively).*

(II) The number of children described in paragraph (1)(D)(i) who are deemed to be children described in paragraph (1)(B) with respect to housing on Federal property undergoing renovation or rebuilding*, or authorized for demolition,* in accordance with subparagraph (A)(i) for any fiscal year may not exceed the maximum number of children who are expected to occupy that housing upon completion of the renovation or rebuilding.

(ii)(I) Children that resided on Indian lands in accordance with paragraph (1)(C) for the fiscal year prior to the fiscal year for which the local educational agency is making an application may be deemed to be children described in paragraph (1)(C) with respect to housing on Indian lands undergoing renovation or rebuilding*, or authorized for demolition,* in accordance with subparagraph (A)(ii) for a period not to exceed [3 fiscal years]*4 fiscal years (which are not required to run consecutively).*

(II) The number of children that resided on Indian lands in accordance with paragraph (1)(C) for the fiscal year prior to the fiscal year for which the local educational agency is making an application who are deemed to be children described in paragraph (1)(C) with respect to housing on Indian lands undergoing renovation or rebuilding*, or authorized for demolition,* in accordance with subparagraph (A)(ii) for any fiscal year may not exceed the maximum number of children who are expected to occupy that housing upon completion of the renovation or rebuilding.

(5) MILITARY "BUILD TO LEASE" PROGRAM HOUSING.—

(A) IN GENERAL.—For purposes of computing the amount of payment for a local educational agency for children identified under paragraph (1), the Secretary shall consider children residing in housing initially acquired or constructed under the former section 2828(g) of title 10, United States Code (commonly known as the "Build to Lease" program), as added by section 801 of the Military Construction Authorization Act, 1984, *or under lease of off-base property under subchapter IV of chapter 169 of title 10, United States Code (10 U.S.C. 2871 et seq.),* to be children described under paragraph (1)(B) if the property described is within the fenced security perimeter of the military facility upon which such housing is situated.

* * * * * * *

(b) BASIC SUPPORT PAYMENTS AND PAYMENTS WITH RESPECT TO FISCAL YEARS IN WHICH INSUFFICIENT FUNDS ARE APPROPRIATED.—

(1) BASIC SUPPORT PAYMENTS.—

(A) IN GENERAL.—From the amount appropriated under section [8014(b)]*3(aa)(2)* for a fiscal year, the Secretary is authorized to make basic support payments to eligible local educational agencies with children described in subsection (a).

* * * * * * *

(2) BASIC SUPPORT PAYMENTS FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—

(A) IN GENERAL.—(i) From the amount appropriated under section [8014(b)]*3(aa)(2)* for a fiscal year, the Secretary is authorized to make basic support payments to eligible heavily impacted local educational agencies with children described in subsection (a).

* * * * * * *

(B) ELIGIBILITY FOR [CONTINUING]HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—

[(i) IN GENERAL.—A heavily impacted local educational agency is eligible to receive a basic support payment under subparagraph (A) with respect to a number of children determined under subsection (a)(1) if the agency—

[(I) received an additional assistance payment under subsection (f) (as such subsection was in effect on the day before the date of the enactment of the Impact Aid Reauthorization Act of 2000) for fiscal year 2000; and

[(II)(aa) is a local educational agency whose boundaries are the same as a Federal military installation;

[(bb) has an enrollment of children described in subsection (a)(1) that constitutes a percentage of the total student enrollment of the agency which is not less than 35 percent, has a per-pupil expenditure that is less than the average per-pupil expenditure of the State in which the agency is located or the average per-pupil expenditure of all States (whichever average per-pupil expenditure is greater), except that a local educational agency with a total student enrollment of less than 350 students shall be deemed to have satisfied such per-pupil expenditure requirement, and has a tax rate for general fund purposes which is not less than 95 percent of the average tax rate for general fund purposes of local educational agencies in the State;

[(cc) has an enrollment of children described in subsection (a)(1) that constitutes a percentage of the total student enrollment of the agency which is not less than 30 percent, and has a tax rate for

general fund purposes which is not less than 125 percent of the average tax rate for general fund purposes for comparable local educational agencies in the State;

[(dd) has a total student enrollment of not less than 25,000 students, of which not less than 50 percent are children described in subsection (a)(1) and not less than 6,000 of such children are children described in subparagraphs (A) and (B) of subsection (a)(1); or

[(ee) meets the requirements of subsection (f)(2) applying the data requirements of subsection (f)(4) (as such subsections were in effect on the day before the date of the enactment of the Impact Aid Reauthorization Act of 2000).

[(ii) LOSS OF ELIGIBILITY.—A heavily impacted local educational agency that met the requirements of clause (i) for a fiscal year shall be ineligible to receive a basic support payment under subparagraph (A) if the agency fails to meet the requirements of clause (i) for a subsequent fiscal year, except that such agency shall continue to receive a basic support payment under this paragraph for the fiscal year for which the ineligibility determination is made.]

(i) IN GENERAL.—A heavily impacted local educational agency is eligible to receive a basic support payment under subparagraph (A) with respect to a number of children determined under subsection (a)(1) if the agency—

(I) is a local educational agency whose boundaries are the same as a Federal military installation, or whose boundaries are the same as island property designated by the Secretary of the Interior to be property that is held in trust by the Federal Government, and that has no taxing authority;

(II) is a local educational agency that—

(aa) has an enrollment of children described in subsection (a)(1) that constitutes a percentage of the total student enrollment of the agency that is not less than 45 percent;

(bb) has a per-pupil expenditure that is less than—

(AA) for an agency that has a total student enrollment of 500 or more students, 125 percent of the average per-pupil expenditure of the State in which the agency is located; or

(BB) for an agency that has a total student enrollment of less than 500 students, 150 percent of the average per-pupil expenditure of the State in which the agency is located, or the average per-pupil expenditure of 3 or more comparable local

educational agencies in the State in which the agency is located;

(cc) is an agency that—

(AA) has a tax rate for general fund purposes that is not less than 95 percent of the average tax rate for general fund purposes of comparable local educational agencies in the State; or

(BB) was eligible to receive a payment under this subsection for fiscal year 2012 and is located in a State that by State law has eliminated ad valorem tax as a revenue source for local educational agencies; or

(dd) has an enrollment of children described in subsection (a)(1) that constitutes a percentage of the total student enrollment of the agency which is not less than 30 percent, and has a tax rate for general fund purposes which is not less than 125 percent of the average tax rate for general fund purposes for comparable local educational agencies in the State; or

(III) is a local educational agency that has a total student enrollment of not less than 25,000 students, of which not less than 50 percent are children described in subsection (a)(1) and not less than 5,500 of such children are children described in subparagraphs (A) and (B) of subsection (a)(1).

(ii) LOSS OF ELIGIBILITY.—

(I) IN GENERAL.—Subject to subclause (II), a heavily impacted local educational agency that met the requirements of clause (i) for a fiscal year shall be ineligible to receive a basic support payment under subparagraph (A) if the agency fails to meet the requirements of such clause for the subsequent fiscal year, except that such agency shall continue to receive a basic support payment under this paragraph for the fiscal year for which the ineligibility determination is made.

(II) EXCEPTION.—A local educational agency that is eligible under subparagraph (A) but whose tax rate for general fund purposes falls below 95 percent of the average tax rate for general fund purposes of local educational agencies in the State for two consecutive years shall lose its eligibility and be subject to subclause (I).

* * * * * * *

(iv) SPECIAL RULE.—Notwithstanding clause (i)(II), a local educational agency shall be considered eligible to receive a basic support payment under subparagraph (A) with respect to the number of children determined under subsection (a)(1) if the agency—

(I) has an enrollment of children described in subsection (a)(1), including, for purposes of deter-

mining eligibility, those children described in subparagraphs (F) and (G) of such subsection, that constitutes a percentage of the total student enrollment of the agency that is not less than 35 percent; and

(II) was eligible to receive assistance under this paragraph for fiscal year 2001.

(v) APPLICATION.—With respect to the first fiscal year for which a heavily impacted local educational agency described in clause (i) applies for a basic support payment under subparagraph (A), or with respect to the first fiscal year for which a heavily impacted local educational agency applies for a basic support payment under subparagraph (A) after becoming ineligible under clause (i) for 1 or more preceding fiscal years, the agency shall apply for such payment at least 1 year prior to the start of that first fiscal year.

[(C) ELIGIBILITY FOR NEW HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—

[(i) IN GENERAL.—A heavily impacted local educational agency that did not receive an additional assistance payment under subsection (f) (as such subsection was in effect on the day before the date of the enactment of the Impact Aid Reauthorization Act of 2000) for fiscal year 2000 is eligible to receive a basic support payment under subparagraph (A) for fiscal year 2002 and any subsequent fiscal year with respect to a number of children determined under subsection (a)(1) only if the agency is a local educational agency whose boundaries are the same as a Federal military installation (or if the agency is a qualified local educational agency as described in clause (iv)), or the agency—

[(I) has an enrollment of children described in subsection (a)(1) that constitutes a percentage of the total student enrollment of the agency that—

[(aa) is not less than 50 percent if such agency receives a payment on behalf of children described in subparagraphs (F) and (G) of such subsection; or

[(bb) is not less than 40 percent if such agency does not receive a payment on behalf of such children;

[(II)(aa) for a local educational agency that has a total student enrollment of 350 or more students, has a per-pupil expenditure that is less than the average per-pupil expenditure of the State in which the agency is located; or

[(bb) for a local educational agency that has a total student enrollment of less than 350 students, has a per-pupil expenditure that is less than the average per-pupil expenditure of a comparable local education agency or three comparable local

educational agencies in the State in which the local educational agency is located; and

[(III) has a tax rate for general fund purposes that is at least 95 percent of the average tax rate for general fund purposes of comparable local educational agencies in the State.

[(ii) RESUMPTION OF ELIGIBILITY.—A heavily impacted local educational agency described in clause (i) that becomes ineligible under such clause for 1 or more fiscal years may resume eligibility for a basic support payment under this paragraph for a subsequent fiscal year only if the agency is a local educational agency whose boundaries are the same as a Federal military installation (or if the agency is a qualified local educational agency as described in clause (iv)), or meets the requirements of clause (i), for that subsequent fiscal year, except that such agency shall continue to receive a basic support payment under this paragraph for the fiscal year for which the ineligibility determination is made.

[(iii) APPLICATION.—With respect to the first fiscal year for which a heavily impacted local educational agency described in clause (i) applies for a basic support payment under subparagraph (A), or with respect to the first fiscal year for which a heavily impacted local educational agency applies for a basic support payment under subparagraph (A) after becoming ineligible under clause (i) for 1 or more preceding fiscal years, the agency shall apply for such payment at least 1 year prior to the start of that first fiscal year.

[(iv) QUALIFIED LOCAL EDUCATIONAL AGENCY.—A qualified local educational agency described in this clause is an agency that meets the following requirements:

[(I) The boundaries of the agency are the same as island property designated by the Secretary of the Interior to be property that is held in trust by the Federal Government.

[(II) The agency has no taxing authority.

[(III) The agency received a payment under paragraph (1) for fiscal year 2001.

[(D) MAXIMUM AMOUNT FOR REGULAR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—(i) Except as provided in subparagraph (E), the maximum amount that a heavily impacted local educational agency is eligible to receive under this paragraph for any fiscal year is the sum of the total weighted student units, as computed under subsection (a)(2) and subject to clause (ii), multiplied by the greater of—

[(I) four-fifths of the average per-pupil expenditure of the State in which the local educational agency is located for the third fiscal year preceding the fiscal year for which the determination is made; or

[(II) four-fifths of the average per-pupil expenditure of all of the States for the third fiscal year preceding the fiscal year for which the determination is made.

[(ii)(I) For a local educational agency with respect to which 35 percent or more of the total student enrollment of the schools of the agency are children described in subparagraph (D) or (E) (or a combination thereof) of subsection (a)(1), the Secretary shall calculate the weighted student units of such children for purposes of subsection (a)(2) by multiplying the number of such children by a factor of 0.55.

[(II) For a local educational agency that has an enrollment of 100 or fewer children described in subsection (a)(1), the Secretary shall calculate the total number of weighted student units for purposes of subsection (a)(2) by multiplying the number of such children by a factor of 1.75.

[(III) For a local educational agency that does not qualify under (B)(i)(II)(aa) of this subsection and has an enrollment of more than 100 but not more than 1,000 children described in subsection (a)(1), the Secretary shall calculate the total number of weighted student units for purposes of subsection (a)(2) by multiplying the number of such children by a factor of 1.25.]

(C) MAXIMUM AMOUNT FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—

(i) IN GENERAL.—Except as provided for in subparagraph (D), the maximum amount that a heavily impacted local educational agency is eligible to receive under this paragraph for any fiscal year is the sum of the total weighted student units, as computed under subsection (a)(2) and subject to clause (ii), multiplied by the greater of—

(I) four-fifths of the average per-pupil expenditure of the State in which the local educational agency is located for the third fiscal year preceding the fiscal year for which the determination is made; or

(II) four-fifths of the average per-pupil expenditure of all of the States for the third fiscal year preceding the fiscal year for which the determination is made.

(ii) SPECIAL RULES.—

(I) CALCULATIONS FOR LOCAL EDUCATIONAL AGENCIES WITH LARGE NUMBERS OF CERTAIN ELIGIBLE CHILDREN.—

(aa) IN GENERAL.—In the case of a local educational agency with respect to which 35 percent or more of the total student enrollment of the schools of the agency are children described in subparagraph (D) or (E) of subsection (a)(1), and that has an enrollment of children described in subparagraph (A), (B), or (C) of such subsection equal to at least 10

percent of the agency's total enrollment, the Secretary shall calculate the weighted student units of the children described in subparagraph (D) or (E) of such subsection by multiplying the number of such children by a factor of 0.55.

(bb) EXCEPTION.—Notwithstanding subclause (I), any local educational agency that received a payment under this clause for fiscal year 2006, shall not be required to have an enrollment of children described in subparagraph (A), (B), or (C) of subsection (a)(1) equal to at least 10 percent of the agency's total enrollment for purposes of subclause (I).

(II) CALCULATIONS FOR LOCAL EDUCATIONAL AGENCIES WITH SMALL NUMBERS OF ELIGIBLE CHILDREN.—For a local educational agency that has an enrollment of 100 or fewer children described in subsection (a)(1), the Secretary shall calculate the total number of weighted student units for purposes of subsection (a)(2) by multiplying the number of such children by a factor of 1.75.

(III) CALCULATIONS FOR CERTAIN OTHER LOCAL EDUCATIONAL AGENCIES.—For a local educational agency that does not qualify under paragraph (2)(B)(i)(I) and has an enrollment of more than 100 but not more than 1,000 children described in subsection (a)(1), the Secretary shall calculate the total number of weighted student units for purposes of subsection (a)(2) by multiplying the number of such children by a factor of 1.25.

(D) MAXIMUM AMOUNT FOR LARGE HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—

(i) APPLICABLE FORMULA.—

(I) IN GENERAL.—Subject to clause (ii), the maximum amount that a heavily impacted local educational agency described in subclause (II) is eligible to receive under this paragraph for any fiscal year shall be determined in accordance with the formula described in paragraph (1)(C).

(II) HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—A heavily impacted local educational agency described in this subclause is a local educational agency that has a total student enrollment of not less than 25,000 students, of which not less than 50 percent are children described in subsection (a)(1) and not less than 5,500 of such children are children described in subparagraphs (A) and (B) of subsection (a)(1).

(ii) FACTOR.—For purposes of calculating the maximum amount described in clause (i), the factor used in determining the weighted student units under subsection (a)(2) with respect to children described in sub-

paragraphs (A) and (B) of subsection (a)(1) shall be 1.35.

[(E) MAXIMUM AMOUNT FOR LARGE HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—(i)(I) Subject to clause (ii), the maximum amount that a heavily impacted local educational agency described in subclause (II) is eligible to receive under this paragraph for any fiscal year shall be determined in accordance with the formula described in paragraph (1)(C).

[(II) A heavily impacted local educational agency described in this subclause is a local educational agency that has a total student enrollment of not less than 25,000 students, of which not less than 50 percent are children described in subsection (a)(1) and not less than 6,000 of such children are children described in subparagraphs (A) and (B) of subsection (a)(1).

[(ii) For purposes of calculating the maximum amount described in clause (i), the factor used in determining the weighted student units under subsection (a)(2) with respect to children described in subparagraphs (A) and (B) of subsection (a)(1) shall be 1.35.]

[(F)]*(E)* DATA.—For purposes of providing assistance under this paragraph [the Secretary—

(i) shall use]*the Secretary shall use* student, revenue, expenditure, and tax data from the third fiscal year preceding the fiscal year for which the local educational agency is applying for assistance under this paragraph[; and].

[(ii) except as provided in subparagraph (C)(i)(I), shall include all of the children described in subparagraphs (F) and (G) of subsection (a)(1) enrolled in schools of the local educational agency in determining (I) the eligibility of the agency for assistance under this paragraph, and (II) the amount of such assistance if the number of such children meet the requirements of subsection (a)(3).]

[(G)]*(F)* DETERMINATION OF AVERAGE TAX RATES FOR GENERAL FUND PURPOSES.—For the purpose of determining average tax rates for general fund purposes for local educational agencies in a State under this paragraph (except under subparagraph [(C)(i)(II)(bb)]*(B)(i)(II)(bb)*, the Secretary shall use either—

* * * * * * *

[(H)]*(G)* ELIGIBILITY FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES AFFECTED BY PRIVATIZATION OF MILITARY HOUSING.—

(i) ELIGIBILITY.—For any fiscal year, a heavily impacted local educational agency that received a basic support payment under this paragraph for the prior fiscal year, but is ineligible for such payment for the current fiscal year under subparagraph [(B), (C), (D), or (E)]*(B), (C), or (D)*, as the case may be, [by reason of]*due to* the conversion of military housing units to private housing described in clause (iii) *or as the direct*

result of base realignment and closure or modularization as determined by the Secretary of Defense, force structure change, or force relocation, shall be deemed to meet the eligibility requirements under subparagraph (B) or (C), as the case may be, for the period during which the housing units are undergoing such conversion *or during such time as activities associated with base realignment and closure, modularization, force structure change, or force relocation are ongoing*.

(ii) AMOUNT OF PAYMENT.—The amount of a payment to a heavily impacted local educational agency for a fiscal year by reason of the application of clause (i), and calculated in accordance with subparagraph ❚(D) or (E)❚*(C) or (D)*, as the case may be, shall be based on the number of children in average daily attendance in the schools of such agency for the fiscal year and under the same provisions of subparagraph ❚(D) or (E)❚*(C) or (D)* under which the agency was paid during the prior fiscal year.

* * * * * * *

(H) SPECIAL RULE.—The Secretary shall—

(i) deem each local educational agency that received a fiscal year 2009 basic support payment for heavily impacted local educational agencies under this paragraph as eligible to receive a basic support payment for heavily impacted local educational agencies under this paragraph for each of fiscal years 2010, 2011, and 2012; and

(ii) make a payment to such local educational agency under such section for each of fiscal years 2010, 2011, and 2012.

(I) CONTINUED ELIGIBILITY FOR A HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCY ENTERING INTO AN INTERGOVERNMENTAL COOPERATIVE AGREEMENT WITH A STATE EDUCATIONAL AGENCY.—For any fiscal year, a heavily impacted local educational agency that received a basic support payment under this paragraph for the fiscal year prior to the fiscal year for which such local educational agency entered into an intergovernmental cooperative agreement with a State educational agency shall remain eligible to receive a basic support payment under this paragraph for the duration of the intergovernmental cooperative agreement, but in no case for more than 5 years.

(3) PAYMENTS WITH RESPECT TO FISCAL YEARS IN WHICH INSUFFICIENT FUNDS ARE APPROPRIATED.—

(A) IN GENERAL.—For any fiscal year in which the sums appropriated under section ❚8014(b)❚*3(aa)(2)* are insufficient to pay to each local educational agency the full amount computed under paragraphs (1) and (2), the Secretary shall make payments in accordance with this paragraph.

(B) LEARNING OPPORTUNITY THRESHOLD PAYMENTS IN LIEU OF PAYMENTS UNDER PARAGRAPH (1).—(i) For fiscal

years described in subparagraph (A), the Secretary shall compute a learning opportunity threshold payment (hereafter in this title referred to as the "threshold payment") in lieu of basic support payments under paragraph (1) by multiplying the amount obtained under paragraph (1)(C) by the total percentage obtained by adding—

(I) * * *

* * * * * * *

(iii) * * *

* * * * * * *

(iv) In the case of a local educational agency that is providing a program of distance learning to children not residing within the geographic boundaries of the agency, the Secretary shall disregard such children from such agency's total enrollment when calculating the percentage under clause (i)(I) and shall disregard any funds received for such children when calculating the total current expenditures attributed to the operation of such agency when calculating the percentage under clause (i)(II).

[(iv)**]***(v)* In the case of a local educational agency that has a total student enrollment of fewer than 1,000 students and that has a per-pupil expenditure that is less than the average per-pupil expenditure of the State in which the agency is located or less than the average per-pupil expenditure of all the States, the total percentage used to calculate threshold payments under clause (i) shall not be less than 40 percent.

(C) LEARNING OPPORTUNITY THRESHOLD PAYMENTS IN LIEU OF PAYMENTS UNDER PARAGRAPH (2).—For fiscal years described in subparagraph (A), the learning opportunity threshold payment in lieu of basic support payments under paragraph (2) shall be equal to the amount obtained under **[**subparagraph (D) or (E) of paragraph (2), as the case may be**]***paragraph (2)(D)*.

[(D) RATABLE DISTRIBUTION.—For fiscal years described in subparagraph (A), the Secretary shall make payments as a ratable distribution based upon the computations made under subparagraphs (B) and (C).**]**

(D) RATABLE DISTRIBUTION.—

(i) IN GENERAL.—For each fiscal year described in subparagraph (A) for which the sums appropriated under section 3(aa)(2) exceed the amount required to pay each local educational agency 100 percent of the local educational agency's threshold payment under subparagraph (B), the Secretary shall distribute the excess sums to each eligible local educational agency that has not received the agency's maximum payment amount computed under paragraph (1) or (2) (as the case may be) by multiplying—

(I) a percentage, the denominator of which is the difference between the maximum payment amount computed under paragraph (1) or (2) (as the case may be) for all local educational agencies and the

amount of the threshold payment (as calculated under subparagraphs (B) and (C)) of all local educational agencies, and the numerator of which is the aggregate amount of the excess sums; by

(II) the difference between the maximum payment amount computed under paragraph (1) or (2) (as the case may be) for the agency and the amount of the threshold payment as calculated under subparagraphs (B) and (C) for the agency.

(ii) INSUFFICIENT PAYMENTS.—For each fiscal year described in subparagraph (A) for which the sums appropriated under section 3(aa)(2) are insufficient to pay each local educational agency all of the local educational agency's threshold payment described in clause (i), the Secretary shall ratably reduce the payment to each local educational agency under this paragraph.

(iii) INCREASES.—If the sums appropriated under section 3(aa)(2) are sufficient to increase the threshold payment above the 100 percent threshold payment described in clause (i), then the Secretary shall increase payments on the same basis as such payments were reduced, except no local educational agency may receive a payment amount greater than 100 percent of the maximum payment calculated under this subsection.

* * * * * * *

(c) PRIOR YEAR DATA.—

(1) IN GENERAL.—* * *

[(2) EXCEPTION.—Calculations for a local educational agency that is newly established by a State shall, for the first year of operation of such agency, be based on data from the fiscal year for which the agency is making application for payment.**]**

(2) EXCEPTION.—Calculation of payments for a local educational agency shall be based on data from the fiscal year for which the agency is making an application for payment if such agency—

(A) is newly established by a State, for the first year of operation of such agency only;

(B) was eligible to receive a payment under this section for the previous fiscal year and has had an overall increase in enrollment (as determined by the Secretary in consultation with the Secretary of Defense, the Secretary of Interior, or the heads of other Federal agencies)—

(i) of not less than 10 percent, or 100 students, of children described in—

(I) subparagraph (A), (B), (C), or (D) of subsection (a)(1); or

(II) subparagraph (F) or (G) of subsection (a)(1), but only to the extent such children are civilian dependents of employees of the Department of Defense or the Department of the Interior; and

(ii) that is the direct result of closure or realignment of military installations under the base closure process or the relocation of members of the Armed Forces and

civilian employees of the Department of Defense as part of force structure changes or movements of units or personnel between military installations or because of actions initiated by the Secretary of Interior or the head of another Federal agency; or

(C) was eligible to receive a payment under this section for the previous fiscal year and has had an overall increase in enrollment (as determined by the Secretary)—

(i) of not less than 10 percent of children described in subsection (a)(1), or not less than 100 of such children; and

(ii) that is the direct result of the closure of a local educational agency that received a payment under paragraph (1) or (2) of subsection (b) in the previous fiscal year.

(d) CHILDREN WITH DISABILITIES.—

(1) IN GENERAL.—From the amount appropriated under section ⟦8014(c)⟧*3(aa)(3)* for a fiscal year, the Secretary shall pay to each eligible local educational agency, on a pro rata basis, the amounts determined by—

* * * * * * *

(e) HOLD HARMLESS.—

⟦(1) IN GENERAL.—Subject to paragraphs (2) and (3), the total amount the Secretary shall pay a local educational agency under subsection (b)—

⟦(A) for fiscal year 2001 shall not be less than 85 percent of the total amount that the local educational agency received under subsections (b) and (f) for fiscal year 2000; and

⟦(B) for fiscal year 2002 shall not be less than 70 percent of the total amount that the local educational agency received under subsections (b) and (f) for fiscal year 2000.

⟦(2) MAXIMUM AMOUNT.—The total amount provided to a local educational agency under subparagraph (A) or (B) of paragraph (1) for a fiscal year shall not exceed the maximum basic support payment amount for such agency determined under paragraph (1) or (2) of subsection (b), as the case may be.⟧

(1) IN GENERAL.—Subject to paragraph (2), the total amount the Secretary shall pay a local educational agency under subsection (b)—

(A) for fiscal year 2012, shall not be less than 90 percent of the total amount that the local educational agency received under paragraphs (1) and (2) of subsection (b) for fiscal year 2011;

(B) for fiscal year 2013, shall not be less than 85 percent of the total amount that the local educational agency received under paragraphs (1) and (2) of subsection (b) for fiscal year 2011; and

(C) for fiscal year 2014, shall not be less than 80 percent of the total amount that the local educational agency received under paragraphs (1) and (2) of subsection (b) for fiscal year 2011.

⟦(3)⟧*(2)* RATABLE REDUCTIONS.—

(A) IN GENERAL.—* * *

* * * * * * *

(f) OTHER FUNDS.—* * *

[(g) MAINTENANCE OF EFFORT.—A local educational agency may receive funds under sections 8002 and 8003(b) for any fiscal year only if the State educational agency finds that either the combined fiscal effort per student or the aggregate expenditures of that agency and the State with respect to the provision of free public education by that agency for the preceding fiscal year was not less than 90 percent of such combined fiscal effort or aggregate expenditures for the second preceding fiscal year.]

* * * * * * *

SEC. 8007. CONSTRUCTION.

(a) CONSTRUCTION PAYMENTS AUTHORIZED.—

(1) IN GENERAL.—From 40 percent of the amount appropriated for each fiscal year under section [8014(e)]*3(aa)(4)*, the Secretary shall make payments in accordance with this subsection to each local educational agency that receives a basic support payment under section 8003(b) for that fiscal year.

(2) ADDITIONAL REQUIREMENTS.—* * *

(A) * * *

* * * * * * *

(C) The agency is eligible under section 8003(b)(2) or is receiving a basic support payment under circumstances described in section 8003(b)(2)(B)(ii).

(3) AMOUNT OF PAYMENTS.—

(A) LOCAL EDUCATIONAL AGENCIES IMPACTED BY MILITARY DEPENDENT CHILDREN.—The amount of a payment to each local educational agency described in this subsection that is impacted by military dependent children for a fiscal year shall be equal to—

(i)(II) 20 percent of the amount appropriated under section [8014(e)]*3(aa)(4)* for such fiscal year; divided by

(II) * * *

* * * * * * *

(B) LOCAL EDUCATIONAL AGENCIES IMPACTED BY CHILDREN WHO RESIDE ON INDIAN LANDS.—The amount of a payment to each local educational agency described in this subsection that is impacted by children who reside on Indian lands for a fiscal year shall be equal to—

(i)(I) 20 percent of the amount appropriated under section [8014(e)]*3(aa)(4)* for such fiscal year; divided by

(II) * * *

* * * * * * *

(b) SCHOOL FACILITY EMERGENCY AND MODERNIZATION GRANTS AUTHORIZED.—

(1) IN GENERAL.—From 60 percent of the amount appropriated for each fiscal year under section [8014(e)]*3(aa)(4)*, the Secretary—

(A) * * *

* * * * * * *

SEC. 8008. FACILITIES.

(a) CURRENT FACILITIES.—From the amount appropriated for any fiscal year under section [8014(f)]*3(aa)(5)*, the Secretary may continue to provide assistance for school facilities that were supported by the Secretary under section 10 of the Act of September 23, 1950 (Public Law 815, 81st Congress) (as such Act was in effect on the day preceding the date of the enactment of the Improving America's Schools Act of 1994).

* * * * * * *

SEC. 8010. FEDERAL ADMINISTRATION.

(a) PAYMENTS IN WHOLE DOLLAR AMOUNTS.—* * *

* * * * * * *

(c) SPECIAL RULES.—

(1) CERTAIN CHILDREN ELIGIBLE UNDER SUBPARAGRAPHS (A) AND (G)(ii) OF SECTION 8003(a)(1).—(A) The Secretary shall treat as eligible under subparagraph (A) of section 8003(a)(1) any child who would be eligible under such subparagraph except that the Federal property on which the child resides or on which the child's parent is employed is not in the same State in which the child attends school, if such child meets the requirements of [paragraph (3) of this subsection]*paragraph (2)*.

(B) The Secretary shall treat as eligible under subparagraph (G) of section 8003(a)(1) any child who would be eligible under such subparagraph except that such child does not meet the requirements of clause (ii) of such subparagraph, if such child meets the requirements of [paragraph (3) of this subsection]*paragraph (2)*.

(2) REQUIREMENTS.—A child meets the requirements of this paragraph if—

(A) such child resides—

(i) * * *

* * * * * * *

(E) such agency received a payment for fiscal year 1999 [under section 8003(b) on behalf of children described in paragraph (1).]*under this title.*

(d) TIMELY PAYMENTS.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall pay a local educational agency the full amount that the agency is eligible to receive under this title for a fiscal year not later than September 30 of the second fiscal year following the fiscal year for which such amount has been appropriated if, not later than 1 calendar year following the fiscal year in which such amount has been appropriated, such local educational agency submits to the Secretary all the data and information necessary for the Secretary to pay the full amount that the agency is eligible to receive under this title for such fiscal year.

(2) PAYMENTS WITH RESPECT TO FISCAL YEARS IN WHICH INSUFFICIENT FUNDS ARE APPROPRIATED.—For a fiscal year in which the amount appropriated under section 3(aa) is insuffi-

cient to pay the full amount a local educational agency is eligible to receive under this title, paragraph (1) shall be applied by substituting "is available to pay the agency" for "the agency is eligible to receive" each place the term appears.

* * * * * * *

SEC. 8013. DEFINITIONS.

For purposes of this title:

(1) ARMED FORCES.—The term "Armed Forces" means the Army, Navy, Air Force, [and Marine Corps]*Marine Corps, and Coast Guard*.

* * * * * * *

(5) FEDERAL PROPERTY.—

(A) IN GENERAL.—* * *

(i) * * *

* * * * * * *

(iii)(I) * * *

(II) used to provide housing for homeless children at closed military installations pursuant to section 501 of the [Stewart B. McKinney Homeless Assistance Act]*McKinney-Vento Homeless Assistance Act*; or

(III) used for affordable housing assisted under the Native American Housing Assistance and Self-Determination Act of 1996; or

* * * * * * *

[SEC. 8014. AUTHORIZATION OF APPROPRIATIONS.]

[(a) PAYMENTS FOR FEDERAL ACQUISITION OF REAL PROPERTY.—For the purpose of making payments under section 8002, there are authorized to be appropriated $32,000,000 for fiscal year 2000 and such sums as may be necessary for each of the seven succeeding fiscal years.

[(b) BASIC PAYMENTS; PAYMENTS FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—For the purpose of making payments under section 8003(b), there are authorized to be appropriated $809,400,000 for fiscal year 2000 and such sums as may be necessary for each of the seven succeeding fiscal years.

[(c) PAYMENTS FOR CHILDREN WITH DISABILITIES.—For the purpose of making payments under section 8003(d), there are authorized to be appropriated $50,000,000 for fiscal year 2000 and such sums as may be necessary for each of the seven succeeding fiscal years.

[(e) CONSTRUCTION.—For the purpose of carrying out section 8007, there are authorized to be appropriated $10,052,000 for fiscal year 2000 and such sums as may be necessary for fiscal year 2001, $150,000,000 for fiscal year 2002, and such sums as may be necessary for each of the five succeeding fiscal years.

[(f) FACILITIES MAINTENANCE.—For the purpose of carrying out section 8008, there are authorized to be appropriated $5,000,000 for fiscal year 2000 and such sums as may be necessary for each of the seven succeeding fiscal years.]

* * * * * * *

TITLE IX—GENERAL PROVISIONS

PART A—DEFINITIONS

[SEC. 9101. DEFINITIONS.]

[Except as otherwise provided, in this Act:

[(1) AVERAGE DAILY ATTENDANCE.—

[(A) IN GENERAL.—Except as provided otherwise by State law or this paragraph, the term "average daily attendance" means—

[(i) the aggregate number of days of attendance of all students during a school year; divided by

[(ii) the number of days school is in session during that year.

[(B) CONVERSION.—The Secretary shall permit the conversion of average daily membership (or other similar data) to average daily attendance for local educational agencies in States that provide State aid to local educational agencies on the basis of average daily membership (or other similar data).

[(C) SPECIAL RULE.—If the local educational agency in which a child resides makes a tuition or other payment for the free public education of the child in a school located in another school district, the Secretary shall, for the purpose of this Act—

[(i) consider the child to be in attendance at a school of the agency making the payment; and

[(ii) not consider the child to be in attendance at a school of the agency receiving the payment.

[(D) CHILDREN WITH DISABILITIES.—If a local educational agency makes a tuition payment to a private school or to a public school of another local educational agency for a child with a disability, as defined in section 602 of the Individuals with Disabilities Education Act, the Secretary shall, for the purpose of this Act, consider the child to be in attendance at a school of the agency making the payment.

[(2) AVERAGE PER-PUPIL EXPENDITURE.—The term "average per-pupil expenditure" means, in the case of a State or of the United States—

[(A) without regard to the source of funds—

[(i) the aggregate current expenditures, during the third fiscal year preceding the fiscal year for which the determination is made (or, if satisfactory data for that year are not available, during the most recent preceding fiscal year for which satisfactory data are available) of all local educational agencies in the State or, in the case of the United States, for all States (which, for the purpose of this paragraph, means the 50 States and the District of Columbia); plus

[(ii) any direct current expenditures by the State for the operation of those agencies; divided by

[(B) the aggregate number of children in average daily attendance to whom those agencies provided free public education during that preceding year.

[(3) BEGINNING TEACHER.—The term "beginning teacher" means a teacher in a public school who has been teaching less than a total of three complete school years.

[(4) CHILD.—The term "child" means any person within the age limits for which the State provides free public education.

[(5) CHILD WITH A DISABILITY.—The term "child with a disability" has the same meaning given that term in section 602 of the Individuals with Disabilities Education Act.

[(6) COMMUNITY-BASED ORGANIZATION.—The term "community-based organization" means a public or private nonprofit organization of demonstrated effectiveness that—

[(A) is representative of a community or significant segments of a community; and

[(B) provides educational or related services to individuals in the community.

[(7) CONSOLIDATED LOCAL APPLICATION.—The term "consolidated local application" means an application submitted by a local educational agency pursuant to section 9305.

[(8) CONSOLIDATED LOCAL PLAN.—The term "consolidated local plan" means a plan submitted by a local educational agency pursuant to section 9305.

[(9) CONSOLIDATED STATE APPLICATION.—The term "consolidated State application" means an application submitted by a State educational agency pursuant to section 9302.

[(10) CONSOLIDATED STATE PLAN.—The term "consolidated State plan" means a plan submitted by a State educational agency pursuant to section 9302.

[(11) CORE ACADEMIC SUBJECTS.—The term "core academic subjects" means English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography.

[(12) COUNTY.—The term "county" means one of the divisions of a State used by the Secretary of Commerce in compiling and reporting data regarding counties.

[(13) COVERED PROGRAM.—The term "covered program" means each of the programs authorized by—

[(A) part A of title I;

[(B) subpart 3 of part B of title I;

[(C) part C of title I;

[(D) part D of title I;

[(E) part F of title I;

[(F) part A of title II;

[(G) part D of title II;

[(H) part A of title III;

[(I) part A of title IV;

[(J) part B of title IV;

[(K) part A of title V; and

[(L) subpart 2 of part B of title VI.

[(14) CURRENT EXPENDITURES.—The term "current expenditures" means expenditures for free public education—

[(A) including expenditures for administration, instruction, attendance and health services, pupil transportation services, operation and maintenance of plant, fixed charges, and net expenditures to cover deficits for food services and student body activities; but

[(B) not including expenditures for community services, capital outlay, and debt service, or any expenditures made from funds received under title I and part A of title V.

[(15) DEPARTMENT.—The term "Department" means the Department of Education.

[(16) DISTANCE LEARNING.—The term "distance learning" means the transmission of educational or instructional programming to geographically dispersed individuals and groups via telecommunications.

[(17) EDUCATIONAL SERVICE AGENCY.—The term "educational service agency" means a regional public multiservice agency authorized by State statute to develop, manage, and provide services or programs to local educational agencies.

[(18) ELEMENTARY SCHOOL.—The term "elementary school" means a nonprofit institutional day or residential school, including a public elementary charter school, that provides elementary education, as determined under State law.

[(19) EXEMPLARY TEACHER.—The term "exemplary teacher" means a teacher who—

[(A) is a highly qualified teacher such as a master teacher;

[(B) has been teaching for at least 5 years in a public or private school or institution of higher education;

[(C) is recommended to be an exemplary teacher by administrators and other teachers who are knowledgeable about the individual's performance;

[(D) is currently teaching and based in a public school; and

[(E) assists other teachers in improving instructional strategies, improves the skills of other teachers, performs teacher mentoring, develops curricula, and offers other professional development.

[(20) FAMILY LITERACY SERVICES.—The term "family literacy services" means services provided to participants on a voluntary basis that are of sufficient intensity in terms of hours, and of sufficient duration, to make sustainable changes in a family, and that integrate all of the following activities:

[(A) Interactive literacy activities between parents and their children.

[(B) Training for parents regarding how to be the primary teacher for their children and full partners in the education of their children.

[(C) Parent literacy training that leads to economic self-sufficiency.

[(D) An age-appropriate education to prepare children for success in school and life experiences.

[(21) FREE PUBLIC EDUCATION.—The term "free public education" means education that is provided—

[(A) at public expense, under public supervision and direction, and without tuition charge; and

[(B) as elementary school or secondary school education as determined under applicable State law, except that the term does not include any education provided beyond grade 12.

[(22) GIFTED AND TALENTED.—The term "gifted and talented", when used with respect to students, children, or youth, means students, children, or youth who give evidence of high achievement capability in areas such as intellectual, creative, artistic, or leadership capacity, or in specific academic fields, and who need services or activities not ordinarily provided by the school in order to fully develop those capabilities.

[(23) HIGHLY QUALIFIED.—The term "highly qualified"—

[(A) when used with respect to any public elementary school or secondary school teacher teaching in a State, means that—

[(i) the teacher has obtained full State certification as a teacher (including certification obtained through alternative routes to certification) or passed the State teacher licensing examination, and holds a license to teach in such State, except that when used with respect to any teacher teaching in a public charter school, the term means that the teacher meets the requirements set forth in the State's public charter school law; and

[(ii) the teacher has not had certification or licensure requirements waived on an emergency, temporary, or provisional basis;

[(B) when used with respect to—

[(i) an elementary school teacher who is new to the profession, means that the teacher—

[(I) holds at least a bachelor's degree; and

[(II) has demonstrated, by passing a rigorous State test, subject knowledge and teaching skills in reading, writing, mathematics, and other areas of the basic elementary school curriculum (which may consist of passing a State-required certification or licensing test or tests in reading, writing, mathematics, and other areas of the basic elementary school curriculum); or

[(ii) a middle or secondary school teacher who is new to the profession, means that the teacher holds at least a bachelor's degree and has demonstrated a high level of competency in each of the academic subjects in which the teacher teaches by—

[(I) passing a rigorous State academic subject test in each of the academic subjects in which the teacher teaches (which may consist of a passing level of performance on a State-required certification or licensing test or tests in each of the academic subjects in which the teacher teaches); or

[(II) successful completion, in each of the academic subjects in which the teacher teaches, of an

academic major, a graduate degree, coursework equivalent to an undergraduate academic major, or advanced certification or credentialing; and

[(C) when used with respect to an elementary, middle, or secondary school teacher who is not new to the profession, means that the teacher holds at least a bachelor's degree and—

[(i) has met the applicable standard in clause (i) or (ii) of subparagraph (B), which includes an option for a test; or

[(ii) demonstrates competence in all the academic subjects in which the teacher teaches based on a high objective uniform State standard of evaluation that—

[(I) is set by the State for both grade appropriate academic subject matter knowledge and teaching skills;

[(II) is aligned with challenging State academic content and student academic achievement standards and developed in consultation with core content specialists, teachers, principals, and school administrators;

[(III) provides objective, coherent information about the teacher's attainment of core content knowledge in the academic subjects in which a teacher teaches;

[(IV) is applied uniformly to all teachers in the same academic subject and the same grade level throughout the State;

[(V) takes into consideration, but not be based primarily on, the time the teacher has been teaching in the academic subject;

[(VI) is made available to the public upon request; and

[(VII) may involve multiple, objective measures of teacher competency.

[(24) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given that term in section 101(a) of the Higher Education Act of 1965.

[(25) LIMITED ENGLISH PROFICIENT.—The term "limited English proficient", when used with respect to an individual, means an individual—

[(A) who is aged 3 through 21;

[(B) who is enrolled or preparing to enroll in an elementary school or secondary school;

[(C)(i) who was not born in the United States or whose native language is a language other than English;

[(ii)(I) who is a Native American or Alaska Native, or a native resident of the outlying areas; and

[(II) who comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency; or

[(iii) who is migratory, whose native language is a language other than English, and who comes from an environ-

ment where a language other than English is dominant; and

[(D) whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual—

[(i) the ability to meet the State's proficient level of achievement on State assessments described in section 1111(b)(3);

[(ii) the ability to successfully achieve in classrooms where the language of instruction is English; or

[(iii) the opportunity to participate fully in society.

[(26) LOCAL EDUCATIONAL AGENCY.—

[(A) IN GENERAL.—The term "local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary schools or secondary schools in a city, county, township, school district, or other political subdivision of a State, or of or for a combination of school districts or counties that is recognized in a State as an administrative agency for its public elementary schools or secondary schools.

[(B) ADMINISTRATIVE CONTROL AND DIRECTION.—The term includes any other public institution or agency having administrative control and direction of a public elementary school or secondary school.

[(C) BIA SCHOOLS.—The term includes an elementary school or secondary school funded by the Bureau of Indian Affairs but only to the extent that including the school makes the school eligible for programs for which specific eligibility is not provided to the school in another provision of law and the school does not have a student population that is smaller than the student population of the local educational agency receiving assistance under this Act with the smallest student population, except that the school shall not be subject to the jurisdiction of any State educational agency other than the Bureau of Indian Affairs.

[(D) EDUCATIONAL SERVICE AGENCIES.—The term includes educational service agencies and consortia of those agencies.

[(E) STATE EDUCATIONAL AGENCY.—The term includes the State educational agency in a State in which the State educational agency is the sole educational agency for all public schools.

[(27) MENTORING.—The term "mentoring", except when used to refer to teacher mentoring, means a process by which a responsible adult, postsecondary student, or secondary school student works with a child to provide a positive role model for the child, to establish a supportive relationship with the child, and to provide the child with academic assistance and exposure to new experiences and examples of opportunity that enhance the ability of the child to become a responsible adult.

[(28) NATIVE AMERICAN AND NATIVE AMERICAN LANGUAGE.—The terms "Native American" and "Native American language" have the same meaning given those terms in section 103 of the Native American Languages Act of 1990.

[(29) OTHER STAFF.—The term "other staff" means pupil services personnel, librarians, career guidance and counseling personnel, education aides, and other instructional and administrative personnel.

[(30) OUTLYING AREA.—The term "outlying area" means the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, and for the purpose of section 1121(b) and any other discretionary grant program under this Act, includes the freely associated states of the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau until an agreement for the extension of United States education assistance under the Compact of Free Association for each of the freely associated states becomes effective after the date of enactment of the No Child Left Behind Act of 2001.

[(31) PARENT.—The term "parent" includes a legal guardian or other person standing in loco parentis (such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the child's welfare).

[(32) PARENTAL INVOLVEMENT.—The term "parental involvement" means the participation of parents in regular, two-way, and meaningful communication involving student academic learning and other school activities, including ensuring—

[(A) that parents play an integral role in assisting their child's learning;

[(B) that parents are encouraged to be actively involved in their child's education at school;

[(C) that parents are full partners in their child's education and are included, as appropriate, in decisionmaking and on advisory committees to assist in the education of their child;

[(D) the carrying out of other activities, such as those described in section 1118.

[(33) POVERTY LINE.—The term "poverty line" means the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act) applicable to a family of the size involved.

[(34) PROFESSIONAL DEVELOPMENT.—The term "professional development"—

[(A) includes activities that—

[(i) improve and increase teachers' knowledge of the academic subjects the teachers teach, and enable teachers to become highly qualified;

[(ii) are an integral part of broad schoolwide and districtwide educational improvement plans;

[(iii) give teachers, principals, and administrators the knowledge and skills to provide students with the opportunity to meet challenging State academic con-

tent standards and student academic achievement standards;

[(iv) improve classroom management skills;

[(v)(I) are high quality, sustained, intensive, and classroom-focused in order to have a positive and lasting impact on classroom instruction and the teacher's performance in the classroom; and

[(II) are not 1-day or short-term workshops or conferences;

[(vi) support the recruiting, hiring, and training of highly qualified teachers, including teachers who became highly qualified through State and local alternative routes to certification;

[(vii) advance teacher understanding of effective instructional strategies that are—

[(I) based on scientifically based research (except that this subclause shall not apply to activities carried out under part D of title II); and

[(II) strategies for improving student academic achievement or substantially increasing the knowledge and teaching skills of teachers; and

[(viii) are aligned with and directly related to—

[(I) State academic content standards, student academic achievement standards, and assessments; and

[(II) the curricula and programs tied to the standards described in subclause (I) except that this subclause shall not apply to activities described in clauses (ii) and (iii) of section 2123(3)(B);

[(ix) are developed with extensive participation of teachers, principals, parents, and administrators of schools to be served under this Act;

[(x) are designed to give teachers of limited English proficient children, and other teachers and instructional staff, the knowledge and skills to provide instruction and appropriate language and academic support services to those children, including the appropriate use of curricula and assessments;

[(xi) to the extent appropriate, provide training for teachers and principals in the use of technology so that technology and technology applications are effectively used in the classroom to improve teaching and learning in the curricula and core academic subjects in which the teachers teach;

[(xii) as a whole, are regularly evaluated for their impact on increased teacher effectiveness and improved student academic achievement, with the findings of the evaluations used to improve the quality of professional development;

[(xiii) provide instruction in methods of teaching children with special needs;

[(xiv) include instruction in the use of data and assessments to inform and instruct classroom practice; and

[(xv) include instruction in ways that teachers, principals, pupil services personnel, and school administrators may work more effectively with parents; and

[(B) may include activities that—

[(i) involve the forming of partnerships with institutions of higher education to establish school-based teacher training programs that provide prospective teachers and beginning teachers with an opportunity to work under the guidance of experienced teachers and college faculty;

[(ii) create programs to enable paraprofessionals (assisting teachers employed by a local educational agency receiving assistance under part A of title I) to obtain the education necessary for those paraprofessionals to become certified and licensed teachers; and

[(iii) provide follow-up training to teachers who have participated in activities described in subparagraph (A) or another clause of this subparagraph that are designed to ensure that the knowledge and skills learned by the teachers are implemented in the classroom.

[(35) PUBLIC TELECOMMUNICATIONS ENTITY.—The term "public telecommunications entity" has the meaning given that term in section 397(12) of the Communications Act of 1934.

[(36) PUPIL SERVICES PERSONNEL; PUPIL SERVICES.—

[(A) PUPIL SERVICES PERSONNEL.—The term "pupil services personnel" means school counselors, school social workers, school psychologists, and other qualified professional personnel involved in providing assessment, diagnosis, counseling, educational, therapeutic, and other necessary services (including related services as that term is defined in section 602 of the Individuals with Disabilities Education Act) as part of a comprehensive program to meet student needs.

[(B) PUPIL SERVICES.—The term "pupil services" means the services provided by pupil services personnel.

[(37) SCIENTIFICALLY BASED RESEARCH.—The term "scientifically based research"—

[(A) means research that involves the application of rigorous, systematic, and objective procedures to obtain reliable and valid knowledge relevant to education activities and programs; and

[(B) includes research that—

[(i) employs systematic, empirical methods that draw on observation or experiment;

[(ii) involves rigorous data analyses that are adequate to test the stated hypotheses and justify the general conclusions drawn;

[(iii) relies on measurements or observational methods that provide reliable and valid data across evaluators and observers, across multiple measurements

and observations, and across studies by the same or different investigators;

[(iv) is evaluated using experimental or quasi-experimental designs in which individuals, entities, programs, or activities are assigned to different conditions and with appropriate controls to evaluate the effects of the condition of interest, with a preference for random-assignment experiments, or other designs to the extent that those designs contain within-condition or across-condition controls;

[(v) ensures that experimental studies are presented in sufficient detail and clarity to allow for replication or, at a minimum, offer the opportunity to build systematically on their findings; and

[(vi) has been accepted by a peer-reviewed journal or approved by a panel of independent experts through a comparably rigorous, objective, and scientific review.

[(38) SECONDARY SCHOOL.—The term "secondary school" means a nonprofit institutional day or residential school, including a public secondary charter school, that provides secondary education, as determined under State law, except that the term does not include any education beyond grade 12.

[(39) SECRETARY.—The term "Secretary" means the Secretary of Education.

[STATE.—The term "State" means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and each of the outlying areas.

[(41) STATE EDUCATIONAL AGENCY.—The term "State educational agency" means the agency primarily responsible for the State supervision of public elementary schools and secondary schools.

[(42) TEACHER MENTORING.—The term "teacher mentoring" means activities that—

[(A) consist of structured guidance and regular and ongoing support for teachers, especially beginning teachers, that—

[(i) are designed to help the teachers continue to improve their practice of teaching and to develop their instructional skills; and

part of an ongoing developmental induction process—

[(I) involve the assistance of an exemplary teacher and other appropriate individuals from a school, local educational agency, or institution of higher education; and

[(II) may include coaching, classroom observation, team teaching, and reduced teaching loads; and

[(B) may include the establishment of a partnership by a local educational agency with an institution of higher education, another local educational agency, a teacher organization, or another organization.

[(43) TECHNOLOGY.—The term "technology" means state-of-the-art technology products and services.]

SEC. 9101. DEFINITIONS.

Except as otherwise provided, in this Act:

(1) ADJUSTED COHORT; ENTERING COHORT; TRANSFERRED INTO; TRANSFERRED OUT.—

(A) ADJUSTED COHORT.—Subject to clauses (ii) and (iii) of subparagraph (D) and subparagraphs (E) through (G), the term "adjusted cohort" means the difference of—

(i) the sum of—

(I) the entering cohort; plus

(II) any students that transferred into the cohort in any of grades 9 through 12; minus

(ii) any students that are removed from the cohort as described in subparagraph (E).

(B) ENTERING COHORT.—The term "entering cohort" when used with respect to a secondary school, means the number of first-time students in grade 9 enrolled in the secondary school 1 month after the start of the secondary school's academic year.

(C) TRANSFERRED INTO.—The term "transferred into" when used with respect to a secondary school student, means a student who—

(i) was a first-time student in grade 9 during the same school year as the entering cohort; and

(ii) enrolls after the entering cohort is calculated as described in subparagraph (B).

(D) TRANSFERRED OUT.—

(i) IN GENERAL.—The term "transferred out" when used with respect to a secondary school student, means a student who the secondary school or local educational agency has confirmed has transferred—

(I) to another school from which the student is expected to receive a regular secondary school diploma; or

(II) to another educational program from which the student is expected to receive a regular secondary school diploma.

(ii) CONFIRMATION REQUIREMENTS.—

(I) DOCUMENTATION REQUIRED.—The confirmation of a student's transfer to another school or educational program described in clause (i) requires documentation from the receiving school or program that the student enrolled in the receiving school or program.

(II) LACK OF CONFIRMATION.—A student who was enrolled, but for whom there is no confirmation of the student having transferred out, shall remain in the cohort as a nongraduate for reporting and accountability purposes under this Act.

(iii) PROGRAMS NOT PROVIDING CREDIT.—A student enrolled in a GED or other alternative educational program that does not issue or provide credit toward the issuance of a regular secondary school diploma shall not be considered transferred out and shall remain in the adjusted cohort.

(E) COHORT REMOVAL.—To remove a student from a cohort, a school or local educational agency shall require documentation to confirm that the student has transferred out, emigrated to another country, or is deceased.

(F) TREATMENT OF OTHER DEPARTURES AND WITHDRAWALS.—A student who was retained in a grade, enrolled in a GED program, aged out of a secondary school or secondary school program, or left secondary school for any other reason, including expulsion, shall not be considered transferred out, and shall remain in the adjusted cohort.

(G) SPECIAL RULE.—For those secondary schools that start after grade 9, the entering cohort shall be calculated 1 month after the start of the secondary school's academic year in the earliest secondary school grade at the secondary school.

(2) ADVANCED PLACEMENT OR INTERNATIONAL BACCALAUREATE COURSE.—The term "Advanced Placement or International Baccalaureate course" means—

(A) a course of postsecondary-level instruction provided to secondary school students, terminating in Advanced Placement or International Baccalaureate examination; or

(B) another highly rigorous, evidence-based, postsecondary preparatory program terminating in—

(i) an examination administered by a nationally recognized educational organization that has a demonstrated record of effectiveness in assessing secondary school students; or

(ii) another such examination approved by the Secretary.

(3) ADVANCED PLACEMENT OR INTERNATIONAL BACCALAUREATE EXAMINATION.—The term "Advanced Placement or International Baccalaureate examination" means an Advanced Placement examination administered by the College Board, an International Baccalaureate examination administered by the International Baccalaureate Organization, or another such examination approved by the Secretary.

(4) AUTHORIZING COMMITTEES.—The term "authorizing committees" means the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.

(5) AVERAGE DAILY ATTENDANCE.—

(A) IN GENERAL.—Except as provided otherwise by State law or this paragraph, the term "average daily attendance" means—

(i) the aggregate number of days of attendance of all students during a school year; divided by

(ii) the number of days school is in session during that year.

(B) CONVERSION.—The Secretary shall permit the conversion of average daily membership (or other similar data) to average daily attendance for local educational agencies in States that provide State aid to local educational agencies

on the basis of average daily membership (or other similar data).

(C) SPECIAL RULE.—If the local educational agency in which a child resides makes a tuition or other payment for the free public education of the child in a school served by another local educational agency, the Secretary shall, for the purpose of this Act—

(i) consider the child to be in attendance at a school of the agency making the payment; and

(ii) not consider the child to be in attendance at a school of the agency receiving the payment.

(6) AVERAGE PER-PUPIL EXPENDITURE.—The term "average per-pupil expenditure" means, in the case of a State or of the United States—

(A) without regard to the source of funds—

(i) the aggregate current expenditures, during the most recent fiscal year for which satisfactory data are available, of all local educational agencies in the State or, in the case of the United States, for all States (which, for the purpose of this paragraph, means the 50 States and the District of Columbia); plus

(ii) any direct current expenditures by the State for the operation of those agencies; divided by

(B) the aggregate number of children in average daily attendance to whom those agencies provided free public education during that year.

(7) CHARTER MANAGEMENT ORGANIZATION.—The term "charter management organization" means a nonprofit organization that operates, manages, or oversees multiple charter schools by centralizing or sharing certain functions and resources among such schools.

(8) CHILD.—The term "child" means any person within the age limits for which the State provides free public education.

(9) CHILD WITH A DISABILITY.—The term "child with a disability" has the same meaning given that term in section 602 of the Individuals with Disabilities Education Act.

(10) CONDITIONS FOR LEARNING.—The term "conditions for learning" means conditions that advance student achievement and positive child and youth development by supporting schools that—

(A) promote physical, mental, and emotional health;

(B) ensure the safety of students and staff;

(C) promote social, emotional, and character development; and

(D) have the following attributes:

(i) Provide opportunities for physical activity and good nutrition.

(ii) Are free of violence, harassment, and weapons.

(iii) Prevent use and abuse of drugs and controlled substances.

(iv) Help staff and students to model positive social and emotional skills.

(v) Employ adults who have high expectations for student conduct, character, and academic achievement.

(vi) Engage parents and family members in meaningful and sustained ways to promote positive student academic achievement and developmental outcomes.

(11) CONSOLIDATED LOCAL APPLICATION.—The term "consolidated local application" means an application submitted by a local educational agency pursuant to section 9305.

(12) CONSOLIDATED LOCAL PLAN.—The term "consolidated local plan" means a plan submitted by a local educational agency pursuant to section 9305.

(13) CONSOLIDATED STATE APPLICATION.—The term "consolidated State application" means an application submitted by a State educational agency pursuant to section 9302.

(14) CONSOLIDATED STATE PLAN.—The term "consolidated State plan" means a plan submitted by a State educational agency pursuant to section 9302.

(15) CORE ACADEMIC SUBJECTS.—The term "core academic subjects" means English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography.

(16) COVERED PROGRAM.—The term "covered program" means each of the programs authorized by—

(A) part A of title I;

(B) part C of title I;

(C) part D of title I;

(D) part A of title II;

(E) part A of title III;

(F) part B of title IV; and

(G) subpart 2 of part B of title VI.

(17) CURRENT EXPENDITURES.—The term "current expenditures" means expenditures for free public education—

(A) including expenditures for administration, instruction, attendance and health services, pupil transportation services, operation and maintenance of plant, fixed charges, and net expenditures to cover deficits for food services and student body activities; but

(B) not including expenditures for community services, capital outlay, and debt service, or any expenditures made from funds received under title I.

(18) DEPARTMENT.—The term "Department" means the Department of Education.

(19) DEVELOPMENTAL DELAY.—The term "developmental delay" has the meaning given the term in section 632 of the Individuals with Disabilities Education Act (20 U.S.C. 1432).

(20) DISTANCE LEARNING.—The term "distance learning" means the transmission of educational or instructional programming to geographically dispersed individuals and groups via telecommunications.

(21) EDUCATIONAL SERVICE AGENCY.—The term "educational service agency" means a regional public multiservice agency authorized by State statute to develop, manage, and provide services or programs to local educational agencies.

(22) ELEMENTARY SCHOOL.—The term "elementary school" means a nonprofit institutional day or residential school, in-

cluding a public elementary charter school, that provides elementary education, as determined under State law.

(23) ENGLISH LEARNER.—The term "English learner" means an individual—

(A) who is aged 3 through 21;

(B) who is enrolled or preparing to enroll in an elementary school or secondary school;

(C)(i) who was not born in the United States or whose native language is a language other than English;

(ii)(I) who is a Native American or Alaska Native, or a native resident of the outlying areas; and

(II) who comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency; or

(iii) who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant; and

(D) whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual—

(i) the ability to meet the State's on-track level of performance on State assessments described in section 1111(a)(2);

(ii) the ability to successfully achieve in classrooms where the language of instruction is English; or

(iii) the opportunity to participate fully in society.

(24) EVIDENCE-BASED.—The term "evidence-based", when used with respect to a program, practice, or policy, means—

(A) based on a comprehensive, unbiased review and weighing of 1 or more evaluation studies that—

(i) have been carried out consistent with the principles of scientific research;

(ii) have strong internal and external validity; and

(iii) support the direct attribution of 1 or more outcomes to the program, practice, or policy; or

(B) in the absence of any study described in subparagraph (A), based on a comprehensive, unbiased review and weighing of data analysis, research, or 1 or more evaluation studies of relevant programs, practices, or policies, that—

(i) were carried out consistent with the principles of scientifically based research; and

(ii) are accompanied by strategies to generate more robust evidence over time through research, evaluation, and data analysis, including—

(I) the measurement of performance with reliable process and outcome indicators; and

(II) the implementation of evaluations with strong internal and external validity where feasible and appropriate.

(25) EXPANDED LEARNING TIME.—The term "expanded learning time" means using a longer school day, week, or year sched-

ule to significantly increase the total number of school hours, in order to include additional time for—

(A) instruction in core academic subjects;

(B) instruction in other subjects and enrichment and other activities that contribute to a well-rounded education, including music and the arts, physical education, and experiential and work-based learning; and

(C) instructional and support staff to collaborate, plan, and engage in professional development, including on family and community engagement, within and across grades and subjects.

(26) FAMILY LITERACY ACTIVITIES.—The term "family literacy activities" means activities that—

(A) are of sufficient intensity in terms of hours, and of sufficient duration, to make sustainable improvements in the literacy rates of a family;

(B) better enable parents to support their children's learning needs; and

(C) integrate all of the following activities:

(i) Parent adult education and literacy activities that lead to readiness for postsecondary education or training, career advancement, and economic self-sufficiency.

(ii) Interactive literacy activities between parents and their children.

(iii) Training for parents regarding how to be the primary teacher for their children and full partners in the education of their children.

(iv) Age-appropriate education to prepare children for success in school and life experiences.

(27) FAMILY MEMBER.—The term "family member" means a parent, relative, or other adult who is responsible for the care and well-being of a child.

(28) FREE PUBLIC EDUCATION.—The term "free public education" means education that is provided—

(A) at public expense, under public supervision and direction, and without tuition charge; and

(B) as elementary or secondary education, as determined under State law, except that, notwithstanding State law, such term—

(i) includes preschool education; and

(ii) does not include any education provided beyond grade 12.

(29) GIFTED AND TALENTED.—The term "gifted and talented", when used with respect to students, children, or youth, means students, children, or youth who give evidence of high achievement capability in areas such as intellectual, creative, artistic, or leadership capacity, or in specific academic fields, and who need services or activities not ordinarily provided by the school in order to fully develop those capabilities.

(30) GRADUATION RATES.—The term "graduation rates" shall, at a minimum, include both of the following:

(A) A 4-year adjusted cohort graduation rate for a school year, defined as the percent obtained by calculating the product of—

(i) the result of—

(I) the number of students who—

(aa) formed the adjusted cohort 4 years earlier; and

(bb) graduate in 4 years or less with a regular secondary school diploma; divided by

(II) the number of students who formed the adjusted cohort for that year's graduating class 4 years earlier; multiplied by

(ii) 100.

(B) A cumulative graduation rate for a school year, defined as the percent obtained by calculating the product of—

(i) the result of—

(I) the sum of—

(aa) the number of students who—

(AA) form the adjusted cohort for that year's graduating class; and

(BB) graduate in 4 years or less with a regular secondary school diploma; plus

(bb) the number of additional students from previous cohorts who graduate with a regular secondary school diploma by the end of the school year in—

(AA) more than 4 years but not more than 6 years; or

(BB) before exceeding the age for eligibility for a free appropriate public education (as defined in section 602 of the Individuals with Disabilities Education Act) under State law; divided by

(II) the sum of—

(aa) the number of students who form the adjusted cohort for that year's graduating class; plus

(bb) the number of additional student graduates described in subclause (I)(bb); multiplied by

(ii) 100.

(31) HIGH SCHOOL.—The term "high school" means a secondary school that—

(A) grants a diploma, as defined by the State; and

(B) includes, at least, grade 12.

(32) HIGHLY QUALIFIED TEACHER.—

(A) IN GENERAL.—The term "highly qualified teacher" means—

(i) with respect to any public elementary school, middle school, or high school teacher teaching in a State, a teacher who—

(I)(aa) has obtained State certification as a teacher (including certification obtained through alternative routes to certification) or passed the State teacher licensing examination, and holds a license to teach in the State, except that when used

with respect to any teacher teaching in a charter school, the term means that the teacher meets the requirements set forth in the State's charter school law; or

(bb) has passed a rigorous State test for subject matter knowledge and is making satisfactory progress towards obtaining full certification or licensure within 3 years through participation in a high-quality, State-approved alternative certification program; and

(II) has not had certification or licensure requirements waived on an emergency, temporary, or provisional basis;

(ii) with respect to—

(I) an elementary school teacher who is new to the profession, that the teacher holds at least a bachelor's degree and—

(aa) if teaching more than a single subject, has demonstrated, by receiving a passing score on a rigorous State test, subject knowledge and teaching skills in reading, writing, mathematics, and other areas of the basic elementary school curriculum (which may consist of passing a State-required certification or licensing test or tests in reading, writing, mathematics, and other areas of the basic elementary school curriculum); or

(bb) if teaching a single subject, meets either the requirement in item (aa) or (bb) of subclause (II); and

(II) a middle school or high school teacher who is new to the profession, that the teacher holds at least a bachelor's degree and has demonstrated a high level of competency in each of the academic subjects in which the teacher teaches by—

(aa) receiving a passing score on a rigorous State academic subject test in each of the academic subjects in which the teacher teaches (which may consist of a passing level of performance on a State-required certification or licensing test or tests in each of the academic subjects the teacher teaches); or

(bb) successful completion, in each of the academic subjects in which the teacher teaches, of an academic major, a graduate degree, coursework equivalent to an undergraduate academic major, or advanced certification or credentialing; and

(iii) with respect to an elementary school, middle school, or high school teacher who is not new to the profession, that the teacher holds at least a bachelor's degree and—

(I) has met the applicable standard in subclause (I) or (II) of clause (ii), which includes an option for a test; or

(II) demonstrates competence in all the academic subjects in which the teacher teaches based on a high objective uniform State standard of evaluation, which may include multiple subjects, that—

(aa) is set by the State for both grade-appropriate academic subject-matter knowledge and teaching skills;

(bb) is aligned with State academic content and student academic achievement standards under section 1111(a)(1) and developed in consultation with core content specialists, teachers, principals, and school administrators;

(cc) provides objective, coherent information about the teacher's attainment of core content knowledge in the academic subjects in which a teacher teaches;

(dd) is applied uniformly to all teachers in the same academic subject and the same grade level throughout the State;

(ee) takes into consideration, but is not based primarily on, the time the teacher has been teaching in the academic subject;

(ff) is made available to the public on request; and

(gg) may involve multiple, objective measures of teacher competency.

(B) SPECIAL RULE.—Notwithstanding the requirements of subparagraph (A), a State may deem a teacher to be a highly qualified teacher for purposes of this Act, if the teacher is—

(i) a teacher with a bachelor's degree who has received and maintained, for the State in which the teacher teaches, a rating in the highest categories of a teacher evaluation system consistent with section 2301(b)(4);

(ii) a teacher in a rural local educational agency, as described in section 6211(d), who teaches multiple subjects, if the teacher is a highly qualified teacher in 1 of the core academic subjects that the teacher teaches and becomes highly qualified in the additional subjects in not more than 3 years by meeting the requirements of clause (ii) or (iii) of subparagraph (A);

(iii) a science teacher who holds a broad field science or individual science certification or licensure and whom the State determines is highly qualified for purposes of this paragraph;

(iv) a teacher who has been determined to be highly qualified by the State as of the day before the date of enactment of the Elementary and Secondary Education Reauthorization Act of 2011; or

(v) a teacher who is a participant in an exchange visitor program and whom the State determines is highly qualified for the purposes of this paragraph.

(C) SPECIAL EDUCATION TEACHERS.—The definition of the term "highly qualified teacher" shall also include a special education teacher who is highly qualified as determined under section 602(10) of the Individuals with Disabilities Education Act.

(33) HIGH-NEED LOCAL EDUCATIONAL AGENCY.—The term "high-need local educational agency" means a local educational agency—

(A) that serves not fewer than 10,000 children from families with incomes below the poverty line;

(B) for which not less than 20 percent of the children served by the agency are from families with incomes below the poverty line; or

(C) that is in the highest quartile of local educational agencies in the State, based on student poverty.

(34) HIGH-NEED SCHOOL.—

(A) IN GENERAL.—The term "high-need school" means—

(i) an elementary school or middle school in which not less than 50 percent of the enrolled students are children from low-income families; or

(ii) a high school in which not less than 40 percent of the enrolled students are children from low-income families, which may be calculated using comparable data from feeder schools.

(B) LOW-INCOME FAMILY.—For purposes of subparagraph (A), the term "low-income family" means a family—

(i) in which the children are eligible for a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);

(ii) receiving assistance under a State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.); or

(iii) in which the children are eligible to receive medical assistance under the Medicaid program.

(35) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given that term in section 101(a) of the Higher Education Act of 1965.

(36) LEADING INDICATORS.—The term "leading indicators" means areas in which a persistently low-achieving school is expected to demonstrate improvement, such as—

(A) average student attendance rates;

(B) teacher attendance rates;

(C) on-time grade promotion;

(D) credit accumulation rates;

(E) expulsion, suspension, violence and harassment rates;

(F) teacher retention and turnover rates;

(G) percentage of students failing a core, credit-bearing course; and

(H) entrance and placement examinations, and preparation courses, for postsecondary education.

(37) LOCAL EDUCATIONAL AGENCY.—

(A) IN GENERAL.—The term "local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary schools or secondary schools in a city, county, township, school district, or other political subdivision of a State, or of or for a combination of school districts or counties that is recognized in a State as an administrative agency for its public elementary schools or secondary schools.

(B) ADMINISTRATIVE CONTROL AND DIRECTION.—The term includes any other public institution or agency having administrative control and direction of a public elementary school or secondary school.

(C) BIE SCHOOLS.—The term includes an elementary school or secondary school funded by the Bureau of Indian Education but only to the extent that including the school makes the school eligible for programs for which specific eligibility is not provided to the school in another provision of law and the school does not have a student population that is smaller than the student population of the local educational agency receiving assistance under this Act with the smallest student population, except that the school shall not be subject to the jurisdiction of any State educational agency other than the Bureau of Indian Affairs.

(D) EDUCATIONAL SERVICE AGENCIES.—The term includes educational service agencies and consortia of those agencies.

(E) STATE EDUCATIONAL AGENCY.—The term includes the State educational agency in a State in which the State educational agency is the sole educational agency for all public schools.

(38) MAGNET SCHOOL.—The term "magnet school" means a public elementary school, public secondary school, public elementary education center, or public secondary education center, that offers a special curriculum capable of attracting substantial numbers of students of different racial backgrounds.

(39) MUTUAL CONSENT.—The term "mutual consent" means a process through which—

(A) the principal or hiring team and the teacher agree to the placement at a school;

(B) the principal or hiring team selects teachers for the school from an unrestricted pool of internal and external candidates based on an assessment of the qualifications of the individual candidates; and

(C) the local educational agency ensures that other schools served by the local educational agency are not being forced to accept teachers displaced from persistently low-achieving schools.

(40) NATIVE AMERICAN AND NATIVE AMERICAN LANGUAGE.—The terms "Native American" and "Native American language" have the same meaning given those terms in section 103 of the Native American Languages Act of 1990 (25 U.S.C. 2902).

(41) ON TRACK TO COLLEGE AND CAREER READINESS.—The term "on track to college and career readiness", when used with respect to a student, means that—

(A) the student is performing at or above the student's grade level in a subject so that the student will be college and career ready in such subject by the time of high school graduation, as demonstrated by student performance that meets or exceeds the on-track level of student academic achievement for such subject under section 1111(a)(1)(A)(iv) for the student's grade, as measured by the State's assessment system under section 1111(a)(2); or

(B) in the case of a student in a State that has chosen in accordance with section 1111(b)(1)(B) to measure student growth in addition to student achievement for purposes of determining readiness, the student meets the requirements of subparagraph (A) for a subject or the student is attaining student growth in accordance with clauses (i) and (ii) of such section in the subject.

(42) OUTLYING AREA.—The term "outlying area"—

(A) means American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the United States Virgin Islands;

(B) means the Republic of Palau, to the extent permitted under section 105(f)(1)(B)(ix) of the Compact of Free Association Amendments Act of 2003 (Public Law 108–188; 117 Stat. 2751) and until an agreement for the extension of United States education assistance under the Compact of Free Association becomes effective for the Republic of Palau; and

(C) for the purpose of any discretionary grant program under this Act, includes the Republic of the Marshall Islands and the Federated States of Micronesia, to the extent permitted under section 105(f)(1)(B)(viii) of the Compact of Free Association Amendments Act of 2003 (Public Law 108–188; 117 Stat. 2751).

(43) PARENT.—The term "parent" includes a legal guardian or other person standing in loco parentis (such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the child's welfare).

(44) POVERTY LINE.—The term "poverty line" means the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved.

(45) PROFESSIONAL DEVELOPMENT.—The term "professional development" means activities based on scientifically valid research that are coordinated and aligned to increase the effectiveness of educators (including teachers, principals, other school leaders, specialized instructional support personnel, paraprofessionals, and, as applicable, early childhood educators) and are regularly assessed to determine the activities' effectiveness, and that—

(A) are designed and implemented to improve student achievement and classroom practice;

(B) are aligned with—

(i) State academic content standards and student academic achievement standards developed under section 1111(a)(1);

(ii) related academic and school improvement goals of the school, local educational agency, and, as appropriate, statewide and local curricula; and

(iii) rigorous teaching standards;

(C) increase educators'—

(i) knowledge and understanding about how students learn;

(ii) academic content knowledge;

(iii) ability to analyze student work and achievement data from multiple sources, including how to adjust instructional strategies, assessments, and materials based on such analysis; and

(iv) ability to instruct students with disabilities and English learners so that they are able to meet the State academic content standards and student academic achievement standards;

(D) address areas for improvement based on such educators' evaluations;

(E) are job-embedded, ongoing, collaborative, data-driven, and classroom-focused; and

(F) are, as appropriate—

(i) designed to provide educators with the knowledge and skills to work more effectively with parents and families; and

(ii) provided jointly for school staff and other early childhood education and care providers, where applicable, to address the transition to elementary school, including issues related to school readiness across all major domains of early learning.

(46) REGULAR SECONDARY SCHOOL DIPLOMA.—

(A) IN GENERAL.—The term "regular secondary school diploma" means the standard secondary school diploma awarded to the preponderance of students in the State that is fully aligned with State standards, or a higher diploma. Such term shall not include a GED or other recognized equivalent of a diploma, a certificate of attendance, or any lesser diploma award.

(B) EXCEPTION FOR STUDENTS WITH SIGNIFICANT COGNITIVE DISABILITIES.—For a student who has a significant cognitive disability and is assessed using an alternate assessment aligned to alternate academic achievement standards under section 1111(a)(1)(D), receipt of a regular secondary school diploma or a State-defined alternate diploma aligned with completion of the student's right to a free appropriate public education under the Individuals with Disabilities Education Act shall be counted as graduating with a regular secondary school diploma for the purposes of this Act, except that not more than 1 percent of students served by a State or a local educational agency, as appropriate,

shall be counted as graduates with a regular secondary school diploma under this subparagraph.

(47) SCIENTIFICALLY BASED RESEARCH.—The term "scientifically based research"—

(A) means research that involves the application of rigorous, systematic, and objective procedures to obtain reliable and valid knowledge relevant to education activities and programs; and

(B) includes research that—

(i) employs systematic, empirical methods that draw on observation or experiment;

(ii) involves rigorous data analyses that are adequate to test the stated hypotheses and justify the general conclusions drawn;

(iii) relies on measurements or observational methods that provide reliable and valid data across evaluators and observers, across multiple measurements and observations, and across studies by the same or different investigators;

(iv) is evaluated using experimental or quasi-experimental designs in which individuals, entities, programs, or activities are assigned to different conditions and with appropriate controls to evaluate the effects of the condition of interest, with a preference for random-assignment experiments, or other designs to the extent that those designs contain within-condition or across-condition controls;

(v) ensures that experimental studies are presented in sufficient detail and clarity to allow for replication or, at a minimum, offer the opportunity to build systematically on their findings; and

(vi) has been accepted by a peer-reviewed journal or approved by a panel of independent experts through a comparably rigorous, objective, and scientific review.

(48) SCIENTIFICALLY VALID RESEARCH.—The term "scientifically valid research" includes applied research, basic research, and field-initiated research in which the rationale, design, and interpretation are soundly developed in accordance with principles of scientific research.

(49) SECONDARY SCHOOL.—The term "secondary school" means a nonprofit institutional day or residential school, including a public secondary charter school, that provides secondary education, as determined under State law, except that the term does not include any education beyond grade 12.

(50) SECRETARY.—The term "Secretary" means the Secretary of Education.

(51) SPECIALIZED INSTRUCTIONAL SUPPORT PERSONNEL; SPECIALIZED INSTRUCTIONAL SUPPORT SERVICES.—

(A) SPECIALIZED INSTRUCTIONAL SUPPORT PERSONNEL.—The term "specialized instructional support personnel" means school counselors, school social workers, school psychologists, school nurses, and other qualified professional personnel involved in providing assessment, diagnosis, counseling, educational, therapeutic, and other necessary

services (including related services as that term is defined in section 602 of the Individuals with Disabilities Education Act) as part of a comprehensive program to meet student needs.

(B) SPECIALIZED INSTRUCTIONAL SUPPORT SERVICES.—The term "specialized instructional support services" means the services provided by specialized instructional support personnel.

(52) STATE.—The term "State" means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and each of the outlying areas.

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

(54) STATE EDUCATIONAL AGENCY.—The term "State educational agency" means the agency primarily responsible for the State supervision of public elementary schools and secondary schools.

(55) TEACHER MENTORING.—The term "teacher mentoring" means supporting teachers or principals to increase the effectiveness and retention of such teachers or principals through a program that—

(A) includes clear criteria for the selection of mentors that takes into account the mentor's—

(i) effectiveness; and

(ii) ability to facilitate adult learning;

(B) provides high-quality training for mentors in how to support teachers or principals effectively;

(C) provides regularly scheduled time for collaboration, examination of student work and achievement data, and ongoing opportunities for mentors and mentees to observe each other's teaching or leading, and identify and address areas for improvement; and

(D) matches mentees with mentors in the same field, grade, grade span, or subject area.

(56) TURNAROUND PARTNER.—The term "turnaround partner" means a public or private nonprofit organization, institution of higher education, or charter management organization, with a demonstrated record of successful school improvement.

(57) UNIVERSAL DESIGN FOR LEARNING.—The term "universal design for learning" has the meaning given the term in section 103 of the Higher Education Act of 1965.

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PART D—WAIVERS

SEC. 9401. WAIVERS OF STATUTORY AND REGULATORY REQUIREMENTS.

(a) IN GENERAL.—* * *

* * * * * * *

(b) REQUEST FOR WAIVER.—

(1) IN GENERAL.—* * *

(A) * * *

* * * * * * *

(C) describes, for each school year, specific, measurable educational goals [, in accordance with section 1111(b),] for the State educational agency and for each local educational agency, Indian tribe, or school that would be affected by the waiver and the methods to be used to measure annually such progress for meeting such goals and outcomes;

* * * * * * *

(c) RESTRICTIONS.—The Secretary shall not waive under this section any statutory or regulatory requirements relating to—

(1) * * *

* * * * * * *

(8) the requirement for a charter school under [subpart 1 of part B of title V]*subpart 1 of part D of title V*;

* * * * * * *

(e) REPORTS.—

(1) LOCAL WAIVER.—* * *

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(4) REPORT TO CONGRESS.—Beginning in fiscal year 2002 and for each subsequent year, the Secretary shall submit to [the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate]*the authorizing committees* a report—

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PART E—UNIFORM PROVISIONS

Subpart 1—Private Schools

SEC. 9501. PARTICIPATION BY PRIVATE SCHOOL CHILDREN AND TEACHERS.

(a) PRIVATE SCHOOL PARTICIPATION.—

(1) IN GENERAL.—* * *

* * * * * * *

(b) APPLICABILITY.—

[(1) IN GENERAL.—This section applies to programs under—

[(A) subparts 1 and 3 of part B of title I;

[(B) part C of title I;

[(C) part A of title II, to the extent provided in paragraph (3);

[(D) part B of title II;

[(E) part D of title II;

[(F) part A of title III;

[(G) part A of title IV; and

[(H) part B of title IV.]

(1) IN GENERAL.—This section applies to programs under—

(A) part C of title I;

(B) part A of title II, to the extent provided in paragraph (3);

(C) part A of title III;

(D) part A of title IV;

(E) part B of title IV;

(F) part D of title IV; and

(G) part E of title IV.

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Subpart 2—Other Provisions

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SEC. 9532. UNSAFE SCHOOL CHOICE OPTION.

(a) UNSAFE SCHOOL CHOICE POLICY.—Each State receiving funds under this Act shall establish and implement a statewide policy requiring that a student **[**attending a persistently dangerous public elementary school or secondary school, as determined by the State in consultation with a representative sample of local educational agencies, or who becomes a victim of**]***who is threatened with, or becomes a victim of,* a violent criminal offense, as determined by State law, while in or on the grounds of a public elementary school or secondary school that the student attends, be allowed to attend a safe public elementary school or secondary school within the local educational agency, including a public charter school.

* * * * * * *

SEC. 9534. CIVIL RIGHTS.

(a) IN GENERAL.—* * *

(b) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to require the disruption of services to a child or the displacement of a child enrolled in or participating in a program administered by an eligible entity, as defined in section 1116 of title I and **[**part B of title V**]***part D of title V*, at the commencement of the entity's participation in a grant under section 1116 of title I or **[**part B of title V**]***part D of title V*.

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Subpart [5]*3*—Teacher Liability Protection

SEC. [2361]*9541*. SHORT TITLE.

This subpart may be cited as the "Paul D. Coverdell Teacher Protection Act of 2001".

SEC. [2362]*9542*. PURPOSE.

The purpose of this subpart is to provide teachers, principals, and other school professionals the tools they need to undertake reasonable actions to maintain order, discipline, and an appropriate educational environment.

SEC. [2363]*9543*. DEFINITIONS.

For purposes of this subpart:

(1) ECONOMIC LOSS.—The term "economic loss" means any pecuniary loss resulting from harm (including the loss of earnings or other benefits related to employment, medical expense loss, replacement services loss, loss due to death, burial costs, and loss of business or employment opportunities) to the extent recovery for such loss is allowed under applicable State law.

(2) HARM.—The term "harm" includes physical, nonphysical, economic, and noneconomic losses.

(3) NONECONOMIC LOSS.—The term "noneconomic loss" means loss for physical or emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society or companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation, or any other nonpecuniary loss of any kind or nature.

(4) SCHOOL.—The term "school" means a public or private kindergarten, a public or private elementary school or secondary school, or a home school.

(5) STATE.—The term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, any other territory or possession of the United States, or any political subdivision of any such State, territory, or possession.

(6) TEACHER.—The term "teacher" means—

(A) a teacher, instructor, principal, or administrator;

(B) another educational professional who works in a school;

(C) a professional or nonprofessional employee who—

(i) works in a school; and

(ii)(I) in the employee's job, maintains discipline or ensures safety; or

(II) in an emergency, is called on to maintain discipline or ensure safety; or

(D) an individual member of a school board (as distinct from the board).

SEC. [2364]*9544*. APPLICABILITY.

This subpart shall only apply to States that receive funds under this Act, and shall apply to such a State as a condition of receiving such funds.

SEC. [2365]*9545*. PREEMPTION AND ELECTION OF STATE NONAPPLICABILITY.

(a) PREEMPTION.—This subpart preempts the laws of any State to the extent that such laws are inconsistent with this subpart, except that this subpart shall not preempt any State law that provides additional protection from liability relating to teachers.

(b) ELECTION OF STATE REGARDING NONAPPLICABILITY.—This subpart shall not apply to any civil action in a State court against a teacher with respect to claims arising within that State if such State enacts a statute in accordance with State requirements for enacting legislation—

(1) citing the authority of this subsection;

(2) declaring the election of such State that this subpart shall not apply, as of a date certain, to such civil action in the State; and

(3) containing no other provisions.

SEC. [2366]*9546.* LIMITATION ON LIABILITY FOR TEACHERS.

(a) LIABILITY PROTECTION FOR TEACHERS.—Except as provided in subsection (b), no teacher in a school shall be liable for harm caused by an act or omission of the teacher on behalf of the school if—

(1) the teacher was acting within the scope of the teacher's employment or responsibilities to a school or governmental entity;

(2) the actions of the teacher were carried out in conformity with Federal, State, and local laws (including rules and regulations) in furtherance of efforts to control, discipline, expel, or suspend a student or maintain order or control in the classroom or school;

(3) if appropriate or required, the teacher was properly licensed, certified, or authorized by the appropriate authorities for the activities or practice involved in the State in which the harm occurred, where the activities were or practice was undertaken within the scope of the teacher's responsibilities;

(4) the harm was not caused by willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed by the teacher; and

(5) the harm was not caused by the teacher operating a motor vehicle, vessel, aircraft, or other vehicle for which the State requires the operator or the owner of the vehicle, craft, or vessel to—

(A) possess an operator's license; or

(B) maintain insurance.

(b) EXCEPTIONS TO TEACHER LIABILITY PROTECTION.—If the laws of a State limit teacher liability subject to one or more of the following conditions, such conditions shall not be construed as inconsistent with this section:

(1) A State law that requires a school or governmental entity to adhere to risk management procedures, including mandatory training of teachers.

(2) A State law that makes the school or governmental entity liable for the acts or omissions of its teachers to the same extent as an employer is liable for the acts or omissions of its employees.

(3) A State law that makes a limitation of liability inapplicable if the civil action was brought by an officer of a State or local government pursuant to State or local law.

(c) LIMITATION ON PUNITIVE DAMAGES BASED ON THE ACTIONS OF TEACHERS.—

(1) GENERAL RULE.—Punitive damages may not be awarded against a teacher in an action brought for harm based on the act or omission of a teacher acting within the scope of the teacher's employment or responsibilities to a school or governmental entity unless the claimant establishes by clear and convincing evidence that the harm was proximately caused by an

act or omission of such teacher that constitutes willful or criminal misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed.

(2) CONSTRUCTION.—Paragraph (1) does not create a cause of action for punitive damages and does not preempt or supersede any Federal or State law to the extent that such law would further limit the award of punitive damages.

(d) EXCEPTIONS TO LIMITATIONS ON LIABILITY.—

(1) IN GENERAL.—The limitations on the liability of a teacher under this subpart shall not apply to any misconduct that—

(A) constitutes a crime of violence (as that term is defined in section 16 of title 18, United States Code) or act of international terrorism (as that term is defined in section 2331 of title 18, United States Code) for which the defendant has been convicted in any court;

(B) involves a sexual offense, as defined by applicable State law, for which the defendant has been convicted in any court;

(C) involves misconduct for which the defendant has been found to have violated a Federal or State civil rights law; or

(D) where the defendant was under the influence (as determined pursuant to applicable State law) of intoxicating alcohol or any drug at the time of the misconduct.

(2) HIRING.—The limitations on the liability of a teacher under this subpart shall not apply to misconduct during background investigations, or during other actions, involved in the hiring of a teacher.

(e) RULES OF CONSTRUCTION.—

(1) CONCERNING RESPONSIBILITY OF TEACHERS TO SCHOOLS AND GOVERNMENTAL ENTITIES.—Nothing in this section shall be construed to affect any civil action brought by any school or any governmental entity against any teacher of such school.

(2) CONCERNING CORPORAL PUNISHMENT.—Nothing in this subpart shall be construed to affect any State or local law (including a rule or regulation) or policy pertaining to the use of corporal punishment.

SEC. [2367]*9547*. ALLOCATION OF RESPONSIBILITY FOR NONECONOMIC LOSS.

(a) GENERAL RULE.—In any civil action against a teacher, based on an act or omission of a teacher acting within the scope of the teacher's employment or responsibilities to a school or governmental entity, the liability of the teacher for noneconomic loss shall be determined in accordance with subsection (b).

(b) AMOUNT OF LIABILITY.—

(1) IN GENERAL.—

(A) LIABILITY.—Each defendant who is a teacher shall be liable only for the amount of noneconomic loss allocated to that defendant in direct proportion to the percentage of responsibility of that defendant (determined in accordance with paragraph (2)) for the harm to the claimant with respect to which that defendant is liable.

(B) SEPARATE JUDGMENT.—The court shall render a separate judgment against each defendant in an amount determined pursuant to subparagraph (A).

(2) PERCENTAGE OF RESPONSIBILITY.—For purposes of determining the amount of noneconomic loss allocated to a defendant who is a teacher under this section, the trier of fact shall determine the percentage of responsibility of each person responsible for the claimant's harm, whether or not such person is a party to the action.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to preempt or supersede any Federal or State law that further limits the application of joint liability in a civil action described in subsection (a), beyond the limitations established in this section.

SEC. [2368]*9548.* EFFECTIVE DATE.

(a) IN GENERAL.—This subpart shall take effect 90 days after the date of enactment of the No Child Left Behind Act of 2001.

(b) APPLICATION.—This subpart applies to any claim for harm caused by an act or omission of a teacher if that claim is filed on or after the effective date of the No Child Left Behind Act of 2001 without regard to whether the harm that is the subject of the claim or the conduct that caused the harm occurred before such effective date.

PART F—EVALUATIONS

[SEC. 9601. [20 U.S.C. 7941] EVALUATIONS.]

[(a) RESERVATION OF FUNDS.—Except as provided in subsections (b) and (c), the Secretary may reserve not more than 0.5 percent of the amount appropriated to carry out each categorical program and demonstration project authorized under this Act—

[(1) to conduct—

[(A) comprehensive evaluations of the program or project; and

[(B) studies of the effectiveness of the program or project and its administrative impact on schools and local educational agencies;

[(2) to evaluate the aggregate short- and long-term effects and cost efficiencies across Federal programs assisted or authorized under this Act and related Federal preschool, elementary, and secondary programs under any other Federal law; and

[(3) to increase the usefulness of evaluations of grant recipients in order to ensure the continuous progress of the program or project by improving the quality, timeliness, efficiency, and use of information relating to performance under the program or project.

[(b) TITLES I AND III EXCLUDED.—The Secretary may not reserve under subsection (a) funds appropriated to carry out any program authorized under title I or title III.

[(c) EVALUATION ACTIVITIES AUTHORIZED ELSEWHERE.—If, under any other provision of this Act (other than title I), funds are authorized to be reserved or used for evaluation activities with re-

spect to a program or project, the Secretary may not reserve additional funds under this section for the evaluation of that program or project.]

SEC. 9601. EVALUATION AUTHORITY.

(a) RESERVATION OF FUNDS.—Except as provided in subsection (b), the Secretary may reserve not more than 3 percent of the amount appropriated to carry out each categorical program and demonstration project authorized under this Act. The reserved amounts shall be used by the Secretary, acting through the Director of the Institute of Education Sciences, to—

(1) conduct—

(A) comprehensive, high-quality evaluations of the program or project that—

(i) provide information to inform policy-making and to support continuous program improvement; and

(ii) use methods appropriate for the questions being asked; and

(B) impact evaluations that employ experimental or quasi-experimental designs, where practicable and appropriate, and other rigorous methodologies that permit the strongest possible causal inferences;

(2) provide technical assistance to grant recipients on—

(A) the conduct of the evaluation activities that the grantees carry out under this Act; and

(B) the collection and reporting of performance data relating to the program or project;

(3) evaluate the aggregate short- and long-term effects and cost efficiencies across Federal programs assisted or authorized under this Act and related Federal preschool, elementary, and secondary programs under any other Federal law;

(4) increase the usefulness of evaluations of grant recipients in order to ensure the continuous progress of the program or project by improving the quality, timeliness, efficiency, dissemination, and use of information relating to performance under the program or project; and

(5) identify and disseminate research and best practices related to the programs and projects authorized under this Act.

(b) TITLE I.—The Secretary may not reserve under subsection (a) more than 1 percent of the funds appropriated to carry out title I.

(c) EVALUATION PLAN.—Beginning not later than 1 year after the date of enactment of the Elementary and Secondary Education Reauthorization Act of 2011, the Secretary shall annually develop and submit to Congress a plan that—

(1) describes the timeline for evaluation of the programs and projects authorized under this Act; and

(2) describes the specific evaluation activities that the Secretary intends to carry out for such programs and projects during the next year.

(d) EVALUATION ACTIVITIES AUTHORIZED ELSEWHERE.—If, under any other provision of this Act (other than title I), funds are authorized to be reserved or used for evaluation activities with respect to a program or project, the Secretary may not reserve additional funds under this section for the evaluation of that program or project.

(e) SPECIAL RULE REGARDING ALLOCATION FOR IMPACT EVALUATIONS.—The Secretary shall use not less than 30 percent of the funds reserved under this section for each of the fiscal years 2012 through 2017, in the aggregate for each year, for impact evaluations that meet the requirements of subsection (a)(1).

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PART G—MISCELLANEOUS PROVISIONS

Subpart [3]*1*—Gun Possession

SEC. [4141]*9701.* GUN-FREE REQUIREMENTS.

(a) SHORT TITLE.—This subpart may be cited as the "Gun-Free Schools Act".

(b) REQUIREMENTS.—

(1) IN GENERAL.—Each State receiving Federal funds under any title of this Act shall have in effect a State law requiring local educational agencies to expel from school for a period of not less than 1 year a student who is determined to have brought a firearm to a school, or to have possessed a firearm at a school, under the jurisdiction of local educational agencies in that State, except that such State law shall allow the chief administering officer of a local educational agency to modify such expulsion requirement for a student on a case-by-case basis if such modification is in writing.

(2) CONSTRUCTION.—Nothing in this subpart shall be construed to prevent a State from allowing a local educational agency that has expelled a student from such a student's regular school setting from providing educational services to such student in an alternative setting.

(3) DEFINITION.—For the purpose of this section, the term "firearm" has the same meaning given such term in section 921(a) of title 18, United States Code.

(c) SPECIAL RULE.—The provisions of this section shall be construed in a manner consistent with the Individuals with Disabilities Education Act.

(d) REPORT TO STATE.—Each local educational agency requesting assistance from the State educational agency that is to be provided from funds made available to the State under any title of this Act shall provide to the State, in the application requesting such assistance—

(1) an assurance that such local educational agency is in compliance with the State law required by subsection (b); and

(2) a description of the circumstances surrounding any expulsions imposed under the State law required by subsection (b), including—

(A) the name of the school concerned;

(B) the number of students expelled from such school; and

(C) the type of firearms concerned.

(e) REPORTING.—Each State shall report the information described in subsection (d) to the Secretary on an annual basis.

(f) DEFINITION.—For the purpose of subsection (d), the term "school" means any setting that is under the control and supervision of the local educational agency for the purpose of student activities approved and authorized by the local educational agency.

(g) EXCEPTION.—Nothing in this section shall apply to a firearm that is lawfully stored inside a locked vehicle on school property, or if it is for activities approved and authorized by the local educational agency and the local educational agency adopts appropriate safeguards to ensure student safety.

(h) POLICY REGARDING CRIMINAL JUSTICE SYSTEM REFERRAL.—

(1) IN GENERAL.—No funds shall be made available under any title of this Act to any local educational agency unless such agency has a policy requiring referral to the criminal justice or juvenile delinquency system of any student who brings a firearm or weapon to a school served by such agency.

(2) DEFINITION.—For the purpose of this subsection, the term "school" has the same meaning given to such term by section 921(a) of title 18, United States Code.

[PART C—ENVIRONMENTAL TOBACCO SMOKE]

Subpart 2—Environmental Tobacco Smoke

SEC. [4301]*9721*. SHORT TITLE.

This [part]*subpart* may be cited as the "Pro-Children Act of 2001".

SEC. [4302]*9722*. DEFINITIONS.

As used in this [part]*subpart*:

(1) CHILDREN.—The term "children" means individuals who have not attained the age of 18.

(2) CHILDREN'S SERVICES.—The term "children's services" means the provision on a routine or regular basis of health, day care, education, or library services—

(A) that are funded, after the date of enactment of the No Child Left Behind Act of 2001, directly by the Federal Government or through State or local governments, by Federal grant, loan, loan guarantee, or contract programs—

(i) administered by either the Secretary of Health and Human Services or the Secretary of Education (other than services provided and funded solely under titles XVIII and XIX of the Social Security Act); or

(ii) administered by the Secretary of Agriculture in the case of a clinic (as defined in part 246.2 of title 7, Code of Federal Regulations (or any corresponding similar regulation or ruling)) under section 17(b)(6) of the Child Nutrition Act of 1966; or

(B) that are provided in indoor facilities that are constructed, operated, or maintained with such Federal funds, as determined by the appropriate head of a Federal agency in any enforcement action carried out under this [part]*subpart*,

except that nothing in clause (ii) of subparagraph (A) is intended to include facilities (other than clinics) where coupons are redeemed under the Child Nutrition Act of 1966.

(3) INDOOR FACILITY.—The term "indoor facility" means a building that is enclosed.

(4) PERSON.—The term "person" means any State or local subdivision of a State, agency of such State or subdivision, corporation, or partnership that owns or operates or otherwise controls and provides children's services or any individual who owns or operates or otherwise controls and provides such services.

(5) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

SEC. [4303]*9723*. NONSMOKING POLICY FOR CHILDREN'S SERVICES.

(a) PROHIBITION.—After the date of enactment of the No Child Left Behind Act of 2001, no person shall permit smoking within any indoor facility owned or leased or contracted for, and utilized, by such person for provision of routine or regular kindergarten, elementary, or secondary education or library services to children.

(b) ADDITIONAL PROHIBITION.—

(1) IN GENERAL.—After the date of enactment of the No Child Left Behind Act of 2001, no person shall permit smoking within any indoor facility (or portion of such a facility) owned or leased or contracted for, and utilized by, such person for the provision of regular or routine health care or day care or early childhood development (Head Start) services.

(2) EXCEPTION.—Paragraph (1) shall not apply to—

(A) any portion of such facility that is used for inpatient hospital treatment of individuals dependent on, or addicted to, drugs or alcohol; and

(B) any private residence.

(c) FEDERAL AGENCIES.—

(1) KINDERGARTEN, ELEMENTARY, OR SECONDARY EDUCATION OR LIBRARY SERVICES.—After the date of enactment of the No Child Left Behind Act of 2001, no Federal agency shall permit smoking within any indoor facility in the United States operated by such agency, directly or by contract, to provide routine or regular kindergarten, elementary, or secondary education or library services to children.

(2) HEALTH OR DAY CARE OR EARLY CHILDHOOD DEVELOPMENT SERVICES.—

(A) IN GENERAL.—After the date of enactment of the No Child Left Behind Act of 2001, no Federal agency shall permit smoking within any indoor facility (or portion of such facility) operated by such agency, directly or by contract, to provide routine or regular health or day care or early childhood development (Head Start) services to children.

(B) EXCEPTION.—Subparagraph (A) shall not apply to—

(i) any portion of such facility that is used for inpatient hospital treatment of individuals dependent on, or addicted to, drugs or alcohol; and

(ii) any private residence.

(3) APPLICATION OF PROVISIONS.—The provisions of paragraph (2) shall also apply to the provision of such routine or regular kindergarten, elementary or secondary education or library services in the facilities described in paragraph (2) not subject to paragraph (1).

(d) NOTICE.—The prohibitions in subsections (a) through (c) shall be published in a notice in the Federal Register by the Secretary (in consultation with the heads of other affected agencies) and by such agency heads in funding arrangements involving the provision of children's services administered by such heads. Such prohibitions shall be effective 90 days after such notice is published, or 270 days after the date of enactment of the No Child Left Behind Act of 2001, whichever occurs first.

(e) CIVIL PENALTIES.—

(1) IN GENERAL.—Any failure to comply with a prohibition in this section shall be considered to be a violation of this section and any person subject to such prohibition who commits such violation may be liable to the United States for a civil penalty in an amount not to exceed $1,000 for each violation, or may be subject to an administrative compliance order, or both, as determined by the Secretary. Each day a violation continues shall constitute a separate violation. In the case of any civil penalty assessed under this section, the total amount shall not exceed 50 percent of the amount of Federal funds received under any title of this Act by such person for the fiscal year in which the continuing violation occurred. For the purpose of the prohibition in subsection (c), the term "person", as used in this paragraph, shall mean the head of the applicable Federal agency or the contractor of such agency providing the services to children.

(2) ADMINISTRATIVE PROCEEDING.—A civil penalty may be assessed in a written notice, or an administrative compliance order may be issued under paragraph (1), by the Secretary only after an opportunity for a hearing in accordance with section 554 of title 5, United States Code. Before making such assessment or issuing such order, or both, the Secretary shall give written notice of the assessment or order to such person by certified mail with return receipt and provide information in the notice of an opportunity to request in writing, not later than 30 days after the date of receipt of such notice, such hearing. The notice shall reasonably describe the violation and be accompanied with the procedures for such hearing and a simple form that may be used to request such hearing if such person desires to use such form. If a hearing is requested, the Secretary shall establish by such certified notice the time and place for such hearing, which shall be located, to the greatest extent possible, at a location convenient to such person. The Secretary (or the Secretary's designee) and such person may consult to arrange a suitable date and location where appropriate.

(3) CIRCUMSTANCES AFFECTING PENALTY OR ORDER.—In determining the amount of the civil penalty or the nature of the administrative compliance order, the Secretary shall take into account, as appropriate—

(A) the nature, circumstances, extent, and gravity of the violation;

(B) with respect to the violator, any good faith efforts to comply, the importance of achieving early and permanent compliance, the ability to pay or comply, the effect of the penalty or order on the ability to continue operation, any prior history of the same kind of violation, the degree of culpability, and any demonstration of willingness to comply with the prohibitions of this section in a timely manner; and

[(C) such other matters as justice may require.]

(C) *such other matters as justice may require.*

(4) MODIFICATION.—The Secretary may, as appropriate, compromise, modify, or remit, with or without conditions, any civil penalty or administrative compliance order. In the case of a civil penalty, the amount, as finally determined by the Secretary or agreed upon in compromise, may be deducted from any sums that the United States or the agencies or instrumentalities of the United States owe to the person against whom the penalty is assessed.

(5) PETITION FOR REVIEW.—Any person aggrieved by a penalty assessed or an order issued, or both, by the Secretary under this section may file a petition for judicial review of the order with the United States Court of Appeals for the District of Columbia Circuit or for any other circuit in which the person resides or transacts business. Such person shall provide a copy of the petition to the Secretary or the Secretary's designee. The petition shall be filed within 30 days after the Secretary's assessment or order, or both, are final and have been provided to such person by certified mail. The Secretary shall promptly provide to the court a certified copy of the transcript of any hearing held under this section and a copy of the notice or order.

(6) FAILURE TO COMPLY.—If a person fails to pay an assessment of a civil penalty or comply with an order, after the assessment or order, or both, are final under this section, or after a court has entered a final judgment under paragraph (5) in favor of the Secretary, the Attorney General, at the request of the Secretary, shall recover the amount of the civil penalty (plus interest at prevailing rates from the day the assessment or order, or both, are final) or enforce the order in an action brought in the appropriate district court of the United States. In such action, the validity and appropriateness of the penalty or order or the amount of the penalty shall not be subject to review.

SEC. [4304]*9724.* PREEMPTION.

Nothing in this [part]*subpart* is intended to preempt any provision of law of a State or political subdivision of a State that is more restrictive than a provision of this [part]*subpart*.

* * * * * * *

MCKINNEY-VENTO HOMELESS ASSISTANCE ACT

* * * * * * *

TITLE VII—EDUCATION, TRAINING, AND COMMUNITY SERVICES PROGRAMS

Subtitle A—Adult Education for the Homeless

* * * * * * *

[Subtitle B—Education for Homeless Children and Youths]

[SEC. 721. STATEMENT OF POLICY.]

[The following is the policy of the Congress:

[(1) Each State educational agency shall ensure that each child of a homeless individual and each homeless youth has equal access to the same free, appropriate public education, including a public preschool education, as provided to other children and youths.

[(2) In any State that has a compulsory residency requirement as a component of the State's compulsory school attendance laws or other laws, regulations, practices, or policies that may act as a barrier to the enrollment, attendance, or success in school of homeless children and youths, the State 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 provided to other children and youths.

[(3) Homelessness alone is not sufficient reason to separate students from the mainstream school environment.

[(4) Homeless children and youths should have access to the education and other services that such children and youths need to ensure that such children and youths have an opportunity to meet the same challenging State student academic achievement standards to which all students are held.

[SEC. 722. [42 U.S.C. 11432] GRANTS FOR STATE AND LOCAL ACTIVITIES FOR THE EDUCATION OF HOMELESS CHILDREN AND YOUTHS.]

[(a) GENERAL AUTHORITY.—The Secretary is authorized to make grants to States in accordance with the provisions of this section to enable such States to carry out the activities described in subsections (d) through (g).

[(b) APPLICATION.—No State may receive a grant under this section unless the State educational agency submits an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

[(c) ALLOCATION AND RESERVATIONS.—

[(1) ALLOCATION.—(A) Subject to subparagraph (B), the Secretary is authorized to allot to each State an amount that bears the same ratio to the amount appropriated for such year under section 726 that remains after the Secretary reserves

funds under paragraph (2) and uses funds to carry out section 724(d) and (h), as the amount allocated under section 1122 of the Elementary and Secondary Education Act of 1965 to the State for that year bears to the total amount allocated under section 1122 of such Act to all States for that year, except that no State shall receive less than the greater of—

[(i) $150,000;

[(ii) one-fourth of 1 percent of the amount appropriated under section 726 for that year; or

[(iii) the amount such State received under this section for fiscal year 2001.

[(B) If there are insufficient funds in a fiscal year to allot to each State the minimum amount under subparagraph (A), the Secretary shall ratably reduce the allotments to all States based on the proportionate share that each State received under this subsection for the preceding fiscal year.

[(2) RESERVATIONS.—(A) The Secretary is authorized to reserve 0.1 percent of the amount appropriated for each fiscal year under section 726 to be allocated by the Secretary among the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, according to their respective need for assistance under this subtitle, as determined by the Secretary.

[(B)(i) The Secretary shall transfer 1 percent of the amount appropriated for each fiscal year under section 726 to the Department of the Interior for programs for Indian students served by schools funded by the Secretary of the Interior, as determined under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), that are consistent with the purposes of the programs described in this subtitle.

[(ii) The Secretary and the Secretary of the Interior shall enter into an agreement, consistent with the requirements of this subtitle, for the distribution and use of the funds described in clause (i) under terms that the Secretary determines best meet the purposes of the programs described in this subtitle. Such agreement shall set forth the plans of the Secretary of the Interior for the use of the amounts transferred, including appropriate goals, objectives, and milestones.

[(3) STATE DEFINED.—For purposes of this subsection, the term "State" does not include the United States Virgin Islands, Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands.

[(d) ACTIVITIES.—Grants under this section shall be used for the following:

[(1) To carry out the policies set forth in section 721 in the State.

[(2) To provide activities for, and services to, homeless children, including preschool-aged homeless children, and youths that enable such children and youths to enroll in, attend, and succeed in school, or, if appropriate, in preschool programs.

[(3) To establish or designate an Office of Coordinator for Education of Homeless Children and Youths in the State educational agency in accordance with subsection (f).

[(4) To prepare and carry out the State plan described in subsection (g).

[(5) To develop and implement professional development programs for school personnel to heighten their awareness of, and capacity to respond to, specific problems in the education of homeless children and youths.

[(e) STATE AND LOCAL SUBGRANTS.—

[(1) MINIMUM DISBURSEMENTS BY STATES.—From the sums made available each year to carry out this subtitle, the State educational agency shall distribute not less than 75 percent in subgrants to local educational agencies for the purposes of carrying out section 723, except that States funded at the minimum level set forth in subsection (c)(1) shall distribute not less than 50 percent in subgrants to local educational agencies for the purposes of carrying out section 723.

[(2) USE BY STATE EDUCATIONAL AGENCY.—A State educational agency may use funds made available for State use under this subtitle to conduct activities under subsection (f) directly or through grants or contracts.

[(3) PROHIBITION ON SEGREGATING HOMELESS STUDENTS.—

[(A) IN GENERAL.—Except as provided in subparagraph (B) and section 723(a)(2)(B)(ii), in providing a free public education to a homeless child or youth, no State receiving funds under this subtitle shall segregate such child or youth in a separate school, or in a separate program within a school, based on such child's or youth's status as homeless.

[(B) EXCEPTION.—Notwithstanding subparagraph (A), paragraphs (1)(J)(i) and (3) of subsection (g), section 723(a)(2), and any other provision of this subtitle relating to the placement of homeless children or youths in schools, a State that has a separate school for homeless children or youths that was operated in fiscal year 2000 in a covered county shall be eligible to receive funds under this subtitle for programs carried out in such school if—

[(i) the school meets the requirements of subparagraph (C);

[(ii) any local educational agency serving a school that the homeless children and youths enrolled in the separate school are eligible to attend meets the requirements of subparagraph (E); and

[(iii) the State is otherwise eligible to receive funds under this subtitle.

[(C) SCHOOL REQUIREMENTS.—For the State to be eligible under subparagraph (B) to receive funds under this subtitle, the school described in such subparagraph shall—

[(i) provide written notice, at the time any child or youth seeks enrollment in such school, and at least twice annually while the child or youth is enrolled in such school, to the parent or guardian of the child or youth (or, in the case of an unaccompanied youth, the youth) that—

[(I) shall be signed by the parent or guardian (or, in the case of an unaccompanied youth, the youth);

[(II) sets forth the general rights provided under this subtitle;

[(III) specifically states—

[(aa) the choice of schools homeless children and youths are eligible to attend, as provided in subsection (g)(3)(A);

[(bb) that no homeless child or youth is required to attend a separate school for homeless children or youths;

[(cc) that homeless children and youths shall be provided comparable services described in subsection (g)(4), including transportation services, educational services, and meals through school meals programs; and

[(dd) that homeless children and youths should not be stigmatized by school personnel; and

[(IV) provides contact information for the local liaison for homeless children and youths and the State Coordinator for Education of Homeless Children and Youths;

[(ii)(I) provide assistance to the parent or guardian of each homeless child or youth (or, in the case of an unaccompanied youth, the youth) to exercise the right to attend the parent's or guardian's (or youth's) choice of schools, as provided in subsection (g)(3)(A); and

[(II) coordinate with the local educational agency with jurisdiction for the school selected by the parent or guardian (or youth), to provide transportation and other necessary services;

[(iii) ensure that the parent or guardian (or, in the case of an unaccompanied youth, the youth) shall receive the information required by this subparagraph in a manner and form understandable to such parent or guardian (or youth), including, if necessary and to the extent feasible, in the native language of such parent or guardian (or youth); and

[(iv) demonstrate in the school's application for funds under this subtitle that such school—

[(I) is complying with clauses (i) and (ii); and

[(II) is meeting (as of the date of submission of the application) the same Federal and State standards, regulations, and mandates as other public schools in the State (such as complying with sections 1111 and 1116 of the Elementary and Secondary Education Act of 1965 and providing a full range of education and related services, including services applicable to students with disabilities).

[(D) SCHOOL INELIGIBILITY.—A separate school described in subparagraph (B) that fails to meet the standards, regu-

lations, and mandates described in subparagraph (C)(iv)(II) shall not be eligible to receive funds under this subtitle for programs carried out in such school after the first date of such failure.

[(E) LOCAL EDUCATIONAL AGENCY REQUIREMENTS.—For the State to be eligible to receive the funds described in subparagraph (B), the local educational agency described in subparagraph (B)(ii) shall—

[(i) implement a coordinated system for ensuring that homeless children and youths—

[(I) are advised of the choice of schools provided in subsection (g)(3)(A);

[(II) are immediately enrolled, in accordance with subsection (g)(3)(C), in the school selected under subsection (g)(3)(A); and

[(III) are promptly provided necessary services described in subsection (g)(4), including transportation, to allow homeless children and youths to exercise their choices of schools under subsection (g)(3)(A);

[(ii) document that written notice has been provided—

[(I) in accordance with subparagraph (C)(i) for each child or youth enrolled in a separate school under subparagraph (B); and

[(II) in accordance with subsection (g)(6)(A)(v);

[(iii) prohibit schools within the agency's jurisdiction from referring homeless children or youths to, or requiring homeless children and youths to enroll in or attend, a separate school described in subparagraph (B);

[(iv) identify and remove any barriers that exist in schools within the agency's jurisdiction that may have contributed to the creation or existence of separate schools described in subparagraph (B); and

[(v) not use funds received under this subtitle to establish—

[(I) new or additional separate schools for homeless children or youths; or

[(II) new or additional sites for separate schools for homeless children or youths, other than the sites occupied by the schools described in subparagraph (B) in fiscal year 2000.

[(F) REPORT.—

[(i) PREPARATION.—The Secretary shall prepare a report on the separate schools and local educational agencies described in subparagraph (B) that receive funds under this subtitle in accordance with this paragraph. The report shall contain, at a minimum, information on—

[(I) compliance with all requirements of this paragraph;

[(II) barriers to school access in the school districts served by the local educational agencies; and

[(III) the progress the separate schools are making in integrating homeless children and youths into the mainstream school environment, including the average length of student enrollment in such schools.

[(ii) COMPLIANCE WITH INFORMATION REQUESTS.—For purposes of enabling the Secretary to prepare the report, the separate schools and local educational agencies shall cooperate with the Secretary and the State Coordinator for Education of Homeless Children and Youths established in the State under subsection (d)(3), and shall comply with any requests for information by the Secretary and State Coordinator for such State.

[(iii) SUBMISSION.—Not later than 2 years after the date of enactment of the McKinney-Vento Homeless Education Assistance Improvements Act of 2001, the Secretary shall submit the report described in clause (i) to—

[(I) the President;

[(II) the Committee on Education and the Workforce of the House of Representatives; and

[(III) the Committee on Health, Education, Labor, and Pensions of the Senate.

[(G) DEFINITION.—For purposes of this paragraph, the term "covered county" means—

[(i) San Joaquin County, California;

[(ii) Orange County, California;

[(iii) San Diego County, California; and

[(iv) Maricopa County, Arizona.

[(f) FUNCTIONS OF THE OFFICE OF COORDINATOR.—The Coordinator for Education of Homeless Children and Youths established in each State shall—

[(1) gather reliable, valid, and comprehensive information on the nature and extent of the problems homeless children and youths have in gaining access to public preschool programs and to public elementary schools and secondary schools, the difficulties in identifying the special needs of such children and youths, any progress made by the State educational agency and local educational agencies in the State in addressing such problems and difficulties, and the success of the programs under this subtitle in allowing homeless children and youths to enroll in, attend, and succeed in, school;

[(2) develop and carry out the State plan described in subsection (g);

[(3) collect and transmit to the Secretary, at such time and in such manner as the Secretary may require, a report containing such information as the Secretary determines is necessary to assess the educational needs of homeless children and youths within the State;

[(4) facilitate coordination between the State educational agency, the State social services agency, and other agencies (including agencies providing mental health services) to provide services to homeless children, including preschool-aged homeless children, and youths, and to families of such children and youths;

[(5) in order to improve the provision of comprehensive education and related services to homeless children and youths and their families, coordinate and collaborate with—

[(A) educators, including child development and preschool program personnel;

[(B) providers of services to homeless and runaway children and youths and homeless families (including domestic violence agencies, shelter operators, transitional housing facilities, runaway and homeless youth centers, and transitional living programs for homeless youths);

[(C) local educational agency liaisons designated under subsection (g)(1)(J)(ii) for homeless children and youths; and

[(D) community organizations and groups representing homeless children and youths and their families; and

[(6) provide technical assistance to local educational agencies in coordination with local educational agency liaisons designated under subsection (g)(1)(J)(ii), to ensure that local educational agencies comply with the requirements of section 722(e)(3) and paragraphs (3) through (7) of subsection (g).

[(g) STATE PLAN.—

[(1) IN GENERAL.—Each State shall submit to the Secretary a plan to provide for the education of homeless children and youths within the State. Such plan shall include the following:

[(A) A description of how such children and youths are (or will be) given the opportunity to meet the same challenging State academic achievement standards all students are expected to meet.

[(B) A description of the procedures the State educational agency will use to identify such children and youths in the State and to assess their special needs.

[(C) A description of procedures for the prompt resolution of disputes regarding the educational placement of homeless children and youths.

[(D) A description of programs for school personnel (including principals, attendance officers, teachers, enrollment personnel, and pupil services personnel) to heighten the awareness of such personnel of the specific needs of runaway and homeless youths.

[(E) A description of procedures that ensure that homeless children and youths who meet the relevant eligibility criteria are able to participate in Federal, State, or local food programs.

[(F) A description of procedures that ensure that—

[(i) homeless children have equal access to the same public preschool programs, administered by the State agency, as provided to other children in the State;

[(ii) homeless youths and youths separated from the public schools are identified and accorded equal access to appropriate secondary education and support services; and

[(iii) homeless children and youths who meet the relevant eligibility criteria are able to participate in Federal, State, or local before- and after-school care programs.

[(G) Strategies to address problems identified in the report provided to the Secretary under subsection (f)(3).

[(H) Strategies to address other problems with respect to the education of homeless children and youths, including problems resulting from enrollment delays that are caused by—

[(i) immunization and medical records requirements;

[(ii) residency requirements;

[(iii) lack of birth certificates, school records, or other documentation;

[(iv) guardianship issues; or

[(v) uniform or dress code requirements.

[(I) A demonstration that the State educational agency and local educational agencies in the State have developed, and shall review and revise, policies to remove barriers to the enrollment and retention of homeless children and youths in schools in the State.

[(J) Assurances that—

[(i) the State educational agency and local educational agencies in the State will adopt policies and practices to ensure that homeless children and youths are not stigmatized or segregated on the basis of their status as homeless;

[(ii) local educational agencies will designate an appropriate staff person, who may also be a coordinator for other Federal programs, as a local educational agency liaison for homeless children and youths, to carry out the duties described in paragraph (6)(A); and

[(iii) the State and its local educational agencies will adopt policies and practices to ensure that transportation is provided, at the request of the parent or guardian (or in the case of an unaccompanied youth, the liaison), to and from the school of origin, as determined in paragraph (3)(A), in accordance with the following, as applicable:

[(I) If the homeless child or youth continues to live in the area served by the local educational agency in which the school of origin is located, the child's or youth's transportation to and from the school of origin shall be provided or arranged by the local educational agency in which the school of origin is located.

[(II) If the homeless child's or youth's living arrangements in the area served by the local educational agency of origin terminate and the child

or youth, though continuing his or her education in the school of origin, begins living in an area served by another local educational agency, the local educational agency of origin and the local educational agency in which the homeless child or youth is living shall agree upon a method to apportion the responsibility and costs for providing the child with transportation to and from the school of origin. If the local educational agencies are unable to agree upon such method, the responsibility and costs for transportation shall be shared equally.

[(2) COMPLIANCE.—

[(A) IN GENERAL.—Each plan adopted under this subsection shall also describe how the State will ensure that local educational agencies in the State will comply with the requirements of paragraphs (3) through (7).

[(B) COORDINATION.—Such plan shall indicate what technical assistance the State will furnish to local educational agencies and how compliance efforts will be coordinated with the local educational agency liaisons designated under paragraph (1)(J)(ii).

[(3) LOCAL EDUCATIONAL AGENCY REQUIREMENTS.—

[(A) IN GENERAL.—The local educational agency serving each child or youth to be assisted under this subtitle shall, according to the child's or youth's best interest—

[(i) continue the child's or youth's education in the school of origin for the duration of homelessness—

[(I) in any case in which a family becomes homeless between academic years or during an academic year; or

[(II) for the remainder of the academic year, if the child or youth becomes permanently housed during an academic year; or

[(ii) enroll the child or youth in any public school that nonhomeless students who live in the attendance area in which the child or youth is actually living are eligible to attend.

[(B) BEST INTEREST.—In determining the best interest of the child or youth under subparagraph (A), the local educational agency shall—

[(i) to the extent feasible, keep a homeless child or youth in the school of origin, except when doing so is contrary to the wishes of the child's or youth's parent or guardian;

[(ii) provide a written explanation, including a statement regarding the right to appeal under subparagraph (E), to the homeless child's or youth's parent or guardian, if the local educational agency sends such child or youth to a school other than the school of origin or a school requested by the parent or guardian; and

[(iii) in the case of an unaccompanied youth, ensure that the homeless liaison designated under paragraph

(1)(J)(ii) assists in placement or enrollment decisions under this subparagraph, considers the views of such unaccompanied youth, and provides notice to such youth of the right to appeal under subparagraph (E).

[(C) ENROLLMENT.—(i) The school selected in accordance with this paragraph shall immediately enroll the homeless child or youth, even if the child or youth is unable to produce records normally required for enrollment, such as previous academic records, medical records, proof of residency, or other documentation.

[(ii) The enrolling school shall immediately contact the school last attended by the child or youth to obtain relevant academic and other records.

[(iii) If the child or youth needs to obtain immunizations, or immunization or medical records, the enrolling school shall immediately refer the parent or guardian of the child or youth to the local educational agency liaison designated under paragraph (1)(J)(ii), who shall assist in obtaining necessary immunizations, or immunization or medical records, in accordance with subparagraph (D).

[(D) RECORDS.—Any record ordinarily kept by the school, including immunization or medical records, academic records, birth certificates, guardianship records, and evaluations for special services or programs, regarding each homeless child or youth shall be maintained—

[(i) so that the records are available, in a timely fashion, when a child or youth enters a new school or school district; and

[(ii) in a manner consistent with section 444 of the General Education Provisions Act (20 U.S.C. 1232g).

[(E) ENROLLMENT DISPUTES.—If a dispute arises over school selection or enrollment in a school—

[(i) the child or youth shall be immediately admitted to the school in which enrollment is sought, pending resolution of the dispute;

[(ii) the parent or guardian of the child or youth shall be provided with a written explanation of the school's decision regarding school selection or enrollment, including the rights of the parent, guardian, or youth to appeal the decision;

[(iii) the child, youth, parent, or guardian shall be referred to the local educational agency liaison designated under paragraph (1)(J)(ii), who shall carry out the dispute resolution process as described in paragraph (1)(C) as expeditiously as possible after receiving notice of the dispute; and

[(iv) in the case of an unaccompanied youth, the homeless liaison shall ensure that the youth is immediately enrolled in school pending resolution of the dispute.

[(F) PLACEMENT CHOICE.—The choice regarding placement shall be made regardless of whether the child or youth lives with the homeless parents or has been temporarily placed elsewhere.

[(G) SCHOOL OF ORIGIN DEFINED.—In this paragraph, the term "school of origin" means the school that the child or youth attended when permanently housed or the school in which the child or youth was last enrolled.

[(H) CONTACT INFORMATION.—Nothing in this subtitle shall prohibit a local educational agency from requiring a parent or guardian of a homeless child to submit contact information.

[(4) COMPARABLE SERVICES.—Each homeless child or youth to be assisted under this subtitle shall be provided services comparable to services offered to other students in the school selected under paragraph (3), including the following:

[(A) Transportation services.

[(B) Educational services for which the child or youth meets the eligibility criteria, such as services provided under title I of the Elementary and Secondary Education Act of 1965 or similar State or local programs, educational programs for children with disabilities, and educational programs for students with limited English proficiency.

[(C) Programs in vocational and technical education.

[(D) Programs for gifted and talented students.

[(E) School nutrition programs.

[(5) COORDINATION.—

[(A) IN GENERAL.—Each local educational agency serving homeless children and youths that receives assistance under this subtitle shall coordinate—

[(i) the provision of services under this subtitle with local social services agencies and other agencies or programs providing services to homeless children and youths and their families, including services and programs funded under the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.); and

[(ii) with other local educational agencies on interdistrict issues, such as transportation or transfer of school records.

[(B) HOUSING ASSISTANCE.—If applicable, each State educational agency and local educational agency that receives assistance under this subtitle shall coordinate with State and local housing agencies responsible for developing the comprehensive housing affordability strategy described in section 105 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12705) to minimize educational disruption for children and youths who become homeless.

[(C) COORDINATION PURPOSE.—The coordination required under subparagraphs (A) and (B) shall be designed to—

[(i) ensure that homeless children and youths have access and reasonable proximity to available education and related support services; and

[(ii) raise the awareness of school personnel and service providers of the effects of short-term stays in a shelter and other challenges associated with homelessness.

[(6) LOCAL EDUCATIONAL AGENCY LIAISON.—

[(A) DUTIES.—Each local educational agency liaison for homeless children and youths, designated under paragraph (1)(J)(ii), shall ensure that—

[(i) homeless children and youths are identified by school personnel and through coordination activities with other entities and agencies;

[(ii) homeless children and youths enroll in, and have a full and equal opportunity to succeed in, schools of that local educational agency;

[(iii) homeless families, children, and youths receive educational services for which such families, children, and youths are eligible, including Head Start and Even Start programs and preschool programs administered by the local educational agency, and referrals to health care services, dental services, mental health services, and other appropriate services;

[(iv) the parents or guardians of homeless children and youths are informed of the educational and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children;

[(v) public notice of the educational rights of homeless children and youths is disseminated where such children and youths receive services under this Act, such as schools, family shelters, and soup kitchens;

[(vi) enrollment disputes are mediated in accordance with paragraph (3)(E); and

[(vii) the parent or guardian of a homeless child or youth, and any unaccompanied youth, is fully informed of all transportation services, including transportation to the school of origin, as described in paragraph (1)(J)(iii), and is assisted in accessing transportation to the school that is selected under paragraph (3)(A).

[(B) NOTICE.—State coordinators established under subsection (d)(3) and local educational agencies shall inform school personnel, service providers, and advocates working with homeless families of the duties of the local educational agency liaisons.

[(C) LOCAL AND STATE COORDINATION.—Local educational agency liaisons for homeless children and youths shall, as a part of their duties, coordinate and collaborate with State coordinators and community and school personnel responsible for the provision of education and related services to homeless children and youths.

[(7) REVIEW AND REVISIONS.—

[(A) IN GENERAL.—Each State educational agency and local educational agency that receives assistance under this subtitle shall review and revise any policies that may act as barriers to the enrollment of homeless children and youths in schools that are selected under paragraph (3).

[(B) CONSIDERATION.—In reviewing and revising such policies, consideration shall be given to issues concerning

transportation, immunization, residency, birth certificates, school records and other documentation, and guardianship.

[(C) SPECIAL ATTENTION.—Special attention shall be given to ensuring the enrollment and attendance of homeless children and youths who are not currently attending school.

[(h) SPECIAL RULE FOR EMERGENCY ASSISTANCE.—

[(1) EMERGENCY ASSISTANCE.—

[(A) RESERVATION OF AMOUNTS.—Subject to paragraph (4) and notwithstanding any other provision of this title, the Secretary shall use funds appropriated under section 726 for fiscal year 2009, but not to exceed $30,000,000, for the purposes of providing emergency assistance through grants.

[(B) GENERAL AUTHORITY.—The Secretary shall use the funds to make grants to State educational agencies under paragraph (2), to enable the agencies to make subgrants to local educational agencies under paragraph (3), to provide activities described in section 723(d) for individuals referred to in subparagraph (C).

[(C) ELIGIBLE INDIVIDUALS.—Funds made available under this subsection shall be used to provide such activities for eligible individuals, consisting of homeless children and youths, and their families, who have become homeless due to home foreclosure, including children and youths, and their families, who became homeless when lenders foreclosed on properties rented by the families.

[(2) GRANTS TO STATE EDUCATIONAL AGENCIES.—

[(A) DISBURSEMENT.—The Secretary shall make grants with funds provided under paragraph (1)(A) to State educational agencies based on need, consistent with the number of eligible individuals described in paragraph (1)(C) in the States involved, as determined by the Secretary.

[(B) ASSURANCE.—To be eligible to receive a grant under this paragraph, a State educational agency shall provide an assurance to the Secretary that the State educational agency, and each local educational agency receiving a subgrant from the State educational agency under this subsection shall ensure that the activities carried out under this subsection are consistent with the activities described in section 723(d).

[(3) SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.—A State educational agency that receives a grant under paragraph (2) shall use the funds made available through the grant to make subgrants to local educational agencies. The State educational agency shall make the subgrants to local educational agencies based on need, consistent with the number of eligible individuals described in paragraph (1)(C) in the areas served by the local educational agencies, as determined by the State educational agency.

[(4) RESTRICTION.—The Secretary—

[(A) shall determine the amount (if any) by which the funds appropriated under section 726 for fiscal year 2009 exceed $70,000,000; and

[(B) may only use funds from that amount to carry out this subsection.]

[SEC. 723. [42 U.S.C. 11433] LOCAL EDUCATIONAL AGENCY SUBGRANTS FOR THE EDUCATION OF HOMELESS CHILDREN AND YOUTHS.]

[(a) GENERAL AUTHORITY.—

[(1) IN GENERAL.—The State educational agency shall, in accordance with section 722(e), and from amounts made available to such agency under section 726, make subgrants to local educational agencies for the purpose of facilitating the enrollment, attendance, and success in school of homeless children and youths.

[(2) SERVICES.—

[(A) IN GENERAL.—Services under paragraph (1)—

[(i) may be provided through programs on school grounds or at other facilities;

[(ii) shall, to the maximum extent practicable, be provided through existing programs and mechanisms that integrate homeless children and youths with nonhomeless children and youths; and

[(iii) shall be designed to expand or improve services provided as part of a school's regular academic program, but not to replace such services provided under such program.

[(B) SERVICES ON SCHOOL GROUNDS.—If services under paragraph (1) are provided on school grounds, schools—

[(i) may use funds under this subtitle to provide the same services to other children and youths who are determined by the local educational agency to be at risk of failing in, or dropping out of, school, subject to the requirements of clause (ii); and

[(ii) except as otherwise provided in section 722(e)(3)(B), shall not provide services in settings within a school that segregate homeless children and youths from other children and youths, except as necessary for short periods of time—

[(I) for health and safety emergencies; or

[(II) to provide temporary, special, and supplementary services to meet the unique needs of homeless children and youths.

[(3) REQUIREMENT.—Services provided under this section shall not replace the regular academic program and shall be designed to expand upon or improve services provided as part of the school's regular academic program.

[(b) APPLICATION.—A local educational agency that desires to receive a subgrant under this section shall submit an application to the State educational agency at such time, in such manner, and containing or accompanied by such information as the State educational agency may reasonably require. Such application shall include the following:

[(1) An assessment of the educational and related needs of homeless children and youths in the area served by such agency (which may be undertaken as part of needs assessments for other disadvantaged groups).

[(2) A description of the services and programs for which assistance is sought to address the needs identified in paragraph (1).

[(3) An assurance that the local educational agency's combined fiscal effort per student, or the aggregate expenditures of that agency and the State with respect to the provision of free public education by such agency for the fiscal year preceding the fiscal year for which the determination is made, was not less than 90 percent of such combined fiscal effort or aggregate expenditures for the second fiscal year preceding the fiscal year for which the determination is made.

[(4) An assurance that the applicant complies with, or will use requested funds to comply with, paragraphs (3) through (7) of section 722(g).

[(5) A description of policies and procedures, consistent with section 722(e)(3), that the agency will implement to ensure that activities carried out by the agency will not isolate or stigmatize homeless children and youths.

[(c) AWARDS.—

[(1) IN GENERAL.—The State educational agency shall, in accordance with the requirements of this subtitle and from amounts made available to it under section 726, make competitive subgrants to local educational agencies that submit applications under subsection (b). Such subgrants shall be awarded on the basis of the need of such agencies for assistance under this subtitle and the quality of the applications submitted.

[(2) NEED.—In determining need under paragraph (1), the State educational agency may consider the number of homeless children and youths enrolled in preschool, elementary, and secondary schools within the area served by the local educational agency, and shall consider the needs of such children and youths and the ability of the local educational agency to meet such needs. The State educational agency may also consider the following:

[(A) The extent to which the proposed use of funds will facilitate the enrollment, retention, and educational success of homeless children and youths.

[(B) The extent to which the application—

[(i) reflects coordination with other local and State agencies that serve homeless children and youths; and

[(ii) describes how the applicant will meet the requirements of section 722(g)(3).

[(C) The extent to which the applicant exhibits in the application and in current practice a commitment to education for all homeless children and youths.

[(D) Such other criteria as the State agency determines appropriate.

[(3) QUALITY.—In determining the quality of applications under paragraph (1), the State educational agency shall consider the following:

[(A) The applicant's needs assessment under subsection (b)(1) and the likelihood that the program presented in the application will meet such needs.

[(B) The types, intensity, and coordination of the services to be provided under the program.

[(C) The involvement of parents or guardians of homeless children or youths in the education of their children.

[(D) The extent to which homeless children and youths will be integrated within the regular education program.

[(E) The quality of the applicant's evaluation plan for the program.

[(F) The extent to which services provided under this subtitle will be coordinated with other services available to homeless children and youths and their families.

[(G) Such other measures as the State educational agency considers indicative of a high-quality program, such as the extent to which the local educational agency will provide case management or related services to unaccompanied youths.

[(4) DURATION OF GRANTS.—Grants awarded under this section shall be for terms not to exceed 3 years.

[(d) AUTHORIZED ACTIVITIES.—A local educational agency may use funds awarded under this section for activities that carry out the purpose of this subtitle, including the following:

[(1) The provision of tutoring, supplemental instruction, and enriched educational services that are linked to the achievement of the same challenging State academic content standards and challenging State student academic achievement standards the State establishes for other children and youths.

[(2) The provision of expedited evaluations of the strengths and needs of homeless children and youths, including needs and eligibility for programs and services (such as educational programs for gifted and talented students, children with disabilities, and students with limited English proficiency, services provided under title I of the Elementary and Secondary Education Act of 1965 or similar State or local programs, programs in vocational and technical education, and school nutrition programs).

[(3) Professional development and other activities for educators and pupil services personnel that are designed to heighten the understanding and sensitivity of such personnel to the needs of homeless children and youths, the rights of such children and youths under this subtitle, and the specific educational needs of runaway and homeless youths.

[(4) The provision of referral services to homeless children and youths for medical, dental, mental, and other health services.

[(5) The provision of assistance to defray the excess cost of transportation for students under section 722(g)(4)(A), not otherwise provided through Federal, State, or local funding, where necessary to enable students to attend the school selected under section 722(g)(3).

[(6) The provision of developmentally appropriate early childhood education programs, not otherwise provided through Federal, State, or local funding, for preschool-aged homeless children.

[(7) The provision of services and assistance to attract, engage, and retain homeless children and youths, and unaccompanied youths, in public school programs and services provided to nonhomeless children and youths.

[(8) The provision for homeless children and youths of before- and after-school, mentoring, and summer programs in which a teacher or other qualified individual provides tutoring, homework assistance, and supervision of educational activities.

[(9) If necessary, the payment of fees and other costs associated with tracking, obtaining, and transferring records necessary to enroll homeless children and youths in school, including birth certificates, immunization or medical records, academic records, guardianship records, and evaluations for special programs or services.

[(10) The provision of education and training to the parents of homeless children and youths about the rights of, and resources available to, such children and youths.

[(11) The development of coordination between schools and agencies providing services to homeless children and youths, as described in section 722(g)(5).

[(12) The provision of pupil services (including violence prevention counseling) and referrals for such services.

[(13) Activities to address the particular needs of homeless children and youths that may arise from domestic violence.

[(14) The adaptation of space and purchase of supplies for any nonschool facilities made available under subsection (a)(2) to provide services under this subsection.

[(15) The provision of school supplies, including those supplies to be distributed at shelters or temporary housing facilities, or other appropriate locations.

[(16) The provision of other extraordinary or emergency assistance needed to enable homeless children and youths to attend school.]

[SEC. 724. [42 U.S.C. 11434] SECRETARIAL RESPONSIBILITIES.]

[(a) REVIEW OF STATE PLANS.—In reviewing the State plan submitted by a State educational agency under section 722(g), the Secretary shall use a peer review process and shall evaluate whether State laws, policies, and practices described in such plan adequately address the problems of homeless children and youths relating to access to education and placement as described in such plan.

[(b) TECHNICAL ASSISTANCE.—The Secretary shall provide support and technical assistance to a State educational agency to assist such agency in carrying out its responsibilities under this subtitle, if requested by the State educational agency.

[(c) NOTICE.—The Secretary shall, before the next school year that begins after the date of enactment of the McKinney-Vento Homeless Education Assistance Improvements Act of 2001, create and disseminate nationwide a public notice of the educational rights of homeless children and youths and disseminate such notice to other Federal agencies, programs, and grantees, including Head Start grantees, Health Care for the Homeless grantees, Emergency Food and Shelter grantees, and homeless assistance programs administered by the Department of Housing and Urban Development.

[(d) EVALUATION AND DISSEMINATION.—The Secretary shall conduct evaluation and dissemination activities of programs designed to meet the educational needs of homeless elementary and secondary school students, and may use funds appropriated under section 726 to conduct such activities.

[(e) SUBMISSION AND DISTRIBUTION.—The Secretary shall require applications for grants under this subtitle to be submitted to the Secretary not later than the expiration of the 60-day period beginning on the date that funds are available for purposes of making such grants and shall make such grants not later than the expiration of the 120-day period beginning on such date.

[(f) DETERMINATION BY SECRETARY.—The Secretary, based on the information received from the States and information gathered by the Secretary under subsection (h), shall determine the extent to which State educational agencies are ensuring that each homeless child and homeless youth has access to a free appropriate public education, as described in section 721(1).

[(g) GUIDELINES.—The Secretary shall develop, issue, and publish in the Federal Register, not later than 60 days after the date of enactment of the McKinney-Vento Homeless Education Assistance Improvements Act of 2001, school enrollment guidelines for States with respect to homeless children and youths. The guidelines shall describe—

[(1) successful ways in which a State may assist local educational agencies to immediately enroll homeless children and youths in school; and

[(2) how a State can review the State's requirements regarding immunization and medical or school records and make such revisions to the requirements as are appropriate and necessary in order to enroll homeless children and youths in school immediately.

[(h) INFORMATION.—

[(1) IN GENERAL.—From funds appropriated under section 726, the Secretary shall, directly or through grants, contracts, or cooperative agreements, periodically collect and disseminate data and information regarding—

[(A) the number and location of homeless children and youths;

[(B) the education and related services such children and youths receive;

[(C) the extent to which the needs of homeless children and youths are being met; and

[(D) such other data and information as the Secretary determines to be necessary and relevant to carry out this subtitle.

[(2) COORDINATION.—The Secretary shall coordinate such collection and dissemination with other agencies and entities that receive assistance and administer programs under this subtitle.

[(i) REPORT.—Not later than 4 years after the date of enactment of the McKinney-Vento Homeless Education Assistance Improvements Act of 2001, the Secretary shall prepare and submit to the President and the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Edu-

cation, Labor, and Pensions of the Senate a report on the status of education of homeless children and youths, which shall include information on—

[(1) the education of homeless children and youths; and

[(2) the actions of the Secretary and the effectiveness of the programs supported under this subtitle.]

[SEC. 725. [42 U.S.C. 11434a] DEFINITIONS.]

[For purposes of this subtitle:

[(1) The terms "enroll" and "enrollment" include attending classes and participating fully in school activities.

[(2) The term "homeless children and youths"—

[(A) means individuals who lack a fixed, regular, and adequate nighttime residence (within the meaning of section 103(a)(1)); and

[(B) includes—

[(i) children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement;

[(ii) children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings (within the meaning of section 103(a)(2)(C));

[(iii) children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and

[(iv) migratory children (as such term is defined in section 1309 of the Elementary and Secondary Education Act of 1965) who qualify as homeless for the purposes of this subtitle because the children are living in circumstances described in clauses (i) through (iii).

[(3) The terms "local educational agency" and "State educational agency" have the meanings given such terms in section 9101 of the Elementary and Secondary Education Act of 1965.

[(4) The term "Secretary" means the Secretary of Education.

[(5) The term "State" means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

[(6) The term "unaccompanied youth" includes a youth not in the physical custody of a parent or guardian.]

[SEC. 726. [42 U.S.C. 11435] AUTHORIZATION OF APPROPRIATIONS.]

[For the purpose of carrying out this subtitle, there are authorized to be appropriated $100,000,000 for fiscal year 2009 and such sums as may be necessary for each subsequent fiscal year.]

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Subtitle B—Education for Homeless Children and Youth

SEC. 721. STATEMENT OF POLICY.

The following is the policy of Congress:

(1) Each State shall ensure that each homeless child and youth has access to the same free appropriate public education, including a public preschool education, as is provided to other children and youth.

(2) In any State where compulsory residency requirements or other requirements of laws, regulations, practices, or policies may act as a barrier to the identification, enrollment, attendance, or success in school of homeless children and youth, the State shall review and revise such laws, regulations, practices, or policies to ensure that homeless children and youth are afforded the same free appropriate public education as is provided to other children and youth.

(3) Homelessness is not a sufficient reason to separate students from the mainstream school environment.

(4) Homeless children and youth shall have access to the education and other services that such children and youth need to ensure that such children and youth have an opportunity to meet the same college and career ready State student academic achievement standards to which all students are held.

SEC. 722. GRANTS FOR STATE AND LOCAL ACTIVITIES FOR THE EDUCATION OF HOMELESS CHILDREN AND YOUTH.

(a) GENERAL AUTHORITY.—The Secretary is authorized to make grants to States from allotments made under subsection (c) and in accordance with this section to enable such States to carry out the activities described in subsections (d) through (h).

(b) APPLICATION.—In order for a State to be eligible to receive a grant under this section, the State educational agency, in consultation with other relevant State agencies, shall submit an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

(c) ALLOCATION AND RESERVATIONS.—

(1) ALLOCATION.—

(A) IN GENERAL.—Subject to subparagraph (C), the Secretary is authorized to allot to each State an amount that bears the same ratio to the amount appropriated for such year under section 726 that remains after the Secretary reserves funds under paragraph (2) and uses funds to carry out section 724 (d) and (h), as the amount allocated under section 1122 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6332) to the State for that year bears to the total amount allocated under section 1122 of such Act to all States for that year, except as provided in subparagraph (B).

(B) MINIMUM ALLOTMENTS.—No State shall receive for a fiscal year less under this paragraph than the greater of—

(i) $150,000; or

(ii) an amount that bears the same ratio to the amount appropriated for such year under section 726 that remains after the Secretary reserves funds under paragraph (2) and uses funds to carry out section 724 (d) and (h), as the amount the State received under this paragraph for the preceding fiscal year bears to the total amount received by all States under this paragraph for the preceding fiscal year.

(C) REDUCTION FOR INSUFFICIENT FUNDS.—If there are insufficient funds in a fiscal year to allot to each State the minimum amount under subparagraph (B), the Secretary shall ratably reduce the allotments to all States based on the proportionate share that each State received under this subsection for the preceding fiscal year.

(2) RESERVATIONS.—

(A) STUDENTS IN TERRITORIES.—The Secretary is authorized to reserve 0.1 percent of the amount appropriated for each fiscal year under section 726 to be allocated by the Secretary among the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, according to their respective need for assistance under this subtitle, as determined by the Secretary. Funds allocated under this subparagraph shall be used for programs that are consistent with the purposes of the programs described in this subtitle.

(B) INDIAN STUDENTS.—

(i) TRANSFER.—The Secretary shall transfer 1 percent of the amount appropriated for each fiscal year under section 726 to the Department of the Interior for programs that are for Indian students served by schools funded by the Secretary of the Interior, as determined under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), and that are consistent with the purposes of the programs described in this subtitle.

(ii) AGREEMENT.—The Secretary of Education and the Secretary of the Interior shall enter into an agreement, consistent with the requirements of this subtitle, for the distribution and use of the funds described in clause (i) under terms that the Secretary of Education determines best meet the purposes of the programs described in this subtitle. Such agreement shall set forth the plans of the Secretary of the Interior for the use of the funds transferred, including appropriate goals, objectives, and milestones for that use.

(d) STATE ACTIVITIES.—Grant funds from a grant made to a State under this section shall be used for the following:

(1) To provide activities for and services to improve the identification of homeless children and youth and enable such children and youth to enroll in, attend, and succeed in school.

(2) To establish or designate an Office of the Coordinator for Education of Homeless Children and Youth in the State educational agency in accordance with subsection (f) that has suffi-

cient knowledge, authority, and time to carry out the duties described in this subtitle.

(3) To prepare and carry out the duties described in subsection (f) in the State plan described in subsection (g).

(4) To develop and implement professional development activities for liaisons designated under subsection (g)(1)(J)(ii), other local educational agency and school personnel, and community agencies—

(A) to improve their identification of homeless children and youth; and

(B) to improve their awareness of, and capacity to respond to, specific needs in the education of homeless children and youth.

(e) STATE AND LOCAL SUBGRANTS.—

(1) MINIMUM DISBURSEMENTS BY STATES.—From the grant funds made available each year to a State under subsection (a) to carry out this subtitle, the State educational agency—

(A) may use not more that 20 percent of the State's allocation under subsection (c)(1) or $85,000, whichever amount is greater, for State-level activities; and

(B) shall use the remainder of the State's allocation after using amounts for State-level activities under subparagraph (A) to award subgrants to local educational agencies for the purposes of carrying out section 723.

(2) USE BY STATE EDUCATIONAL AGENCY.—A State educational agency may use funds for State-level activities made available under paragraph (1)(A) to conduct activities under subsection (f) directly or through grants or contracts.

(3) PROHIBITION ON SEGREGATING HOMELESS STUDENTS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), in providing a free public education to a homeless child or youth, no State receiving funds under this subtitle shall segregate such child or youth in a separate school, or in a separate program within a school, based on such child's or youth's status as homeless.

(B) EXCEPTION.—Notwithstanding subparagraph (A), paragraphs (1)(J)(i) and (3) of subsection (g), section 723(a)(2), and any other provision of this subtitle relating to the placement of homeless children or youths in schools, a State that has a separate school for homeless children or youths that was operated in fiscal year 2000 in a covered county shall be eligible to receive funds under this subtitle for programs carried out in such school if—

(i) the school meets the requirements of subparagraph (C);

(ii) any local educational agency serving a school that the homeless children and youths enrolled in the separate school are eligible to attend meets the requirements of subparagraph (E); and

(iii) the State is otherwise eligible to receive funds under this subtitle.

(C) SCHOOL REQUIREMENTS.—For the State to be eligible under subparagraph (B) to receive funds under this subtitle, the school described in such subparagraph shall—

(i) provide written notice, at the time any child or youth seeks enrollment in such school, and at least twice annually while the child or youth is enrolled in such school, to the parent or guardian of the child or youth (or, in the case of an unaccompanied youth, the youth) that—

(I) shall be signed by the parent or guardian (or, in the case of an unaccompanied youth, the youth);

(II) sets forth the general rights provided under this subtitle;

(III) specifically states—

(aa) the choice of schools homeless children and youths are eligible to attend, as provided in subsection (g)(4)(A);

(bb) that no homeless child or youth is required to attend a separate school for homeless children or youths;

(cc) that homeless children and youths shall be provided comparable services described in subsection (g)(5), including transportation services, educational services, and meals through school meals programs; and

(dd) that homeless children and youths should not be stigmatized by school personnel; and

(IV) provides contact information for the local liaison for homeless children and youths and the State Coordinator for Education of Homeless Children and Youths;

(ii)(I) provide assistance to the parent or guardian of each homeless child or youth (or, in the case of an unaccompanied youth, the youth) to exercise the right to attend the parent's or guardian's (or youth's) choice of schools, as provided in subsection (g)(4)(A); and

(II) coordinate with the local educational agency with jurisdiction for the school selected by the parent or guardian (or youth), to provide transportation and other necessary services;

(iii) ensure that the parent or guardian (or, in the case of an unaccompanied youth, the youth) shall receive the information required by this subparagraph in a manner and form understandable to such parent or guardian (or youth), including, if necessary and to the extent feasible, in the native language of such parent or guardian (or youth); and

(iv) demonstrate in the school's application for funds under this subtitle that such school—

(I) is complying with clauses (i) and (ii); and

(II) is meeting (as of the date of submission of the application) the same Federal and State standards, regulations, and mandates as other public schools in the State (such as complying with sections 1111 and 1116 of the Elementary and Secondary Education Act of 1965 and providing a full

range of education and related services, including services applicable to students with disabilities).

(D) SCHOOL INELIGIBILITY.—A separate school described in subparagraph (B) that fails to meet the standards, regulations, and mandates described in subparagraph (C)(iv)(II) shall not be eligible to receive funds under this subtitle for programs carried out in such school after the first date of such failure.

(E) LOCAL EDUCATIONAL AGENCY REQUIREMENTS.—For the State to be eligible to receive the funds described in subparagraph (B), the local educational agency described in subparagraph (B)(ii) shall—

(i) implement a coordinated system for ensuring that homeless children and youths—

(I) are advised of the choice of schools provided in subsection (g)(4)(A);

(II) are immediately enrolled, in accordance with subsection (g)(4)(C), in the school selected under subsection (g)(4)(A); and

(III) are promptly provided necessary services described in subsection (g)(5), including transportation, to allow homeless children and youths to exercise their choices of schools under subsection (g)(4)(A);

(ii) document that written notice has been provided—

(I) in accordance with subparagraph (C)(i) for each child or youth enrolled in a separate school under subparagraph (B); and

(II) in accordance with subsection (g)(7)(A)(vi);

(iii) prohibit schools within the agency's jurisdiction from referring homeless children or youths to, or requiring homeless children and youths to enroll in or attend, a separate school described in subparagraph (B);

(iv) identify and remove any barriers that exist in schools within the agency's jurisdiction that may have contributed to the creation or existence of separate schools described in subparagraph (B); and

(v) not use funds received under this subtitle to establish—

(I) new or additional separate schools for homeless children or youths; or

(II) new or additional sites for separate schools for homeless children or youths, other than the sites occupied by the schools described in subparagraph (B) in fiscal year 2000.

(F) REPORT.—

(i) PREPARATION.—The Secretary shall prepare a report on the separate schools and local educational agencies described in subparagraph (B) that receive funds under this subtitle in accordance with this paragraph. The report shall contain, at a minimum, information on—

(I) compliance with all requirements of this paragraph;

(II) barriers to school access in the school districts served by the local educational agencies; and

(III) the progress the separate schools are making in integrating homeless children and youths into the mainstream school environment, including the average length of student enrollment in such schools.

(ii) COMPLIANCE WITH INFORMATION REQUESTS.—For purposes of enabling the Secretary to prepare the report, the separate schools and local educational agencies shall cooperate with the Secretary and the State Coordinator for Education of Homeless Children and Youths established in the State under subsection (d)(2), and shall comply with any requests for information by the Secretary and State Coordinator for such State.

(iii) SUBMISSION.—The Secretary shall submit the report described in clause (i) to—

(I) the President;

(II) the Committee on Education and the Workforce of the House of Representatives; and

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

(G) DEFINITION.—For purposes of this paragraph, the term "covered county" means—

(i) San Joaquin County, California;

(ii) Orange County, California;

(iii) San Diego County, California; and

(iv) Maricopa County, Arizona.

(f) FUNCTIONS OF THE OFFICE OF THE COORDINATOR.—The Coordinator for Education of Homeless Children and Youth established in each State shall—

(1) gather and make publicly available reliable, valid, and comprehensive information on—

(A) the nature and extent of the problems homeless children and youth have in gaining access to public preschool programs, and to public elementary schools and secondary schools;

(B) the difficulties in identifying the special needs and barriers to participation and achievement of such children and youth;

(C) any progress made by the State educational agency and local educational agencies in the State in addressing such problems and difficulties; and

(D) the success of the programs under this subtitle in identifying homeless children and youth and allowing homeless children and youth to enroll in, attend, and succeed in, school; and

(2) develop and carry out the State plan described in subsection (g);

(3) collect data for and transmit to the Secretary, at such time and in such manner as the Secretary may require, reports containing such information as the Secretary determines is nec-

essary to assess the educational needs of homeless children and youth within the State, including data requested pursuant to subsection (h) of section 724;

(4) improve the provision of comprehensive education and related support services to homeless children and youth and their families, and to minimize educational disruption, through coordination of activities, and collaboration with—

(A) educators, including teachers, administrators, special education personnel, and child development and preschool program personnel;

(B) providers of services to homeless children and youth and homeless families, public and private child welfare and social services agencies, law enforcement agencies, juvenile and family courts, agencies providing mental health services, domestic violence agencies, child care providers, runaway and homeless youth centers, and providers of services and programs funded under the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.);

(C) providers of emergency, transitional, and permanent housing to homeless children and youth, and their families, including public housing agencies, shelter operators, operators of transitional housing facilities, and providers of transitional living programs for homeless youth;

(D) local educational agency liaisons designated under subsection (g)(1)(J)(ii) for homeless children and youth; and

(E) community organizations and groups representing homeless children and youth and their families;

(5) provide professional development and technical assistance to and conduct monitoring of local educational agencies, in coordination with local educational agency liaisons designated under subsection (g)(1)(J)(ii), to ensure that local educational agencies comply with the requirements of paragraphs (3) through (7) of subsection (g), and subsection (h); and

(6) make opportunities available for teachers and local educational agency liaisons designated under subsection (g)(1)(J)(ii) to participate in ongoing and relevant professional development programs and activities.

(g) STATE PLAN.—

(1) IN GENERAL.—Each State shall submit to the Secretary and implement a plan to provide for the education of all homeless children and youth within the State. Such plan shall include the following:

(A) A description of how such children and youth are (or will be) given the opportunity—

(i) to meet the same college and career ready State student academic achievement standards as all students are expected to meet; and

(ii) to become college and career ready.

(B) A description of the procedures the State educational agency will use, in coordination with local educational agencies, to identify such children and youth in the State and to assess their needs.

(C) A description of procedures for the prompt resolution of disputes arising under this subtitle, which shall—

(i) be developed in coordination and collaboration with the liaisons designated under subparagraph (J)(ii);

(ii) be readily available and provided in a written format and, to the extent practicable, in a manner and form understandable to the parents and guardians of homeless children and youth;

(iii) take into account the educational best interest of the homeless child or youth, or unaccompanied youth, involved; and

(iv) ensure that parents and guardians of homeless children and youth, and unaccompanied youth, who have exhausted the procedures available under this paragraph are able to appeal to the State educational agency, and are enrolled in school pursuant to paragraph (4)(C) and receive transportation pursuant to subparagraph (J)(iii) pending final resolution of the dispute.

(D) A description of programs for school personnel (including the liaisons, principals, attendance officers, teachers, enrollment personnel, and specialized instructional support personnel) to increase the awareness of such personnel of the specific needs of homeless adolescents, including runaway and homeless youth.

(E) A description of procedures that ensure that homeless children and youth are able to participate in Federal, State, or local nutrition programs.

(F) A description of procedures that ensure that—

(i) homeless children have access to public preschool programs, administered by the State educational agency or local educational agency, including through the policies and practices required under paragraph (3);

(ii) homeless youth, including youth separated from public schools, are identified and accorded equal access to appropriate and available secondary education and support services, including receiving appropriate credit for full or partial coursework satisfactorily completed while attending a prior school, and for work completed after their enrollment in a new school, consistent with State graduation requirements and accreditation standards; and

(iii) homeless children and youth who meet the relevant eligibility criteria are able to participate in Federal, State, or local before- and after-school care, magnet schools, summer schools, career and technical education, advanced placement, online learning opportunities, charter school programs, and relevant workforce investment programs.

(G) Strategies to address problems identified in the reports provided to the Secretary under subsection (f)(3).

(H) Strategies to address other problems with respect to the education of homeless children and youth, including enrollment problems related to—

(i) immunization and other required health records and screenings;

(ii) residency requirements;

(iii) lack of birth certificates, school records, or other documentation;

(iv) guardianship issues; or

(v) uniform or dress code requirements.

(I) A demonstration that the State educational agency, and local educational agencies and schools in the State, have developed and shall regularly review and revise their policies and practices to remove barriers to the identification, enrollment, attendance, retention, and success of homeless children and youth in schools in the State.

(J) Assurances that the following will be carried out:

(i) The State educational agency and local educational agencies in the State will adopt policies and practices to ensure that homeless children and youth are not stigmatized or segregated on the basis of their status as homeless.

(ii) Local educational agencies will designate an appropriate staff person as the local educational agency liaison for homeless children and youth, who shall have sufficient training and time to carry out the duties described in paragraph (7)(A), and who may also be a coordinator for other Federal programs.

(iii) The State and local educational agencies in the State will adopt policies and practices to ensure that transportation is provided at the request of the parent or guardian involved (or in the case of an unaccompanied youth, the liaison), to and from the school of origin, for as long as the student has the right to attend the school of origin as determined in paragraph (4)(A), in accordance with the following, as applicable:

(I) If the child or youth continues to live in the area served by the local educational agency for the school of origin, the child's or youth's transportation to and from the school of origin shall be provided or arranged by the local educational agency for the school of origin.

(II) If the child's or youth's living arrangements in the area served by the local educational agency of origin terminate and the child or youth, though continuing the child's or youth's education in the school of origin, begins living in an area served by another local educational agency, the local educational agency of origin and the local educational agency for the area in which the child or youth is living shall agree upon a method to apportion the responsibility and cost for providing transportation to and from the school of origin. If the local educational agencies are unable to agree upon such method, the responsibility and costs for transportation shall be shared equally between the agencies.

(iv) SCHOOL SUCCESS.—The State educational agency and local educational agencies will adopt policies and practices to promote school success for homeless children and youth, including access to full participation in academic and extracurricular activities that are made available to non-homeless students.

(2) COMPLIANCE.—

(A) IN GENERAL.—Each plan adopted under this subsection shall also describe how the State will ensure that local educational agencies in the State will comply with the requirements of paragraphs (3) through (7).

(B) COORDINATION.—Such plan shall indicate what technical assistance the State will furnish to local educational agencies and how compliance efforts will be coordinated with the local educational agency liaisons designated under paragraph (1)(J)(ii).

(3) SCHOOL READINESS FOR HOMELESS CHILDREN.—Each State plan adopted under this subsection shall ensure that entities carrying out preschool programs funded, administered, or overseen by the agency involved—

(A) shall not be required to enroll a homeless child immediately in an early learning program that is operating at full capacity when the child seeks to enroll;

(B) identify and prioritize homeless children for enrollment and increase their enrollment and attendance in early learning programs, including through policies such as—

(i) reserving spaces in preschool programs for homeless children;

(ii) conducting targeted outreach to homeless children and their families;

(iii) waiving application deadlines;

(iv) providing ongoing professional development for staff regarding the needs of homeless children and their families and strategies to serve the children and families; and

(v) developing the capacity to serve all identified homeless children; and

(C) review the educational and related needs of homeless children and their families in such agency's service area, in coordination with the liaison designated under paragraph (1)(J)(ii).

(4) LOCAL EDUCATIONAL AGENCY REQUIREMENTS.—

(A) IN GENERAL.—The local educational agency serving each child or youth to be assisted under this subtitle shall, according to the child's or youth's best interest—

(i) continue the child's or youth's education in the school of origin for the duration of homelessness—

(I) in any case in which the child or youth becomes a homeless child or youth between academic years or during an academic year; and

(II) for the remainder of the academic year, if the child or youth becomes permanently housed during an academic year; or

(ii) enroll the child or youth in any public school that nonhomeless students who live in the attendance area in which the child or youth is actually living are eligible to attend.

(B) BEST INTEREST IN SCHOOL STABILITY.—In determining the best interest of the child or youth under subparagraph (A), the local educational agency shall—

(i) presume that keeping a homeless child or youth in the school of origin is in the child's or youth's best interest, except when doing so is contrary to the wishes of the child's or youth's parent or guardian;

(ii) consider student-centered factors related to the child's or youth's best interest, including factors related to the impact of mobility on achievement, education, health, and safety of homeless children and youth, giving priority to the wishes of the homeless child's or youth's parent or guardian or the unaccompanied youth involved;

(iii) if, after conducting the best interest determination described in clause (ii), the local educational agency determines that it is not in the child's or youth's best interest to attend the school of origin or the school requested by the parent, guardian, or unaccompanied youth, provide, in coordination with the local education agency liaison, the homeless child's or youth's parent or guardian or the unaccompanied youth, with a written explanation in a manner or form understandable to such parent, guardian, or youth, to the extent practicable, including a statement regarding the right to appeal under subparagraph (E);

(iv) in the case of an unaccompanied youth, ensure that the local educational agency liaison assists in placement or enrollment decisions under this subparagraph, gives priority to the views of such unaccompanied youth, and provides notice to such youth of the right to appeal under subparagraph (E); and

(v) provide transportation pursuant to paragraphs (1)(J)(iii) and (4).

(C) ENROLLMENT.—

(i) ENROLLMENT.—The school selected in accordance with this paragraph shall immediately enroll the homeless child or youth, even if the child or youth—

(I) is unable to produce records traditionally required for enrollment, including previous academic records, health records, proof of residency or guardianship, or other documentation;

(II) has unpaid fines or fees from prior schools or is unable to pay fees in the school selected; or

(III) has missed application or enrollment deadlines during any period of homelessness.

(ii) CONTACTING SCHOOL LAST ATTENDED.—The enrolling school shall immediately contact the school last attended by the child or youth to obtain relevant academic and other records.

(iii) RELEVANT HEALTH RECORDS.—If the child or youth needs to obtain immunizations or other required health records, the enrolling school shall immediately refer the parent or guardian of the child or youth, or the unaccompanied youth, to the local educational agency liaison designated under paragraph (1)(J)(ii), who shall assist in obtaining necessary immunizations or screenings, or immunization or other required health records in accordance with subparagraph (D).

(iv) NO LIABILITY.—Whenever the school selected enrolls an unaccompanied youth in accordance with this paragraph, no liability shall be imposed upon the school by reason of enrolling the youth without parent or guardian consent.

(D) RECORDS.—Any record ordinarily kept by the school, including immunizations or medical records, academic records, birth certificates, guardianship records, and evaluations for special services or programs, regarding each homeless child or youth shall be maintained—

(i) so that the records involved are available when a homeless child or youth enters a new school or school district, even if the child or youth owes fees or fines or did not withdraw from the previous school in conformance with local withdrawal procedures; and

(ii) in a manner consistent with section 444 of the General Education Provisions Act (20 U.S.C. 1232g).

(E) DISPUTES.—If a dispute arises over eligibility, enrollment, school selection, or service in a public school or public preschool, or any other issue relating to services under this subtitle—

(i) in the case of a dispute relating to eligibility for enrollment or school selection, the child or youth shall be immediately enrolled in the school in which enrollment is sought, pending final resolution of the dispute including all available appeals;

(ii) the parent or guardian of the child or youth shall be provided with a written explanation of the school's decision regarding eligibility for enrollment, school selection, or services, made by the school or the local educational agency, which shall include information about the right to appeal the decision;

(iii) the child, youth, parent, or guardian shall be referred to the local educational agency liaison designated under paragraph (1)(J)(ii), who shall carry out the dispute resolution process as described in paragraph (1)(C) as expeditiously as possible after receiving notice of such dispute; and

(iv) in the case of an unaccompanied youth, the liaison shall ensure that the youth is immediately enrolled in school pending resolution of such dispute.

(F) PLACEMENT CHOICE.—The choice regarding placement shall be made regardless of whether the child or youth involved lives with the homeless parents or has been temporarily placed elsewhere.

(G) SCHOOL OF ORIGIN DEFINED.—In this paragraph, the term "school of origin" means the school that the child or youth attended when permanently housed or the school in which the child or youth was last enrolled.

(H) CONTACT INFORMATION.—Nothing in this subtitle shall prohibit a local educational agency from requiring a parent or guardian of a homeless child to submit contact information.

(I) PRIVACY.—Information about a homeless child's or youth's living situation shall be treated as a student education record under section 444 of the General Education Provisions Act (20 U.S.C. 1232g) and shall not be released to housing providers, employers, law enforcement personnel, or other persons or agencies not authorized to have such information under section 99.31 of title 34, Code of Federal Regulations, paying particular attention to preventing disruption of the living situation of the child or youth and to supporting the safety of such children and youth who are survivors of domestic violence and unaccompanied youth.

(J) ACADEMIC ACHIEVEMENT.—The school selected in accordance with this paragraph shall ensure that homeless children and youth have opportunities to meet the same college and career ready State student academic achievement standards to which other students are held, including implementing the policies and practices required by paragraph (1)(J)(iv).

(K) SCHOOL READINESS FOR HOMELESS CHILDREN.—Each local educational agency shall ensure school readiness for homeless children as described in paragraph (3).

(5) COMPARABLE SERVICES.—In addition to receiving services provided for homeless children and youth under this subtitle or other Federal, State, or local laws, regulations, policies, or practices, each homeless child or youth to be assisted under this subtitle also shall be provided services comparable to services offered to other students in the school selected under paragraph (4), including the following:

(A) Transportation services.

(B) Educational services for which the child or youth meets the eligibility criteria, including services provided under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), similar State or local programs, charter schools, magnet schools, educational programs for children with disabilities, and educational programs for students with limited English proficiency.

(C) Programs in career and technical education.

(D) Programs for gifted and talented students.

(E) School nutrition programs.

(F) Health and counseling services, as appropriate.

(6) COORDINATION.—

(A) IN GENERAL.—Each local educational agency shall coordinate—

(i) the provision of services under this subtitle with the services of local social services agencies and other agencies or entities providing services to homeless chil-

dren and youth and their families, including services and programs funded under the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.); and

(ii) transportation, transfer of school records, and other interdistrict activities, with other local educational agencies.

(B) HOUSING ASSISTANCE.—Each State educational agency and local educational agency that receives assistance under this subtitle shall coordinate, if applicable, with State and local housing agencies responsible for developing a comprehensive housing affordability strategy described in section 105 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12705) to minimize education disruption for children and youth who become homeless.

(C) COORDINATION PURPOSE.—The coordination required under subparagraphs (A) and (B) shall be designed to—

(i) ensure that all homeless children and youth are identified within a reasonable time frame;

(ii) ensure that homeless children and youth have access to and are in reasonable proximity to available education and related support services; and

(iii) raise the awareness of school personnel and service providers of the effects of short-term stays in a shelter and other challenges associated with homelessness.

(D) HOMELESS CHILDREN AND YOUTHS WITH DISABILITIES.—For children and youth who are to be assisted both under this subtitle, and under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) or section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), each local educational agency shall coordinate the provision of services under this subtitle with the provision of programs for children with disabilities served by such local educational agency and other involved local educational agencies.

(7) LOCAL EDUCATIONAL AGENCY LIAISON.—

(A) DUTIES.—Each local educational agency liaison for homeless children and youth, designated under paragraph (1)(J)(ii), shall ensure that—

(i) all homeless children and youth are identified by school personnel and through outreach and coordination activities with other entities and agencies;

(ii) homeless children and youth are enrolled in, and have a full and equal opportunity to succeed in, schools of that local educational agency;

(iii) homeless families, and homeless children and youth, have access to educational services for which such families, children, and youth are eligible, including services through Head Start, Early Head Start, early intervention, and Even Start programs, and preschool programs described in paragraph (3);

(iv) homeless families, and homeless children and youth receive referrals to health care services, dental services, mental health and substance abuse services, housing services, and other appropriate services;

(v) the parents or guardians of homeless children and youth are informed of the educational and related opportunities available to their children, including early learning opportunities, and are provided with meaningful opportunities to participate in the education of their children;

(vi) public notice of the educational rights of homeless children and youth is incorporated into documents related to residency requirements or enrollment, provided upon school enrollment and withdrawal, posted on the local educational agency's website, and disseminated in locations frequented by parents or guardians of such children and youth, and unaccompanied youth, including schools, shelters, public libraries, and soup kitchens, in a manner and form understandable to parents and guardians of homeless children and youth and unaccompanied youth;

(vii) disputes are resolved in accordance with paragraph (4)(E);

(viii) the parent or guardian of a homeless child or youth, and any unaccompanied youth, is fully informed of all transportation services, including transportation to the school of origin, as described in paragraph (1)(J)(iii), and is assisted in accessing transportation to the school that is selected under paragraph (4)(A);

(ix) school personnel are adequately prepared to implement this subtitle and receive professional development, resource materials, technical assistance, and other support; and

(x) unaccompanied youth—

(I) are enrolled in school;

(II) have opportunities to meet the same college and career ready State student academic achievement standards to which other students are held, including through implementation of the policies and practices required by subparagraphs (F)(ii) and (J)(iv) of paragraph (1); and

(III) are informed of their status as independent students under section 480 of the Higher Education Act of 1965 (20 U.S.C. 1087vv), including through school counselors that have received professional development about unaccompanied youth, and receive verification of such status for purposes of the Free Application for Federal Student Aid described in section 483 of such Act (20 U.S.C. 1090).

(B) NOTICE.—State Coordinators appointed under subsection (d)(3) and local educational agencies shall inform school personnel, service providers, and advocates working with homeless families and homeless children and youth of the contact information and duties of the local educational agency liaisons, including publishing an annually updated list of the liaisons on the State educational agency's website.

(C) LOCAL AND STATE COORDINATION.—The local educational agency liaisons shall, as a part of their duties, coordinate and collaborate with the State Coordinators and community and school personnel responsible for the provision of education and related support services to homeless children and youth. Such coordination shall include collecting and providing to the State Coordinator the reliable, valid, and comprehensive data needed to meet the requirements of paragraphs (1) and (3) of subsection (f).

(D) PROFESSIONAL DEVELOPMENT.—The local educational agency liaisons shall participate, as appropriate, in the professional development and other technical assistance activities provided by the State Coordinator pursuant to subsection (f)(5).

(h) SPECIAL RULE FOR EMERGENCY ASSISTANCE.—

(1) EMERGENCY ASSISTANCE.—

(A) RESERVATION OF AMOUNTS.—Subject to paragraph (4) and notwithstanding any other provision of this title, the Secretary shall use funds appropriated under section 726 for fiscal year 2012, for the purposes of providing emergency assistance through grants.

(B) GENERAL AUTHORITY.—The Secretary may use the funds to make grants to State educational agencies under paragraph (2), to enable the agencies to make subgrants to local educational agencies under paragraph (3), to provide activities described in section 723(d) for individuals referred to in subparagraph (C).

(C) ELIGIBLE INDIVIDUALS.—Funds made available under this subsection shall be used to provide such activities for eligible individuals, consisting of homeless children and youths, and their families, who—

(i) have become homeless due to home foreclosure, including children and youths, and their families, who became homeless when lenders foreclosed on properties rented by the families; or

(ii) have become homeless due to a major disaster, including natural disasters such as hurricanes, tornadoes, and floods, or man-made disasters such as acts of terrorism.

(2) GRANTS TO STATE EDUCATIONAL AGENCIES.—

(A) DISBURSEMENT.—The Secretary shall make grants with funds provided under paragraph (1)(A) to State educational agencies based on need, consistent with the number of eligible individuals described in paragraph (1)(C) in the States involved, as determined by the Secretary.

(B) ASSURANCE.—To be eligible to receive a grant under this paragraph, a State educational agency shall provide an assurance to the Secretary that the State educational agency, and each local educational agency receiving a subgrant from the State educational agency under this subsection shall ensure that the activities carried out under this subsection are consistent with the activities described in section 723(d).

(3) SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.—A State educational agency that receives a grant under paragraph (2) shall use the funds made available through the grant to make subgrants to local educational agencies. The State educational agency shall make the subgrants to local educational agencies based on need, consistent with the number of eligible individuals described in paragraph (1)(C) in the areas served by the local educational agencies, as determined by the State educational agency.

(4) RESTRICTION.—The Secretary—

(A) shall determine the amount (if any) by which the funds appropriated under section 726 for fiscal year 2009 exceed $70,000,000; and

(B) may only use funds from that amount to carry out this subsection.

(i) SCHOOL READINESS FOR HOMELESS CHILDREN.—Each State educational agency and local educational agency receiving assistance under this subtitle shall ensure that programs serving public preschool children comply with the requirements of this subtitle.

SEC. 723. LOCAL EDUCATIONAL AGENCY SUBGRANTS FOR THE EDUCATION OF HOMELESS CHILDREN AND YOUTH.

(a) GENERAL AUTHORITY.—

(1) IN GENERAL.—The State educational agency shall, in accordance with section 722(e), and from amounts made available to such agency under section 726, make subgrants to local educational agencies for the purpose of facilitating the identification, enrollment, attendance, and success in school of homeless children and youth.

(2) SERVICES.—

(A) IN GENERAL.—Services under paragraph (1)—

(i) may be provided through programs on school grounds or at other facilities; and

(ii) shall, to the maximum extent practicable, be provided through existing programs and mechanisms that integrate homeless children and youth with nonhomeless children and youth.

(B) SERVICES ON SCHOOL GROUNDS.—If services under paragraph (1) are provided to homeless children and youth on school grounds, the school involved may use funds under this subtitle to provide the same services to other children and youth who are determined by the local educational agency serving the school to be at risk of failing in, or dropping out of, school.

(3) REQUIREMENT.—Services provided under this section shall not replace the regular academic program and shall be designed to expand upon or improve services provided as part of the school's regular academic program.

(4) DURATION OF GRANTS.—Subgrants awarded under this section shall be for terms of not to exceed 3 years.

(b) APPLICATION.—A local educational agency that desires to receive a subgrant under this section shall submit an application to the State educational agency at such time, in such manner, and containing or accompanied by such information as the State edu-

cational agency may reasonably require. Such application shall include the following:

(1) An assessment of the educational and related needs of homeless children and youth in the area served by the local educational agency (which may be undertaken as part of a needs assessment for another disadvantaged group).

(2) A description of the services and programs for which assistance is sought to address the needs identified in paragraph (1).

(3) An assurance that the local educational agency's combined fiscal effort per student, or the aggregate expenditures of that agency and the State with respect to the provision of free public education by such agency for the fiscal year preceding the fiscal year for which the subgrant determination is made, was not less than 90 percent of such combined fiscal effort or aggregate expenditures for the second fiscal year preceding the fiscal year for which the determination is made.

(4) An assurance that the applicant complies with, or will use requested funds to comply with, paragraphs (3) through (7) of section 722(g).

(5) A description of policies and procedures that the agency will implement to ensure that activities carried out by the agency will not isolate or stigmatize homeless children and youth.

(6) An assurance that the local educational agency will collect and promptly provide data requested by the State Coordinator pursuant to paragraphs (1) and (3) of section 722(f).

(7) An assurance that the local educational agency has removed the policies and practices that have created barriers to the identification, enrollment, attendance, retention, and success in school of all homeless children and youth.

(c) AWARDS.—

(1) IN GENERAL.—The State educational agency shall, in accordance with the requirements of this subtitle and from amounts made available to it under section 722(a), make subgrants on a competitive basis to local educational agencies that submit applications under subsection (b). Such subgrants shall be awarded on the basis of the need of such agencies for assistance under this subtitle and the quality of the applications submitted.

(2) NEED.—

(A) IN GENERAL.—In determining need under paragraph (1), the State educational agency may consider the number of homeless children and youth enrolled in preschool, elementary schools, and secondary schools within the area served by the local educational agency, and shall consider the needs of such children and youth and the ability of the local educational agency to meet such needs.

(B) OTHER CONSIDERATIONS.—The State educational agency may also consider the following:

(i) The extent to which the proposed use of funds will facilitate the identification, enrollment, attendance, retention, and educational success of homeless children and youth.

(ii) The extent to which the application reflects coordination with other local and State agencies that serve homeless children and youth.

(iii) The extent to which the applicant exhibits in the application and in current practice (as of the date of submission of the application) a commitment to education for all homeless children and youth.

(iv) Such other criteria as the State agency determines to be appropriate.

(3) QUALITY.—In determining the quality of applications under paragraph (1), the State educational agency shall consider each of the following:

(A) The applicant's needs assessment under subsection (b)(2) and the likelihood that the program presented in the application will meet such needs.

(B) The types, intensity, and coordination of the services to be provided under the program.

(C) The extent to which the applicant will promote meaningful involvement of parents or guardians of homeless children or youth in the education of their children.

(D) The extent to which homeless children and youth will be integrated into the regular education program involved.

(E) The quality of the applicant's evaluation plan for the program.

(F) The extent to which services provided under this subtitle will be coordinated with other services available to homeless children and youth and their families, including housing and social services and services provided under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), and similar State and local programs.

(G) The extent to which the local educational agency will use the subgrant to leverage resources, including by maximizing nonsubgrant funding for the position of the liaison described in section 722(g)(1)(J)(ii) and the provision of transportation.

(H) The local educational agency's use of funds to serve homeless children and youth under section 1113(c)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6313(c)(3)).

(I) The extent to which the applicant's program meets such other measures as the State educational agency considers to be indicative of a high-quality program, including the extent to which the local educational agency will provide services to unaccompanied youth and preschool-aged children.

(J) The extent to which the application describes how the applicant will meet the requirements of section 722(g)(4).

(d) AUTHORIZED ACTIVITIES.—A local educational agency may use funds awarded under this section for activities that carry out the purpose of this subtitle, including the following:

(1) The provision of tutoring, supplemental instruction, and enriched educational services that are linked to the achievement

of the same college and career ready State academic content standards and college and career ready State student academic achievement standards as the State establishes for other children and youth.

(2) The provision of expedited evaluations of the strengths, needs, and eligibility of homeless children and youth, including needs and eligibility for programs and services (including educational programs for gifted and talented students, children with disabilities, and students with limited English proficiency, charter school programs, magnet school programs, and programs in career and technical education, and school nutrition programs).

(3) Professional development and other activities for educators and specialized instructional support personnel that are designed to heighten the understanding and sensitivity of such educators and personnel to the needs of homeless children and youth, the rights of such children and youth under this subtitle, and the specific educational needs of runaway and homeless youth.

(4) The provision of referral services to homeless children and youth for medical, dental, mental, and other health services.

(5) The provision of assistance to defray the cost of transportation under paragraphs (1)(J)(iii) and (5)(A) of section 722(g), not otherwise provided through Federal, State, or local funding.

(6) The provision of developmentally appropriate early childhood and care programs, not otherwise provided through Federal, State, or local funding.

(7) The provision of services and assistance to attract, engage, and retain homeless children and youth, particularly homeless children and youth who are not enrolled in school, in public school programs and services provided to nonhomeless children and youth.

(8) The provision for homeless children and youth of before- and after-school, mentoring, and summer programs in which a teacher or other qualified individual provides tutoring, homework assistance, and supervision of educational activities.

(9) If necessary, the payment of fees and other costs associated with tracking, obtaining, and transferring records necessary to facilitate the appropriate placement of homeless children and youth in school, including birth certificates, immunization or other required health records, academic records, guardianship records, and evaluations for special programs or services.

(10) The provision of education and training to the parents of homeless children and youth about the rights of, and resources available to, such children and youth, and other activities designed to increase the meaningful involvement of families of homeless children or youth in the education of their children.

(11) The development of coordination of activities between schools and agencies providing services to homeless children and youth, as described in section 722(g)(6).

(12) The provision of specialized instructional support services (including counseling) and referrals for such services.

(13) Activities to address the particular needs of homeless children and youth that may arise from domestic violence and parental mental health or substance abuse problems.

(14) The adaptation of space and purchase of supplies for any nonschool facilities made available under subsection (a)(2) to provide services under this subsection.

(15) The provision of school supplies, including supplies to be distributed at shelters or temporary housing facilities, or other appropriate locations.

(16) The provision of assistance to defray the cost of the position of liaison designated pursuant to section 722(g)(1)(J)(ii), not otherwise provided through Federal, State, or local funding.

(17) The provision of other extraordinary or emergency assistance needed to enable homeless children and youth to enroll, attend, and succeed in school, including in early learning programs.

SEC. 724. SECRETARIAL RESPONSIBILITIES.

(a) REVIEW OF STATE PLANS.—In reviewing the State plan submitted by a State educational agency under section 722(g), the Secretary shall use a peer review process and shall evaluate whether State laws, policies, and practices described in such plan adequately address the problems of all homeless children and youth relating to access to education and placement as described in such plan.

(b) TECHNICAL ASSISTANCE.—The Secretary—

(1) shall provide support and technical assistance to State educational agencies to assist such agencies in carrying out their responsibilities under this subtitle; and

(2) may designate an individual who shall coordinate services and activities for the education of homeless children and youth.

(c) NOTICE.—

(1) IN GENERAL.—The Secretary shall, before the next school year that begins after the date of enactment of the McKinney-Vento Homeless Education Reauthorization Act of 2011, develop and disseminate a public notice of the educational rights of homeless children and youth. The notice shall include information regarding the definition of homeless children and youth in section 725.

(2) DISSEMINATION.—The Secretary shall disseminate the notice nationally. The Secretary also shall disseminate such notice to heads of other Department of Education offices, including those responsible for special education programs, higher education, and programs under parts A, B, C, D, G, and H of title I, title III, title IV, and part B of title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq., 6361 et seq., 6391 et seq., 6421 et seq., 6531 et seq., 6551 et seq., 6801 et seq., 7102 et seq., and 7221 et seq.). The Secretary shall also disseminate such notice to heads of other Federal agencies, and grant recipients and other entities carrying out federally funded programs, including Head Start programs, grant recipients under the Health Care for the Homeless program of the Health Resources and Services Administration of the Department of Health and Human Services, grant recipients under the Emergency Food and Shelter National Board Program of the Federal Emergency Management Agency, grant recipients under the

Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.), grant recipients under the John H. Chafee Foster Care Independence program, grant recipients under homeless assistance programs administered by the Department of Housing and Urban Development, and recipients of Federal funding for programs carried out by the Administration on Children, Youth and Families of the Department of Health and Human Services.

(d) EVALUATION AND DISSEMINATION.—The Secretary shall conduct evaluation, dissemination, and technical assistance activities for programs that are designed to meet the educational needs of homeless preschool, elementary school, and secondary school students, and may use funds appropriated under section 726 to conduct such activities.

(e) SUBMISSION AND DISTRIBUTION.—The Secretary shall require applications for grants under section 722 to be submitted to the Secretary not later than the expiration of the 120-day period beginning on the date that funds are available for purposes of making such grants and shall make such grants not later than the expiration of the 180-day period beginning on such date.

(f) DETERMINATION BY SECRETARY.—The Secretary, based on the information received from the States and information gathered by the Secretary under subsection (h), shall determine the extent to which State educational agencies are ensuring that each homeless child or youth has access to a free appropriate public education, as described in section 721(1). The Secretary shall provide support and technical assistance to State educational agencies in areas in which barriers to a free appropriate public education persist.

(g) PUBLICATION.—The Secretary shall develop, issue, and publish in the Federal Register, not later than 90 days after the date of enactment of the McKinney-Vento Homeless Education Reauthorization Act of 2011, a summary of the changes enacted by that Act and related strategies, which summary shall include—

(1) strategies by which a State can assist local educational agencies to implement the provisions amended by the Act;

(2) strategies by which a State can review and revise State policies and procedures that may present barriers to the identification, enrollment, attendance, and success of homeless children and youth in school; and

(3) strategies by which entities carrying out preschool programs can implement requirements of section 722(g)(3).

(h) INFORMATION.—

(1) IN GENERAL.—From funds appropriated under section 726, the Secretary shall, directly or through grants, contracts, or cooperative agreements, periodically but not less frequently than every 2 years, collect and disseminate publicly data and information regarding—

(A) the number of homeless children and youth;

(B) the education and related support services such children and youth receive;

(C) the extent to which the needs of homeless children and youth are being met;

(D) the academic progress being made by homeless children and youth, including the percent or number of home-

less children and youth participating in State assessments; and

(E) such other data and information as the Secretary determines to be necessary and relevant to carry out this subtitle.

(2) COORDINATION.—The Secretary shall coordinate such collection and dissemination with other agencies and entities that receive assistance and administer programs under this subtitle.

(i) REPORT.—Not later than 4 years after the date of enactment of the McKinney-Vento Homeless Education Reauthorization Act of 2011, the Secretary shall prepare and submit to the President and the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report on the status of the provision of education and related support services to homeless children and youth, which shall include information on—

(1) the education of homeless children and youth; and

(2) the actions of the Secretary and the effectiveness of the programs supported under this subtitle.

SEC. 725. DEFINITIONS.

In this subtitle:

(1) ENROLL; ENROLLMENT.—The terms "enroll" and "enrollment" include attending classes and participating fully in school activities.

(2) HOMELESS CHILDREN AND YOUTH.—The term "homeless children and youth"—

(A) means individuals who lack a fixed, regular, and adequate nighttime residence (within the meaning of section 103(a)(1)); and

(B) includes—

(i) children and youth who—

(I) are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason;

(II) are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations;

(III) are living in emergency or transitional shelters; and

(IV) are abandoned in hospitals;

(ii) children and youth who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings (within the meaning of section 103(a)(2)(C));

(iii) children and youth who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and

(iv) migratory children (as such term is defined in section 1312 of the Elementary and Secondary Education Act of 1965) who qualify as homeless for the purposes of this subtitle because the children are living in circumstances described in clauses (i) through (iii).

(3) LOCAL EDUCATIONAL AGENCY; STATE EDUCATIONAL AGENCY.—The terms "local educational agency" and "State educational agency" have the meanings given such terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(4) SECRETARY.—The term "Secretary" means the Secretary of Education.

(5) STATE.—The term "State" means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

(6) UNACCOMPANIED YOUTH.—The term "unaccompanied youth" means a homeless child or youth not in the physical custody of a parent or legal guardian.

SEC. 726. AUTHORIZATION OF APPROPRIATIONS.

For the purpose of carrying out this subtitle, there are authorized to be appropriated such sums as may be necessary for fiscal year 2012 and each of the 6 succeeding fiscal years.

* * * * * * *

PUBLIC LAW 96–88

THE DEPARTMENT OF EDUCATION ORGANIZATION ACT

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TITLE II—ESTABLISHMENT OF THE DEPARTMENT

ESTABLISHMENT

SEC. 201. * * *

* * * * * * *

SEC. 220. (a) ESTABLISHMENT.—* * *

* * * * * * *

SEC. 221. ADVANCED RESEARCH PROJECTS AGENCY-EDUCATION.

(a) ESTABLISHMENT.—There shall be in the Department an Advanced Research Projects Agency-Education (referred to in this section as "ARPA–ED").

(b) PURPOSES.—ARPA–ED is established under this section for the purposes of pursuing breakthrough research and development in educational technology and providing the effective use of the technology to improve achievement for all students, by—

(1) identifying and promoting revolutionary advances in fundamental and applied sciences and engineering that could be translated into new learning technologies;

(2) developing novel learning technologies, and the enabling processes and contexts for effective use of those technologies;

(3) developing, testing, and evaluating the impact and efficacy of those technologies;

(4) accelerating transformational technological advances in areas in which the private sector, by itself, is not likely to accelerate such advances because of difficulties in implementation or adoption, or technical and market uncertainty;

(5) coordinating activities with nongovernmental entities to demonstrate technologies and research applications to facilitate technology transfer; and

(6) encouraging educational research using new technologies and the data produced by the technologies.

(c) AUTHORITIES OF SECRETARY.—The Secretary is authorized to—

(1) appoint a Director, who shall be responsible for carrying out the purposes of ARPA–ED, as described in subsection (b), and such additional functions as the Secretary may prescribe;

(2) establish processes for the development and execution of projects and the solicitation of entities to carry out the projects in a manner that is—

(A) tailored to the purposes of ARPA–ED and not constrained by other Department-wide administrative requirements that could detract from achieving program results; and

(B) designed to heighten transparency, and public- and private-sector involvement, to ensure that investments are made in the most promising areas;

(3) award grants, contracts, cooperative agreements, and cash prizes, and enter into other transactions (in accordance with such regulations as the Secretary may establish regarding other transactions);

(4) make appointments of up to 20 scientific, engineering, professional, and other mission-related employees, for periods of up to 4 years (which appointments may not be renewed) without regard to the provisions of title 5, United States Code, governing appointments in the competitive service;

(5)(A) prescribe the rates of basic pay for the personnel described in paragraph (4) at rates not in excess of the maximum rate of basic pay authorized for senior-level positions under section 5376 of title 5, United States Code, notwithstanding any provision of that title governing the rates of basic pay or classification of employees in the executive branch, but those personnel shall not receive any payment for service (such as an award, premium payment, incentive payment or bonus, allowance, or other similar payment) under any other provision of that title; and

(B) pay any employee appointed pursuant to paragraph (4) payments in addition to that basic pay, except that the total amount of those payments for any calendar year shall not exceed the lesser of—

(i) $25,000; or

(ii) the difference between the employee's annual rate of basic pay under paragraph (4) and the annual rate for level I of the Executive Schedule under section 5312 of title 5, United States Code, based on the rates in effect at the end of the applicable calendar year (or, if the employee separated during that year, on the date of separation);

(6) obtain independent, periodic, rigorous evaluations, as appropriate, of—

(A) the effectiveness of the processes ARPA-ED is using to achieve its purposes; and

(B) the effectiveness of individual projects assisted by ARPA–ED, using evidence standards developed in consultation with the Institute of Education Sciences, and the suitability of ongoing projects assisted by ARPA–ED for further investment or increased scale; and

(7) disseminate, through the comprehensive centers established under section 203 of the Educational Technical Assistance Act of 2002 (20 U.S.C. 9602), the regional educational laboratories system established under section 174 of the Education Sciences Reform Act of 2002 (20 U.S.C. 9564), or such other means as the Secretary determines to be appropriate, information on effective practices and technologies developed with ARPA–ED support.

(d) EVALUATION FUNDS.—The Secretary may use funds made available for ARPA–ED to pay the cost of the evaluations under subsection (c)(6).

(e) FEDERAL ADVISORY COMMITTEE ACT.—Notwithstanding any other provision of law, any advisory committee convened by the Secretary to provide advice with respect to this section shall be exempt from the requirements of the Federal Advisory Committee Act (5 U.S.C. App.) and the definition of "employee" in section 2105 of title 5, United States Code, shall not be considered to include any appointee to such a committee.

(f) NONDUPLICATION.—To the maximum extent practicable, the Secretary shall ensure that grants, contracts, cooperative agreements, cash prizes, or other assistance or arrangements awarded or entered into pursuant to this section that are designed to carry out the purposes of ARPA–ED do not duplicate activities under programs carried out under Federal law other than this section by the Department or other Federal agencies.

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HIGHER EDUCATION ACT OF 1965

* * * * * * *

TITLE I—GENERAL PROVISIONS

PART A—DEFINITIONS

SEC. 101. GENERAL DEFINITION OF INSTITUTION OF HIGHER EDUCATION.

(a) INSTITUTION OF HIGHER EDUCATION.—* * *

* * * * * * *

SEC. 103. ADDITIONAL DEFINITIONS.

In this Act:

(1) AUTHORIZING COMMITTEES.—* * *

* * * * * * *

(24) UNIVERSAL DESIGN FOR LEARNING.—* * *

(A) * * *

(B) reduces barriers in instruction, provides appropriate accommodations, supports, and challenges, and maintains

high achievement expectations for all students, including students with disabilities and [students who are limited English proficient]*English learners*.

* * * * * * *

TITLE II—TEACHER QUALITY ENHANCEMENT

SEC. 200. DEFINITIONS.

In this title:

(1) ARTS AND SCIENCES.—* * *

* * * * * * *

(6) ELIGIBLE PARTNERSHIP.—* * *

(A) * * *

* * * * * * *

(B) may include any of the following:

(i) * * *

* * * * * * *

(x) A charter school (as defined in [section 5210]*section 5411* of the Elementary and Secondary Education Act of 1965).

* * * * * * *

(7) ESSENTIAL COMPONENTS OF READING INSTRUCTION.—* * *

[(8) EXEMPLARY TEACHER.—The term "exemplary teacher" has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 .]

[(9)]*(8)* * * *

[(10)]*(9)* * * *

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[(11)]*(10)* * * *

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[(12)]*(11)* * * *

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[(13)*(12)* HIGHLY QUALIFIED.—The term "highly qualified" has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 and, with respect to special education teachers, in section 602 of the Individuals with Disabilities Education Act.]

(12) HIGHLY QUALIFIED TEACHER.—The term "highly qualified teacher" has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965.

[(14)]*(13)* * * *

* * * * * * *

[(15)]*(14)* LIMITED ENGLISH PROFICIENT.—The term "limited English proficient" has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.]

(14) ENGLISH LEARNER.—The term "English learner" has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

[(16)**]***(15)* * * *

[(17)**]***(16)* PARTNER INSTITUTION.—* * *

(A) * * *

* * * * * * *

(B) that requires—

(i) * * *

(ii) each student in the program preparing to become a teacher **[**to become highly qualified**]***to become a highly qualified teacher*; and

* * * * * * *

[(18)**]***(17)* * * *

* * * * * * *

[(19)**]***(18)* * * *

[(20)**]***(19)* * * *

[(21)**]***(20)* * * *

* * * * * * *

[(22)**]***(21)* TEACHING RESIDENCY PROGRAM.—* * *

(A) * * *

* * * * * * *

(D) prior to completion of the program—

(i) attains full State certification or licensure and **[**becomes highly qualified**]***becomes a highly qualified teacher*; and

* * * * * * *

[(23)**]***(22)* TEACHING SKILLS.—* * *

(A) * * *

* * * * * * *

(D) * * *

(i) * * *

* * * * * * *

(iii) focus on the identification of students' specific learning needs, particularly students with disabilities, **[**students who are limited English proficient**]***English learners*, students who are gifted and talented, and students with low literacy levels, and the tailoring of academic instruction to such needs;

* * * * * * *

SEC. 202. PARTNERSHIP GRANTS.

(a) PROGRAM AUTHORIZED.—* * *

(b) APPLICATION.—

(1) * * *

* * * * * * *

(6) a description of—

(A) * * *

* * * * * * *

(E) * * *

(i) * * *

(ii) [student academic achievement standards and academic content standards under section 1111(b)(1)]*college and career ready State academic content standards and student academic achievement standards under section 1111(a)(1)* of the Elementary and Secondary Education Act of 1965, established by the State in which the partnership is located;

* * * * * * *

(G) how the partnership will prepare general education and special education teachers to teach [students who are limited English proficient]*English learners*;

* * * * * * *

(d) PARTNERSHIP GRANTS FOR THE PREPARATION OF TEACHERS.—* * *

(1) REFORMS.—

(A) IN GENERAL.—* * *

(i) preparing—

(I) new or prospective teachers to be highly qualified *teachers* (including teachers in rural school districts who may teach multiple subjects, special educators, and teachers of [students who are limited English proficient]*English learners* who may teach multiple subjects);

* * * * * * *

(B) REQUIRED REFORMS.—* * *

(i) * * *

(ii) * * *

(I) * * *

* * * * * * *

(IV) * * *

(aa) meet the specific learning needs of all students, including students with disabilities, [students who are limited English proficient]*English learners*, students who are gifted and talented, students with low literacy levels and, as applicable, children in early childhood education programs; and

* * * * * * *

(iii) ensuring collaboration with departments, programs, or units of a partner institution outside of the teacher preparation program in all academic content areas to ensure that prospective teachers receive training in both teaching and relevant content areas in order to become highly qualified *teachers*, which may include training in multiple subjects to teach multiple grade levels as may be needed for individuals preparing to teach in rural communities and for individuals preparing to teach students with disabilities

as described in section 602(10)(D) of the Individuals with Disabilities Education Act;

* * * * * * *

(5) TEACHER RECRUITMENT.—* * *

(A) * * *

(B) individuals to teach in rural communities and teacher shortage areas, including mathematics, science, special education, and the instruction of [limited English proficient students]*English learners*; and

* * * * * * *

SEC. 204. ACCOUNTABILITY AND EVALUATION.

(a) ELIGIBLE PARTNERSHIP EVALUATION.—* * *

(1) * * *

* * * * * * *

(4)(A) * * *

* * * * * * *

(D) the percentage of highly qualified teachers hired by the high-need local educational agency who teach in high-need areas (including special education, language instruction educational programs for [limited English proficient students]*English learners*, and early childhood education);

* * * * * * *

SEC. 205. ACCOUNTABILITY FOR PROGRAMS THAT PREPARE TEACHERS.

(a) INSTITUTIONAL AND PROGRAM REPORT CARDS ON THE QUALITY OF TEACHER PREPARATION.—

(1) REPORT CARD.—* * *

(A) GOALS AND ASSURANCES.—* * *

* * * * * * *

(G) TEACHER TRAINING.—A description of the activities that prepare general education and special education teachers to teach students with disabilities effectively, including training related to participation as a member of individualized education program teams, as defined in section 614(d)(1)(B) of the Individuals with Disabilities Education Act, and to effectively teach [students who are limited English proficient]*English learners*.

* * * * * * *

(b) STATE REPORT CARD ON THE QUALITY OF TEACHER PREPARATION.—

(1) IN GENERAL.—* * *

(A) * * *

* * * * * * *

(C) A description of how the assessments and requirements described in subparagraph (A) are aligned with the [State's challenging academic content standards required under section 1111(b)(1)]*college and career ready State academic content standards required under section 1111(a)(1)* of the Elementary and Secondary Education Act

of 1965 and, as applicable, State early learning standards for early childhood education programs.

* * * * * * *

(L) The extent to which teacher preparation programs prepare teachers, including general education and special education teachers, to effectively teach [students who are limited English proficient]*English learners*.

* * * * * * *

SEC. 206. TEACHER DEVELOPMENT.

(a) ANNUAL GOALS.—Each institution of higher education that conducts a traditional teacher preparation program (including programs that offer any ongoing professional development programs) or alternative routes to State certification or licensure program, and that enrolls students receiving Federal assistance under this Act, shall set annual quantifiable goals for increasing the number of prospective teachers trained in teacher shortage areas designated by the Secretary or by the State educational agency, including mathematics, science, special education, and instruction of [limited English proficient students]*English learners*.

(b) ASSURANCES.—* * *

(1) * * *

* * * * * * *

(4) general education teachers receive training in providing instruction to diverse populations, including children with disabilities, [limited English proficient students]*English learners*, and children from low-income families; and

* * * * * * *

SEC. 208. GENERAL PROVISIONS.

(a) METHODS.—* * *

(b) SPECIAL RULE.—For each State that does not use content assessments as a means of ensuring that all teachers teaching in core academic subjects within the State are highly qualified *teachers*, as required under section 1119 of the Elementary and Secondary Education Act of 1965, in accordance with the State plan submitted or revised under section 1111 of such Act , and that each person employed as a special education teacher in the State who teaches elementary school or secondary school [is highly qualified]*is a highly qualified teacher* by the deadline, as required under section 612(a)(14)(C) of the Individuals with Disabilities Education Act, the Secretary shall—

(1) * * *

* * * * * * *

SEC. 242. AUGUSTUS F. HAWKINS CENTERS OF EXCELLENCE.

(a) PROGRAM AUTHORIZED.—* * *

(b) USE OF FUNDS.—Grants provided by the Secretary under this subpart shall be used to ensure that current and future teachers are highly qualified *teachers* by carrying out one or more of the following activities:

(1) Implementing reforms within teacher preparation programs to ensure that such programs are preparing teachers

who are highly qualified *teachers*, are able to understand scientifically valid research, and are able to use advanced technology effectively in the classroom, including use of instructional techniques to improve student academic achievement, by—

(A) * * *

* * * * * * *

SEC. 251. TEACH TO REACH GRANTS.

(a) AUTHORIZATION OF PROGRAM.—

(1) IN GENERAL.—* * *

* * * * * * *

(b) DEFINITION OF ELIGIBLE PARTNERSHIP.—* * *

(1) * * *

(A) * * *

(i) * * *

* * * * * * *

(iii) the graduates of which are highly qualified *teachers*;

* * * * * * *

SEC. 255. ADJUNCT TEACHER CORPS.

(a) PURPOSE.—* * *

* * * * * * *

(k) DEFINITION.—* * *

(1) meets the requirements of [section 9101(23)(B)(ii)]*section 9101(32)(A)(ii)(II)* of the Elementary and Secondary Education Act of 1965;

* * * * * * *

(3) is not the primary provider of instructional services to a student, unless the adjunct content specialist is under the direct supervision of a teacher who meets the requirements of [section 9101(23)]*section 9101(32)* of such Act.

* * * * * * *

SEC. 258. GRADUATE FELLOWSHIPS TO PREPARE FACULTY IN HIGH-NEED AREAS AT COLLEGES OF EDUCATION.

(a) GRANTS BY SECRETARY.—* * *

* * * * * * *

(d) TYPES OF FELLOWSHIPS SUPPORTED.—

(1) IN GENERAL.—An eligible institution that receives a grant under this section shall use the grant funds to provide graduate fellowships to individuals who are preparing for the professorate in order to prepare individuals to become highly qualified *teachers who will be* elementary school and secondary school mathematics and science teachers, special education teachers, and teachers who provide instruction for [limited English proficient students]*English learners*.

(2) TYPES OF STUDY.—* * *

(A) * * *

* * * * * * *

(C) The instruction of [limited English proficient students]*English learners*, including postbaccalaureate study in language instruction educational programs.

* * * * * * *

SEC. 402B. TALENT SEARCH.

(a) PROGRAM AUTHORITY.—* * *

* * * * * * *

(c) PERMISSIBLE SERVICES.—* * *

(1) * * *

* * * * * * *

(7) programs and activities as described in subsection (b) or paragraphs (1) through (6) of this subsection that are specially designed for [students who are limited English proficient]*English learners*, students from groups that are traditionally underrepresented in postsecondary education, students with disabilities, students who are homeless children and youths (as such term is defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a)), students who are in foster care or are aging out of the foster care system, or other disconnected students.

* * * * * * *

SEC. 402C. UPWARD BOUND.

(a) PROGRAM AUTHORITY.—* * *

* * * * * * *

(d) PERMISSIBLE SERVICES.—* * *

(1) * * *

* * * * * * *

(7) programs and activities as described in subsection (b), subsection (c), or paragraphs (1) through (6) of this subsection that are specially designed for [students who are limited English proficient]*English learners*, students from groups that are traditionally underrepresented in postsecondary education, students with disabilities, students who are homeless children and youths (as such term is defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a)), students who are in foster care or are aging out of the foster care system, or other disconnected students.

* * * * * * *

SEC. 402D. [20 U.S.C. 1070a–14] STUDENT SUPPORT SERVICES.

(a) PROGRAM AUTHORITY.—* * *

(1) * * *

* * * * * * *

(3) to foster an institutional climate supportive of the success of [students who are limited English proficient]*English learners*, students from groups that are traditionally underrepresented in postsecondary education, students with disabilities, students who are homeless children and youths (as such term is defined in section 725 of the McKinney-Vento Homeless As-

sistance Act (42 U.S.C. 11434a)), students who are in foster care or are aging out of the foster care system, or other disconnected students; and

* * * * * * *

(c) PERMISSIBLE SERVICES.—* * *

(1) * * *

* * * * * * *

(6) programs and activities as described in subsection (b) or paragraphs (1) through (4) of this subsection that are specially designed for [students who are limited English proficient]*English learners*, students from groups that are traditionally underrepresented in postsecondary education, students with disabilities, students who are homeless children and youths (as such term is defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a)), students who are in foster care or are aging out of the foster care system, or other disconnected students.

* * * * * * *

SEC. 402F. EDUCATIONAL OPPORTUNITY CENTERS.

(a) PROGRAM AUTHORITY; SERVICES PROVIDED.—* * *

* * * * * * *

(b) PERMISSIBLE SERVICES.—* * *

(1) * * *

(11) programs and activities as described in paragraphs (1) through (10) that are specially designed for [students who are limited English proficient]*English learners*, students from groups that are traditionally underrepresented in postsecondary education, students with disabilities, students who are homeless children and youths (as such term is defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a)), students who are in foster care or are aging out of the foster care system, or other disconnected students.

* * * * * * *

SEC. 404D. ACTIVITIES.

(a) REQUIRED ACTIVITIES.—* * *

* * * * * * *

(b) PERMISSIBLE ACTIVITIES FOR STATES AND PARTNERSHIPS.—* * *

(1) * * *

* * * * * * *

(10) * * *

(A) * * *

* * * * * * *

(K) programs and activities described in this subsection that are specially designed for [students who are limited English proficient]*English learners*.

* * * * * * *

(c) ADDITIONAL PERMISSIBLE ACTIVITIES FOR STATES.—* * *

(1) * * *

* * * * * * *

(6)(A) * * *

(B) * * *

(i) * * *

(ii) preparing students, including students with disabilities and [students who are limited English proficient]*English learners*, to succeed academically in, and prepare financially for, postsecondary education.

* * * * * * *

SEC. 428J. LOAN FORGIVENESS FOR TEACHERS.

(a) STATEMENT OF PURPOSE.—* * *

(b) PROGRAM AUTHORIZED.—* * *

(1) * * *

(A) * * *

(B) if employed as an elementary school or secondary school teacher, [is highly qualified]*is a highly qualified teacher* as defined in section 9101 of the Elementary Secondary Education Act of 1965, or meets the requirements of subsection (g)(3); and

* * * * * * *

SEC. 428K. LOAN FORGIVENESS FOR SERVICE IN AREAS OF NATIONAL NEED.

(a) PROGRAM AUTHORIZED.—* * *

* * * * * * *

(b) AREAS OF NATIONAL NEED.—* * *

(1) EARLY CHILDHOOD EDUCATORS.—* * *

* * * * * * *

(5) HIGHLY QUALIFIED TEACHERS SERVING [STUDENTS WHO ARE LIMITED ENGLISH PROFICIENT]*ENGLISH LEARNERS*, LOW-INCOME COMMUNITIES, AND UNDERREPRESENTED POPULATIONS.—The individual—

(A) [is highly qualified]*is a highly qualified teacher*, as such term is defined in section 9101 of the Elementary and Secondary Education Act of 1965; and

(B) is employed full-time—

(i) as a teacher educating [students who are limited English proficient]*English learners*;

* * * * * * *

SEC. 460. LOAN CANCELLATION FOR TEACHERS.

(a) STATEMENT OF PURPOSE.—* * *

(b) PROGRAM AUTHORIZED.—* * *

(1) * * *

(A) * * *

(B) if employed as an elementary school or secondary school teacher, [is highly qualified]*is a highly qualified teacher* as defined in section 9101 of the Elementary and

Secondary Education Act of 1965, or meets the requirements of subsection (g)(3); and

* * * * * * *

SEC. 741. FUND FOR THE IMPROVEMENT OF POSTSECONDARY EDUCATION.

(a) AUTHORITY.—* * *

(1) * * *

* * * * * * *

(10) the provision of support and assistance to partnerships between institutions of higher education and secondary schools with a significant population of students identified as late-entering [limited English proficient students]*English learners*, to establish programs that—

(A) result in increased secondary school graduation rates of [limited English proficient students]*English learners*; and

(B) increase the number of participating late-entering [limited English proficient students]*English learners* who pursue postsecondary education;

* * * * * * *

SEC. 806. TEACH FOR AMERICA.

(a) DEFINITIONS.—* * *

(1) GRANTEE.—* * *

[(2) HIGHLY QUALIFIED.—The term "highly qualified" has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 or section 602 of the Individuals with Disabilities Education Act.]

(2) HIGHLY QUALIFIED TEACHER.—The term "highly qualified teacher" has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

* * * * * * *

INDIVIDUALS WITH DISABILITIES EDUCATION ACT

* * * * * * *

SEC. 602. DEFINITIONS.

Except as otherwise provided, in this title:

(1) ASSISTIVE TECHNOLOGY DEVICE.—

(A) IN GENERAL.—* * *

* * * * * * *

(10) HIGHLY QUALIFIED.—

(A) IN GENERAL.—For any special education teacher, the term "highly qualified" [has the meaning given the term in section 9101]*means that the teacher is a highly qualified teacher in accordance with subparagraphs (A) and (B) of section 9101(32)* of the Elementary and Secondary Education Act of 1965, except that such term also—

(i) * * *

(ii) includes the option for teachers to meet the [requirements of section 9101]*requirements for a highly qualified teacher as defined in section 9101(32)(A)* of

such Act by meeting the requirements of subparagraph (C) or (D).

* * * * * * *

(C) SPECIAL EDUCATION TEACHERS TEACHING TO ALTERNATE ACHIEVEMENT STANDARDS.—When used with respect to a special education teacher who teaches core academic subjects exclusively to children who are assessed against alternate achievement standards established under the regulations promulgated under [section 1111(b)(1)]*section 1111(a)(1)* of the Elementary and Secondary Education Act of 1965, such term means the teacher, whether new or not new to the profession, may either—

(i) meet the applicable [requirements of section 9101]*requirements for a highly qualified teacher, as defined in section 9101* of such Act for any elementary, middle, or secondary school teacher who is new or not new to the profession; or

(ii) meet the requirements of [subparagraph (B) or (C) of section 9101(23)]*clause (ii) or (iii) of section 9101(32)(A)* of such Act as applied to an elementary school teacher, or, in the case of instruction above the elementary level, has subject matter knowledge appropriate to the level of instruction being provided, as determined by the State, needed to effectively teach to those standards.

(D) SPECIAL EDUCATION TEACHERS TEACHING MULTIPLE SUBJECTS.—* * *

(i) meet the [applicable requirements of section 9101]*applicable requirements to be a highly qualified teacher as defined in section 9101* of the Elementary and Secondary Education Act of 1965 for any elementary, middle, or secondary school teacher who is new or not new to the profession;

(ii) in the case of a teacher who is not new to the profession, demonstrate competence in all the core academic subjects in which the teacher teaches in the same manner as is required for an elementary, middle, or secondary school teacher who is not new to the profession under [section 9101(23)(C)(ii)]*section 9101(32)(A)(iii)(II)* of such Act, which may include a single, high objective uniform State standard of evaluation covering multiple subjects; or

(iii) in the case of a new special education teacher who teaches multiple subjects and who is highly qualified in mathematics, language arts, or science, demonstrate competence in the other core academic subjects in which the teacher teaches in the same manner as is required for an elementary, middle, or secondary school teacher under [section 9101(23)(C)(ii)]*section 9101(32)(A)(iii)(II)* of such Act, which may include a single, high objective uniform State standard of eval-

uation covering multiple subjects, not later than 2 years after the date of employment.

* * * * * * *

(F) DEFINITION FOR PURPOSES OF THE ESEA.—A teacher who is highly qualified under this paragraph shall be considered [highly qualified for purposes of]*to be a highly qualified teacher for purposes of* the Elementary and Secondary Education Act of 1965.

* * * * * * *

(18) LIMITED ENGLISH PROFICIENT.—The term "limited English proficient" [has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965]*when used in reference to an individual, means an individual who meets the requirements described in subparagraphs (C) and (D) of section 9101(23) of the Elementary and Secondary Education Act of 1965*.

* * * * * * *

SEC. 611. AUTHORIZATION; ALLOTMENT; USE OF FUNDS; AUTHORIZATION OF APPROPRIATIONS.

(a) GRANTS TO STATES.—

(1) PURPOSE OF GRANTS.—* * *

* * * * * * *

(e) STATE-LEVEL ACTIVITIES.—

(1) STATE ADMINISTRATION.—

(A) IN GENERAL.—* * *

(2) OTHER STATE-LEVEL ACTIVITIES.—

(A) STATE-LEVEL ACTIVITIES.—

(i) IN GENERAL.—* * *

* * * * * * *

(C) AUTHORIZED ACTIVITIES.—* * *

(i) * * *

* * * * * * *

(x) To support the development and provision of appropriate accommodations for children with disabilities, or the development and provision of alternate assessments that are valid and reliable for assessing the performance of children with disabilities, in accordance with [sections 1111(b) and 6111]*sections 1111 and 1131* of the Elementary and Secondary Education Act of 1965.

(xi) To provide technical assistance to schools and local educational agencies, and direct services[, including supplemental educational services as defined in 1116(e) of the Elementary and Secondary Education Act of 1965] to children with disabilities, in schools or local educational agencies identified for improvement under section 1116 of the Elementary and Secondary Education Act of 1965 on the sole basis of the assessment results of the disaggregated subgroup of children with disabilities, including providing professional development to special and regular education teachers,

who teach children with disabilities, based on scientifically based research to improve educational instruction, in order to improve academic achievement to meet or exceed the objectives established by the State under [section 1111(b)(2)(G)]*section 1111(a)(3)(A)(ii) of* the Elementary and Secondary Education Act of 1965.

* * * * * * *

SEC. 612. STATE ELIGIBILITY.

(a) IN GENERAL.—* * *

(1) FREE APPROPRIATE PUBLIC EDUCATION.—

(A) IN GENERAL.—* * *

* * * * * * *

(15) PERFORMANCE GOALS AND INDICATORS.—The State—

(A) * * *

(i) * * *

[(ii) are the same as the State's definition of adequate yearly progress, including the State's objectives for progress by children with disabilities, under section 1111(b)(2)(C) of the Elementary and Secondary Education Act of 1965;]

[(iii)]*(ii)* * * *

[(iv)]*(iii)* * * *

(B) has established performance indicators the State will use to assess progress toward achieving the goals described in subparagraph (A)[, including measurable annual objectives for progress by children with disabilities under section 1111(b)(2)(C)(v)(II)(cc) of the Elementary and Secondary Education Act of 1965]; and

(C) will annually report to the Secretary and the public on the progress of the State, and of children with disabilities in the State, toward meeting the goals established under subparagraph (A), which may include elements of the reports required under [section 1111(h)]*section 1111(e)* of the Elementary and Secondary Education Act of 1965.

(16) PARTICIPATION IN ASSESSMENTS.—

(A) IN GENERAL.—* * *

* * * * * * *

(C) ALTERNATE ASSESSMENTS.—

(i) IN GENERAL.—* * *

(ii) REQUIREMENTS FOR ALTERNATE ASSESSMENTS.—* * *

(I) * * *

(II) if the State has adopted alternate academic achievement standards permitted under the regulations promulgated to carry out [section 1111(b)(1)]*section 1111(a)* of the Elementary and Secondary Education Act of 1965, measure the achievement of children with disabilities against those standards.

SEC. 654. USE OF FUNDS.

(a) PROFESSIONAL DEVELOPMENT ACTIVITIES.—* * *

(1) * * *

(A) * * *

(B) use standards or assessments for guiding beginning teachers that are consistent with [challenging State student academic achievement and functional standards and with the requirements for professional development, as defined in section 9101]*college and career ready State academic achievement and functional standards and with the requirements for professional development, as defined in section 9101* of the Elementary and Secondary Education Act of 1965; and

* * * * * * *

SEC. 663. TECHNICAL ASSISTANCE, DEMONSTRATION PROJECTS, DISSEMINATION OF INFORMATION, AND IMPLEMENTATION OF SCIENTIFICALLY BASED RESEARCH.

(a) IN GENERAL.—* * *

(b) REQUIRED ACTIVITIES.—* * *

(1) * * *

(2) improving the alignment, compatibility, and development of valid and reliable assessments and alternate assessments [for assessing adequate yearly progress, as described under section 1111(b)(2)(B)]*as described under section 1111(a)(2)* of the Elementary and Secondary Education Act of 1965;

* * * * * * *

CARL D. PERKINS CAREER AND TECHNICAL EDUCATION ACT OF 2006

* * * * * * *

SEC. 3. DEFINITIONS.

Unless otherwise specified, in this Act:

(1) ADMINISTRATION.—* * *

* * * * * * *

(8) CHARTER SCHOOL.—The term "charter school" has the meaning given the term in [section 5210]*section 5411* of the Elementary and Secondary Education Act of 1965.

* * * * * * *

SEC. 8. PROHIBITIONS.

(a) LOCAL CONTROL.—* * *

* * * * * * *

(e) COHERENT AND RIGOROUS CONTENT.—For the purposes of this Act, coherent and rigorous content shall be determined by the State consistent with [section 1111(b)(1)(D)]*section 1111(a)(1)* of the Elementary and Secondary Education Act of 1965.

* * * * * * *

SEC. 113. ACCOUNTABILITY.

(a) PURPOSE.—* * *

(b) STATE PERFORMANCE MEASURES.—

(1) IN GENERAL.—* * *

* * * * * * *

(2) INDICATORS OF PERFORMANCE.—

(A) CORE INDICATORS OF PERFORMANCE FOR CAREER AND TECHNICAL EDUCATION STUDENTS AT THE SECONDARY LEVEL.—* * *

(i) Student attainment of [challenging academic content standards and student academic achievement standards, as adopted by a State in accordance with section 1111(b)(1) of the Elementary and Secondary Education Act of 1965 and measured by the State determined proficient levels on the academic assessments described in section 1111(b)(3) of such Act]*college and career ready State academic content and student academic achievement standards, as adopted by a State in accordance with section 1111(a)(1) of the Elementary and Secondary Education Act of 1965 and measured by the State-determined proficient levels on the academic assessments described in section 1111(a)(2) of such Act*.

* * * * * * *

(iv) [Student graduation rates (as described in section 1111(b)(2)(C)(vi) of the Elementary and Secondary Education Act of 1965)]*Student graduation rates (as described under section 9101 of the Elementary and Secondary Education Act of 1965)*.

* * * * * * *

(4) LOCAL LEVELS OF PERFORMANCE.—

(A) LOCAL ADJUSTED LEVELS OF PERFORMANCE FOR CORE INDICATORS OF PERFORMANCE.—

(i) IN GENERAL.—* * *

* * * * * * *

(C) LOCAL REPORT.—

(i) CONTENT OF REPORT.—* * *

(ii) DATA.—* * *

(I) disaggregate data for each of the indicators of performance under paragraph (2) for the [categories of students described in section 1111(h)(1)(C)(i)]*categories of students described in section 1111(a)(2)(B)(ix)* of the Elementary and Secondary Education Act of 1965 and section 3(29) that are served under this Act; and

* * * * * * *

(c) REPORT.—

(1) IN GENERAL.—* * *

* * * * * * *

(2) DATA.—* * *

(A) disaggregate data for each of the indicators of performance under subsection (b)(2) for the [categories of students described in section 1111(h)(1)(C)(i)]*categories of students described in section 1111(a)(2)(B)(ix)* of the Elemen-

tary and Secondary Education Act of 1965 and section 3(29) that are served under this Act; and

* * * * * * *

SEC. 114. NATIONAL ACTIVITIES.

(a) PROGRAM PERFORMANCE INFORMATION.—

(1) IN GENERAL.—* * *

* * * * * * *

(d) ADVISORY PANEL; EVALUATION; REPORTS.—

(1) INDEPENDENT ADVISORY PANEL.—

(A) IN GENERAL.—* * *

* * * * * * *

(4) RESEARCH.—

(A) IN GENERAL.—* * *

(i) * * *

* * * * * * *

(iii) * * *

(I) * * *

(aa) integrating those programs with [academic content standards and student academic achievement standards, as adopted by States under section 1111(b)(1)]*college and career ready State academic content and student academic achievement standards, as adopted by a State in accordance with section 1111(a)(1)* of the Elementary and Secondary Education Act of 1965; and

* * * * * * *

SEC. 122. STATE PLAN.

(a) STATE PLAN.—

(1) IN GENERAL.—* * *

* * * * * * *

(c) PLAN CONTENTS.—The State plan shall include information that—

(1) * * *

(A) * * *

* * * * * * *

(I) how funds will be used to improve or develop new career and technical education courses—

(i) at the secondary level that are aligned with [rigorous and challenging academic content standards and student academic achievement standards adopted by the State under section 1111(b)(1)]*college and career ready State academic content and student academic achievement standards, as adopted by a State in accordance with section 1111(a)(1)* of the Elementary and Secondary Education Act of 1965;

* * * * * * *

NATIONAL AND COMMUNITY SERVICE ACT OF 1990

* * * * * * *

SEC. 112. ASSISTANCE TO STATES, TERRITORIES, AND INDIAN TRIBES.

(a) ALLOTMENTS TO STATES, TERRITORIES, AND INDIAN TRIBES.—* * *

(1) * * *

(A) * * *

* * * * * * *

(F) establishing effective outreach and dissemination of information to ensure the broadest possible participation of schools throughout the State, throughout the territory, or serving the Indian tribe involved with particular [attention to schools not making adequate yearly progress for two or more consecutive years under section 1111 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.)]*attention to schools that are identified as achievement gap schools or persistently low-achieving schools under subsection (b) or (c) of section 1116 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316)*;

* * * * * * *

SEC. 119. INNOVATIVE AND COMMUNITY-BASED SERVICE-LEARNING PROGRAMS AND RESEARCH.

(a) DEFINITIONS.—* * *

(1) ELIGIBLE ENTITY.—* * *

(2) ELIGIBLE PARTNERSHIP.—The term "eligible partnership" means a partnership that—

(A) shall include—

(i) * * *

(ii) a local educational agency for which—

(I) * * *

(II) [the graduation rate (as defined in section 1111(b)(2)(C)(vi)]*the graduation rate (as defined under section 9101(30)* of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(vi)) and as clarified in applicable regulations promulgated by the Department of Education for the secondary school students served by the agency is less than 70 percent; and

* * * * * * *

SEC. 120. STUDY AND REPORT.

(a) STUDY.—

(1) IN GENERAL.—* * *

(2) CONTENTS.—* * *

(A) * * *

* * * * * * *

(C) [improved graduation rates, as defined in section 1111(b)(2)(C)(vi)]*improved graduation rates, as defined under section 9101* of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(vi)) and as

clarified in applicable regulations promulgated by the Department of Education; and

* * * * * * *

SEC. 122. NATIONAL SERVICE PROGRAMS ELIGIBLE FOR PROGRAM ASSISTANCE.

(a) NATIONAL SERVICE CORPS.—* * *

(1) EDUCATION CORPS.—

(A) IN GENERAL.—* * *

* * * * * * *

(C) EDUCATION CORPS INDICATORS.—* * *

(i) * * *

* * * * * * *

(iii) [secondary school graduation rates as defined in section 1111(b)(2)(C)(vi)]*secondary school graduation rates as defined under section 9101* of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(vi)) and as clarified in applicable regulations promulgated by the Department of Education;

* * * * * * *

(i) REQUIREMENTS FOR TUTORING PROGRAMS.—* * *

(1) offer a curriculum that is high quality, research-based, and consistent with the State *college and career ready* academic content standards required by section 1111 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311) and the instructional program of the local educational agency; and

* * * * * * *

PUBLIC LAW 110–69

AMERICA COMPETES ACT

* * * * * * *

SEC. 6112. DEFINITIONS.

In this part:

(1) * * *

* * * * * * *

(3) * * *

(A)(i) * * *

* * * * * * *

(B)(i) for which there is a high percentage of teachers providing instruction in academic subject areas or grade levels for which the teachers are not highly qualified *teachers*; or

(ii) * * *

[(4) HIGHLY QUALIFIED.—The term "highly qualified" has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801) and, with respect to sepcial education teachers, in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401).]

(4) HIGHLY QUALIFIED TEACHER.—The term "highly qualified teacher" has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

* * * * * * *

SEC. 6113. PROGRAMS FOR BACCALAUREATE DEGREES IN SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, OR CRITICAL FOREIGN LANGUAGES, WITH CONCURRENT TEACHER CERTIFICATION.

(a) * * *

* * * * * * *

(d) AUTHORIZED ACTIVITIES.—

(1) IN GENERAL.—* * *

* * * * * * *

(2) PROGRAM REQUIREMENTS.—The program shall—

(A) * * *

* * * * * * *

(G) * * *

(i) increasing the percentage of highly qualified *teachers of* mathematics, science, or critical foreign language**[** teachers**]**, including increasing the percentage of such teachers teaching in those schools determined by the partnership to be most in need;

* * * * * * *

SEC. 6114. PROGRAMS FOR MASTER'S DEGREES IN SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, OR CRITICAL FOREIGN LANGUAGE EDUCATION.

(a) * * *

* * * * * * *

(b) APPLICATION.—* * *

(1) * * *

* * * * * * *

(3) how the program will help increase the percentage of highly qualified *teachers of* mathematics, science or critical foreign language**[** teachers**]**, including increasing the percentage of such teachers teaching in schools determined by the partnership to be most in need;

* * * * * * *

SEC. 6122. DEFINITIONS.

In this part:

(1) * * *

* * * * * * *

(3) LOW-INCOME STUDENT.—The term "low-income student" **[**has the meaning given the term "low-income individual" in section 1707(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6537(3))**]***means a student who is from a low-income family, as defined in section 9101(34)(B) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(34)(B)).*

(4) HIGH CONCENTRATION OF LOW-INCOME STTUDENTS.—The term "high concentration of low-income students" [has the meaning given the term in section 1707(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6537(2)).], *used with respect to a school, means a school that serves a student population 40 percent or more of whom are low-income students.*

(5) HIGH-NEED LOCAL EDUCATIONAL AGENCY.—The term "high-need local educational agency" [means a local educational agency or educational service agency described in 6112(3)(A)]*means a high-need local educational agency, as defined under section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).*

* * * * * * *

SEC. 6123. ADVANCED PLACEMENT AND INTERNATIONAL BACCALAUREATE PROGRAMS.

(a) PROGRAM AUTHORIZED.—* * *

* * * * * * *

(j) COLLECTING AND REPORTING REQUIREMENTS.—

(1) * * *

* * * * * * *

(2) REPORTING OF DATA.—* * *

(A) * * *

(B) in the case of student data, disaggregated in the same manner as informatin is [disaggregated under section 1111(h)(1)(C)(i)]*disaggregated under section 1111(a)(2)(B)(ix)* of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(h)(1)(C)(i); and

* * * * * * *

SEC. 6201. ALIGNMENT OF SECONDARY SCHOOL GRADUATION REQUIREMENTS WITH THE DEMANDS OF 21ST CENTURY POSTSECONDARY ENDEAVORS AND SUPPORT FOR P–16 EDUCATION DATA SYSTEMS.

(a) PURPOSE.—It is the purpose of this section—

(1) * * *

* * * * * * *

(e) AUTHORIZED ACTIVITIES.—

(1) GRANTS FOR P–16 ALIGNMENT.—Each State receiving a grant under subsection (c)(1)—

(A) * * *

* * * * * * *

(2) GRANTS FOR STATEWIDE P–16 EDUCATION DATA SYSTEMS.—

(A) * * *

* * * * * * *

(D) REQUIRED ELEMENTS OF A STATEWIDE P–16 EDUCATION DATA SYSTEM.—The State shall ensure that the statewide P–16 education data system includes the following elements:

(i) * * *

* * * * * * *

(ii) PRESCHOOL THROUGH GRADE 12 EDUCATION.—With respect to preschool through grade 12 education—

(I) yearly test records of individual students with respect to [assessments under section 1111(b)]*assessments under section 1111(a)* of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b));

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EDUCATION OF THE DEAF ACT OF 1986

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SEC. 104. LAURENT CLERC NATIONAL DEAF EDUCATION CENTER.

(a) GENERAL AUTHORITY.—* * *

* * * * * * *

(b) ADMINISTRATIVE REQUIREMENTS.—(1) The Clerc Center shall—

(A) * * *

* * * * * * *

(5) * * *

(A)(i) select [challenging academic content standards, challenging student academic achievement standards, and academic assessments of a State, adopted and implemented, as appropriate, pursuant to paragraphs (1) and (3) of section 1111(b)]*college and career ready State academic content and student academic achievement standards and assessments of a State, adopted and implemented, as appropriate, pursuant to section 1111(a)* of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(1)and (3)) and approved by the Secretary; and

(ii) implement such standards and assessments for such programs by not later than the beginning of the 2009–2010 academic year; *and*

[(B) annually determine whether such programs at the Clerc Center are making adequate yearly progress, as determined according to the definition of adequate yearly progress defined (pursuant to section 1111(b)(2)(C) of such Act (20 U.S.C. 6311(b)(2)(C))) by the State that has adopted and implemented the standards and assessments selected under subparagraph (A)(i); and]

[(C)]*(B)* publicly report the results of the academic assessments implemented under subparagraph (A), except where such reporting would not yield statistically reliable information or would reveal personally identifiable information about an individual student[, and whether the programs at the Clerc Center are making adequate yearly progress, as determined under subparagraph (B)].

* * * * * * *

EDUCATION SCIENCES REFORM ACT OF 2002

* * * * * * *

SEC. 153. DUTIES.

(a) GENERAL DUTIES.—* * *

(1) * * *

(A) * * *

* * * * * * *

(F) teaching, including—

(i) * * *

(ii) [the percentage of teachers who are highly qualified]*the percentage of teachers who are highly qualified teachers* (as such term is defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)) in each State and, where feasible, in each local educational agency and school;

* * * * * * *

SEC. 177. DUTIES.

(a) GENERAL DUTIES.—* * *

(1) * * *

* * * * * * *

(5) improve the alignment, compatibility, and development of valid and reliable assessments, including alternate assessments, as required by [section 1111(b)]*section 1111(a)* of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b));

* * * * * * *

EDUCATIONAL TECHNICAL ASSISTANCE ACT OF 2002

* * * * * * *

SEC. 203. COMPREHENSIVE CENTERS.

(a) AUTHORIZATION.—

(1) IN GENERAL.—* * *

(2) REGIONS.—In awarding grants under paragraph (1), the Secretary—

(A) * * *

(B) after meeting the requirements of subparagraph (A), shall consider, in awarding the remainder of the grants, the school-age population, proportion of economically disadvantaged students, the increased cost burdens of service delivery in areas of sparse population, and the number of [schools identified for school improvement (as described in section 1116(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b))]*schools identified as persistently low-achieving schools (as described in section 1116(c)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(c)(2)))* in the population served by the local entity or consortium of such entities.

* * * * * * *

(e) SCOPE OF WORK.—* * *

(1) * * *

* * * * * * *

[(3) schools in the region that have been identified for school improvement under section 1116(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b)).]

(3) schools in the region identified by the State's accountability system under section 1116 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316).

(f) ACTIVITIES.—

(1) IN GENERAL.—* * *

* * * * * * *

(B) disseminating and providing information, reports, and publications that are usable for improving academic achievement, closing achievement gaps, and encouraging and sustaining school improvement (as described in section [1116(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b))]*1116 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316)*), to schools, educators, parents, and policymakers within the region in which the center is located; and

* * * * * * *

NATIONAL SCIENCE FOUNDATION AUTHORIZATION ACT OF 2002

* * * * * * *

SEC. 9. MATHEMATICS AND SCIENCE EDUCATION PARTNERSHIPS.

(a) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—* * *

* * * * * * *

(10) TEACHER INSTITUTES FOR THE 21ST CENTURY.—

(A) IN GENERAL.—* * *

* * * * * * *

(iii) serve teachers who—

(I) [are considered highly qualified]*are considered highly qualified teachers* (as defined in section 9101 of the Elementary and Secondary Education Act of 1965);

* * * * * * *

(b) SELECTION PROCESS.—

(1) APPLICATION.—* * *

* * * * * * *

(3) AWARDS.—In awarding grants under this section, the Director shall—

(A) give priority to applications in which the partnership includes a high-need local educational agency [or a high-need local educational agency in which at least one school does not make adequate yearly progress, as determined pursuant to part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.)]; and

* * * * * * *

RICHARD B. RUSSELL NATIONAL SCHOOL LUNCH ACT

SEC. 9. PROGRAM REQUIREMENTS.

(a) * * *

* * * * * * *

(b) INCOME ELIGIBILITY GUIDELINES FOR FREE AND REDUCED PRICE SCHOOL LUNCHES; DUTY OF SECRETARY; TIME TO PRESCRIBE; RELATIONSHIP TO OTHER POVERTY GUIDELINES; REVISION; PUBLICATION; APPLICATION, VERIFICATION AND APPROVAL; MAXIMUM REDUCED PRICE; NONDISCRIMINATION OR IDENTIFICATION OF RECIPIENTS; AUTOMATIC ELIGIBILITY FOR CERTAIN PROGRAMS.—

(1)(A) * * *

* * * * * * *

(5) DISCRETIONARY CERTIFICATION.—* * *

(A) * * *

* * * * * * *

(D) a migratory child (as defined in [section 1309]*section 1312* of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6399)).

* * * * * * *

(12)(A) * * *

(i) * * *

* * * * * * *

(vi) a migratory child (as defined in [section 1309]*section 1312* of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6399)); or

* * * * * * *

(d) SOCIAL SECURITY NUMBERS OF THE MEMBERS OF THE HOUSEHOLD TO BE FURNISHED FOR ELIGIBILITY FOR FREE OR REDUCED-PRICE LUNCHES.—

(1) * * *

(2) * * *

(A) * * *

* * * * * * *

(E) documentation has been provided to the appropriate local educational agency showing the status of the child as a migratory child (as defined in [section 1309]*section 1312* of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6399));

* * * * * * *

AMERICA COMPETES REAUTHORIZATION ACT OF 2010

* * * * * * *

SEC. 553. GRANT PROGRAM.

(a) IN GENERAL.—* * *

* * * * * * *

(d) ELIGIBILITY.—* * *

(1) * * *

* * * * * * *

(6) require that the program complies with State certificationor licensing requirements and [the requirements under section 9101(23) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(23)) for highly qualified teachers]*the requirements for a highly qualified teacher as defined in section 9101(32)*;

* * * * * * *

VIOLENCE AGAINST WOMEN ACT OF 1994

* * * * * * *

SEC. 41403. DEFINITIONS.

For purposes of this subtitle—

(1) * * *

* * * * * * *

(6) the terms "homeless", "homeless individual", and "homeless person"—

(A) * * *

(B) includes—

(i) * * *

* * * * * * *

(iii) migratory children (as defined in [section 1309]*section 1312* of the Elementary and Secondary Education Act of 1965; 20 U.S.C. 6399) who qualify as homeless under this section because the children are living in circumstances described in this paragraph;

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