Castor (FL)
Castro (TX)
Chu
Cicilline
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly
Cooper
Costa
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Deutch
Dingell
Doggett
Doyle
Duckworth
Edwards
Ellison
Engel
Enyart
Eshoo
Esty
Farr
Fattah
Foster
Frankel (FL)
Fudge
Gallego
Garamendi
Garcia
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hanabusa
Hastings (FL)
Heck (WA)
Higgins
Himes
Hinojosa
Honda
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kirkpatrick
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Maffei
Maloney, Carolyn
Maloney, Sean
Matheson
Matsui
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Meng
Michaud
Miller, George
Moore
Moran
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
O'Rourke
Owens
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters (CA)
Peters (MI)
Peterson
Pingree (ME)
Pocan
Polis
Price (NC)
Quigley
Rahall
Rangel
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schneider
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sires
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tierney
Titus
Tonko
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Yarmuth

NOT VOTING—13

Braley (IA)
Conyers
Diaz-Balart
Herrera Beutler
Holt
Horsford
Hudson
Lynch
McCarthy (NY)
Negrete McLeod
Pallone
Stewart
Young (FL)

□ 1424

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. HUDSON. Mr. Speaker, on rollcall No. 365, I was unavoidably detained. Had I been present, I would have voted "aye."

Mr. BRALEY of Iowa. Mr. Speaker, on rollcall No. 365, had I been present, I would have voted "no."

THE JOURNAL

The SPEAKER pro tempore. The unfinished business is the question on agreeing to the Speaker's approval of the Journal, on which the yeas and nays were ordered.

The question is on the Speaker's approval of the Journal.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 278, nays 143, answered "present" 1, not voting 11, as follows:

[Roll No. 366]

YEAS—278

Aderholt
Alexander
Amodei
Bachmann
Bachus
Barletta
Barrow (GA)
Barton
Beatty
Becerra
Bentivolio
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonamici
Bonner
Boustany
Brady (TX)
Bridenstine
Brooks (AL)
Brooks (IN)
Brown (FL)
Brownley (CA)
Buchanan
Bustos
Butterfield
Calvert
Camp
Campbell
Cantor
Capito
Capps
Carney
Carson (IN)
Carter
Cassidy
Castro (TX)
Chabot
Chaffetz
Cicilline
Clarke
Clay
Cleaver
Clyburn
Coble
Cole
Collins (NY)
Cook
Cooper
Cramer
Crawford
Crenshaw
Cuellar
Culberson
Cummings
Daines
Davis (CA)
Davis, Danny
DeGette
DeLauro
DelBene
Dent
DesJarlais
Deutch
Dingell
Doggett
Doyle
Duncan (SC)
Duncan (TN)
Ellmers
Engel
Enyart
Eshoo
Esty
Farenthold
Farr
Fattah
Fincher
Fleischmann
Forbes
Fortenberry
Foster
Frankel (FL)
Franks (AZ)
Frelinghuysen
Fudge
Gabbard
Gallego
Goodlatte
Gosar
Gowdy
Granger
Grayson
Griffith (VA)
Grimm
Guthrie
Hahn
Hall
Hanabusa
Harper
Harris
Hartzler
Hastings (WA)
Heck (WA)
Hensarling
Higgins
Himes
Hinojosa
Huelskamp
Huffman
Hultgren
Hunter
Hurt
Issa
Johnson (GA)
Johnson, Sam
Jones
Kaptur
Keating
Kelly (IL)
Kelly (PA)
Kennedy
Kildee
King (IA)
King (NY)
Kingston
Kline
Kuster
Labrador
LaMalfa
Lamborn
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latta
Lipinski
Loebsack
Lofgren
Long
Lowenthal
Lucas
Luetkemeyer
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lummis
Marino
Massie
Matsui
McCarthy (CA)
McCaul
McClintock
McCollum
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meadows
Meehan
Meeks
Meng
Messer
Mica
Michaud
Miller (MI)
Miller, Gary
Moran
Mullin
Murphy (PA)
Nadler
Napolitano
Neugebauer
Noem
Nugent
Nunes
Nunnelee
O'Rourke
Olson
Palazzo
Pascrell
Payne
Pelosi
Perlmutter
Perry
Peters (CA)
Petri
Pingree (ME)
Pittenger
Pitts
Pocan
Polis
Pompeo
Posey
Price (NC)
Quigley
Rangel
Ribble
Rice (SC)
Richmond
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rokita
Ros-Lehtinen
Roskam
Ross
Rothfus
Roybal-Allard
Royce
Ruiz
Runyan
Ruppersberger
Rush
Ryan (WI)
Salmon
Sanford
Scalise
Schiff
Schneider
Schock
Schrader
Schwartz
Schweikert
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Sinema
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Speier
Stewart
Stutzman
Swalwell (CA)
Thornberry
Titus
Tonko
Tsongas
Upton
Van Hollen
Vargas
Wagner
Walorski
Walz
Wasserman Schultz
Waters
Watt
Waxman
Weber (TX)
Webster (FL)
Welch
Wenstrup
Westmoreland
Whitfield
Williams
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Yarmuth
Yoho
Young (IN)

NAYS—143

Amash
Andrews
Barber
Barr
Bass
Benishek
Bera (CA)
Bishop (NY)
Brady (PA)
Braley (IA)
Broun (GA)
Bucshon
Burgess
Capuano
Cárdenas
Cartwright
Castor (FL)
Chu
Coffman
Cohen
Collins (GA)
Conaway
Connolly
Costa
Cotton
Courtney
Crowley
Davis, Rodney
DeFazio
Delaney
Denham
DeSantis
Duckworth
Duffy
Edwards
Ellison
Fitzpatrick
Fleming
Flores
Foxx
Garamendi
Garcia
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Gutiérrez
Hanna
Hastings (FL)
Heck (NV)
Holding
Honda
Hoyer
Hudson
Huizenga (MI)
Israel
Jackson Lee
Jeffries
Jenkins
Johnson (OH)
Johnson, E. B.
Jordan
Joyce
Kilmer
Kind
Kinzinger (IL)
Kirkpatrick
Lance
Latham
Lee (CA)
Levin
Lewis
LoBiondo
Lowey
Lynch
Maffei
Maloney, Carolyn
Maloney, Sean
Marchant
Matheson
McDermott
McGovern
Miller (FL)
Miller, George
Moore
Mulvaney
Murphy (FL)
Neal
Nolan
Pastor (AZ)
Paulsen
Pearce
Peters (MI)
Peterson
Poe (TX)
Price (GA)
Radel
Rahall
Reed
Reichert
Renacci
Rigell
Rogers (MI)
Rohrabacher
Rooney
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Sewell (AL)
Sires
Slaughter
Smith (MO)
Southerland
Stivers
Stockman
Takano
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiberi
Tierney
Tipton
Turner
Valadao
Veasey
Vela
Velázquez
Visclosky
Walberg
Walden
Woodall
Yoder
Young (AK)

ANSWERED "PRESENT"—1

Owens

NOT VOTING—11

Conyers
Diaz-Balart
Gohmert
Grijalva
Herrera Beutler
Holt
Horsford
McCarthy (NY)
Negrete McLeod
Pallone
Young (FL)

□ 1432

So the Journal was approved.

The result of the vote was announced as above recorded.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 580

Mr. MEEKS. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 580.

The SPEAKER pro tempore (Mr. WEBSTER of Florida). Is there objection to the request of the gentleman from New York?

There was no objection.

STUDENT SUCCESS ACT

GENERAL LEAVE

Mr. KLINE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 5.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 303 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 5.

The Chair appoints the gentleman from Washington (Mr. HASTINGS) to preside over the Committee of the Whole.

□ 1434

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 5) to support State and local accountability for public education, protect State and local authority, inform parents of the performance of their children's schools, and for other purposes, with Mr. HASTINGS of Washington in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Minnesota (Mr. KLINE) and the gentleman from California (Mr. GEORGE MILLER) each will control 30 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. KLINE. Mr. Chairman, I rise today in strong support of H.R. 5, the Student Success Act, and yield myself as much time as I may consume.

The Student Success Act will take a critical step toward real reform of our education system. This legislation will restore local control, empower parents, eliminate unnecessary Washington red tape and intrusion in schools, and support innovation and excellence in the classroom.

As chairman of the House Education and the Workforce Committee, I've heard countless stories of the amazing progress being made in schools across the country. This success isn't due to heavy-handed dictates from Washington; rather, it reflects the work of dedicated parents, teachers, principals, superintendents, and State officials who decided the status quo is just not good enough for our kids.

In dozens of committee hearings over the last few years, my colleagues and I have had the honor of speaking with many of these reformers. We learned about the groundbreaking programs and initiatives they've implemented to serve students more effectively.

We listened to the ways they are working to hold schools more accountable, not just to the government but to their local communities and families. And we heard impassioned stories of how much more these dedicated reformers would do for our children if not for the slew of onerous Washington mandates and outdated regulations standing in the way.

Our children deserve better. But instead of working with Congress to fix the problems in current K–12 education law, the Obama administration chose to go rogue, granting temporary waivers in exchange for implementing the President's preferred reforms. Thirty-nine States and the District of Columbia are now beholden to new Federal standards crafted without congressional consent, representing an unprecedented expansion of Federal control over our Nation's classrooms.

It's time for a new way forward, Mr. Chairman, that starts with passage of the Student Success Act. This commonsense legislation reflects what we've learned from parents, teachers, and education leaders nationwide, and embodies four principles vital to a stronger education system in which all students have the opportunity to succeed.

First, the bill before us today will reduce the Federal footprint in our classrooms. For too long, Federal overreach has tied the hands of American educators. The Student Success Act will put an end to the administration's convoluted conditional waiver scheme and take concrete steps to rein in the Secretary of Education's authority.

The legislation also will eliminate more than 70 Federal programs, end the rigid Federal accountability metrics and overly prescriptive school improvement requirements, and grant States the freedom to develop their own plans to raise the bar, all of which will help ensure a more focused, streamlined, and transparent Federal role in the Nation's education system.

Second, the legislation will restore local control by providing States and school districts the flexibility they need to spend Federal funds where they are needed. School leaders know best which programs and initiatives will have the greatest benefit for their students' achievement. We must support policies that encourage more local decisionmaking and allow these knowledgeable school leaders and administrators to do what they do best: educate America's children.

Third, the Student Success Act recognizes a better education system cannot come without better educators. The legislation will eliminate Federal requirements that value credentials over a teacher's ability to educate students. Instead, States or school districts should develop their own evaluation systems based, in part, on student achievement, ensuring teachers can be judged fairly on their effectiveness in the classroom.

Finally, the Student Success Act will empower parents. No one has a better understanding of a child's strengths and challenges than his or her parents, and no one—no one—is more invested in making sure their child achieves his or her full potential. H.R. 5 provides parents more freedom and choice by reauthorizing and strengthening the Charter School Program and improving tutoring and public school choice initiatives.

We have an opportunity before us today, for the first time in more than a decade, to approve new K–12 education legislation in the House of Representatives. We have an opportunity to lend our support to legislation that will tear down barriers to progress and grant States and districts more freedom to think bigger, innovate, and take whatever steps are necessary to put more children on the path to a brighter future.

I urge my colleagues to join me in taking this critical step toward real reform, and ask you to vote ''yes'' on the Student Success Act.

I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chair, I yield myself 5 minutes.

Mr. Chair, I rise in opposition to H.R. 5, the Letting Students Down Act.

H.R. 5 is supposed to be the reauthorization of the Elementary and Secondary Education Act and a rewrite of No Child Left Behind. The Elementary and Secondary Education Act was born out of Brown v. Board of Education. It is our Nation's education law, but it is fundamentally a civil rights law.

H.R. 5 runs our country in the opposite direction from those civil rights promises. This bill guts funding for public education. It abdicates the Federal Government's responsibility to ensure that every child has the right to an equal opportunity and a quality education. And it walks away from our duty to hold school systems accountable to students, parents and taxpayers.

For decades, providing all children with a quality education has been considered such a critical national priority that we have always found a way to come together in a bipartisan fashion to reauthorize and to update the Elementary and Secondary Education Act.

We all recognize that a good education is a great equalizer, no matter where you come from, and it is necessary for a strong economy and a vibrant democracy. Each reauthorization of the Elementary and Secondary Education Act, in its own way, has moved our national education system forward.

That's why now-Speaker JOHN BOEHNER and I worked with then-Senator Ted Kennedy and President George W. Bush in crafting the No Child Left Behind Act more than a decade ago. We agreed that there was a soft bigotry of low expectations in our education system. We agreed that schools were hiding low achievement by some students by using the averages of performance in the schools, and it was wrong. Parents wanted to know how their child was doing, not how the average child in the school was doing.

No Child Left Behind turned the lights on inside our Nation's schools. For the first time, parents could see whether or not their schools were actually teaching all students. Were they serving their student?

And in the decade since the law has been in effect, the evidence is irrefutable that all kids can learn, given the opportunity to succeed, regardless of their background, just given a chance.

However, as someone who has listened to experts in communities across

the Nation and its pros and cons, I recognize that we now need to modernize the education law, No Child Left Behind, with fundamental changes. No Child Left Behind is very much the education reform of the past. It is inflexible, and encouraged some to lower their standards, to reduce their standards, to dumb down their standards, which this Nation cannot tolerate.

That's why it's time to rewrite this law, to embrace the principle that all students can learn if they're given an opportunity, and to encourage high standards that meet the needs of the 21st century global economy.

Unfortunately, H.R. 5 moves our education system in the wrong direction for students and schools already struggling under a broken system, and lets American kids down at a critical time.

H.R. 5 lets our students down by not guaranteeing all students have access to world-class, well-rounded educational opportunities needed to compete in a global economy.

It lets our students down by locking sequestration cuts into education funding. It allows funds to be moved away from schools with the most poverty, and removes the requirements of States and districts to adequately fund their schools.

It lets down students with disabilities by allowing schools to lower their standards for educating these children. And it lets our students down by not building on a broad consensus that we should continue to demand high standards of all students.

An extraordinary cross section of business, labor, civil rights, disabilities and education groups are opposing this bill because it lets our Nation's children down. It lets our economy down.

The National Center for Learning Disabilities says that this bill would dramatically alter the academic landscape for students with disabilities, jeopardizing their ability to graduate from high school or to go to college or to obtain employment.

□ 1445

The Leadership Conference on Civil Rights believes that the merit of an education bill is determined by its treatment of the most disadvantaged among us. Yet H.R. 5 permits Federal funds targeted for this vulnerable group of students, such as English language learners and Native American students, to be reallocated for other purposes.

The business community opposes this bill. The U.S. Chamber of Commerce is disappointed that the bill ''does not demand targeted support and real improvement for students stuck in low-performing schools or for students whose schools are not teaching them the basics in reading and math.''

I agree with these concerns. This bill is a huge step outside the mainstream consensus and an even bigger step backward for our Nation's students. We should be embracing the drive towards high standards across this country and ensuring that all of our children in all States benefit from this improved education system.

The CHAIR. The time of the gentleman has expired.

Mr. GEORGE MILLER of California. I yield myself an additional 30 seconds.

I hope that my colleagues on the other side of the aisle will agree that a bipartisan Elementary and Secondary Education Act authorization is the right process we should move forward. This is about every child in our country getting the education they deserve, regardless of poverty, disability, or other challenges. To walk away from that commitment means letting our students down, letting the parents down, and letting down taxpayers who demand accountability. It means letting down teachers who deserve support. It means letting down businesses who are counting on our school system to produce college- and career-ready graduates. It means letting down our future.

We can do better than this. We can do it way better than this. I urge a ''no'' vote on H.R. 5, and I reserve the balance of my time.

Mr. KLINE. Mr. Chair, I am very pleased to yield 4 minutes to the chairman of the Subcommittee on Early Childhood, Elementary, and Secondary Education, the gentleman from Indiana (Mr. ROKITA).

Mr. ROKITA. Mr. Chairman, I stand today in support of parents, teachers, and our communities. I stand in support of local government versus Federal Government. And most importantly, I stand in support of our children and urge my colleagues to pass the Student Success Act.

I want to thank the distinguished gentleman from Minnesota for his leadership and the members of the Committee on Education and the Workforce for their efforts in writing this legislation.

The Student Success Act is a huge step forward that empowers parents and teachers to make decisions regarding the education of our children while maintaining high expectations and measuring teacher effectiveness. For far too long, Federal education bureaucrats have sucked up needed education dollars and hamstrung our teachers, but they've done little to improve education in our Nation. And now they want what really amounts to a national curriculum. But is there any doubt bureaucratic red tape and a one-size-fits-all approach have left far too many of our children behind?

We wrote this legislation because we believe that parents and teachers care for our children more than career bureaucrats at the Department of Education. We trust parents. We trust ourselves. We trust the States and our communities to determine what success is and how best to achieve it.

Recently, I had the opportunity to visit the SENSE Charter School in my home State of Indiana. What I saw in the students there was nothing short of young people who were reaching and even exceeding their potential. What that visit also showed—and I've seen it in other schools and read it in letters I've received and saw it again as recently as this week at the Two Rivers Charter School in Washington, D.C.—was that, when given a choice, Mr. Chairman, parents will put their children in the schools that best fit their education needs and not the bureaucrats. Choice works. And funding shouldn't be tied to cookie-cutter Washington standards. It should be about what works and what doesn't work.

SENSE Charter School was just one more example of the fact that the best ideas don't come from the top down, don't come from Congress, or even from the executive branch. They come from those who know and care the most about our children—and that's parents and communities. It's time to step back and truly ask what's best for our children and families.

I came to Washington as part of a new crew who came here to change how Washington does business. The Student Success Act is certainly different by Washington standards, as we've just heard. Those on the other side of the aisle always advocate education policy that tells us as parents and as teachers that Washington knows best and that problems can only be solved with a new program and a bigger bureaucracy. This is nothing short of arrogant, Mr. Chairman. Frankly, it's pessimistic. It's pessimistic because it says that, when given the opportunity to make decisions in the best interest of children, parents will fail and that Washington is smarter.

I'm an optimist, and I'm also a realist. We are optimistic that parents know what is best for their children. They need us to cut the Washington red tape blocking their way. And for our optimism we are likely to be the subject of demagoguery during this debate. Critics will say we want to harm children by cutting funding from a massive bureaucracy in Washington. We just heard some of that. Of course, they ignore the track record of a bureaucracy that treats our children as nothing more than nameless, faceless statistics; a bureaucracy that demands we continue throwing good money after bad because these false arguments have been around for far too long.

If we are to truly be a society that prioritizes education and the success of our children, we must no longer blindly throw money away. We must trust in parents and teachers to know what is best for students, not the President and not the Secretary of Education. This bill does that.

The CHAIR. The time of the gentleman has expired.

Mr. KLINE. I yield the gentleman an additional 30 seconds.

Mr. ROKITA. The Student Success Act empowers parents and teachers, maintains high standards and measures

of teacher effectiveness, reduces the enormous footprint of the Federal education bureaucracy, and finally gives parents, teachers, and States the flexibility they need, Mr. Chairman, in setting curriculum and educating our children.

I urge, again, all of my colleagues to support this bill.

Mr. GEORGE MILLER of California. Mr. Chair, I yield 1½ minutes to the gentleman from New Jersey (Mr. ANDREWS), a member of the committee.

(Mr. ANDREWS asked and was given permission to revise and extend his remarks.)

Mr. ANDREWS. Mr. Chairman, 11 years after Brown v. Board of Education presented an unfulfilled promise, in 1965 the Congress passed a law that said that we should have Federal resources for the children that were achieving the least in America's most difficult schools, many of whom were children of color. For 35 years after that, the essential strategy of the Elementary and Secondary Education Act was to send Federal money to these schools and hope that they tried their best. It didn't work.

In 2001, in a truly bipartisan effort led by Chairman MILLER at the time; Speaker BOEHNER, who was chairman of the committee at the time; the late Senator Kennedy; President George W. Bush and others got together and said, We're going to keep the resources flowing, but we're going to expect results. We're going to measure whether children can read and calculate, and we're going to see what happens. In the first 5 years after that law passed, there were more gains than had been made in the previous 15 years for African American and Latino children.

We hit a wall in about 2005. Rather than think about why that wall was hit and how we could work together to fix it, this bill goes in a whole different direction backwards to 1965. This bill essentially says: no strings attached, here's billions of dollars to local schools. We trust and hope that you will do your best. I think most of them will. But history shows that some of them won't. And when they leave behind African American children, leave behind Latino children, leave behind children with disabilities, that's not good enough for them, and that's not good enough for our country.

We should oppose this bill.

Mr. KLINE. Mr. Chairman, I yield 2 minutes to the gentlelady from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. I thank the chairman for yielding.

Mr. Chairman, like many of my colleagues, I support H.R. 5, the Student Success Act. I believe that States and school districts should be empowered to set their own priorities when educating our Nation's children. I also believe in supporting Florida's parents, teachers, and administrators to make sure that they have the resources necessary to give our children a world-class education, including in civics.

Civics education, Mr. Chairman—the study of the rights and the duties of citizenship under our government—is an essential component to sustaining our constitutional democracy. There is no more important task than the development of an informed, effective, and responsible citizenry.

According to the 2010 National Assessment for Educational Progress—our Nation's report card—only 24 percent of high school seniors scored proficient in civics. That means that they had problems with the U.S. Constitution, civil rights, our social system, and our court system. Only 22 percent of eighth graders scored proficient, meaning that they could not recognize the role performed by the Supreme Court or identify the purpose of the Bill of Rights.

Civics education programs like Close Up aim to improve the dismal results by allowing students and their teachers to participate in activities here in our Nation's Capital to increase civic responsibility and a true understanding of the Federal Government. Civic engagements activities are essential. They're important for underserved populations like in my congressional district. I support programs that allow elementary school and secondary school students to improve academic achievement through civics education.

So I'm glad that the Student Success Act empowers States and school districts to determine their own priorities, and I urge support for specific programs like civic education.

Mr. GEORGE MILLER of California. Mr. Chair, I yield 1½ minutes to the gentleman from Texas (Mr. HINOJOSA).

Mr. HINOJOSA. Mr. Chair, I rise in strong opposition to H.R. 5, a bill which denies America's children access to high-quality education and a chance to lead successful and prosperous lives.

Mr. Chairman, I chose not to offer any amendments today because I believe this Republican bill is beyond repair and would exacerbate existing inequities in public education, causing irreparable harm to disadvantaged students. H.R. 5 slashes education by over $1 billion next year by locking in the sequester funding levels at a time when our Nation's schools are becoming increasingly diverse. Now more than ever our Nation's public schools need increased Federal funding to prepare all students for college careers and to equip them with a well-rounded education. To make matters worse, the Republican bill removes the Maintenance of Effort requirement in current law that ensures that States maintain education funding.

Simply put, this is no time to gut critical education funding for America's children. This Republican bill abandons the Federal Government's historic commitment to educating disadvantaged populations. H.R. 5 block grants vital programs targeted for English language learners; migrant children; neglected and delinquent youth; and Indian education; and allows States and districts to siphon away these Federal funds and use them for other purposes.

This Republican bill has no expectation that all students graduate from high school and are prepared for college and careers. More to the point, H.R. 5 does not require States to set college- and career-ready standards and eliminates performance targets for all students.

The CHAIR. The time of the gentleman has expired.

Mr. GEORGE MILLER of California. I yield the gentleman an additional 30 seconds.

Mr. HINOJOSA. I am concerned that this Republican bill walks away from English language learners by removing measurable performance targets for content mastery and second language acquisition. Furthermore, it is failing to require native language assessments for English language learners.

In a globally competitive world, all students must be equipped with the skills they need to succeed in school and life. I urge my colleagues on both sides of the aisle to join me in opposition to H.R. 5.

Mr. KLINE. Mr. Chairman, I yield 2 minutes to a member of the committee, the gentleman from South Carolina (Mr. WILSON).

Mr. WILSON of South Carolina. I would like to thank the chairman for yielding. I am very grateful to Chairman JOHN KLINE and Subcommittee Chairman TODD ROKITA for their leadership on this very important issue for our children.

Mr. Chairman, big government often creates big problems. Our education system needs limited government reform. Having access to the highest quality education paves the path for tremendous opportunity, success, and fulfillment. Locally elected school boards, hardworking teachers, school administrators, and active parents know what's best for our children's education needs, not Washington bureaucrats.

The passage of today's bill, the Student Success Act, will promote our education system by limiting Washington's influence so that our leaders on the local level and classroom teachers have the power to make decisions to help America's children succeed.

South Carolina's Second District has a wide range of diverse school districts. We have children from all backgrounds of life—wealthy, poor, rural, and urban communities. As an appreciative husband to a retired schoolteacher, I've seen firsthand what we need to do to help our children succeed. The best way to adequately prepare our children for the future is to empower our locally elected school boards, who are responsive to input from parents and teachers.

□ 1500

What works in suburban Lexington communities may not work in rural Barnwell County.

The President's pushing of government education neglects our young people and maintains ineffective, status quo education practices. We must change course.

It is time for a different, commonsense approach. We must reform our education system in order to provide a brighter future for our children and grandchildren.

I urge my colleagues on both sides of the aisle to support this piece of legislation. By putting faith in our educators, school board members, parents and administrators, we can give every child what he or she deserves—quality education to fulfill their dreams.

Mr. GEORGE MILLER of California. I yield 1 minute to the gentleman from Rhode Island (Mr. LANGEVIN).

(Mr. LANGEVIN asked and was given permission to revise and extend his remarks.)

Mr. LANGEVIN. I thank the gentleman for yielding.

Mr. Chairman, this bill fails to enact real reform, put students first, or invest in a well-educated and highly trained workforce. In particular, it neglects to hold schools accountable for student success and does not invest in quality teacher education development programs.

Of additional concern is that H.R. 5 reverses decades of protections for students with disabilities. Now, I cannot support a bill that undoes so much of what we have fought for and accomplished over the past 30 years. Instead, I'll support the substitute offered by Ranking Member MILLER, which addresses many of the concerns that I have and with whom I was proud to work on a provision which includes comprehensive career counseling as an allowable use of local funds.

As cochair of the Career and Technical Education Caucus, I know that school counselors play a critical role in helping students move into careers that meet their individual needs, whether it's at a 4-year university, a 2-year degree, or professional certification.

I believe that the ranking member's provision is the best way to go, and I do thank the ranking member for offering his amendment.

Mr. KLINE. Mr. Chairman, I yield 2 minutes now to the chairman of the Subcommittee on Health, Employment, Labor, and Pensions, the gentleman from Tennessee (Mr. ROE).

Mr. ROE of Tennessee. I thank the chairman for yielding.

Mr. Chairman, I rise in strong support today for the Student Success Act, H.R. 5.

The goal of increasing accountability within education under No Child Left Behind was a worthy one, but the reality of the law is that there is too much Federal control and too many mandates put upon our States, our local school administrators, and our teachers. Our bill today makes needed reforms that will move us closer to our shared goal of ensuring every American child receives a quality education.

Under the Student Success Act, we are giving States and school administrators the flexibility to meet the unique local needs they understand far better than Washington bureaucrats.

I have listened carefully to the concerns of teachers in Tennessee's First District; And if there's one thing I've learned, it's that the current accountability mechanisms undermine parents' confidence in their schools without providing any useful information—and by the way, my next-door neighbor is an elementary school principal whom I speak to regularly about these things.

Today, we are eliminating Adequate Yearly Progress, a well-intentioned, but unworkable, accountability metric, and repealing the Highly Qualified Teacher requirement in favor of State and local teacher evaluation systems. The effectiveness of a teacher should be judged by how well students learn, not how many credentials are hanging on a wall.

Right now, there is a confusing web of overlapping programs, and we need to step back and ask a simple question: Are these programs actually meeting the needs of the students? That's why we create a Local Academic Flexibility Grant, which replaces 70 of these overlapping and often ineffective programs with one flexible grant to States. With this grant, States and school districts can help ensure local challenges are met.

Because we have too many kids trapped in failing schools, this bill strengthens charter schools, which have become a viable educational option for thousands of hardworking students without other options.

Finally, in recent years, the administration has been able to coerce States into adopting reforms using what is known as the Common Core Standards Initiative by offering waivers from current law. Many are concerned Common Core could become the foundation for a national curriculum. This bill will prevent States from being required to adopt Common Core and ensures that States will be able to choose which reforms they want to enact.

Mr. GEORGE MILLER of California. I yield 1½ minutes to the gentlewoman from California (Mrs. DAVIS).

Mrs. DAVIS of California. Mr. Chairman, we all agree that No Child Left Behind is outdated. A diverse coalition of education, of business, and of civil rights leaders also agree that H.R. 5 is not the right answer.

H.R. 5 fails on all measures to promote educational equity, provide a well-rounded education, and help struggling schools succeed.

It fails our hardworking teachers by creating evaluation systems without providing professional development.

It fails to make the right investments by block granting critical programs and locking in across-the-board cuts.

What kind of a message does this bill send to our future leaders, to our scientists, our teachers and innovators?

Investing in education, well, it's not just good for our economy and our competitiveness. It is key to our national security, as generals and admirals have expressed to me through my work as ranking member of the Armed Services Personnel Subcommittee.

So now, more than ever, we can't afford to let our kids down. I urge my colleagues to say ''no'' to H.R. 5.

Mr. KLINE. Mr. Chairman, I yield 2 minutes to the chairman of the Workforce Protection Subcommittee, the gentleman from Michigan (Mr. WALBERG).

Mr. WALBERG. I thank my chairman.

Mr. Chairman, our children are being held back by an outdated, cumbersome, and overbearing Federal system. It's clearly not working. Statistics show that only 34 percent of our eighth graders are proficient in reading and nearly one in four high school students fails to graduate on time.

For the last 40 years, we have not seen any significant improvement in students' math, English and science scores. These results are especially frightening at a time when we are spending three times more on education than we did in 1970.

Since then, the Federal Government's arm has extended even further into local school districts, leaving teachers and parents restricted by a growing number of rules and costly requirements. In one of the worst examples of this, the Department of Education has chosen to grant States waivers from a failing policy, but only if those States decided to adopt standards deemed necessary by Washington bureaucrats and not by Congress, let alone their educators.

Students and parents need real solutions with freedom and choice, not short-term fixes with more Federal intrusion. We need to get the Federal Government out of the way and instead work with the teachers, parents, superintendents, and State leaders who are already working hard to raise the standards of our schools in Michigan and throughout the Nation.

The Student Success Act's emphasis on increased State and local control by people closest to our kids will help put more students on a course for a successful future.

As a parent and grandparent, I encourage my colleagues to support the Student Success Act.

Mr. GEORGE MILLER of California. I yield 1 minute to the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ).

Ms. WASSERMAN SCHULTZ. Mr. Chairman, I rise in opposition to the underlying bill on behalf of an entire generation of south Florida's children.

The stakes could not be higher. Our K–12 public education system is essential for preparing the next generation of Americans to excel in life and to compete for the high-skilled, high-wage jobs in the global economy. It's why access to quality public education

has been a central priority for me throughout my legislative career. Yet faced with this national priority, the bill before us is a step backward, not forward. It locks in $1.3 billion of irresponsible sequester cuts, including tens of millions of dollars that will come straight out of the classrooms of Broward and Miami-Dade Counties, which I represent.

For an outstanding teacher like Joan Rapps at Mirror Lake Elementary in Broward County, it means fewer resources for her second graders, less extra help, and fewer opportunities to develop as a professional as she strives to help our students rise above all hurdles. We cannot allow this to happen.

This Congress could be working to make it possible to have an excellent teacher in every classroom, engage parents, and empower educators with the resources they need to help every child achieve success. Sadly, with this bill, we are doing the opposite.

Mr. KLINE. Mr. Chairman, I yield 1 minute now to a member of the committee, the gentleman from Arizona (Mr. SALMON).

Mr. SALMON. Mr. Chairman, I rise in strong support of H.R. 5, the Student Success Act. This is the first real glimmer of sanity and common sense on Federal education policy probably in the last 20 or 30 years. I congratulate the chairman.

As one of the speakers said before me, in the last 30 years, our international standing on STEM classes and math and science has gone from first place—I believe we're somewhere between 10th and 15th place on the international test scores.

I used to listen to an adage from my father where he said if you keep doing what you're doing, you're going to keep getting what you're getting. We've had this encroachment of Federal Government time and time again in education policy. It doesn't work. This gives the flexibility to put the decisions back into the local governments—teachers, parents, classrooms, and school boards—and that's where it needs to be. One size does not fit all and Washington is not the font of all knowledge. We can do better and we will do better, and this will do much better

I have two letters from people in my local community, education leaders that have come out in strong support of this bill, and they're hard to please. So I will enter them in the RECORD.

JULY 17, 2013.

Hon. MATT SALMON,
Rayburn HOB, Washington, DC.

REPRESENTATIVE SALMON: Reading a bill with ''common'' sense reform (no pun intended) for a broken education system is finally giving a voice to the frustration of millions of Americans witnessing the results of an over-regulated, burdensome, inflexible, one size fits all government intrusion into the education of our most precious resource—our children. Although this bill may not address all concerns for all citizens, HR5 is a breath of fresh air and a good start in the right direction.

The long overdue ESEA Reauthorization asserts our 10th Amendment right by reducing the federal role in education and properly restoring that authority to the states and local communities. This bill limits the authority of DOE, eliminates overlapping programs, requires more transparency, and removes the ability of the secretary of education to coerce states to adopt National Common Core Standards and Assessments—standards that only Washington D.C. based trade associations (not parents, teachers, schools, or states) have the authority to change. The DOE states they do not control curriculum but with the assessments aligning to the standards, of course the curriculum will also need to align to the same standards.

HR5 provides more school choice for parents. It strengthens schools and student's needs in targeted populations by giving more flexibility with streamlined funding. Teachers will be evaluated by a state run system based on their actual ability to teach rather than by their credentials. Valuable classroom time can be spent on the needs of individual students instead of worrying how test scores will affect teacher evaluations. Haven't we already played that song with the AIMS test? We should nurture and develop, rather than stifle our educators love and spirit of teaching our youth. HB5 will provide the mechanism to accomplish this.

This bill gives states the opportunity to regain autonomy, not only in the classroom, but internationally. Prior to the creation of the DOE, we had an envious ranking when benchmarked with other countries. Contrary to DOE claims, there is no proof Common Core is ''internationally'' benchmarked. How can it be—it is a pilot program with our children being used as the guinea pigs.

Our education system works best when government limits its role to aiding and supporting the states—not controlling them. HR5 doesn't cure all issues, but it takes a giant step forward. I urge the members of the House of Representatives to look into the eyes and minds of our children when debating this bill. Their education will play a vital role in their future and the future of this country. Please vote yes for them, and for us.

Sincerely,

CAROL CLESCERI,
Local Education Advocate, Prominent Member, Education Advisory Committee.

JULY 17, 2013.

Hon. MATT SALMON,
Rayburn HOB,
Washington, DC.

DEAR REPRESENTATIVE SALMON: Most agree that the federally mandated ''No Child Left Behind'' hasn't improved academic performance. When you value teacher tenure and credentials over a teacher's success in stimulating students to compete and achieve to their highest potential, why wonder that NCLB has not produced better student outcomes? When the federal government imposes rules and regulations on schools, micro-manages teacher evaluations, grants little flexibility but requires lots of additional paperwork, the result is limited success.

Our federal government plays a valuable role in the success of America's students. It shines when it declares its great expectations, and then supports, funds, and encourages the states, local school districts, parents, and students to succeed. It falls flat when it controls, burdens, and restricts those who are capable of managing their own success.

I have reviewed the Student Success Act. It goes far beyond simply ''taking the federal handcuffs off'' local districts, teachers, and parents. Throughout the Act, you see it respecting the most effective role of federal government, which is a critical support system. The Act ''returns authority'' for setting standards and measuring student performance to states and local officials. It honors the authority of states and school districts to develop teacher evaluation systems. It eliminates duplicative programs, streamlining them to Local Academic Flexible Grants, which will allow superintendents, school leaders, and local officials to make funding decisions based on what they, and they alone, know will help improve student learning.

In every category the bill emphasizes support, not control. Don't good teachers need support and resources? Aren't they already motivated to inspire learning? Shouldn't the federal government provide grant programs that support evidence-based initiatives to recruit, hire, train, compensate, and retain the most effective teachers? Shouldn't the federal government provide information that is helpful to education reformers who want to improve troubled schools?

This bill maintains critical funding streams for vulnerable populations, but it also strengthens existing programs to improve student achievement. More importantly, it provides states and districts the flexibility to use funds across programs to better support their students' needs.

I have been concerned that the federal government is inappropriately usurping the authority of the states, local school districts, and even parents in the education of our nation's children. I am especially glad to see that this bill restores and protects state and local autonomy over public education. What this bill does is engage parents in their child's education. It provides parents more education choices for their children. The federal government should not mandate or control our children's education. Rather, it should support and encourage parents to help their children, so they can identify the best options for their children.

Thank you for the opportunity to express my views.

ANITA CHRISTY,
Editor and Publisher of Gilbert Watch.

Mr. GEORGE MILLER of California. I yield 1½ minutes to the gentleman from Connecticut (Mr. COURTNEY), a member of the committee.

Mr. COURTNEY. Mr. Chairman, as the poison of sequestration is now seeping through America's economy, society, and national defense, there's a lot of folks in this city who are suddenly running around saying that they oppose sequestration. But I think if you look closely at this legislation, it bakes in sequestration funding levels for education—not just for next year, but for the next 6 years.

Mr. Chairman, I supported the defense authorization bill, along with the chairman of my committee, a few weeks ago, which actually used pre-sequestration levels for our national defense. Yet here today we are voting on a bill which tells America's children: sorry, you're stuck with sequestration. You have to allow, basically, this chain saw which is going through Federal programs to continue for the next 6 years at exactly the time when we should, as a national priority, be investing more in education.

We heard from the prior speaker about the need for STEM. Absolutely.

There is nothing in this bill that prioritizes or focuses on the need for this country to step up the STEM education curriculum in this country. This bill is the wrong direction for people who care about upgrading America's competitiveness.

Again, if you think about it, is China really going to sequester its education funding over the next 6 years? Are any of our other large economic competitors doing that? Of course not.

This bill is a retreat; it is a surrender to sequestration—not for ourselves, but for our children. It is shameful. I urge a ''no'' vote on H.R. 5.

Mr. KLINE. Mr. Chairman, I yield 1 minute to a member of the committee, the gentleman from Kentucky (Mr. GUTHRIE).

Mr. GUTHRIE. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of the Student Success Act.

As a father of three children, I know the importance of a good education that ensures students graduate high school prepared for post-secondary education and the workforce.

For years, States and school districts have been burdened by Federal overreach and red tape that has failed to improve the academic performance of our students. We can—and must—do better.

Our State and local leaders have the best understanding of their own school districts and student populations. So we must get Washington out of our students' classrooms and equip them with the tools necessary to put our students on a path toward academic excellence. H.R. 5 has got about four key principles to do just that: reducing the Federal footprint, empowering parents, supporting effective teachers, and restoring local control.

My colleagues and I share the belief that young people need to think big and dream bigger.

I urge my colleagues to support this bill.

Mr. GEORGE MILLER of California. I yield 1½ minutes to the gentlewoman from Oregon (Ms. BONAMICI), a member of the committee.

Ms. BONAMICI. I thank the ranking member for yielding.

Mr. Chairman, I rise in opposition to H.R. 5.

It's clear that we need long-term thinking and real changes to improve the Elementary and Secondary Education Act and give our students the schools worthy of their potential.

H.R. 5 does some things right, but too many things wrong. It underfunds title 1, cutting funding to the schools most in need of our support. It allows students with disabilities to be taught at lower standards, letting those who need more attention fall through the cracks. It eliminates provisions that assist homeless students, puts too much emphasis on the failed strategy of basing teacher evaluations on student test scores, and, Mr. Chairman, it perpetuates inequality.

This bill is a missed opportunity. We could—and should—be working on legislation that includes more support for STEM education, a bill that has provisions to ensure that every student receives a well-rounded education that includes civics and arts and music. We should be focusing on the whole child, ensuring that every student is healthy, safe, engaged, supported, and challenged.

□ 1515

This bill doesn't address these important issues. I cannot support it, and I encourage my colleagues to oppose it as well.

Mr. KLINE. Mr. Chairman, I yield 1 minute to the gentleman from Indiana, Dr. BUCSHON, a member of the committee.

Mr. BUCSHON. Mr. Chair, I rise today in support of H.R. 5, the Student Success Act, because our Nation's students deserve better in the classroom.

The one-size-fits-all approach and expanding Federal role in our current system is not effectively serving our students. The Student Success Act corrects this problem by allowing States the freedom and flexibility to provide a better education to all their students, an education that is tailored to their students' needs.

This bill reduces the Federal footprint in our schools and restores control to State and local communities where education decisions should be made. We ensure that parents and schoolteachers are able to make decisions about what is best for their students.

Mr. Chair, as the father of four, it is very important to me that we provide the best educational opportunities for all children, regardless of where they live or their socioeconomic status. The Student Success Act accomplishes this goal.

Mr. GEORGE MILLER of California. Mr. Chair, I yield 1 minute to the gentleman from Rhode Island (Mr. CICILLINE).

Mr. CICILLINE. Mr. Chair, I rise in strong opposition to this bill.

America's young people must be given every opportunity to obtain a world-class education in the best possible environment. The future of our country and our ability to compete in the global economy greatly depends on the education of our children.

Unfortunately, H.R. 5, the Letting Students Down Act, would cut education funding by over $1 billion next year and fail to support greater achievement of low-income students, students of color, students with disabilities, and English language learners. The bill also eliminates funding for critical afterschool programs, which work to improve learning opportunities for students outside the classroom by cultivating strong community partnerships.

It is a tremendous failure of the House Republican leadership that we are voting on a bill today that fails students in so many ways and would do so much harm to public education in this country.

Rather than putting forth this extreme proposal destined to fail in the Senate, we should be working together to ensure that a reauthorized Elementary and Secondary Education Act improves student achievement, supports teachers and principals, and provides a quality education for all students. This bill does not do that, and I urge my colleagues to vote ''no.''

Mr. KLINE. Mr. Chairman, I yield 1½ minutes to the gentleman from Nevada, Dr. HECK, a member of the committee.

Mr. HECK of Nevada. Mr. Chairman, I rise today in strong support of H.R. 5, the Student Success Act, because it will improve education in America and help our students succeed.

My district in southern Nevada is home to, and my three children are products of, the Clark County School District, the fifth largest district in the Nation. While there are many stories of remarkable achievements coming out of these schools, I hear all the time from administrators, teachers, and parents that Federal requirements are getting in the way of them doing what is best for their students.

While only a very small portion of a school district's budget comes from Washington, districts do not have the ability to shift the funds to where they are needed most, and they are forced to use scarce resources to check the Federal boxes to receive those funds. This one-size-fits-all approach to education is Washington bureaucracy at its worst and does not take into account the specific conditions in our local classrooms.

It strikes me as arrogant to imply, as my colleagues on the other side do, that only the Federal Government cares about student success. No one understands the conditions or has more of an interest in improving education of our children than the people who work in our schools and interact with students every day.

It is time we turn control over education policy to those who are invested in the success of our students. The Student Success Act will do just that.

I applaud Chairman KLINE and the members of the committee for their work on this bill and urge a ''yes'' vote.

Mr. GEORGE MILLER of California. I yield 1 minute to the gentlewoman from Nevada (Ms. TITUS).

Ms. TITUS. Mr. Chair, I rise in strong opposition to H.R. 5.

My colleague from Nevada must be talking to different teachers and parents than I am. This bill would hurt students and teachers and undermine the longstanding Federal mandate to guarantee educational opportunity for all students.

I am particularly concerned about the impact this bill would have on English language learners, especially at a time when Nevada schools have seen a significant increase in ELL students. These students enrich our

schools with new cultural perspectives, but they need resources and quality instruction to help them succeed academically. H.R. 5 would reduce such resources just when schools and students need them most.

This bill would also be devastating for students in special ed. Most students with learning disabilities can meet high standards if they are given the appropriate tools. H.R. 5, however, denies them the chance to learn and thrive.

Education is the best investment we can make for the future of our Nation, yet H.R. 5 starves our schools, reduces standards, and diminishes our national commitment to equal access to learning.

Let's call it what it is, the Letting Our Students Down Act, and let's vote it down.

Mr. KLINE. Mr. Chairman, may I inquire as to how much time is remaining on each side?

The CHAIR. The gentleman from Minnesota has 9½ minutes remaining. The gentleman from California has 13 minutes remaining.

Mr. KLINE. Thank you, Mr. Chairman.

I would now like to yield 2 minutes to the gentleman from Indiana (Mr. MESSER), a member of the committee.

Mr. MESSER. Mr. Chairman, I rise in support of the Student Success Act and want to commend Chairman KLINE and my Hoosier colleague, Mr. ROKITA, for their good work on this important bill.

Few laws have been used as a political punching bag by Members of both sides of the aisle quite as much as the No Child Left Behind law. Much of that criticism is deserved.

The Student Success Act moves us past No Child Left Behind, improves on this law's important progress, and provides relief from the law's most onerous and harmful mandates. It restores local control of our public schools, empowers teachers, parents, and students, and gets Washington out of the way. This bill eliminates 70 duplicative programs and prohibits the DOE from implementing a national common core curriculum. Most importantly, it puts parents and students first.

As a longtime proponent of school choice, I am pleased this bill expands charter school opportunities. We hear a lot of excuses about why students shouldn't have more educational choices, but the truth is that no child should be forced to attend a school where they have no chance to succeed.

The Student Success Act recognizes the truth that, when parents have a choice, kids have an opportunity. More can and should be done, but this bill eliminates the worst of No Child Left Behind. It restores local control of our public schools, and it empowers teachers and parents. It deserves our support.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1 minute to the gentleman from Washington (Mr. HECK).

Mr. HECK of Washington. Mr. Chairman, H.R. 5 continues the sequestration cuts to Impact Aid. If you represent a military installation, you know what that is, because that's where Impact Aid goes.

I have the honor to represent Joint Base Lewis-McChord, the third largest military installation in all of America. This measure is not good for the children of the men and women who serve us there or any other military base around America. We owe them more.

But my bigger reason for opposing this springs from my perspective as a businessman. If I learned anything in the private sector, including serving on the board of a learning and training company, it is this: to compete in a 21st century economy, you simply have to build a 21st century education system. H.R. 5 does not do that. H.R. 5 does the opposite of that.

If you want, as I do, to grow this economy faster and create jobs, good-paying jobs, you are going to vote ''no'' on this measure.

Mr. KLINE. Mr. Chairman, in an effort to balance the time here, I will reserve the balance of my time.

Mr. GEORGE MILLER of California. I yield 1 minute to the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Thank you, Mr. Chairman, and thank you to the ranking member for his leadership on this issue.

Mr. Chair, this legislation is an attack on teachers and takes away the tools they need to succeed in the classroom. I am exhausted by the continual scapegoating of America's schoolteachers.

Teachers, like my three sisters, spend countless hours both in and out of the classroom, preparing curricula, and mentoring our youth in afterschool programs. We should help every educator grow and develop professionally and not standardize and reduce their performance to a one-size-fits-all approach.

I am weary of elected officials who give lip service to the importance of good teachers. Mr. Chairman, actions speak louder than words.

I urge my colleagues to vote ''no'' on this bill. The House majority continues to attack teachers' rights to bargain with their local community on conditions that are best for their local community, and I stand in strong opposition to this bad bill.

Mr. KLINE. Mr. Chairman, I would now like to yield 1 minute to the gentleman from Illinois (Mr. SCHOCK).

Mr. SCHOCK. I thank the chairman.

Mr. Chair, the 10th Amendment of the Constitution vests the responsibility of free public education with the States; but recently, the administration and the Federal Government have been running headlong into establishing Federal standards through a common core set of principles at State levels.

H.R. 5 is an important step in reaffirming the fact that it is the States' rights and States' responsibility to determine what those students should learn within their States and, more importantly, reasserts the fact that locally elected school boards should be the sole determinants of what students should be taught and learn at local school districts.

As a former school board member myself, I know the importance of local control. H.R. 5 reestablishes that and makes certain that the Secretary of Education does not have the power to force in a dictatorial way local States to adopt common core principles.

For so many reasons, this bill should be passed, and I urge a ''yes'' vote.

Mr. GEORGE MILLER of California. Mr. Chair, I yield myself 1½ minutes.

Many of my colleagues have expressed concern over the fact that H.R. 5 takes the level of funding to the sequestration level. I think we ought to understand what this means in terms of ongoing improvement in the education program and the educational opportunity for those young people who are poor minorities and who go to some of the poorest schools in some of the poorest districts in our country. This is going to really grind down their ability to be able to respond, those schools, those districts, those teachers, those administrators, to the needs of those young people.

What it means is they will not have access to the kinds of support services that are necessary so that they will truly have an opportunity, have a full educational opportunity. We know that in many instances, in many of these schools, these students and these teachers require additional resources, require additional support systems for these students.

We know that when they are given those support systems, when they are given those resources, these very same children are able to thrive. We see that demonstrated all across this country all of the time.

I represent some of the most difficult schools in the State of California in the most difficult areas in the State of California, where children navigate very dangerous streets to get to school and to come back, yet we see students who were given that opportunity to have a first-class education are now attending Brown University and the University of Nebraska and UCLA and other such institutions.

The fact is these children can learn. The question is whether we will supply them with the resources so they can have the opportunity to do so.

I reserve the balance of my time.

Mr. KLINE. Mr. Chairman, I now yield 2 minutes to the gentlelady from Alabama (Mrs. ROBY), a member of the committee.

Mrs. ROBY. Mr. Chair, I rise today in support of H.R. 5, the Student Success Act.

I thank my chairman for yielding. It is a privilege to serve on this committee and be a part of this debate on the floor today.

We need excellent teachers in every classroom and inspired administrators in every school, but even the most gifted educators can be hamstrung by overreaching mandates, regulations, and red tape.

□ 1530

Over the last several years, Federal mandates in education have grown at an alarming rate. Politicians and bureaucrats keep trying to fix our schools with a ''Washington knows best'' approach, but ask any teacher or principal or parent, and he'll let you know that one size does not fit all when it comes to education.

That's why I am pleased that the Student Success Act reduces the Federal footprint in education, returning the decisionmaking authority to States and local districts where it belongs, and this bill expressly prohibits the Department of Education from making funding grants and regulation waivers contingent on whether a State adopts certain curriculum or assessment standards.

I believe we should have the highest standards for our schools. As a mother of a child in public school, I am glad my State of Alabama has made recent efforts to increase its standards, but the problem is that the Obama administration has improperly inserted itself into the process. We need to empower all States to set their own education policies free from Federal intrusion. Collaboration between States in setting and revising standards can be a good thing. However, the unwelcome intrusion of the Federal Government into the process invariably comes with the political agenda of the White House. The executive branch has exceeded its appropriate reach where State education policy is concerned, and it is absolutely time that we rein it in.

I am proud to support H.R. 5, and I encourage my colleagues on both sides of the aisle to support this legislation that finally puts State and local leaders back in control of their classrooms.

Mr. GEORGE MILLER of California. I have no further requests for time, and I reserve the balance of my time.

Mr. KLINE. Mr. Chairman, I now yield 1½ minutes to the gentleman from Kansas (Mr. YODER).

Mr. YODER. Thank you, Mr. Chairman.

Like many of my colleagues here today, I think the future of our Nation lies in the quality of education that our young Americans receive. Americans expect and deserve the very best from our public schools and from our schools all across the Nation so that their children have the tools to handle the challenges of the 21st century.

For far too long in this country, we've tried a one-size-fits-all, top down, Federal approach to educating our bright learners. Yet intuition tells us and experience shows us that local communities are better suited to make the right decisions when it comes to local public schools.

That's why I am proud to support the Student Success Act—to return and restore local control back to our public schools. I know that teachers, parents, neighbors, and families are better suited to make decisions regarding their children's educations than bureaucrats and government officials in Washington, D.C.

Mr. Chairman, let's put our communities back in charge of our future. Let's eliminate the top-down mandates, the strings-attached approach that Washington uses to educate our kids, and let's put teachers back in charge of the classroom and put our families and neighborhoods back in charge of our schools.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself such time as I may consume.

This is a fundamental debate that we will be having now as we enter the amendment process for this legislation. This is really a debate about whether we go backwards or forwards as a Nation. Every Member of this Congress—I believe I would be correct in saying—both in the House and the Senate—has told their constituents how important it is that we have a world-class education system and how we are falling behind other nations. Yet we see here the consideration of legislation by this Chamber that, in fact, moves us to the past.

It restricts the resources that are available. It reduces the accountability in the system. It fails to support teachers and principals—those people who almost every speaker today has said are the most important people in our education system. While it provides for teacher evaluation, which I support, it really only provides it for the purposes of hiring and firing a teacher, not to provide the kind of support and not to provide the kind of collaboration that teachers—young teachers and new teachers to the system—bring with them in wanting to have that experience so they can improve their profession, the kinds of opportunities that teachers want, and the reason teachers are organizing independently among themselves, both on the Internet and in localities, so that they can share their skills and their talents to improve their abilities to deliver the education. That support is not here.

You can say, Well, it's block-granted, and they can do it if they want.

Not under sequestration.

They'll be lucky if they can provide survival for the students whom this legislation is directed at, which are the poorest children in this country—minority children, English learners, children on Indian reservations, children who need special attention to succeed. If they get it, they can succeed, but this legislation doesn't do that. This legislation doesn't address the priority that, again, every Member in this body has spoken about. As for the priority that needs to be put on STEM, you can do it if you want to do it.

I've listened for so many years—people say, within the Federal Government, it's only 5 percent of the money or it's only 6 percent of the money—and it's always so burdensome. Well then, don't take it. I know the manager's amendment says that, but that's the law today. You sign up for this. And if everything else is going so well, how does this 5 percent of the money have such bad results in the districts? Because the fact of the matter is, we know, for whatever reason, many, many school districts and many schools are failing the students that they're supposed to be teaching.

This is an effort to try to assist them. This is an effort to try to give them the flexibility so that they can make these decisions, but if you send it in the form of H.R. 5, they're not going to have the support to do it; they're not going to have the resources to do it; they're not going to have the trained teachers to do it; they're not going to have the trained principals to do it—and that's what we should not be doing. We should, in fact, be emboldening our schools with those resources, with those talents and with those skills. We should make sure that every teacher has the capability, has the subject matter competency.

In a poor school today, you're learning arithmetic in the fourth grade, you're learning mathematics in the eighth grade, you're learning algebra—your chances of having a teacher who understands those subjects and who has taken courses in those subjects is one in seven. Shouldn't it be, for those children, one in one? Shouldn't it be that every classroom has a teacher who has subject matter competency? But we all know in our districts that that's not what happens in many of these schools. We know that, in fact, an art teacher is asked to go into a mathematics class. We know that a part-time history teacher is asked, Can you help us out in the science class?

That's not how you maintain this country's being number one in the Nation. That's not the education system that will do it. We can poke along, and we can lament, and we can worry about China and India and about countries that are making a commitment to their education systems and to their research facilities, but unless we make that commitment, we won't be running that race in the next generation. We will have settled in to some other place than number one, and I don't think that's acceptable to the people of this country.

We have been told by all business leaders who come here—whether they come from Silicon Valley or they come from the manufacturing areas of the country in the Midwest—that they want a stronger K through 12 system. That's why the Chamber of Commerce and the Business Roundtable have serious problems and are in opposition to H.R. 5, because it doesn't meet their needs that they say that they need in terms of a future educated population in order to get those skilled workers, to get that talent base, to get that future innovation. That's their decision,

not my decision. That's also the decision of the civil rights groups. That's also the decision of the parents with children with disabilities and of the disabilities community. That's also the decision of the educators in these systems.

This legislation is not up to the standards of America. It doesn't meet America's future needs. It doesn't meet the standards of excellence, and it doesn't meet the commitment of resources that this Nation should be making on behalf of the schoolchildren in this Nation and of future generations.

I yield back the balance of my time.

Mr. KLINE. I yield myself the remainder of my time.

Mr. Chairman, it has been 12 years since anybody in either body—House or Senate—has had a chance to come to the floor in either Chamber and vote on education policy. The Elementary and Secondary Education Act has been overdue for reauthorization since 2007. When our colleagues on the other side of the aisle were in the majority or since we've been in the majority, neither party has been able to bring legislation to the floor in either body. Our children deserve better.

We've been in a situation for years now in which the Congress of the United States—House and Senate—has abdicated completely to this administration its responsibility for establishing public policy. This administration has been issuing conditional, temporary waivers to suit its idea of what education policy ought to be, not what the legislative body and not what the people we represent say it ought to be.

Our children deserve real reform of the Nation's education system. We can't allow these conditional waivers or temporary fixes or political infighting and an impasse here—whether the Democrats or the Republicans are in charge—to keep us from our fundamental responsibility to improve what is now, I believe, universally recognized to be a flawed law.

By passing the Student Success Act today, we can help ensure that teachers, principals, superintendents, and State and local officials have more opportunities to build a more responsive and effective education system that better meets the unique needs of every student and, in fact, yes, of businesses. A vote for this bill demonstrates our heartfelt commitment to reform, proving to families nationwide, Mr. Chairman, that the House of Representatives will not stand by and allow the administration to micromanage our classrooms or to defend the failed status quo.

I urge my colleagues to vote ''yes'' on H.R. 5, and I yield back the balance of my time.

Ms. FUDGE. Mr. Chair, I rise today in opposition to H.R. 5, the Letting Students Down Act. This legislation fails our students, teachers, and families. It is a step back for our country's education system at a time when we should be running forward.

I have many concerns with H.R. 5.

The bill turns Title 1 funding into a block grant program. This change will disproportionally harm many disadvantaged low-income students. Schools across the country, including some in my Congressional district, rely on these funds to help ensure that all children meet state academic standards.

In addition to block granting Title 1 funds, H.R. 5 weakens current accountability measures for students, teachers, and schools.

The Republican bill does not require states to set high standards to graduate students college and career-ready. It also does not require low-performing schools to work towards improvement; instead, it eliminates all current school improvement requirements.

Every student in America has a constitutional right to a high quality education. It is the job of this Congress to secure that right without delay.

The bill before us falls short in providing the quality education that our students deserve, and I refuse to take part in supporting legislation that fails our students and their families. I oppose H.R. 5 and encourage my colleagues to do the same.

Mr. CONNOLLY. Mr. Chair, I represent Virginia's two largest school districts, which have a combined enrollment of more than 265,000 students. As a parent and former member of the Fairfax County Board of Supervisors, I know the success of our community and others across America is directly related to the quality of our local schools. Fortunately, we have strong local support for our schools, particularly within the business community, which recognizes the value of investing in our young people and future workforce. As a result, our community has the nation's premier high school for science and technology and strong academic achievement across all student groups. That has attracted families and employers to our region, which now is home to Virginia's largest public university and 10 Fortune 500 companies.

The long-overdue reauthorization of ESEA presents us with a tremendous opportunity to improve learning conditions for students and teachers. Sadly, the Republican bill before the House today retreats on that promise and, contrary to its title, will not provide the necessary tools for all students to succeed. H.R. 5 cuts federal education support by $1 billion next year and locks in the reduced levels of funding under sequestration for the foreseeable future. It also changes how those dollars are allocated, diluting services for low-income students and English language learners. That represents a disinvestment in our classrooms, and it will put our children—and our nation—at a competitive disadvantage. The U.S. Chamber of Commerce specifically cites the lack of rigorous college- and career-ready standards in opposing the Republican majority's bill. Fairfax County Public Schools Superintendent Karen Garza also expressed concern about the reduced level of funding in this bill, and I am including a copy of that letter.

I also am troubled by the changes being made in the standards for children with disabilities. For all of its flaws, one of the positive outcomes of No Child Left Behind was the fact that it held school districts accountable for the progress of every child, which provided students with disabilities the opportunity to learn—and in many cases master—grade level content and advance alongside their peers. The Republican bill will cast that success aside and allow states to teach and assess students with disabilities under an alternate, less-challenging set of standards. That is unacceptable, and it is one of the reasons why organizations such as the National Disability Rights Network oppose this bill.

Further, the Republican bill does not adequately address two other important programs that support students in our community. First, H.R. 5 eliminates the dedicated funding for before- and after-school programs that have a proven record for providing academic and social support, particularly for at-risk students, and for improving classroom achievement. For example, when I was Chairman of the Fairfax County Board of Supervisors, we received a federal 21st Century Community Learning Center grant. At the time, we were concerned with the growing rate of gang participation and gang-related crime being committed by young people. We used that federal grant to help expand our after-school programs from just 3 middle schools to all 26. Community and business partners also came forward to provide summer-school scholarships and mentoring support. As a result, gang participation dropped by half. Unlike H.R. 5, the Democratic substitute offered by Ranking Member Miller would create a separate dedicated funding stream to support before- and after-school programs so that we are offering positive enrichment opportunities for young people.

H.R. 5 also reduces funding for homeless students despite the fact that we've seen a 57% increase in the nation's homeless student population in the past four years as a result of the Great Recession. Even in my district, which is ranked as one of the wealthiest in the nation, we have nearly 2,500 homeless students in our classrooms. That is a 40% increase compared to five years ago. We must do more, not less, to support these young people who should not have to worry about where their next meal will come from or where they will sleep tonight while they try to navigate the social and academic challenges of a typical school day. The Democratic substitute will ensure more students suffering homelessness will receive the vital support they need to have some sense of stability in their lives.

Mr. Chair, the education of our children should not be driven by partisan ideology, yet that is what House Republicans have brought before us today. Their so-called reforms will, in fact, leave children behind. If we are to fulfill the promise of having a world-class education system, then we need to provide adequate support and funding for our schools, teachers, and students. I urge my colleagues to oppose H.R. 5 and to support the Democratic substitute so we can do just that.

LETTER FROM FCPS SUPERINTENDENT GARZA

HONORABLE GERRY E. CONNOLLY: We wish to share our comments and concerns regarding the Student Success ACT (H.R. 5), a proposed reauthorization of the Elementary and Secondary Education Act (ESEA), which may be on the House floor later today.

The Fairfax County School Board strongly supports the ideals embodied by ESEA, namely that every child is capable of learning and that every school and school division must be held accountable for educating every student to his or her potential, but has been deeply concerned about the intrusive administrative and fiscal burdens placed on local school divisions by ESEA in its current form. In terms of the entirety of H.R. 5, Fairfax County Public Schools (FCPS) agrees

with the position taken by the National School Boards Association (NSBA); which supports the long overdue reauthorization included in H.R. 5 in concept, but which urges some significant changes (such as the reinstatement of state Maintenance of Effort (MOE) provisions as well as removal of authorizing funding caps which would hold appropriations to current sequestration levels and then freeze them for five years) prior to its eventual passage. We would also concur with NSBA in opposing any amendments proposing to add private school vouchers or Title I ''portability'' to the legislation.

We specifically want to draw your attention to one possible amendment to H.R. 5 which could have a very significant impact on FCPS. It is our understanding that Congressman Glenn Thompson (R–PA) plans to introduce language similar to his All Children Are Equal Act (ACE Act, H.R. 2658), which if adopted would have a significant negative impact on FCPS Title I funding (a projected loss of $5.4M in Title I funding over four years, see chart below) and on Fairfax students who are living in poverty. We would urge you to reject that amendment.

Title I is intended ''to ensure that all children have a fair, equal, and significant opportunity to obtain a high quality education.'' Students living in poverty and schools with high poverty rates have educational needs that require additional resources from Title I funding to ''level the playing field'' regardless of their location. Some states are divided into many small school districts, some of which have only one secondary school and very few elementary schools. Other states have designated school districts in alignment with very large geographic counties, where districts may include hundreds of schools. Large school districts may include urban, suburban and rural-like components all within the boundaries of one large division. Children and schools located within ''pockets'' of poverty in a large district have the same educational resource needs as those in smaller school districts with fewer students. The diverse settings of schools with high poverty rates from state to state require diversity within Title I funding formulas so that schools from both small and large districts can receive resources to support needy students.

The particular amendment the House may consider seeks to phase in a shift in the funding distribution formula for Title I from calculations that are currently based on both absolute numbers of students in poverty as well as on percentages of students in poverty, to one reliant only on percentages. Given Fairfax's size (with over 180,000 students); FCPS has a relatively low overall poverty rate but a very significant number of students in poverty. As of 2011, there were an estimated 15,915 children between the ages of 5 and 18 living at or below the poverty rate in Fairfax County. That number exceeds the total student population in all but 15 jurisdictions in Virginia (there are 133 total school divisions in Virginia). While Fairfax's overall percentage of free lunch eligible students was just over 20% in the 2011–2012 school year, 22 Fairfax schools had a free lunch population of greater than 50% (with the highest schools having over 74% eligible students). In total, over 46,000 Fairfax students are eligible for the free and reduced lunch program, which has an eligibility threshold of up to 185% of the poverty rate.

For small school districts, the percentage system can be advantageous, as they may not have large absolute numbers of students. For larger school districts with ''pockets'' of poverty, the absolute number system may level the playing field so that schools with high poverty rates may receive appropriate resources, even though the overall poverty rate of the entire division may not be as high as a smaller division with fewer schools.

If only the *percentage* system were used, as would be proposed by Rep. Thompson's amendment, students in high poverty schools in larger school districts would lose Title I funding support. Students in poverty are not able to choose whether they live in a small or large school district, nor can they determine the percentage of poverty in the school district in which they live. Nonetheless, regardless of where they live, their needs are similar and they deserve equivalent access to Title I resources.

The current system, which includes the options of both the *percentage* and *absolute number* calculations, provides a balanced approach for both small and large districts, and thus provides necessary Title I resources for students in high poverty schools, no matter where they live. For these reasons, the current two alternative weighting systems, *percentage* and *absolute number*, should be continued in calculating Title I funding allocations, so that students in high poverty schools can equitably receive Title I resources whether they live in a small or large district.

FCPS would strongly support additional overall funding for the Title I program should that be part of the discussion, but again urges you to reject Rep. Thompson's Title I formula amendment if it is introduced. If you have questions or concerns, please feel free to contact Michael Molloy, Director of Government Relations, Fairfax County Public Schools at *MAMolloy@fcps.edu* or 571-423-1240. Thank you for your consideration and your support of the Fairfax County Public Schools and public K–12 education.

KAREN K. GARZA, PH.D.,
Division Superintendent, Fairfax County Public Schools.

Ms. FUDGE. Mr. Speaker, at a time when one-third of our nation's children are overweight or obese, educating them in physical competence, health-related fitness and healthy behaviors is critical to their development and long-term success as productive citizens.

Unfortunately, my Republican Colleagues fail to address this need in H.R.

Quality physical education and health education programs are essential components of a comprehensive K–12 curriculum. Recent studies, such as the Health in Mind report released by the Healthy Schools Campaign, show that health and fitness are linked to improved academic performance, cognitive ability, and behavior, as well as, reduced truancy.

Physical education increases physical competence, health-related fitness, social responsibility and enjoyment of physical activity. Quality health education is also essential to supporting the formation of health-literate and health-conscious adults, and the development of life-long healthy habits that can help reduce the enormous burden of health care costs to this nation.

The lack of physically fit and health-literate graduates has become a national security issue—being overweight or obese has become the leading medical reason why applicants fail to qualify for military service. The Institute of Medicine recognizes the important role physical education plays in combating childhood obesity, and that is why it recently recommended that physical education be included as a core subject in schools.

Unfortunately, many schools today do not provide adequate physical education or health education as recommended by health-related national organizations and the Centers for Disease Control and Prevention. Subjects that are not considered ''core'' under the current education law are frequently marginalized and too often eliminated due to a lack of funding or administrative priority.

Given the obesity epidemic in our country, it is unfortunate that my Republican colleagues did not include health education and physical education as core subjects in their bill. It is my sincere hope that as the bill moves forward in the Senate these subjects will be included and this issue will be rectified.

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

In lieu of the amendment in the nature of a substitute recommended by the Committee on Education and the Workforce, printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule an amendment in the nature of a substitute consisting of the text of Rules Committee Print 113–18. That amendment in the nature of a substitute shall be considered as read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 5

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Student Success Act''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

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

TITLE I—AID TO LOCAL EDUCATIONAL AGENCIES

Subtitle A—In General

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

Subtitle B—Improving the Academic Achievement of the Disadvantaged

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

Sec. 127. Education finance incentive grant program.
Sec. 128. Carryover and waiver.
Subtitle C—Additional Aid to States and School Districts
Sec. 131. Additional aid.
Subtitle D—National Assessment
Sec. 141. National assessment of title I.
Subtitle E—Title I General Provisions
Sec. 151. General provisions for title I.
TITLE II—TEACHER PREPARATION AND EFFECTIVENESS
Sec. 201. Teacher preparation and effectiveness.
Sec. 202. Conforming repeals.
TITLE III—PARENTAL ENGAGEMENT AND LOCAL FLEXIBILITY
Sec. 301. Parental engagement and local flexibility.
TITLE IV—IMPACT AID
Sec. 401. Purpose.
Sec. 402. Payments relating to Federal acquisition of real property.
Sec. 403. Payments for eligible federally connected children.
Sec. 404. Policies and procedures relating to children residing on Indian lands.
Sec. 405. Application for payments under sections 8002 and 8003.
Sec. 406. Construction.
Sec. 407. Facilities.
Sec. 408. State consideration of payments providing State aid.
Sec. 409. Federal administration.
Sec. 410. Administrative hearings and judicial review.
Sec. 411. Definitions.
Sec. 412. Authorization of appropriations.
Sec. 413. Conforming amendments.
TITLE V—GENERAL PROVISIONS FOR THE ACT
Sec. 501. General provisions for the Act.
Sec. 502. Repeal.
Sec. 503. Other laws.
Sec. 504. Amendment to IDEA.
TITLE VI—REPEAL
Sec. 601. Repeal of title VI.
TITLE VII—HOMELESS EDUCATION
Sec. 701. Statement of policy.
Sec. 702. Grants for State and local activities for the education of homeless children and youths.
Sec. 703. Local educational agency subgrants for the education of homeless children and youths.
Sec. 704. Secretarial responsibilities.
Sec. 705. Definitions.
Sec. 706. Authorization of appropriations.

SEC. 3. REFERENCES.

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

SEC. 4. TRANSITION.

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

SEC. 5. EFFECTIVE DATES.

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

(b) NONCOMPETITIVE PROGRAMS.—With respect to noncompetitive programs under which any funds are allotted by the Secretary of Education to recipients on the basis of a formula, this Act, and the amendments made by this Act, shall take effect on October 1, 2013.

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

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

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

The Act (20 U.S.C. 6301 et seq.) is amended by inserting after section 2 the following:

"SEC. 3. AUTHORIZATIONS OF APPROPRIATIONS.

''(a) TITLE I.—

''(1) PART A.—There are authorized to be appropriated to carry out part A of title I $16,651,767,000 for each of fiscal years 2014 through 2019.

''(2) PART B.—There are authorized to be appropriated to carry out part B of title I $3,028,000 for each of fiscal years 2014 through 2019.

''(b) TITLE II.—There are authorized to be appropriated to carry out title II $2,441,549,000 for each of fiscal years 2014 through 2019.

''(c) TITLE III.—

''(1) PART A.—

''(A) SUBPART 1.—There are authorized to be appropriated to carry out subpart 1 of part A of title III $300,000,000 for each of fiscal years 2014 through 2019.

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

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

''(2) PART B.—There are authorized to be appropriated to carry out part B of title III $2,055,709,000 for each of fiscal years 2014 through 2019.

''(d) TITLE IV.—

''(1) PAYMENTS FOR FEDERAL ACQUISITION OF REAL PROPERTY.—For the purpose of making payments under section 4002, there are authorized to be appropriated $63,445,000 for each of fiscal years 2014 through 2019.

''(2) BASIC PAYMENTS; PAYMENTS FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—For the purpose of making payments under section 4003(b), there are authorized to be appropriated $1,093,203,000 for each of fiscal years 2014 through 2019.

''(3) PAYMENTS FOR CHILDREN WITH DISABILITIES.—For the purpose of making payments under section 4003(d), there are authorized to be appropriated $45,881,000 for each of fiscal years 2014 through 2019.

''(4) CONSTRUCTION.—For the purpose of carrying out section 4007, there are authorized to be appropriated $16,529,000 for each of fiscal years 2014 through 2019.

''(5) FACILITIES MAINTENANCE.—For the purpose of carrying out section 4008, there are authorized to be appropriated $4,591,000 for each of fiscal years 2014 through 2019.''.

TITLE I—AID TO LOCAL EDUCATIONAL AGENCIES

Subtitle A—In General

SEC. 101. TITLE HEADING.

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

"TITLE I—AID TO LOCAL EDUCATIONAL AGENCIES".

SEC. 102. STATEMENT OF PURPOSE.

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

"SEC. 1001. STATEMENT OF PURPOSE.

''The purpose of this title is to provide all children the opportunity to graduate high school prepared for postsecondary education or the workforce. This purpose can be accomplished by—

''(1) meeting the educational needs of low-achieving children in our Nation's highest-poverty schools, English learners, migratory children, children with disabilities, Indian children, and neglected or delinquent children;

''(2) 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;

''(3) affording parents substantial and meaningful opportunities to participate in the education of their children; and

''(4) challenging States and local educational agencies to embrace meaningful, evidence-based education reform, while encouraging state and local innovation.''.

SEC. 103. FLEXIBILITY TO USE FEDERAL FUNDS.

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

"SEC. 1002. FLEXIBILITY TO USE FEDERAL FUNDS.

''(a) ALTERNATIVE USES OF FEDERAL FUNDS FOR STATE EDUCATIONAL AGENCIES.—

''(1) IN GENERAL.—Subject to subsections (c) and (d) and notwithstanding any other provision of law, a State educational agency may use the applicable funding that the agency receives for a fiscal year to carry out any State activity authorized or required under one or more of the following provisions:

''(A) Section 1003.

''(B) Section 1004.

''(C) Subpart 2 of part A of title I.

''(D) Subpart 3 of part A of title I.

''(E) Subpart 4 of part A of title I.

''(F) Chapter B of subpart 6 of part A of title I.

''(2) NOTIFICATION.—Not later than June 1 of each year, a State educational agency shall notify the Secretary of the State educational agency's intention to use the applicable funding for any of the alternative uses under paragraph (1).

''(3) APPLICABLE FUNDING DEFINED.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), in this subsection, the term 'applicable funding' means funds provided to carry out State activities under one or more of the following provisions.

''(i) Section 1003.

''(ii) Section 1004.

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

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

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

''(B) LIMITATION.—In this subsection, the term 'applicable funding' does not include funds provided under any of the provisions listed in subparagraph (A) that State educational agencies are required by this Act—

''(i) to reserve, allocate, or spend for required activities;

''(ii) to allocate, allot, or award to local educational agencies or other entities eligible to receive such funds; or

''(iii) to use for technical assistance or monitoring.

''(4) DISBURSEMENT.—The Secretary shall disburse the applicable funding to State educational agencies for alternative uses under paragraph (1) for a fiscal year at the same time as the Secretary disburses the applicable funding to State educational agencies that do not intend to use the applicable funding for such alternative uses for the fiscal year.

''(b) ALTERNATIVE USES OF FEDERAL FUNDS FOR LOCAL EDUCATIONAL AGENCIES.—

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

''(A) Section 1003.

''(B) Subpart 1 of part A of title I.

''(C) Subpart 2 of part A of title I.

''(D) Subpart 3 of part A of title I.

''(E) Subpart 4 of part A of title I.

''(F) Subpart 6 of part A of title I.

''(2) NOTIFICATION.—A local educational agency shall notify the State educational agency of the local educational agency's intention to use the applicable funding for any of the alternative uses under paragraph (1) by a date that is established by the State educational agency for the notification.

''(3) APPLICABLE FUNDING DEFINED.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), in this subsection, the term 'applicable funding' means funds provided to carry out local activities under one or more of the following provisions:

''(i) Subpart 2 of part A of title I.

''(ii) Subpart 3 of part A of title I.

''(iii) Subpart 4 of part A of title I.

''(iv) Chapter A of subpart 6 of part A of title I.

''(B) LIMITATION.—In this subsection, the term 'applicable funding' does not include funds provided under any of the provisions listed in subparagraph (A) that local educational agencies are required by this Act—

''(i) to reserve, allocate, or spend for required activities;

''(ii) to allocate, allot, or award to entities eligible to receive such funds; or

''(iii) to use for technical assistance or monitoring.

''(4) 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 paragraph (1) 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.

''(c) RULE FOR ADMINISTRATIVE COSTS.—A State educational agency or a local educational agency shall only use applicable funding (as defined in subsection (a)(3) or (b)(3), respectively) for administrative costs incurred in carrying out a provision listed in subsection (a)(1) or (b)(1), respectively, to the extent that the agency, in the absence of this section, could have used funds for administrative costs with respect to a program listed in subsection (a)(3) or (b)(3), respectively.

''(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to relieve a State educational agency or local educational agency of any requirements relating to—

''(1) use of Federal funds to supplement, not supplant, non-Federal funds;

''(2) comparability of services;

''(3) equitable participation of private school students and teachers;

''(4) applicable civil rights requirements;

''(5) section 1113; or

''(6) section 1111.''.

SEC. 104. SCHOOL IMPROVEMENT.

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

(1) in subsection (a)—

(A) by striking ''2 percent'' and inserting ''7 percent''; and

(B) by striking ''subpart 2 of part A'' and all that follows through ''sections 1116 and 1117,'' and inserting ''chapter B of subpart 1 of part A for each fiscal year to carry out subsection (b),'';

(2) in subsection (b)—

(A) in paragraph (1), by striking ''for schools identified for school improvement, corrective action, and restructuring, for activities under section 1116(b)'' and inserting ''to carry out the State's system of school improvement under section 1111(b)(3)(B)(iii)''; and

(B) in paragraph (2), by striking ''or educational service agencies'' and inserting '', educational service agencies, or non-profit or for-profit external providers with expertise in using evidence-based or other effective strategies to improve student achievement'';

(3) in subsection (c)—

(A) in paragraph (1), by inserting ''and'' at the end;

(B) in paragraph (2), by striking ''need for such funds; and'' and inserting ''commitment to using such funds to improve such schools.''; and

(C) by striking paragraph (3);

(4) in subsection (d)(1), by striking ''subpart 2 of part A;'' and inserting ''chapter B of subpart 1 of part A;'';

(5) in subsection (e)—

(A) by striking ''in any fiscal year'' and inserting ''in fiscal year 2015 and each subsequent fiscal year'';

(B) by striking ''subpart 2'' and inserting ''chapter B of subpart 1 of part A''; and

(C) by striking ''such subpart'' and inserting ''such chapter'';

(6) in subsection (f), by striking ''and the percentage of students from each school from families with incomes below the poverty line''; and

(7) by striking subsection (g).

SEC. 105. DIRECT STUDENT SERVICES.

The Act (20 U.S.C. 6301 et seq.) is amended by inserting after section 1003 the following:

''SEC. 1003A. DIRECT STUDENT SERVICES.

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

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

''(c) AWARDS.—The State educational agency shall award grants to geographically diverse local educational agencies including suburban, rural, and urban local educational agencies. If there are not enough funds to award all applicants in a sufficient size and scope to run an effective direct student services program, the State shall prioritize awards to local educational agencies with the greatest number of low-performing schools.

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

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

''(2) may use not more than 2 percent of each award for administrative costs related to direct student services; and

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

''(e) APPLICATION.—A local educational agency desiring to receive an award under subsection (b) shall submit an application describing how the local educational agency will—

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

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

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

''(4) determine the requirements or criteria for student eligibility for direct student services;

''(5) select a variety of providers of high-quality academic tutoring from the State-approved list required under subsection (f)(2) and ensure fair negotiations in selecting such providers of high-quality academic tutoring, including online, on campus, and other models of tutoring which provide meaningful choices to parents to find the best service for their child; and

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

''(f) PROVIDERS AND SCHOOLS.—The State—

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

''(2) shall compile a list of State-approved high-quality academic tutoring providers that includes online, on campus, and other models of tutoring; and

''(3) shall ensure that each local educational agency receiving an award will provide an adequate number of high-quality academic tutoring options to ensure parents have a meaningful choice of services.''.

SEC. 106. STATE ADMINISTRATION.

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

''SEC. 1004. STATE ADMINISTRATION.

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

''(1) 1 percent of the amounts received under such subparts; or

''(2) $400,000 ($50,000 in the case of each outlying area).

''(b) EXCEPTION.—If the sum of the amounts reserved under subparts 1, 2, and 3 of part A of this title is equal to or greater than $14,000,000,000, then the reservation described in subsection (a)(1) shall not exceed 1 percent of the amount the State would receive if $14,000,000,000 were allocated among the States for subparts 1, 2, and 3 of part A of this title.''.

Subtitle B—Improving the Academic Achievement of the Disadvantaged

SEC. 111. PART A HEADINGS.

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

''PART A—IMPROVING THE ACADEMIC ACHIEVEMENT OF THE DISADVANTAGED''.

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

''Subpart 1—Improving Basic Programs Operated by Local Educational Agencies

''CHAPTER A—BASIC PROGRAM REQUIREMENTS''.

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

''CHAPTER B—ALLOCATIONS''.

SEC. 112. STATE PLANS.

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

''SEC. 1111. STATE PLANS.

''(a) PLANS REQUIRED.—

''(1) IN GENERAL.—For any State desiring to receive a grant under this subpart, the State educational agency shall submit to the Secretary a plan, developed by the State educational agency, in consultation with local educational agencies, teachers, school leaders, public charter school representatives, specialized instructional support personnel, other appropriate school personnel, 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 5302.

''(b) ACADEMIC STANDARDS, ACADEMIC ASSESSMENTS, AND STATE ACCOUNTABILITY.—

''(1) ACADEMIC STANDARDS.—

''(A) IN GENERAL.—Each State plan shall demonstrate that the State has adopted academic content standards and academic achievement standards aligned with such content standards that comply with the requirements of this paragraph.

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

''(C) REQUIREMENTS.—The standards described in subparagraph (A) shall—

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

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

''(D) ALTERNATE ACADEMIC ACHIEVEMENT STANDARDS.—Notwithstanding any other provision of this paragraph, a State may, through a documented and validated standards-setting process, adopt alternate academic achievement standards 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; and

''(ii) such standards—

''(I) are aligned with the State academic standards required under subparagraph (A);

''(II) promote access to the general curriculum; and

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

''(E) ENGLISH LANGUAGE PROFICIENCY STANDARDS.—Each State plan shall describe how the State educational agency will establish English language proficiency standards that are—

''(i) derived from the four recognized domains of speaking, listening, reading, and writing; and

''(ii) aligned with the State's academic content standards in reading or language arts under subparagraph (A).

''(2) ACADEMIC ASSESSMENTS.—

''(A) IN GENERAL.—Each State plan shall demonstrate that the State educational agency, in consultation with local educational agencies, has implemented a set of high-quality student academic assessments in mathematics, reading or language arts, and science. At the State's discretion, the State plan may also demonstrate that the State has implemented such assessments in any other subject chosen by the State.

''(B) REQUIREMENTS.—Such assessments shall—

''(i) in the case of mathematics and reading or language arts, be used in determining the performance of each local educational agency and public school in the State in accordance with the State's accountability system under paragraph (3);

''(ii) be the same academic assessments used to measure the academic achievement of all public school students in the State;

''(iii) be aligned with the State's academic standards and provide coherent and timely information about student attainment of such standards;

''(iv) be used for purposes for which such assessments are valid and reliable, be of adequate technical quality for each purpose required under this Act, and be consistent with relevant, nationally recognized professional and technical standards;

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

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

''(aa) grades 3 through 5;

''(bb) grades 6 through 9; and

''(cc) grades 10 through 12; and

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

''(vi) measure individual student academic proficiency and growth;

''(vii) at the State's discretion—

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

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

''(viii) include measures that assess higher-order thinking skills and understanding;

''(ix) provide for—

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

''(II) the reasonable adaptations and accommodations for students with disabilities necessary to measure the academic achievement of such students relative to the State's academic standards; and

''(III) the inclusion of English learners, who shall be assessed in a valid and reliable manner and provided reasonable accommodations, including, to the extent practicable, assessments in the language and form most likely to yield accurate and reliable information on what such students know and can do in academic content areas, until such students have achieved English language proficiency, as assessed by the State under subparagraph (D);

''(x) notwithstanding clause (ix)(III), provide for the assessment of reading or language arts in English for English learners who have attended school in the United States (not including Puerto Rico) for 3 or more consecutive school years, except that a local educational agency may, on a case-by-case basis, provide for the assessment of reading or language arts for each such student in a language other than English for a period not to exceed 2 additional consecutive years if the assessment would be more likely to yield accurate and reliable information on what such student knows and can do, 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 reading or language arts assessments written in English;

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

''(xii) enable results to be disaggregated within each 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 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; and

''(xiii) be administered to not less than 95 percent of all students, and not less than 95 percent of each subgroup of students described in paragraph (3)(B)(ii)(II).

''(C) ALTERNATE ASSESSMENTS.—A State may provide for alternate assessments aligned with the alternate academic standards adopted in accordance with 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 when determining when a child's significant cognitive disability justifies assessment based on alternate achievement standards;

''(ii) ensures that the parents of such students are informed that—

''(I) their child's academic achievement will be measured against such alternate standards; and

''(II) whether participation in such assessments precludes the student from completing the requirements for a regular high school diploma;

''(iii) demonstrates that such students are, to the extent practicable, included in the general curriculum and that such alternate assessments are aligned with such curriculum;

''(iv) develops, disseminates information about, and promotes the use of appropriate accommodations to increase the number of students with disabilities who are tested against academic achievement standards for the grade in which a student is enrolled; and

''(v) ensures that regular and special education teachers and other appropriate staff know how to administer the alternate assessments, including making appropriate use of accommodations for students with disabilities.

''(D) ASSESSMENTS OF ENGLISH LANGUAGE PROFICIENCY.—

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

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

''(E) 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.

''(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 (B)(iii), the assessment—

''(I) shall measure, at a minimum, each student's academic proficiency against the State's academic standards for the student's grade level and growth toward such standards; and

''(II) if the State chooses, may be used to measure the student's level of academic proficiency and growth using assessment items above or below the student's grade level, including for use as part of a State's accountability system under paragraph (3).

''(ii) Subparagraph (B)(ii) shall not be interpreted to require that all students taking the computer adaptive assessment be administered the same assessment items.

''(3) STATE ACCOUNTABILITY SYSTEMS.—

''(A) IN GENERAL.—Each State plan shall demonstrate that the State has developed and is implementing a single, statewide accountability system to ensure that all public school students graduate from high school prepared for postsecondary education or the workforce without the need for remediation.

''(B) ELEMENTS.—Each State accountability system described in subparagraph (A) shall at a minimum—

''(i) annually measure the academic achievement of all public school students in the State against the State's mathematics and reading or language arts academic standards adopted under paragraph (1), which may include measures of student growth toward such standards, using the mathematics and reading or language arts assessments described in paragraph (2)(B) and other valid and reliable academic indicators related to student achievement as identified by the State;

''(ii) annually evaluate and identify the academic performance of each public school in the State based on—

''(I) student academic achievement as measured in accordance with clause (i); and

''(II) the overall performance, and achievement gaps as compared to all students in the school, for economically disadvantaged students, students from major racial and ethnic groups, students with disabilities, and English learners, except that disaggregation of data under this subclause 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; and

''(iii) include a system for school improvement for low-performing public schools receiving funds under this subpart that—

''(I) implements interventions in such schools that are designed to address such schools' weaknesses; and

''(II) is implemented by local educational agencies serving such schools.

''(C) PROHIBITION.—Nothing in this section shall be construed to permit the Secretary to establish any criteria that specifies, defines, or prescribes any aspect of a State's accountability system developed and implemented in accordance with this paragraph.

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

''(4) REQUIREMENTS.—Each State plan shall describe—

''(A) how the State educational agency will assist each local educational agency and each public school affected by the State plan to comply with the requirements of this subpart, including how the State educational agency will work with local educational agencies to provide technical assistance; and

''(B) how the State educational agency will ensure that the results of the State assessments described in paragraph (2), the other indicators selected by the State under paragraph (3)(B)(i), and the school evaluations described in paragraph (3)(B)(ii), will be promptly provided to local educational agencies, schools, teachers, and parents in a manner that is clear and easy to understand, but not later than before the beginning of the school year following the school year in which such assessments, other indicators, or evaluations are taken or completed.

''(5) TIMELINE FOR IMPLEMENTATION.—Each State plan shall describe the process by which the State will adopt and implement the State academic standards, assessments, and accountability system required under this section within 2 years of enactment of the Student Success Act.

''(6) EXISTING STANDARDS.—Nothing in this subpart shall prohibit a State from revising, consistent with this section, any standard adopted under this section before or after the date of enactment of the Student Success Act.

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

''(c) OTHER PROVISIONS TO SUPPORT TEACHING AND LEARNING.—Each State plan shall contain assurances that—

''(1) the State will notify local educational agencies, schools, teachers, parents, and the public of the academic standards, academic assessments, and State accountability system developed and implemented under this section;

''(2) the State will 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 will notify local educational agencies and the public of the authority to operate schoolwide programs;

''(4) 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 subpart;

''(5) 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;

''(6) 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; and

''(7) the State educational agency will inform local educational agencies in the State of the local educational agency's authority to transfer funds under section 1002 and to obtain waivers under section 5401.

''(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;

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

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

''(e) PEER REVIEW AND SECRETARIAL APPROVAL.—

''(1) ESTABLISHMENT.—Notwithstanding section 5543, the Secretary shall—

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

''(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, and ensure that 75 percent of such appointees are practitioners.

''(2) APPROVAL.—The Secretary shall—

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

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

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

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

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

''(iii) providing a hearing; and

''(D) have the authority to disapprove a State plan for not meeting the requirements of this subpart, 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 standards or State accountability system, or to use specific academic assessments or other indicators.

''(3) STATE REVISIONS.—A State plan shall be revised by the State educational agency if it is necessary to satisfy the requirements of this section.

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

''(A) peer review guidance;

''(B) the names of the peer reviewers;

''(C) State plans submitted or resubmitted by a State, including the current approved plans;

''(D) peer review notes;

''(E) State plan determinations by the Secretary, including approvals or disapprovals, and any deviations from the peer reviewers' recommendations with an explanation of the deviation; and

''(F) hearings.

''(5) PROHIBITION.—The Secretary, and the Secretary's staff, may not attempt to participate in, or influence, the peer review process. No Federal employee may participate in, or attempt to influence the peer review process, except to respond to questions of a technical nature, which shall be publicly reported.

''(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 subpart; 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 subpart.

''(2) ADDITIONAL INFORMATION.—If a State makes significant changes to its State plan, such as the adoption of new State academic standards or new academic assessments, or adopts a new State accountability system, such information shall be submitted to the Secretary under subsection (e)(2) for approval.

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

''(h) REPORTS.—

''(1) ANNUAL STATE REPORT CARD.—

''(A) IN GENERAL.—A State that receives assistance under this subpart shall prepare and disseminate an annual State report card. Such dissemination shall include, at a minimum, publicly posting the report card on the home page of the State educational agency's website.

''(B) IMPLEMENTATION.—The State report card shall be—

''(i) concise; and

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

''(C) REQUIRED INFORMATION.—The State shall include in its annual State report card information on—

''(i) the performance of students, in the aggregate and disaggregated by the categories of students described in subsection (b)(2)(B)(xii) (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), on the State academic assessments described in subsection (b)(2);

''(ii) the participation rate on such assessments, in the aggregate and disaggregated in accordance with clause (i);

''(iii) the performance of students, in the aggregate and disaggregated in accordance with clause (i), on other academic indicators described in subsection (b)(3)(B)(i);

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

''(I) the four-year adjusted cohort graduation rate, and

''(II) if applicable, the extended-year adjusted cohort graduation rate, reported separately for students graduating in 5 years or less, students graduating in 6 years or less, and students graduating in 7 or more years;

''(v) each public school's evaluation results as determined in accordance with subsection (b)(3)(B)(ii);

''(vi) the acquisition of English proficiency by English learners;

''(vii) the number and percentage of teachers in each category established under clause (iii) of section 2123(1)(A), except that such information shall not reveal personally identifiable information about an individual teacher; and

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

''(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.

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

''(A) IN GENERAL.—A local educational agency that receives assistance under this subpart shall prepare and disseminate an annual local educational agency report card.

''(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, information that shows how students served by the local educational agency achieved on the statewide academic assessment and other academic indicators adopted in accordance with subsection (b)(3)(B)(i) compared to students in the State as a whole; and

''(ii) in the case of a school, the school's evaluation under subsection (b)(3)(B)(ii).

''(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 publicly disseminate the information described in this paragraph to all schools 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, in a language that 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 may use public report cards on the performance of students, schools, local educational agencies, or the State, that were in effect prior to the enactment of the Student Success Act for the purpose of this subsection, so long as any such report card is modified, as may be needed, to contain the information required by this subsection.

''(4) PARENTS RIGHT-TO-KNOW.—

''(A) ACHIEVEMENT INFORMATION.—At the beginning of each school year, a school that receives funds under this subpart shall provide to each individual parent information on the level of achievement of the parent's child in each of the State academic assessments and other academic indicators adopted in accordance with this subpart.

''(B) 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 consistent with section 444 of the General Education Provisions Act.

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

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

''(2) participation in any such partnerships.

''(k) 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.

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

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

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

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

SEC. 113. LOCAL EDUCATIONAL AGENCY PLANS.

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

''SEC. 1112. LOCAL EDUCATIONAL AGENCY PLANS.

''(a) PLANS REQUIRED.—

''(1) SUBGRANTS.—A local educational agency may receive a subgrant under this subpart 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 5305.

''(b) PLAN PROVISIONS.—Each local educational agency plan shall describe—

''(1) how the local educational agency will monitor, in addition to the State assessments described in section 1111(b)(2), students' progress in meeting the State's academic standards;

''(2) how the local educational agency will identify quickly and effectively those students who may be at risk of failing to meet the State's academic standards;

''(3) how the local educational agency will provide additional educational assistance to individual students in need of additional help in meeting the State's academic standards;

''(4) how the local educational agency will implement the school improvement system described in section 1111(b)(3)(B)(iii) for any of the agency's schools identified under such section;

''(5) how the local educational agency will coordinate programs under this subpart with other programs under this Act and other Acts, as appropriate;

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

''(7) how teachers, in consultation with parents, 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 subpart;

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

''(9) how the local educational agency will ensure that migratory children who are eligible to receive services under this subpart are selected to receive such services on the same basis as other children who are selected to receive services under this subpart;

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

''(11) the strategy the local educational agency will use to implement effective parental involvement under section 1118;

''(12) if appropriate, how the local educational agency will use funds under this subpart to support preschool programs for children, particularly children participating in a Head Start program, which services may be provided directly by the local educational agency or through a subcontract with the local Head Start agency designated by the Secretary of Health and Human Services under section 641 of the Head Start Act, or another comparable early childhood development program;

''(13) how the local educational agency, through incentives for voluntary transfers, the provision of professional development, recruitment programs, incentive pay, performance pay, or other effective strategies, will address disparities in the rates of low-income and minority students and other students being taught by ineffective teachers;

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

''(A) career and technical education aligned with State technical standards that promote skills attainment important to in-demand occupations or industries in the State and the State's

academic standards under section 1111(b)(1); and

''(B) work-based learning opportunities that provide students in-depth interaction with industry professionals; and

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

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

''(1) participate, if selected, 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;

''(2) inform schools of schoolwide program authority and the ability to consolidate funds from Federal, State, and local sources;

''(3) provide technical assistance to schoolwide programs;

''(4) provide services to eligible children attending private elementary and secondary schools in accordance with section 1120, and timely and meaningful consultation with private school officials or representatives regarding such services;

''(5) in the case of a local educational agency that chooses to use funds under this subpart to provide early childhood development services to low-income children below the age of compulsory school attendance, ensure that such services comply with the performance standards established under section 641A(a) of the Head Start Act;

''(6) inform eligible schools of the local educational agency's authority to request waivers on the school's behalf under Title V; and

''(7) ensure that the results of the academic assessments required under section 1111(b)(2) 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.

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

''(1) 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

''(2) 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 subsection shall plan for the implementation of such subsection (taking into consideration existing State and local laws, and local teacher contracts).

''(e) PLAN DEVELOPMENT AND DURATION.—

''(1) CONSULTATION.—Each local educational agency plan shall be developed in consultation with teachers, school leaders, public charter school representatives, administrators, and other appropriate school personnel, and with parents of children in schools served under this subpart.

''(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 this Act and shall remain in effect for the duration of the agency's participation under this subpart.

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

''(f) 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 subpart to substantially help children served under this subpart to meet the State's academic standards 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 agency's activities are in accordance with section 1118.

''(g) PARENTAL NOTIFICATION.—

''(1) IN GENERAL.—Each local educational agency using funds under this subpart and subpart 4 to provide a language instruction educational program shall, not later than 30 days after the beginning of the school year, inform parents of an English learner identified for participation, or participating in, such a program of—

''(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 learners, and the expected rate of graduation from high school for such program if funds under this subpart 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 one program or method is offered by the eligible entity.

''(2) NOTICE.—The notice and information provided in paragraph (1) to 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 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 subpart shall implement an effective means of outreach to parents of English learners to inform the parents regarding how the parents can be involved in the education of their children, and be active participants in assisting their children to attain English proficiency, achieve at high levels in core academic subjects, and meet the State's academic standards expected of all students, including holding, and sending notice of opportunities for, regular meetings for the purpose of formulating and responding to recommendations from parents of students assisted under this subpart.

''(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. 114. ELIGIBLE SCHOOL ATTENDANCE AREAS.

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

(1) by striking ''part'' each place it appears and inserting ''subpart''; and

(2) in subsection (c)(4)—

(A) by striking ''subpart 2'' and inserting ''chapter B''; and

(B) by striking ''school improvement, corrective action, and restructuring under section 1116(b)'' and inserting ''school improvement under section 1111(b)(3)(B)(iii)''.

SEC. 115. SCHOOLWIDE PROGRAMS.

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

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking ''part'' and inserting ''subpart''; and

(ii) by striking ''in which'' through ''such families'';

(B) in paragraph (2)—

(i) in subparagraph (A)(i), by striking ''part'' and inserting ''subpart''; and

(ii) in subparagraph (B)—

(I) by striking ''children with limited English proficiency'' and inserting ''English learners''; and

(II) by striking ''part'' and inserting ''subpart'';

(C) in paragraph (3)(B), by striking ''maintenance of effort,'' after ''private school children,''; and

(D) by striking paragraph (4); and

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) by striking ''(including'' and all that follows through ''1309(2))''; and

(II) by striking ''content standards and the State student academic achievement standards'' and inserting ''standards'';

(ii) in subparagraph (B)—

(I) in clause (i), by striking ''proficient'' and all that follows through ''section 1111(b)(1)(D)'' and inserting ''academic standards described in section 1111(b)(1)'';

(II) in clause (ii), in the matter preceding subclause (I), by striking ''based on scientifically based research'' and inserting ''evidence-based'';

(III) in clause (iii)—

(aa) in subclause (I)—

(AA) by striking ''student academic achievement standards'' and inserting ''academic standards''; and

(BB) by striking ''schoolwide program,'' and all that follows through ''technical education programs; and'' and inserting ''schoolwide programs; and''; and

(bb) in subclause (II), by striking ''and'';

(IV) in clause (iv)—

(aa) by striking ''the State and local improvement plans'' and inserting ''school improvement strategies''; and

(bb) by striking the period and inserting ''; and''; and

(V) by adding at the end the following new clause:

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

(iii) in subparagraph (C), by striking ''highly qualified'' and inserting ''effective'';

(iv) in subparagraph (D)—

(I) by striking ''In accordance with section 1119 and subsection (a)(4), high-quality'' and inserting ''High-quality'';

(II) by striking ''pupil services'' and inserting ''specialized instructional support services''; and

(III) by striking ''student academic achievement'' and inserting ''academic'';

(v) in subparagraph (E), by striking ''high-quality highly qualified'' and inserting ''effective'';

(vi) in subparagraph (G), by striking '', such as Head Start, Even Start, Early Reading First, or a State-run preschool program,'';

(vii) in subparagraph (H), by striking ''section 1111(b)(3)'' and inserting ''section 1111(b)(2)'';

(viii) in subparagraph (I), by striking ''proficient or advanced levels of academic achievement standards'' and inserting ''State academic standards''; and

(ix) in subparagraph (J), by striking ''vocational'' and inserting ''career''; and

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) in the matter preceding clause (i)—

(aa) by striking ''first develop'' and all that follows through ''2001)'' and inserting ''have in place''; and

(bb) by striking ''and its school support team or other technical assistance provider under section 1117'';

(II) in clause (ii), by striking ''part'' and inserting ''subpart''; and

(III) in clause (iv), by striking ''section 1111(b)(3)'' and inserting ''section 1111(b)(2)''; and

(ii) in subparagraph (B)—

(I) in clause (i)—

(aa) in subclause (I), by striking '', after considering the recommendation of the technical assistance providers under section 1117,''; and

(bb) in subclause (II), by striking ''No Child Left Behind Act of 2001'' and inserting ''Student Success Act'';

(II) in clause (ii)—

(aa) by striking ''(including administrators of programs described in other parts of this title)''; and

(bb) by striking ''pupil services'' and inserting ''specialized instructional support services'';

(III) in clause (iii), by striking ''part'' and inserting ''subpart''; and

(IV) in clause (v), by striking ''Reading First, Early Reading First, Even Start,''; and

(3) in subsection (c)—

(A) by striking ''part'' and inserting ''subpart''; and

(B) by striking ''6,'' and all that follows through the period at the end and inserting ''6.''.

SEC. 116. TARGETED ASSISTANCE SCHOOLS.

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

(1) in subsection (a)—

(A) by striking ''are ineligible for a schoolwide program under section 1114, or that'';

(B) by striking ''operate such'' and inserting ''operate''; and

(C) by striking ''part'' and inserting ''subpart'';

(2) in subsection (b)—

(A) in paragraph (1)(B), by striking ''challenging student academic achievement'' and inserting ''academic'';

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking ''limited English proficient children'' and inserting ''English learners''; and

(II) by striking ''part'' each place it appears and inserting ''subpart'';

(ii) in subparagraph (B)—

(I) in the heading, by striking '', EVEN START, OR EARLY READING FIRST'';

(II) by striking '', Even Start, or Early Reading First''; and

(III) by striking ''part'' and inserting ''subpart'';

(iii) in subparagraph (C)—

(I) by amending the heading to read as follows: ''SUBPART 3 CHILDREN.—'';

(II) by striking ''part C'' and inserting ''subpart 3''; and

(III) by striking ''part'' and inserting ''subpart'';

(iv) in subparagraphs (D) and (E), by striking ''part'' each place it appears and inserting ''subpart'';

(C) in paragraph (3), by striking ''part'' and inserting ''subpart'';

(3) in subsection (c)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A)—

(I) by striking ''part'' and inserting ''subpart''; and

(II) by striking ''challenging student academic achievement'' and inserting ''academic'';

(ii) in subparagraph (A)—

(I) by striking ''part'' and inserting ''subpart''; and

(II) by striking ''challenging student academic achievement'' and inserting ''academic'';

(iii) in subparagraph (B), by striking ''part'' and inserting ''subpart'';

(iv) in subparagraph (C)—

(I) in the matter preceding clause (i), by striking ''based on scientifically based research'' and inserting ''evidence-based''; and

(II) in clause (iii), by striking ''part'' and inserting ''subpart'';

(v) in subparagraph (D), by striking ''such as Head Start, Even Start, Early Reading First or State-run preschool programs'';

(vi) in subparagraph (E), by striking ''highly qualified'' and inserting ''effective'';

(vii) in subparagraph (F)—

(I) by striking ''in accordance with subsection (e)(3) and section 1119,'';

(II) by striking ''part'' and inserting ''subpart''; and

(III) by striking ''pupil services personnel'' and inserting ''specialized instructional support personnel''; and

(viii) in subparagraph (H), by striking ''vocational'' and inserting ''career''; and

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking ''proficient and advanced levels of achievement'' and inserting ''academic standards'';

(ii) in subparagraph (A), by striking ''part'' and inserting ''subpart''; and

(iii) in subparagraph (B), by striking ''challenging student academic achievement'' and inserting ''academic'';

(4) in subsection (d), in the matter preceding paragraph (1), by striking ''part'' each place it appears and inserting ''subpart'';

(5) in subsection (e)—

(A) in paragraph (2)(B)—

(i) in the matter preceding clause (i), by striking ''part'' and inserting ''subpart''; and

(ii) in clause (iii), by striking ''pupil services'' and inserting ''specialized instructional support services''; and

(B) by striking paragraph (3); and

(6) by adding at the end the following new subsection:

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

SEC. 117. ACADEMIC ASSESSMENT AND LOCAL EDUCATIONAL AGENCY AND SCHOOL IMPROVEMENT; SCHOOL SUPPORT AND RECOGNITION.

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

SEC. 118. PARENTAL INVOLVEMENT.

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

(1) by striking ''part'' each place such term appears and inserting ''subpart'';

(2) in subsection (a)—

(A) in paragraph (2)—

(i) in subparagraph (A), by striking '', and'' and all that follows through ''1116''; and

(ii) in subparagraph (D), by striking '', such as'' and all that follows through ''preschool programs''; and

(B) in paragraph (3)(A), by striking ''subpart 2 of this part'' each place it appears and inserting ''chapter B of this subpart'';

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

''(B) a description and explanation of the curriculum in use at the school and the forms of academic assessment used to measure student progress; and'';

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

(5) in subsection (e)—

(A) in paragraph (1), by striking ''State's academic content standards and State student academic achievement standards'' and inserting ''State's academic standards'';

(B) in paragraph (3)—

(i) by striking ''pupil services personnel,'' and inserting ''specialized instructional support personnel,''; and

(ii) by striking ''principals,'' and inserting ''school leaders,''; and

(C) in paragraph (4), by striking ''Head Start, Reading First, Early Reading First, Even Start, the Home Instruction Programs for Preschool Youngsters, the Parents as Teachers Program, and public preschool and other'' and inserting ''other Federal, State, and local''; and

(6) by amending subsection (g) to read as follows:

''(g) FAMILY ENGAGEMENT IN EDUCATION PROGRAMS.—In a State operating a program under subpart 3 of part A of title III, each local educational agency or school that receives assistance under this subpart shall inform such parents and organizations of the existence of such programs.''.

SEC. 119. QUALIFICATIONS FOR TEACHERS AND PARAPROFESSIONALS.

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

SEC. 120. PARTICIPATION OF CHILDREN ENROLLED IN PRIVATE SCHOOLS.

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

''SEC. 1120. PARTICIPATION OF CHILDREN ENROLLED IN PRIVATE SCHOOLS.

''(a) GENERAL REQUIREMENT.—

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

''(A) after timely and meaningful consultation with appropriate private school officials or representatives, provide such service, on an equitable basis and individually or in combination, as requested by the officials or representatives to best meet the needs of such children, special educational services, instructional services, counseling, mentoring, one-on-one tutoring, or other benefits under this subpart (such as dual enrollment, educational radio and television, computer equipment and materials, other technology, and mobile educational services and equipment) that address their needs; and

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

''(2) SECULAR, NEUTRAL, NONIDEOLOGICAL.—Such educational services or other benefits, including materials and equipment, shall be secular, neutral, and nonideological.

''(3) EQUITY.—

''(A) IN GENERAL.—Educational services and other benefits for such private school children shall be equitable in comparison to services and other benefits for public school children participating under this subpart, and shall be provided in a timely manner.

''(B) OMBUDSMAN.—To help ensure such equity for such private school children, teachers, and other educational personnel, the State educational agency involved shall designate an ombudsman to monitor and enforce the requirements of this subpart.

''(4) EXPENDITURES.—

''(A) IN GENERAL.—Expenditures for educational services and other benefits to eligible private school children shall be equal to the expenditures for participating public school children, taking into account the number, and educational needs, of the children to be served. The share of funds shall be determined based on the total allocation received by the local educational agency prior to any allowable expenditures authorized under this title.

''(B) OBLIGATION OF FUNDS.—Funds allocated to a local educational agency for educational services and other benefits to eligible private school children shall—

''(i) be obligated in the fiscal year for which the funds are received by the agency; and

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

''(C) NOTICE OF ALLOCATION.—Each State educational agency shall—

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

''(ii) provide notice, simultaneously, to each such local educational agency and the appropriate private school officials or their representatives in the State of such allocation of funds.

''(5) PROVISION OF SERVICES.—The local educational agency or, in a case described in subsection (b)(6)(C), the State educational agency involved, may provide services under this section directly or through contracts with public or private agencies, organizations, and institutions.

''(b) CONSULTATION.—

''(1) IN GENERAL.—To ensure timely and meaningful consultation, a local educational agency shall consult with appropriate private school officials or representatives during the design and development of such agency's programs under this subpart in order to reach an agreement between the agency and the officials or representatives about equitable and effective programs for eligible private school children, the results of which shall be transmitted to the designated ombudsmen under section 1120(a)(3)(B). Such process shall include consultation on issues such as—

''(A) how the children's needs will be identified;

''(B) what services will be offered;

''(C) how, where, and by whom the services will be provided;

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

''(E) the size and scope of the equitable services to be provided to the eligible private school children, and the proportion of funds that is allocated under subsection (a)(4)(A) for such services, how that proportion of funds is determined under such subsection, and an itemization of the costs of the services to be provided;

''(F) the method or sources of data that are used under subsection (c) and section 1113(c)(1) to determine the number of children from low-income families in participating school attendance areas who attend private schools;

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

''(H) how, if the agency disagrees with the views of the private school officials or representatives on the provision of services through a contract, the local educational agency will provide in writing to such private school officials an analysis of the reasons why the local educational agency has chosen not to use a contractor;

''(I) whether the agency will provide services under this section directly or through contracts with public and private agencies, organizations, and institutions;

''(J) whether to provide equitable services to eligible private school children—

''(i) by creating a pool or pools of funds with all of the funds allocated under paragraph (4) based on all the children from low-income families who attend private schools in a participating school attendance area of the agency from which the local educational agency will provide such services to all such children; or

''(ii) by providing such services to eligible children in each private school in the agency's participating school attendance area with the proportion of funds allocated under paragraph (4) based on the number of children from low-income families who attend such school; and

''(K) whether to consolidate and use funds under this subpart to provide schoolwide programs for a private school.

''(2) DISAGREEMENT.—If a local educational agency disagrees with the views of private school officials or representatives with respect to an issue described in paragraph (1), the local educational agency shall provide in writing to such private school officials an analysis of the reasons why the local educational agency has chosen not to adopt the course of action requested by such officials.

''(3) TIMING.—Such consultation shall include meetings of agency and private school officials or representatives and shall occur before the local educational agency makes any decision that affects the opportunities of eligible private school children to participate in programs under this subpart. Such meetings shall continue throughout implementation and assessment of services provided under this section.

''(4) DISCUSSION.—Such consultation shall include a discussion of service delivery mechanisms a local educational agency can use to provide equitable services to eligible private school children.

''(5) DOCUMENTATION.—Each local educational agency shall maintain in the agency's records and provide to the State educational agency involved a written affirmation signed by officials or representatives of each participating private school that the meaningful consultation required by this section has occurred. The written affirmation shall provide the option for private school officials or representatives to indicate that timely and meaningful consultation has not occurred or that the program design is not equitable with respect to eligible private school children. If such officials or representatives do not provide such affirmation within a reasonable period of time, the local educational agency shall forward the documentation that such consultation has, or attempts at such consultation have, taken place to the State educational agency.

''(6) COMPLIANCE.—

''(A) IN GENERAL.—A private school official shall have the right to file a complaint with the State educational agency that the local educational agency did not engage in consultation that was meaningful and timely, did not give due consideration to the views of the private school official, or did not treat the private school or its students equitably as required by this section.

''(B) PROCEDURE.—If the private school official wishes to file a complaint, the official shall provide the basis of the noncompliance with this section by the local educational agency to the State educational agency, and the local educational agency shall forward the appropriate documentation to the State educational agency.

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

''(i) the appropriate private school officials or their representatives have—

''(I) requested that the State educational agency provide such services directly; and

''(II) demonstrated that the local educational agency involved has not met the requirements of this section; or

''(ii) in a case in which—

''(I) a local educational agency has more than 10,000 children from low-income families who attend private elementary schools or secondary schools in a participating school attendance area of the agency that are not being served by the agency's program under this section; or

''(II) 90 percent of the eligible private school students in a participating school attendance area of the agency are not being served by the agency's program under this section.

''(c) ALLOCATION FOR EQUITABLE SERVICE TO PRIVATE SCHOOL STUDENTS.—

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

''(A) using the same measure of low income used to count public school children;

''(B) using the results of a survey that, to the extent possible, protects the identity of families of private school students, and allowing such survey results to be extrapolated if complete actual data are unavailable;

''(C) applying the low-income percentage of each participating public school attendance area, determined pursuant to this section, to the number of private school children who reside in that school attendance area; or

''(D) using an equated measure of low income correlated with the measure of low income used to count public school children.

''(2) COMPLAINT PROCESS.—Any dispute regarding low-income data for private school students shall be subject to the complaint process authorized in section 5503.

''(d) PUBLIC CONTROL OF FUNDS.—

''(1) IN GENERAL.—The control of funds provided under this subpart, and title to materials, equipment, and property purchased with such funds, shall be in a public agency, and a public agency shall administer such funds, materials, equipment, and property.

''(2) PROVISION OF SERVICES.—

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

''(i) by employees of a public agency; or

''(ii) through a contract by such public agency with an individual, association, agency, or organization.

''(B) REQUIREMENT.—In the provision of such services, such employee, individual, association, agency, or organization shall be independent of such private school and of any religious organization, and such employment or contract shall be under the control and supervision of such public agency.

''(e) STANDARDS FOR A BYPASS.—If a local educational agency is prohibited by law from providing for the participation in programs on an equitable basis of eligible children enrolled in private elementary schools and secondary schools, or if the Secretary determines that a local educational agency has substantially failed or is unwilling to provide for such participation, as required by this section, the Secretary shall—

''(1) waive the requirements of this section for such local educational agency;

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

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

SEC. 121. FISCAL REQUIREMENTS.

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

(1) by striking ''part'' each place it appears and inserting ''subpart''; and

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

SEC. 122. COORDINATION REQUIREMENTS.

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

(1) by striking ''part'' each place it appears and inserting ''subpart'';

(2) in subsection (a), by striking ''such as the Early Reading First program''; and

(3) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking '', such as the Early Reading First program,'';

(B) in paragraphs (1) through (3), by striking ''such as the Early Reading First program'' each place it appears;

(C) in paragraph (4), by striking ''Early Reading First program staff,''; and

(D) in paragraph (5), by striking ''and entities carrying out Early Reading First programs''.

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

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

(1) in subsection (a), by striking ''appropriated for payments to States for any fiscal year under section 1002(a) and 1125A(f)'' and inserting ''reserved for this chapter under section 1122(a)''; and

(2) in subsection (b)—

(A) in paragraph (2), by striking ''the No Child Left Behind Act of 2001'' and inserting ''the Student Success Act'';

(B) in paragraph (3)—

(i) in subparagraph (B), by striking ''basis,'' and all that follows through the period at the end and inserting ''basis.'';

(ii) in subparagraph (C)(ii), by striking ''challenging State academic content standards'' and inserting ''State academic standards''; and

(iii) by striking subparagraph (D); and

(3) in subsection (d)(2), by striking ''part'' and inserting ''subpart''.

SEC. 124. ALLOCATIONS TO STATES.

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

(1) by amending subsection (a) to read as follows:

''(a) RESERVATION.—

''(1) IN GENERAL.—From the amounts appropriated under section 3(a)(1), the Secretary shall reserve 91.055 percent of such amounts to carry out this chapter.

''(2) ALLOCATION FORMULA.—Of the amount reserved under paragraph (1) for each of fiscal years 2014 to 2019 (referred to in this subsection as the current fiscal year)—

''(A) an amount equal to the amount made available to carry out section 1124 for fiscal year 2001 shall be used to carry out section 1124;

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

''(C) an amount equal to 100 percent of the amount, if any, by which the total amount made available to carry out this chapter for the fiscal year for which the determination is made exceeds the total amount available to carry out sections 1124 and 1124A for fiscal year 2001 shall be used to carry out sections 1125 and 1125A and such amount shall be divided equally between sections 1125 and 1125A.'';

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

(3) in subsection (c)(3), by striking ''part'' and inserting ''subpart''; and

(4) in subsection (d)(1), by striking ''subpart'' and inserting ''chapter''.

SEC. 125. BASIC GRANTS TO LOCAL EDUCATIONAL AGENCIES.

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

(1) in subsection (a)—

(A) in paragraph (3)—

(i) in subparagraph (B), by striking ''subpart'' and inserting ''chapter''; and

(ii) in subparagraph (C)(i), by striking ''subpart'' and inserting ''chapter''; and

(B) in paragraph (4)(C), by striking ''subpart'' each place it appears and inserting ''chapter''; and

(2) in subsection (c)—

(A) in paragraph (1)(B), by striking ''subpart 1 of part D'' and inserting ''chapter A of subpart 3''; and

(B) in paragraph (2), by striking ''part'' and inserting ''subpart''.

SEC. 126. ADEQUACY OF FUNDING OF TARGETED GRANTS TO LOCAL EDUCATIONAL AGENCIES IN FISCAL YEARS AFTER FISCAL YEAR 2001.

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

''SEC. 1125AA. ADEQUACY OF FUNDING OF TARGETED GRANTS TO LOCAL EDUCATIONAL AGENCIES IN FISCAL YEARS AFTER FISCAL YEAR 2001.

''Pursuant to section 1122, the total amount allocated in any fiscal year after fiscal year 2001 for programs and activities under this subpart shall not exceed the amount allocated in fiscal year 2001 for such programs and activities unless the amount available for targeted grants to local educational agencies under section 1125 in the applicable fiscal year meets the requirements of section 1122(a).''.

SEC. 127. EDUCATION FINANCE INCENTIVE GRANT PROGRAM.

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

(1) by striking ''part'' each place it appears and inserting ''subpart'';

(2) in subsection (b)(1)—

(A) in subparagraph (A), by striking ''appropriated pursuant to subsection (f)'' and inserting ''made available for any fiscal year to carry out this section''; and

(B) in subparagraph (B)(i), by striking ''total appropriations'' and inserting ''the total amount reserved under section 1122(a) to carry out this section'';

(3) by striking subsections (a), (e), and (f) and redesignating subsections (b), (c), (d), and (g) as subsections (a), (b), (c), and (d), respectively; and

(4) in subsection (b), as redesignated, by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively.

SEC. 128. CARRYOVER AND WAIVER.

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

Subtitle C—Additional Aid to States and School Districts

SEC. 131. ADDITIONAL AID.

(a) IN GENERAL.—Title I (20 U.S.C. 6301 et seq.), as amended by the preceding provisions of this Act, is further amended—

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

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

''Subpart 2—Education of Migratory Children

''SEC. 1131. PROGRAM PURPOSES.

''The purposes of this subpart are as follows:

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

''(2) To ensure that migratory children who move among the States, not be penalized in any manner by disparities among the States in curriculum, graduation requirements, and State academic standards.

''(3) To help such children succeed in school, meet the State academic standards that all children are expected to meet, and graduate from high school prepared for postsecondary education and the workforce without the need for remediation.

''(4) To help such children overcome educational disruption, cultural and language barriers, social isolation, various health-related problems, and other factors that inhibit the ability of such children to succeed in school.

''(5) To help such children benefit from State and local systemic reforms.

''SEC. 1132. PROGRAM AUTHORIZED.

''(a) IN GENERAL.—From the amounts appropriated under section 3(a)(1), the Secretary shall reserve 2.37 percent to carry out this subpart.

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

''SEC. 1133. STATE ALLOCATIONS.

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

''(1) the sum of—

''(A) the average number of identified eligible full-time equivalent 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 subpart in summer or intersession programs provided by the State during the previous year; multiplied by

''(2) 40 percent of the average per-pupil expenditure in the State, except that the amount determined under this paragraph shall not be less than 32 percent, nor more than 48 percent, of the average per-pupil expenditure in the United States.

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

''(c) ALLOCATION TO PUERTO RICO.—For each fiscal year, the grant which the Commonwealth of Puerto Rico shall be eligible to receive under this subpart shall be the amount determined by multiplying the number of children who would be counted under subsection (a)(1) if such subsection applied to the Commonwealth of Puerto Rico by the product of—

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

''(2) 32 percent of the average per-pupil expenditure in the United States.

''(d) RATABLE REDUCTIONS; REALLOCATIONS.—

''(1) IN GENERAL.—

''(A) RATABLE REDUCTIONS.—If, after the Secretary reserves funds under section 1138(c), the amount appropriated to carry out this subpart 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) 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 subpart.

''(2) SPECIAL RULE.—

''(A) FURTHER REDUCTIONS.—The Secretary shall further reduce the amount of any grant to a State under this subpart 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 1134.

''(B) REALLOCATION.—The Secretary shall reallocate such excess funds to other States whose grants under this subpart would otherwise be insufficient to provide an appropriate level of services to migratory children, in such amounts as the Secretary determines are appropriate.

''(e) CONSORTIUM ARRANGEMENTS.—

''(1) IN GENERAL.—In the case of a State that receives a grant of $1,000,000 or less under this section, the Secretary shall consult with the State educational agency to determine whether consortium arrangements with another State or other appropriate entity would result in delivery of services in a more effective and efficient manner.

''(2) PROPOSALS.—Any State, regardless of the amount of such State's allocation, may submit a consortium arrangement to the Secretary for approval.

''(3) APPROVAL.—The Secretary shall approve a consortium arrangement under paragraph (1) or (2) if the proposal demonstrates that the arrangement will—

''(A) reduce administrative costs or program function costs for State programs; and

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

''(f) DETERMINING NUMBERS OF ELIGIBLE CHILDREN.—In order to determine the identified number of migratory children residing in each State for purposes of this section, the Secretary shall—

''(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;

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

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

''(A) the unique needs of those children participating in evidence-based or other effective special programs provided under this subpart that operate during the summer and intersession periods; and

''(B) the additional costs of operating such programs; and

''(5) conduct an analysis of the options for adjusting the formula so as to better direct services to migratory children, including the most at-risk migratory children.

''(g) NONPARTICIPATING STATES.—In the case of a State desiring to receive an allocation under this subpart 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. 1134. STATE APPLICATIONS; SERVICES.

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

''(b) PROGRAM INFORMATION.—Each such application shall include—

''(1) a description of how, in planning, implementing, and evaluating programs and projects assisted under this subpart, the State and its local operating agencies will ensure that the unique educational needs of migratory children, including preschool migratory children, are identified and addressed through—

''(A) the full range of services that are available for migratory children from appropriate local, State, and Federal educational programs;

''(B) joint planning among local, State, and Federal educational programs serving migratory children, including language instruction educational programs under chapter A of subpart 4; and

''(C) the integration of services available under this subpart with services provided by those other programs;

''(2) a description of the steps the State is taking to provide all migratory students with the opportunity to meet the same State academic standards that all children are expected to meet;

''(3) a description of how the State will use funds received under this subpart to promote interstate and intrastate coordination of services for migratory children, including how the State 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, whether or not such a move occurs during the regular school year;

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

''(5) a description of how the State will determine the amount of any subgrants the State will award to local operating agencies, taking into account the numbers and needs of migratory children, the requirements of subsection (d), and the availability of funds from other Federal, State, and local programs; and

''(6) a description of how the State will encourage programs and projects assisted under this subpart to offer family literacy services if the programs and projects serve a substantial number of migratory children whose parents do not have a regular high school diploma or its recognized equivalent or who have low levels of literacy.

''(c) ASSURANCES.—Each such application shall also include assurances that—

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

''(A) for programs and projects, including the acquisition of equipment, in accordance with section 1136; and

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

''(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 C;

''(3) in the planning and operation of programs and projects at both the State and local agency operating level, there is consultation with parents of migratory children for programs of not less than one 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;

''(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;

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

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

''(A) advocacy and outreach activities for migratory children and their families, including informing such children and families of, or helping such children and families gain access to, other education, health, nutrition, and social services;

''(B) professional development programs, including mentoring, for teachers and other program personnel;

''(C) high-quality, evidence-based family literacy programs;

''(D) the integration of information technology into educational and related programs; and

''(E) programs to facilitate the transition of secondary school students to postsecondary education or employment without the need for remediation; and

''(7) the State will assist the Secretary in determining the number of migratory children under paragraph (1) of section 1133(a).

''(d) PRIORITY FOR SERVICES.—In providing services with funds received under this subpart, 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 academic standards under section 1111 (b)(1) .

''(e) CONTINUATION OF SERVICES.—Notwithstanding any other provision of this subpart—

''(1) a child who ceases to be a migratory child during a school term shall 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 one additional school year, but only if comparable services are not available through other programs; and

''(3) secondary school students who were eligible for services in secondary school may continue to be served through credit accrual programs until graduation.

"SEC. 1135. SECRETARIAL APPROVAL; PEER REVIEW.

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

"SEC. 1136. COMPREHENSIVE NEEDS ASSESSMENT AND SERVICE-DELIVERY PLAN; AUTHORIZED ACTIVITIES.

''(a) COMPREHENSIVE PLAN.—

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

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

''(B) may be submitted as a part of a consolidated application under section 5302, if—

''(i) the unique 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 subpart;

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

''(D) specifies measurable program goals and outcomes;

''(E) encompasses the full range of services that are available for migratory children from appropriate local, State, and Federal educational programs;

''(F) is the product of joint planning among such local, State, and Federal programs, including programs under subpart 1, early childhood programs, and language instruction educational programs under chapter A of subpart 4; and

''(G) provides for the integration of services available under this subpart with services provided by such other programs.

''(2) DURATION OF THE PLAN.—Each such comprehensive State plan shall—

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

''(B) be periodically reviewed and revised by the State, as necessary, to reflect changes in the State's strategies and programs under this subpart.

''(b) AUTHORIZED ACTIVITIES.—

''(1) FLEXIBILITY.—In implementing the comprehensive plan described in subsection (a), each State educational agency, where applicable through its local educational agencies, shall have the flexibility to determine the activities to be provided with funds made available under this subpart, 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 subpart 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 subpart 1 may receive those services through funds provided under that subpart, or through funds under this subpart that remain after the agency addresses the needs described in paragraph (1).

''(3) CONSTRUCTION.—Nothing in this subpart shall be construed to prohibit a local educational agency from serving migratory children simultaneously with students with similar educational needs in the same educational settings, where appropriate.

"SEC. 1137. BYPASS.

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

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

''(2) such arrangements would result in more efficient and economic administration of such programs; or

''(3) such arrangements would add substantially to the educational achievement of such children.

"SEC. 1138. COORDINATION OF MIGRATORY EDUCATION 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 entities to 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.

''(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 and maintaining an effective system for the electronic transfer of student records and in determining the number of migratory children in each State.

''(2) INFORMATION SYSTEM.—

''(A) IN GENERAL.—The Secretary, in consultation with the States, shall ensure the linkage of migratory 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 this Act. The Secretary shall determine the minimum data elements that each State receiving funds under this subpart shall collect and maintain. Such minimum data elements may include—

''(i) immunization records and other health information;

''(ii) elementary and secondary academic history (including partial credit), credit accrual, and results from State assessments required under section 1111(b)(2);

''(iii) other academic information essential to ensuring that migratory children achieve to the States's academic standards; and

''(iv) eligibility for services under the Individuals with Disabilities Education Act.

''(B) The Secretary shall consult with States before updating the data elements that each State receiving funds under this subpart 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.

''(3) NO COST FOR CERTAIN TRANSFERS.—A State educational agency or local educational agency receiving assistance under this subpart shall make student records available to another State educational agency or local educational agency that requests the records at no cost to the requesting agency, if the request is made in order to meet the needs of a migratory child.

''(4) REPORT TO CONGRESS.—

''(A) IN GENERAL.—Not later than April 30, 2014, 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 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) a review of the progress of States in developing and linking electronic records transfer systems;

''(ii) recommendations for maintaining such systems; and

''(iii) recommendations for improving the continuity of services provided for migratory students.

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

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

"SEC. 1139. DEFINITIONS.

''As used in this subpart:

''(1) 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 subpart;

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

''(C) a State educational agency, if the State educational agency operates the State's migratory education program or projects directly.

''(2) 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.

"Subpart 3—Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At-Risk

"SEC. 1141. PURPOSE AND PROGRAM AUTHORIZATION.

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

''(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 State academic standards that all children in the State are expected to meet;

''(2) to provide such children and youth with the services needed to make a successful transition from institutionalization to further schooling or employment; and

''(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.—From amounts appropriated under section 3(a)(1), the Secretary shall reserve 0.305 of one percent to carry out this subpart.

''(c) GRANTS AWARDED.—From the amounts reserved under subsection (b) and not reserved under section 1004 and section 1159, the Secretary shall make grants to State educational agencies that have plans submitted under section 1154 approved 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. 1142. PAYMENTS FOR PROGRAMS UNDER THIS SUBPART.

''(a) AGENCY SUBGRANTS.—Based on the allocation amount computed under section 1152, the Secretary shall allocate to each State educational agency an amount necessary to make subgrants to State agencies under chapter A.

''(b) LOCAL SUBGRANTS.—Each State shall retain, for the purpose of carrying out chapter B, funds generated throughout the State under subpart 1 of this part based on children and youth residing in local correctional facilities, or attending community day programs for delinquent children and youth.

"CHAPTER A—STATE AGENCY PROGRAMS

"SEC. 1151. ELIGIBILITY.

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

''(1) in institutions for neglected or delinquent children and youth;

''(2) attending community day programs for neglected or delinquent children and youth; or

''(3) in adult correctional institutions.

"SEC. 1152. ALLOCATION OF FUNDS.

''(a) SUBGRANTS TO STATE AGENCIES.—

''(1) IN GENERAL.—Each State agency described in section 1151 (other than an agency in the Commonwealth of Puerto Rico) is eligible to receive a subgrant under this chapter, for each fiscal year, in an amount equal to the product of—

''(A) the number of neglected or delinquent children and youth described in section 1151 who—

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

''(ii) are enrolled for at least 20 hours per week—

''(I) in education programs in institutions for neglected or delinquent children and youth; or

''(II) in community day programs for neglected or delinquent children and youth; and

''(B) 40 percent of the average per-pupil expenditure in the State, except that the amount determined under this subparagraph shall not be less than 32 percent, nor more than 48 percent, of the average per-pupil expenditure in the United States.

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

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

''(B) be adjusted, as the Secretary determines is appropriate, to reflect the relative length of such agency's annual programs.

''(b) SUBGRANTS TO STATE AGENCIES IN PUERTO RICO.—

''(1) IN GENERAL.—For each fiscal year, the amount of the subgrant which a State agency in the Commonwealth of Puerto Rico shall be eligible to receive under this chapter shall be the amount determined by multiplying the number of children counted under subsection (a)(1)(A) for the Commonwealth of Puerto Rico by the product of—

''(A) 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; and

''(B) 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 85 percent.

''(c) RATABLE REDUCTIONS IN CASE OF INSUFFICIENT APPROPRIATIONS.—If the amount reserved for any fiscal year for subgrants under subsections (a) and (b) is insufficient to pay the full amount for which all State agencies are eligible under such subsections, the Secretary shall ratably reduce each such amount.

''SEC. 1153. STATE REALLOCATION OF FUNDS.

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

''SEC. 1154. STATE PLAN AND STATE AGENCY APPLICATIONS.

''(a) STATE PLAN.—

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

''(A) for meeting the educational needs of neglected, delinquent, and at-risk children and youth;

''(B) for assisting in the transition of children and youth from correctional facilities to locally operated programs; and

''(C) that is integrated with other programs under this Act or other Acts, as appropriate.

''(2) CONTENTS.—Each such State plan shall—

''(A) describe how the State will assess the effectiveness of the program in improving the academic, career, and technical skills 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;

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

''(D) contain an assurance that the State educational agency will—

''(i) ensure that programs assisted under this chapter will be carried out in accordance with the State plan described in this subsection;

''(ii) carry out the evaluation requirements of section 1171; and

''(iii) ensure that the State agencies receiving subgrants under this chapter comply with all applicable statutory and regulatory requirements.

''(3) DURATION OF THE PLAN.—Each such State plan shall—

''(A) remain in effect for the duration of the State's participation under this chapter; and

''(B) be periodically reviewed and revised by the State, as necessary, to reflect changes in the State's strategies and programs under this chapter.

''(b) SECRETARIAL APPROVAL AND PEER REVIEW.—

''(1) SECRETARIAL APPROVAL.—The Secretary shall approve each State plan that meets the requirements of this chapter.

''(2) PEER REVIEW.—The Secretary may review any State plan with the assistance and advice of individuals with relevant expertise.

''(c) STATE AGENCY APPLICATIONS.—Any State agency that desires to receive funds to carry out a program under this chapter 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 the educational needs of the children to be served under this chapter;

''(2) provide an assurance that in making services available to children and youth in adult correctional institutions, priority will be given to such children and youth who are likely to complete incarceration within a 2-year period;

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

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

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

''(6) 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, career and technical education programs, State and local dropout prevention programs, and special education programs;

''(7) describes how the State agency will encourage correctional facilities receiving funds under this chapter 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;

''(8) describes how appropriate professional development will be provided to teachers and other staff;

''(9) 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 such facility or institution to locally operated programs;

''(10) describes how the State agency will endeavor to coordinate with businesses for training and mentoring for participating children and youth;

''(11) provides an assurance that the State agency will assist in locating alternative programs through which students can continue their education if the students are not returning to school after leaving the correctional facility or institution for neglected or delinquent children and youth;

''(12) provides assurances that the State agency will work with parents to secure parents' assistance in improving the educational achievement of their children and youth, and preventing their children's and youth's further involvement in delinquent activities;

''(13) provides an assurance that the State agency will work with children and youth with disabilities in order to meet an existing individualized education program and an assurance that the agency will notify the child's or youth's local school if the child or youth—

''(A) is identified as in need of special education services while the child or youth is in the correctional facility or institution for neglected or delinquent children and youth; and

''(B) intends to return to the local school;

''(14) 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 regular high school diploma once the term of the incarceration is completed, or provide the child or youth with the skills necessary to gain employment, continue the education of the child or youth, or obtain a regular high school diploma or its recognized equivalent if the child or youth does not intend to return to school;

''(15) provides an assurance that effective 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;

''(16) describes any additional services to be provided to children and youth, such as career counseling, distance education, and assistance in securing student loans and grants; and

''(17) provides an assurance that the program under this chapter will be coordinated with any programs operated under the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) or other comparable programs, if applicable.

''SEC. 1155. USE OF FUNDS.

''(a) USES.—

''(1) IN GENERAL.—A State agency shall use funds received under this chapter only for programs and projects that—

''(A) are consistent with the State plan under section 1154(a); and

''(B) concentrate on providing participants with the knowledge and skills needed to make a successful transition to secondary school completion, career and technical education, further education, or employment without the need for remediation.

''(2) PROGRAMS AND PROJECTS.—Such programs and projects—

''(A) may include the acquisition of equipment;

''(B) shall be designed to support educational services that—

''(i) except for institution-wide projects under section 1156, are provided to children and youth identified by the State agency as failing, or most at-risk of failing, to meet the State's academic standards;

''(ii) supplement and improve the quality of the educational services provided to such children and youth by the State agency; and

''(iii) afford such children and youth an opportunity to meet State academic standards; and

''(C) shall be carried out in a manner consistent with section 1120A and part C (as applied to programs and projects under this chapter).

''(b) SUPPLEMENT, NOT SUPPLANT.—A program under this chapter that supplements the number of hours of instruction students receive from State and local sources shall be considered to comply with the supplement, not supplant requirement of section 1120A (as applied to this chapter) without regard to the subject areas in which instruction is given during those hours.

''SEC. 1156. INSTITUTION-WIDE PROJECTS.

''A State agency that provides free public education for children and youth in an institution for neglected or delinquent children and youth (other than an adult correctional institution) or attending a community day program for such children and youth may use funds received under this chapter to serve all children in, and upgrade the entire educational effort of, that institution or program if the State agency has developed, and the State educational agency has approved, a comprehensive plan for that institution or program that—

''(1) provides for a comprehensive assessment of the educational needs of all children and youth in the institution or program serving juveniles;

''(2) provides for a comprehensive assessment of the educational needs of youth aged 20 and younger in adult facilities who are expected to complete incarceration within a 2-year period;

''(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 State academic standards in order to improve the likelihood that the children and youth will complete secondary school, obtain a regular high school diploma or its recognized equivalent, or find employment after leaving the institution;

''(4) describes the instructional program, 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);

''(5) specifically describes how such funds will be used;

''(6) describes the measures and procedures that will be used to assess and improve student achievement;

''(7) describes how the agency has planned, and will implement and evaluate, the institution-wide or program-wide project in consultation with personnel providing direct instructional services and support services in institutions or community day programs for neglected or delinquent children and youth, and with personnel from the State educational agency; and

''(8) includes an assurance that the State agency has provided for appropriate training for teachers and other instructional and administrative personnel to enable such teachers and personnel to carry out the project effectively.

''SEC. 1157. THREE-YEAR PROGRAMS OR PROJECTS.

''If a State agency operates a program or project under this chapter in which individual children or youth are likely to participate for more than one year, the State educational agency may approve the State agency's application for a subgrant under this chapter for a period of not more than 3 years.

''SEC. 1158. 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 chapter for any fiscal year to support—

''(1) projects that facilitate the transition of children and youth from State-operated institutions to schools served by local educational agencies; or

''(2) the successful re-entry of youth offenders, who are age 20 or younger and have received a regular high school diploma or its recognized equivalent, into postsecondary education, or career and technical training programs, through strategies designed to expose the youth to, and prepare the youth for, postsecondary education, or career and technical training programs, such as—

''(A) preplacement programs that allow adjudicated or incarcerated youth to audit or attend courses on college, university, or community college campuses, or through programs provided in institutional settings;

''(B) worksite schools, in which institutions of higher education and private or public employers partner to create programs to help students make a successful transition to postsecondary education and employment; and

''(C) essential support services to ensure the success of the youth, such as—

''(i) personal, career and technical, and academic counseling;

''(ii) placement services designed to place the youth in a university, college, or junior college program;

''(iii) information concerning, and assistance in obtaining, available student financial aid;

''(iv) counseling services; and

''(v) job placement services.

''(b) CONDUCT OF PROJECTS.—A project supported under this section may be conducted directly by the State agency, or through a contract or other arrangement with one or more local educational agencies, other public agencies, or private organizations.

''(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit a school that receives funds under subsection (a) from serving neglected and delinquent children and youth simultaneously with students with similar educational needs, in the same educational settings where appropriate.

''SEC. 1159. TECHNICAL ASSISTANCE.

''The Secretary shall reserve not more than 1 percent of the amount reserved under section 1141 to provide technical assistance to and support State agency programs assisted under this chapter.

''CHAPTER B—LOCAL AGENCY PROGRAMS

''SEC. 1161. PURPOSE.

''The purpose of this chapter is to support the operation of local educational agency programs that involve collaboration with locally operated correctional facilities—

''(1) to carry out high quality education programs to prepare children and youth for secondary school completion, training, employment, or further education;

''(2) to provide activities to facilitate the transition of such children and youth from the correctional program to further education or employment; and

''(3) to operate programs in local schools for children and youth returning from correctional facilities, and programs which may serve at-risk children and youth.

''SEC. 1162. PROGRAMS OPERATED BY LOCAL EDUCATIONAL AGENCIES.

''(a) LOCAL SUBGRANTS.—With funds made available under section 1142(b), the State educational agency shall award subgrants to local educational agencies with high numbers or percentages of children and youth residing in locally operated (including county operated) correctional facilities for children and youth (including facilities involved in community day programs).

''(b) SPECIAL RULE.—A local educational agency that serves a school operated by a correctional facility is not required to operate a program of support for children and youth returning from such school to a school that is not operated by a correctional agency but served by such local educational agency, if more than 30 percent of the children and youth attending the school operated by the correctional facility will reside outside the boundaries served by the local educational agency after leaving such facility.

''(c) NOTIFICATION.—A State educational agency shall notify local educational agencies within the State of the eligibility of such agencies to receive a subgrant under this chapter.

''(d) TRANSITIONAL AND ACADEMIC SERVICES.—Transitional and supportive programs operated in local educational agencies under this chapter shall be designed primarily to meet the transitional 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 and academic needs of the students returning from correctional facilities.

''SEC. 1163. LOCAL EDUCATIONAL AGENCY APPLICATIONS.

''Each local educational agency desiring assistance under this chapter shall submit an application to the State educational agency that contains such information as the State educational agency may require. Each such application shall include—

''(1) a description of the program to be assisted;

''(2) a description of formal agreements, regarding the program to be assisted, between—

''(A) the local educational agency; and

''(B) correctional facilities and alternative school programs serving children and youth involved with the juvenile justice system;

''(3) as appropriate, a description of how participating schools will coordinate with facilities working with delinquent children and youth to ensure that such children and youth are participating in an education program comparable to one operating in the local school such youth would attend;

''(4) a description of the program operated by participating schools for children and youth returning from correctional facilities and, as appropriate, the types of services that such schools will provide such children and youth and other at-risk children and youth;

''(5) a description of the characteristics (including learning difficulties, substance abuse problems, and other needs) of the children and youth who will be returning from correctional facilities and, as appropriate, other at-risk children and youth expected to be served by the program, and a description of how the school will coordinate existing educational programs to meet the unique educational needs of such children and youth;

''(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 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;

''(7) as appropriate, a description of any partnerships with local businesses to develop training, curriculum-based youth entrepreneurship education, and mentoring services for participating students;

''(8) as appropriate, a description of how the program will involve parents 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 chapter will be coordinated with other Federal, State, and local programs, such as programs under title I of Public Law 105–220 and career and technical education programs serving at-risk children and youth;

''(10) a description of how the program will be coordinated with programs operated under the Juvenile Justice and Delinquency Prevention Act of 1974 and other comparable programs, if applicable;

''(11) as appropriate, a description of how schools will work with probation officers to assist in meeting the needs of children and youth returning from correctional facilities;

''(12) a description of the efforts participating schools will make to ensure correctional facilities working with children and youth are aware of a child's or youth's existing individualized education program; and

''(13) as appropriate, a description of the steps participating schools will take to find alternative placements for children and youth interested in continuing their education but unable to participate in a traditional public school program.

''SEC. 1164. USES OF FUNDS.

''Funds provided to local educational agencies under this chapter may be used, as appropriate, for—

''(1) programs that serve children and youth returning to local schools from correctional facilities, to assist in the transition of such children and youth to the school environment and help them remain in school in order to complete their education;

''(2) dropout prevention programs which serve at-risk children and youth;

''(3) the coordination of health and social services for such individuals if there is a likelihood that the provision of such services, including day care, drug and alcohol counseling, and

mental health services, will improve the likelihood such individuals will complete their education;

''(4) special programs to meet the unique academic needs of participating children and youth, including career and technical education, special education, career counseling, curriculum-based youth entrepreneurship education, and assistance in securing student loans or grants for postsecondary education; and

''(5) programs providing mentoring and peer mediation.

''SEC. 1165. PROGRAM REQUIREMENTS FOR CORRECTIONAL FACILITIES RECEIVING FUNDS UNDER THIS SECTION.

''Each correctional facility entering into an agreement with a local educational agency under section 1163(2) to provide services to children and youth under this chapter shall—

''(1) where feasible, ensure that educational programs in the correctional facility are coordinated with the student's home school, particularly with respect to a student with an individualized education program under part B of the Individuals with Disabilities Education Act;

''(2) if the child or youth is identified as in need of special education services while in the correctional facility, notify the local school of the child or youth of such need;

''(3) where feasible, provide transition assistance to help the child or youth stay in school, including coordination of services for the family, counseling, assistance in accessing drug and alcohol abuse prevention programs, tutoring, and family counseling;

''(4) provide support programs that encourage children and youth who have dropped out of school to re-enter school and obtain a regular high school diploma once their term at the correctional facility has been completed, or provide such children and youth with the skills necessary to gain employment or seek a regular high school diploma or its recognized equivalent;

''(5) work to ensure that the correctional facility is staffed with effective teachers and other qualified staff who are trained to work with children and youth with disabilities taking into consideration the unique needs of such children and youth;

''(6) ensure that educational programs in the correctional facility are related to assisting students to meet the States's academic standards;

''(7) to the extent possible, use technology to assist in coordinating educational programs between the correctional facility and the community school;

''(8) where feasible, involve parents in efforts to improve the educational achievement of their children and prevent the further involvement of such children in delinquent activities;

''(9) coordinate funds received under this chapter 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;

''(10) coordinate programs operated under this chapter with activities funded under the Juvenile Justice and Delinquency Prevention Act of 1974 and other comparable programs, if applicable;

''(11) if appropriate, work with local businesses to develop training, curriculum-based youth entrepreneurship education, and mentoring programs for children and youth; and

''(12) 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. 1166. ACCOUNTABILITY.

''The State educational agency—

''(1) may require correctional facilities or institutions for neglected or delinquent children and youth to demonstrate, after receiving assistance under this chapter for 3 years, that there has been an increase in the number of children and youth returning to school, obtaining a regular high school diploma or its recognized equivalent, or obtaining employment after such children and youth are released; and

''(2) may reduce or terminate funding for projects under this chapter if a local educational agency does not show progress in the number of children and youth obtaining a regular high school diploma or its recognized equivalent.

''CHAPTER C—GENERAL PROVISIONS

''SEC. 1171. PROGRAM EVALUATIONS.

''(a) SCOPE OF EVALUATION.—Each State agency or local educational agency that conducts a program under chapters A or B shall 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 on the ability of participants—

''(1) to maintain and improve educational achievement;

''(2) to accrue school credits that meet State requirements for grade promotion and high school graduation;

''(3) to make the transition to a regular program or other education program operated by a local educational agency;

''(4) to complete high school (or high school equivalency requirements) and obtain employment after leaving the correctional facility or institution for neglected or delinquent children and youth; and

''(5) as appropriate, to participate in postsecondary education and job training programs.

''(b) EXCEPTION.—The disaggregation required under subsection (a) 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.

''(c) EVALUATION MEASURES.—In conducting each evaluation under subsection (a), a State agency or local educational agency shall use multiple and appropriate measures of student progress.

''(d) EVALUATION RESULTS.—Each State agency and local educational agency shall—

''(1) submit evaluation results to the State educational agency and the Secretary; and

''(2) use the results of evaluations under this section to plan and improve subsequent programs for participating children and youth.

''SEC. 1172. DEFINITIONS.

''In this subpart:

''(1) ADULT CORRECTIONAL INSTITUTION.—The term 'adult correctional institution' means a facility in which persons (including persons under 21 years of age) are confined as a result of a conviction for a criminal offense.

''(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 in the past, is at least 1 year behind the expected grade level for the age of the individual, is an English learner, is a gang member, has dropped out of school in the past, or has a high absenteeism rate at school.

''(3) COMMUNITY DAY PROGRAM.—The term 'community day program' means a regular program of instruction provided by a State agency at a community day school operated specifically for neglected or delinquent children and youth.

''(4) INSTITUTION FOR NEGLECTED OR DELINQUENT CHILDREN AND YOUTH.—The term 'institution for neglected or delinquent children and youth' means—

''(A) a public or private residential facility, other than a foster home, that is operated for the care of children who have been committed to the institution or voluntarily placed in the institution under applicable State law, due to abandonment, neglect, or death of their parents or guardians; or

''(B) a public or private residential facility for the care of children who have been adjudicated to be delinquent or in need of supervision.

''Subpart 4—English Language Acquisition, Language Enhancement, and Academic Achievement

''SEC. 1181. PURPOSES.

''The purposes of this subpart are—

''(1) to help ensure that English learners, including immigrant children and youth, attain English proficiency and develop high levels of academic achievement in English;

''(2) to assist all English learners, including immigrant children and youth, to achieve at high levels in the core academic subjects so that those children can meet the same State academic standards that all children are expected to meet, consistent with section 1111(b)(1);

''(3) to assist State educational agencies, local educational agencies, and schools in establishing, implementing, and sustaining high-quality, flexible, evidence-based language instruction educational programs designed to assist in teaching English learners, including immigrant children and youth;

''(4) to assist State educational agencies and local educational agencies to develop and enhance their capacity to provide high-quality, evidence-based instructional programs designed to prepare English learners, including immigrant children and youth, to enter all-English instruction settings; and

''(5) to promote parental and community participation in language instruction educational programs for the parents and communities of English learners.

''CHAPTER A—GRANTS AND SUBGRANTS FOR ENGLISH LANGUAGE ACQUISITION AND LANGUAGE ENHANCEMENT

''SEC. 1191. FORMULA GRANTS TO STATES.

''(a) IN GENERAL.—In the case of each State educational agency having a plan approved by the Secretary for a fiscal year under section 1192, the Secretary shall reserve 4.4 percent of funds appropriated under section 3(a)(1) to make a grant for the year to the agency for the purposes specified in subsection (b). The grant shall consist of the allotment determined for the State educational agency under subsection (c).

''(b) USE OF FUNDS.—

''(1) SUBGRANTS TO ELIGIBLE ENTITIES.—The Secretary may make a grant under subsection (a) only if the State educational agency involved agrees to expend at least 95 percent of the State educational agency's allotment under subsection (c) for a fiscal year—

''(A) to award subgrants, from allocations under section 1193, to eligible entities to carry out the activities described in section 1194 (other than subsection (e)); and

''(B) to award subgrants under section 1193(d)(1) to eligible entities that are described in that section to carry out the activities described in section 1194(e).

''(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 the following activities:

''(A) Professional development activities, and other activities, which may include assisting personnel in—

''(i) meeting State and local certification and licensing requirements for teaching English learners; and

''(ii) improving teacher skills in meeting the diverse needs of English learners, including in how to implement evidence-based programs and curricula on teaching English learners.

''(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 chapter, including assistance in—

''(i) identifying and implementing evidence-based language instruction educational programs and curricula for teaching English learners;

''(ii) helping English learners meet the same State academic standards that all children are expected to meet;

''(iii) identifying or developing, and implementing, measures of English proficiency; and

''(iv) strengthening and increasing parent, family, and community engagement.

''(D) Providing recognition, which may include providing financial awards, to subgrantees that have significantly improved the achievement and progress of English learners in—

''(i) reaching English language proficiency, based on the State's English language proficiency assessment under section 1111(b)(2)(D); and

''(ii) meeting the State academic standards under section 1111(b)(1).

''(3) ADMINISTRATIVE EXPENSES.—From the amount reserved under paragraph (2), a State educational agency may use not more than 40 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 reserved under section 1191(a) for each fiscal year, the Secretary shall reserve—

''(A) 0.5 percent of such amount for payments to outlying areas, to be allotted in accordance with their respective needs for assistance under this chapter, as determined by the Secretary, for activities, approved by the Secretary, consistent with this chapter; and

''(B) 6.5 percent of such amount for national activities under sections 1211 and 1222, except that not more than $2,000,000 of such amount may be reserved for the National Clearinghouse for English Language Acquisition and Language Instruction Educational Programs described in section 1222.

''(2) STATE ALLOTMENTS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), from the amount reserved under section 1191(a) 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 1192(c)—

''(i) an amount that bears the same relationship to 80 percent of the remainder as the number of 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.—No State educational agency shall receive an allotment under this paragraph that is less than $500,000.

''(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 chapter, 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.—The total amount allotted to Puerto Rico for any fiscal year under subparagraph (A) shall not exceed 0.5 percent of the total amount allotted to all States for that fiscal year.

''(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, using the most accurate, up-to-date data, which shall be—

''(A) data from the American Community Survey conducted by the Department of Commerce, which may be multiyear estimates;

''(B) the number of students being assessed for English language proficiency, based on the State's English language proficiency assessment under section 1111(b)(2)(D), which may be multiyear estimates; or

''(C) a combination of data available under subparagraphs (A) and (B).

"SEC. 1192. STATE EDUCATIONAL AGENCY PLANS.

''(a) PLAN REQUIRED.—Each State educational agency desiring a grant under this chapter shall submit a plan to the Secretary at such time and in such manner 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 1193(d)(1);

''(2) provide an assurance that—

''(A) the agency will ensure that eligible entities receiving a subgrant under this chapter comply with the requirement in section 1111(b)(2)(B)(x) to annually assess in English learners who have been in the United States for 3 or more consecutive years;

''(B) the agency will ensure that eligible entities receiving a subgrant under this chapter annually assess the English proficiency of all English learners participating in a program funded under this chapter, consistent with section 1111(b)(2)(D);

''(C) in awarding subgrants under section 1193, the agency will address the needs of school systems of all sizes and in all geographic areas, including school systems with rural and urban schools;

''(D) subgrants to eligible entities under section 1193(d)(1) will be of sufficient size and scope to allow such entities to carry out high-quality, evidence-based language instruction educational programs for English learners;

''(E) the agency will require an eligible entity receiving a subgrant under this chapter to use the subgrant in ways that will build such recipient's capacity to continue to offer high-quality evidence-based language instruction educational programs that assist English learners in meeting State academic standards;

''(F) the agency will monitor the eligible entity receiving a subgrant under this chapter for compliance with applicable Federal fiscal requirements; and

''(G) the plan has been developed in consultation with local educational agencies, teachers, administrators of programs implemented under this chapter, parents, and other relevant stakeholders;

''(3) describe how the agency will coordinate its programs and activities under this chapter with other programs and activities under this Act and other Acts, as appropriate;

''(4) describe how eligible entities in the State will be given the flexibility to teach English learners—

''(A) using a high-quality, evidence-based language instruction curriculum for teaching English learners; and

''(B) in the manner the eligible entities determine to be the most effective; and

''(5) describe how the agency will assist eligible entities in increasing the number of English learners who acquire English proficiency.

''(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 agency's participation under this chapter; 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 subpart.

''(2) ADDITIONAL INFORMATION.—

''(A) AMENDMENTS.—If the State educational 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 subpart.

''(e) CONSOLIDATED PLAN.—A plan submitted under subsection (a) may be submitted as part of a consolidated plan under section 5302.

''(f) SECRETARY ASSISTANCE.—The Secretary shall provide technical assistance, if requested, in the development of English proficiency standards and assessments.

"SEC. 1193. WITHIN-STATE ALLOCATIONS.

''(a) IN GENERAL.—After making the reservation required under subsection (d)(1), each State educational agency receiving a grant under section 1191(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 1195 an amount that bears the same relationship to the amount received under the grant and remaining after making such reservation as the population of English learners in schools served by the eligible entity bears to the population of English learners in schools served by all eligible entities in the State.

''(b) LIMITATION.—A State educational agency shall not award a subgrant from an allocation made under subsection (a) if the amount of such subgrant would be less than $10,000.

''(c) REALLOCATION.—Whenever a State educational agency determines that an amount from an allocation made to an eligible entity under subsection (a) for a fiscal year will not be used by the entity for the purpose for which the allocation was made, the agency shall, in accordance with such rules as it determines to be appropriate, reallocate such amount, consistent with such subsection, to other eligible entities in the State that the agency determines will use the amount to carry out that purpose.

''(d) REQUIRED RESERVATION.—A State educational agency receiving a grant under this chapter for a fiscal year—

''(1) shall reserve not more than 15 percent of the agency's allotment under section 1191(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 the quality of each local plan under section 1195 and ensure that each subgrant is of sufficient size and scope to meet the purposes of this subpart.

"SEC. 1194. 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 chapter only if the entity agrees to expend the funds to improve the education of English learners, by assisting the children to learn English and meet State academic standards. In carrying out activities with such funds, the eligible entity shall use evidence-based approaches and methodologies for teaching English learners and immigrant children and youth for the following purposes:

''(1) Developing and implementing new language instruction educational programs and academic content instruction programs for English learners and immigrant children and youth, including programs of early childhood education, 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 English learners and immigrant children and youth.

''(3) Implementing, within an individual school, schoolwide programs for restructuring, reforming, and upgrading all relevant programs, activities, and operations relating to language instruction educational programs and academic content instruction for English learners and immigrant children and youth.

''(4) Implementing, within the entire jurisdiction of a local educational agency, agencywide programs for restructuring, reforming, and upgrading all relevant programs, activities, and operations relating to language instruction educational programs and academic content instruction for English learners and immigrant children and youth.

''(b) ADMINISTRATIVE EXPENSES.—Each eligible entity receiving funds under section 1193(a) for a fiscal year shall use not more than 2 percent of such funds for the cost of administering this chapter.

''(c) REQUIRED SUBGRANTEE ACTIVITIES.—An eligible entity receiving funds under section 1193(a) shall use the funds—

''(1) to increase the English language proficiency of English learners by providing high-quality, evidence-based language instruction educational programs that meet the needs of English learners and have demonstrated success in increasing—

''(A) English language proficiency; and

''(B) student academic achievement in the core academic subjects;

''(2) to provide high-quality, evidence-based professional development to classroom teachers (including teachers in classroom settings that are not the settings of language instruction educational programs), school leaders, 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 implement curricula, assessment practices and measures, and instruction strategies for English learners;

''(C) evidence-based in increasing children's English language proficiency or substantially increasing the subject matter knowledge, teaching knowledge, and teaching skills of 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, as appropriate; and

''(3) to provide and implement other evidence-based activities and strategies that enhance or supplement language instruction educational programs for English learners, including parental and community engagement activities and strategies that serve to coordinate and align related programs.

''(d) AUTHORIZED SUBGRANTEE ACTIVITIES.—Subject to subsection (c), an eligible entity receiving funds under section 1193(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 English learners by identifying, acquiring, and upgrading curricula, instruction materials, educational software, and assessment procedures.

''(3) Providing to English learners—

''(A) tutorials and academic or career education for English learners; 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 language proficiency and academic achievement of English learners.

''(6) Providing community participation programs, family literacy services, and parent outreach and training activities to English learners and their families—

''(A) to improve the English language skills of English learners; and

''(B) to assist parents in helping their children to improve their academic achievement and becoming active participants in the education of their children.

''(7) Improving the instruction of English learners 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 chapter.

''(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 1193(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 paraprofessionals who have been specifically trained, or are being trained, to provide services to immigrant children and youth;

''(C) provision of tutorials, mentoring, and academic or career counseling for immigrant children and youth;

''(D) identification, development, and acquisition of curricular materials, educational software, and technologies to be used in the program carried out with awarded funds;

''(E) basic instruction 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, 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 1193(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 chapter, 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 English learners to attain English language proficiency and meet State academic standards.

''(2) CONSISTENCY.—Such selection shall be consistent with sections 1204 through 1206.

''(g) SUPPLEMENT, NOT SUPPLANT.—Federal funds made available under this chapter 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.

"SEC. 1195. LOCAL PLANS.

''(a) PLAN REQUIRED.—Each eligible entity desiring a subgrant from the State educational agency under section 1193 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 evidence-based programs and activities proposed to be developed, implemented, and administered under the subgrant that will help English learners increase their English language proficiency and meet the State academic standards;

''(2) describe how the eligible entity will hold elementary schools and secondary schools receiving funds under this chapter accountable for annually assessing the English language proficiency of all children participating under this subpart, consistent with section 1111(b);

''(3) describe how the eligible entity will promote parent and community engagement in the education of English learners;

''(4) contain an assurance that the eligible entity consulted with teachers, researchers, school administrators, parents and community members, public or private organizations, and institutions of higher education, in developing and implementing such plan;

''(5) describe how language instruction educational programs carried out under the subgrant will ensure that English learners being served by the programs develop English language proficiency; and

''(6) contain assurances that—

''(A) each local educational agency that is included in the eligible entity is complying with section 1112(g) prior to, and throughout, each school year; and

''(B) the eligible entity is not in violation of any State law, including State constitutional law, regarding the education of English learners, consistent with sections 1205 and 1206.

''(c) TEACHER ENGLISH FLUENCY.—Each eligible entity receiving a subgrant under section 1193 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 subpart are fluent in English and any other language used for instruction, including having written and oral communications skills.

"CHAPTER B—ADMINISTRATION

"SEC. 1201. REPORTING.

''(a) IN GENERAL.—Each eligible entity that receives a subgrant from a State educational

agency under chapter A shall provide such agency, at the conclusion of every second fiscal year during which the subgrant is received, with a report, in a form prescribed by the agency, on the activities conducted and students served under this subpart that includes—

''(1) a description of the programs and activities conducted by the entity with funds received under chapter A during the two 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 learning the English language and in meeting State academic standards;

''(3) the number and percentage of English learners in the programs and activities attaining English language proficiency based on the State English language proficiency standards established under section 1111(b)(1)(E) by the end of each school year, as determined by the State's English language proficiency assessment under section 1111(b)(2)(D);

''(4) the number of English learners who exit the language instruction educational programs based on their attainment of English language proficiency and transitioned to classrooms not tailored for English learners;

''(5) a description of the progress made by English learners in meeting the State academic standards for each of the 2 years after such children are no longer receiving services under this subpart;

''(6) the number and percentage of English learners who have not attained English language proficiency within five years of initial classification as an English learner and first enrollment in the local educational agency; and

''(7) any such other information as the State educational agency may require.

''(b) USE OF REPORT.—A report provided by an eligible entity under subsection (a) shall be used by the entity and the State educational agency—

''(1) to determine the effectiveness of programs and activities in assisting children who are English learners—

''(A) to attain English language proficiency; and

''(B) to make progress in meeting State academic standards under section 1111(b)(1); and

''(2) upon determining the effectiveness of programs and activities based on the criteria in paragraph (1), to decide how to improve programs.

''SEC. 1202. ANNUAL REPORT.

''(a) STATES.—Based upon the reports provided to a State educational agency under section 1201, each such agency that receives a grant under this subpart shall prepare and submit annually to the Secretary a report on programs and activities carried out by the State educational agency under this subpart and the effectiveness of such programs and activities in improving the education provided to English learners.

''(b) SECRETARY.—Annually, 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 a report—

''(1) on programs and activities carried out to serve English learners under this subpart, and the effectiveness of such programs and activities in improving the academic achievement and English language proficiency of English learners;

''(2) on the types of language instruction educational programs used by local educational agencies or eligible entities receiving funding under this subpart to teach English learners;

''(3) containing a critical synthesis of data reported by eligible entities to States under section 1201(a);

''(4) containing a description of technical assistance and other assistance provided by State educational agencies under section 1191(b)(2)(C);

''(5) containing an estimate of the number of effective teachers working in language instruction educational programs and educating English learners, and an estimate of the number of such teachers that will be needed for the succeeding 5 fiscal years;

''(6) containing the number of programs or activities, if any, that were terminated because the entities carrying out the programs or activities were not able to reach program goals;

''(7) containing the number of English learners served by eligible entities receiving funding under this subpart who were transitioned out of language instruction educational programs funded under this subpart into classrooms where instruction is not tailored for English learners; and

''(8) containing other information gathered from other reports submitted to the Secretary under this subpart when applicable.

''SEC. 1203. COORDINATION WITH RELATED PROGRAMS.

''In order to maximize Federal efforts aimed at serving the educational needs of English learners, the Secretary shall coordinate and ensure close cooperation with other entities carrying out programs serving language-minority and English learners that are administered by the Department and other agencies.

''SEC. 1204. RULES OF CONSTRUCTION.

''Nothing in this subpart shall be construed—

''(1) to prohibit a local educational agency from serving 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 English learners; or

''(3) to limit the preservation or use of Native American languages.

''SEC. 1205. LEGAL AUTHORITY UNDER STATE LAW.

''Nothing in this subpart shall be construed to negate or supersede State law, or the legal authority under State law of any State agency, State entity, or State public official, over programs that are under the jurisdiction of the State agency, entity, or official.

''SEC. 1206. CIVIL RIGHTS.

''Nothing in this subpart shall be construed in a manner inconsistent with any Federal law guaranteeing a civil right.

''SEC. 1207. PROHIBITION.

''In carrying out this subpart, the Secretary shall neither mandate nor preclude the use of a particular curricular or pedagogical approach to educating English learners.

''SEC. 1208. PROGRAMS FOR NATIVE AMERICANS AND PUERTO RICO.

''Notwithstanding any other provision of this subpart, 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.

''CHAPTER C—NATIONAL ACTIVITIES

''SEC. 1211. NATIONAL PROFESSIONAL DEVELOPMENT PROJECT.

''The Secretary shall use funds made available under section 1191(c)(1)(B) to award grants on a competitive basis, for a period of not more than 5 years, to institutions of higher education or public or private organizations with relevant experience and capacity (in consortia with State educational agencies or local educational agencies) to provide for professional development activities that will improve classroom instruction for English learners and assist educational personnel working with such children to meet high professional standards, including standards for certification and licensure as teachers who work in language instruction educational programs or serve English learners. Grants awarded under this subsection may be used—

''(1) for preservice, evidence-based 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 or other instructional strategies appropriate to the needs of the consortia participants involved;

''(3) to support strategies that strengthen and increase parent and community member engagement in the education of English learners; and

''(4) to share and disseminate evidence-based practices in the instruction of English learners and in increasing their student achievement.

''CHAPTER D—GENERAL PROVISIONS

''SEC. 1221. DEFINITIONS.

''Except as otherwise provided, in this subpart:

''(1) CHILD.—The term 'child' means any individual aged 3 through 21.

''(2) COMMUNITY-BASED ORGANIZATION.—The term 'community-based organization' means a private nonprofit organization of demonstrated effectiveness, Indian tribe, or tribally sanctioned educational authority, that is representative of a community or significant segments of a community and that provides educational or related services to individuals in the community. Such term includes a Native Hawaiian or Native American Pacific Islander native language educational organization.

''(3) ELIGIBLE ENTITY.—The term 'eligible entity' means—

''(A) one or more local educational agencies; or

''(B) one or more local educational agencies, in consortia (or collaboration) with an institution of higher education, community-based organization, or State educational agency.

''(4) IMMIGRANT CHILDREN AND YOUTH.—The term 'immigrant children and youth' means individuals who—

''(A) are age 3 through 21;

''(B) were not born in any State; and

''(C) have not been attending one or more schools in any one or more States for more than 3 full academic years.

''(5) INDIAN TRIBE.—The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Native village or Regional Corporation or Village Corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act, that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

''(6) LANGUAGE INSTRUCTION EDUCATIONAL PROGRAM.—The term 'language instruction educational program' means an instruction course—

''(A) in which an English learner is placed for the purpose of developing and attaining English language proficiency, while meeting State academic standards, as required by section 1111(b)(1); and

''(B) that may make instructional use of both English and a child's native language to enable the child to develop and attain English language proficiency, and may include the participation of English language proficient children if such course is designed to enable all participating children to become proficient in English and a second language.

''(7) NATIVE LANGUAGE.—The term 'native language', when used with reference to English learner, 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.

''(8) PARAPROFESSIONAL.—The term 'paraprofessional' means an individual who is employed in a preschool, elementary school, or secondary school under the supervision of a certified or licensed teacher, including individuals employed in language instruction educational programs, special education, and migratory education.

''(9) STATE.—The term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

"SEC. 1222. 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 English learners, and related programs. The National Clearinghouse shall—

''(1) be administered as an adjunct clearinghouse of the Educational Resources Information Center Clearinghouses system supported by the Institute of Education Sciences;

''(2) coordinate activities with Federal data and information clearinghouses and entities operating Federal dissemination networks and systems;

''(3) develop a system for improving the operation and effectiveness of federally funded language instruction educational programs; and

''(4) collect and disseminate information on—

''(A) educational research and processes related to the education of English learners; and

''(B) accountability systems that monitor the academic progress of English learners in language instruction educational programs, including information on academic content and English language proficiency assessments for language instruction educational programs; and

''(5) publish, on an annual basis, a list of grant recipients under this subpart.

"SEC. 1223. REGULATIONS.

''In developing regulations under this subpart, the Secretary shall consult with State educational agencies and local educational agencies, organizations representing English learners, and organizations representing teachers and other personnel involved in the education of English learners.

"Subpart 5—Rural Education Achievement Program

"SEC. 1230. PURPOSE.

''It is the purpose of this subpart to address the unique needs of rural school districts that frequently—

''(1) lack the personnel and resources needed to compete effectively for Federal competitive grants; and

''(2) receive formula grant allocations in amounts too small to be effective in meeting their intended purposes.

"CHAPTER A—SMALL, RURAL SCHOOL ACHIEVEMENT PROGRAM

"SEC. 1231. GRANT PROGRAM AUTHORIZED.

''(a) IN GENERAL.—From amounts appropriated under section 3(a)(1) for a fiscal year, the Secretary shall reserve 0.54 of one percent 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) Title II.

''(3) Title III.

''(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 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 in 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.

''(3) RATABLE ADJUSTMENT.—

''(A) IN GENERAL.—If the amount made available to carry out this section for any fiscal year is not sufficient to pay in full the amounts that local educational agencies are eligible to receive under paragraph (1) for such year, the Secretary shall ratably reduce such amounts for such year.

''(B) ADDITIONAL AMOUNTS.—If additional funds become available for making payments under paragraph (1) for such fiscal year, payments that were reduced under subparagraph (A) shall be increased on the same basis as such payments were reduced.

''(c) DISBURSEMENT.—The Secretary shall disburse the funds awarded to a local educational agency under this section for a fiscal year not later than July 1 of that fiscal year.

''(d) 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 41, 42, or 43, 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.

''(3) HOLD HARMLESS.—For a local educational agency that is not eligible under this chapter but met the eligibility requirements under this subsection as it was in effect prior to the date of the enactment of the Student Success Act, the agency shall receive—

''(A) for fiscal year 2014, 75 percent of the amount such agency received for fiscal year 2013;

''(B) for fiscal year 2015, 50 percent of the amount such agency received for fiscal year 2013; and

''(C) for fiscal year 2016, 25 percent of the amount such agency received for fiscal year 2013.

''(e) SPECIAL ELIGIBILITY RULE.—A local educational agency that receives a grant under this chapter for a fiscal year is not eligible to receive funds for such fiscal year under chapter B.

"CHAPTER B—RURAL AND LOW-INCOME SCHOOL PROGRAM

"SEC. 1235. PROGRAM AUTHORIZED.

''(a) GRANTS TO STATES.—

''(1) IN GENERAL.—From amounts appropriated under section 3(a)(1) for a fiscal year, the Secretary shall reserve 0.54 of one percent for this chapter for a fiscal year that are not reserved under subsection (c) to award grants (from allotments made under paragraph (2)) for the fiscal year to State educational agencies that have applications submitted under section 1237 approved to enable the State educational agencies to award grants to eligible local educational agencies for local authorized activities described in section 1236(a).

''(2) ALLOTMENT.—From amounts described in paragraph (1) for a fiscal year, the Secretary shall allot to each State educational agency for that fiscal year an amount that bears the same ratio to those amounts as the number of students in average daily attendance served by eligible local educational agencies in the State for that fiscal year bears to the number of all such students served by eligible local educational agencies in all States for that fiscal year.

''(3) SPECIALLY QUALIFIED AGENCIES.—

''(A) ELIGIBILITY AND APPLICATION.—If a State educational agency elects not to participate in the program under this subpart or does not have an application submitted under section 1237 approved, a specially qualified agency in such State desiring a grant under this subpart may submit an application under such section directly to the Secretary to receive an award under this subpart.

''(B) DIRECT AWARDS.—The Secretary may award, on a competitive basis or by formula, the amount the State educational agency is eligible to receive under paragraph (2) directly to a specially qualified agency in the State that has submitted an application in accordance with subparagraph (A) and obtained approval of the application.

''(C) SPECIALLY QUALIFIED AGENCY DEFINED.—In this subpart, the term 'specially qualified agency' means an eligible local educational agency served by a State educational agency that does not participate in a program under this subpart in a fiscal year, that may apply directly to the Secretary for a grant in such year under this subsection.

''(b) LOCAL AWARDS.—

''(1) ELIGIBILITY.—A local educational agency shall be eligible to receive a grant under this subpart if—

''(A) 20 percent or more of the children ages 5 through 17 years served by the local educational agency are from families with incomes below the poverty line; and

''(B) all of the schools served by the agency are designated with a school locale code of 32, 33, 41, 42, 43, as determined by the Secretary.

''(2) AWARD BASIS.—A State educational agency shall award grants to eligible local educational agencies—

''(A) on a competitive basis;

''(B) according to a formula based on the number of students in average daily attendance served by the eligible local educational agencies or schools in the State; or

''(C) according to an alternative formula, if, prior to awarding the grants, the State educational agency demonstrates, to the satisfaction of the Secretary, that the alternative formula enables the State educational agency to allot the grant funds in a manner that serves equal or greater concentrations of children from families with incomes below the poverty line, relative to the concentrations that would be served if the State educational agency used the formula described in subparagraph (B).

''(c) RESERVATIONS.—From amounts reserved under section 1235(a)(1) for this chapter 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 Education, to carry out the activities authorized under this chapter; and

''(2) one-half of 1 percent to make awards to the outlying areas in accordance with their respective needs, to carry out the activities authorized under this chapter.

"SEC. 1236. USES OF FUNDS.

''(a) LOCAL AWARDS.—Grant funds awarded to local educational agencies under this chapter

shall be used for activities authorized under any of the following:

''(1) Part A of title I.

''(2) Title II.

''(3) Title III.

''(b) ADMINISTRATIVE COSTS.—A State educational agency receiving a grant under this chapter may 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. 1237. APPLICATIONS.

''(a) IN GENERAL.—Each State educational agency or specially qualified agency desiring to receive a grant under this chapter shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

''(b) CONTENTS.—Each application submitted under subsection (a) shall include—

''(1) a description of how the State educational agency or specially qualified agency will ensure eligible local educational agencies receiving a grant under this chapter will use such funds to help students meet the State academic standards under section 1111(b)(1);

''(2) if the State educational agency or specially qualified agency will competitively award grants to eligible local educational agencies, as described in section 1235(b)(2)(A), the application under the section shall include—

''(A) the methods and criteria the State educational agency or specially qualified agency will use for reviewing applications and awarding funds to local educational agencies on a competitive basis; and

''(B) how the State educational agency or specially qualified agency will notify eligible local educational agencies of the grant competition; and

''(3) a description of how the State educational agency or specially qualified agency will provide technical assistance to eligible local educational agencies to help such agencies implement the activities described in section 1236(a).

''SEC. 1238. ACCOUNTABILITY.

''Each State educational agency or specially qualified agency that receives a grant under this chapter shall prepare and submit an annual report to the Secretary. The report shall describe—

''(1) the methods and criteria the State educational agency or specially qualified agency used to award grants to eligible local educational agencies, and to provide assistance to schools, under this chapter;

''(2) how local educational agencies and schools used funds provided under this chapter; and

''(3) the degree to which progress has been made toward having all students meet the State academic standards under section 1111(b)(1).

''SEC. 1239. CHOICE OF PARTICIPATION.

''(a) IN GENERAL.—If a local educational agency is eligible for funding under chapters A and B of this subpart, such local educational agency may receive funds under either chapter A or chapter B for a fiscal year, but may not receive funds under both chapters.

''(b) NOTIFICATION.—A local educational agency eligible for both chapters A and B of this subpart shall notify the Secretary and the State educational agency under which of such chapters such local educational agency intends to receive funds for a fiscal year by a date that is established by the Secretary for the notification.

''CHAPTER C—GENERAL PROVISIONS

''SEC. 1241. ANNUAL AVERAGE DAILY ATTENDANCE DETERMINATION.

''(a) CENSUS DETERMINATION.—Each local educational agency desiring a grant under section 1231 and each local educational agency or specially qualified agency desiring a grant under chapter B shall—

''(1) not later than December 1 of each year, 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; and

''(2) not later than March 1 of each year, submit the number described in paragraph (1) to the Secretary (and to the State educational agency, in the case of a local educational agency seeking a grant under subpart 2).

''(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 1231 or chapter B, then the agency shall be fined an amount equal to twice the difference between the amount the agency received under this section and the correct amount the agency would have received under section 1231 or chapter B if the agency had submitted accurate information under subsection (a).

''SEC. 1242. SUPPLEMENT, NOT SUPPLANT.

''Funds made available under chapter A or chapter B shall be used to supplement, and not supplant, any other Federal, State, or local education funds.

''SEC. 1243. RULE OF CONSTRUCTION.

''Nothing in this subpart shall be construed to prohibit a local educational agency that enters into cooperative 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 subpart.

''Subpart 6—Indian Education

''SEC. 1251. STATEMENT OF POLICY.

''It is the policy of the United States to fulfill the Federal Government's unique and continuing trust relationship with and responsibility to the Indian people for the education of Indian children. The Federal Government will continue to work with local educational agencies, Indian tribes and organizations, postsecondary institutions, and other entities toward the goal of ensuring that programs that serve Indian children are of the highest quality and provide for not only the basic elementary and secondary educational needs, but also the unique educational and culturally related academic needs of these children.

''SEC. 1252. PURPOSE.

''It is the purpose of this subpart to support the efforts of local educational agencies, Indian tribes and organizations, postsecondary institutions, and other entities—

''(1) to meet the unique educational and culturally related academic needs of American Indian and Alaska Native students, so that such students can meet the State academic standards that all students are expected to meet; and

''(2) to ensure that school leaders, teachers, and other staff who serve Indian and Alaska Native students have the ability and training to provide appropriate instruction to meet the unique academic needs of such students.

''CHAPTER A—FORMULA GRANTS TO LOCAL EDUCATIONAL AGENCIES

''SEC. 1261. PURPOSE.

''It is the purpose of this chapter 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 are designed to—

''(1) meet the unique educational needs of such students; and

''(2) ensure that such students have the opportunity to meet the State academic standards.

''SEC. 1262. GRANTS TO LOCAL EDUCATIONAL AGENCIES AND TRIBES.

''(a) IN GENERAL.—From amounts appropriated under section 3(a)(1), the Secretary shall reserve 0.59 of one percent to local educational agencies and Indian tribes in accordance with this section and section 1263.

''(b) LOCAL EDUCATIONAL AGENCIES.—

''(1) ENROLLMENT REQUIREMENTS.—A local educational agency shall be eligible for a grant under this chapter for any fiscal year if the number of Indian children eligible under section 1267 who were enrolled in the schools of the agency, and to whom the agency provided free public education, during the preceding fiscal year—

''(A) was at least 10; or

''(B) constituted not less than 25 percent of the total number of individuals enrolled in the schools of such agency.

''(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, an Indian reservation.

''(c) INDIAN TRIBES.—

''(1) IN GENERAL.—If a local educational agency that is otherwise eligible for a grant under this chapter does not establish a committee under section 1264(c)(4) for such grant, an Indian tribe or a consortium of such entities that represents not less than ⅓ 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 or consortium of such entities applying for a grant pursuant to paragraph (1) as if such Indian tribe were a local educational agency for purposes of this chapter, except that any such tribe is not subject to section 1264(c)(4) or section 1269.

''(3) ELIGIBILITY.—If more than 1 Indian tribe qualifies 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 or the tribes may choose to apply in consortium.

''SEC. 1263. AMOUNT OF GRANTS.

''(a) AMOUNT OF GRANT AWARDS.—

''(1) IN GENERAL.—Except as provided in subsection (b) and paragraph (2), the Secretary shall allocate to each local educational agency that has an approved application under this chapter an amount equal to the product of—

''(A) the number of Indian children who are eligible under section 1267 and served by such agency; and

''(B) the greater of—

''(i) the average per pupil expenditure of the State in which such agency is located; or

''(ii) 80 percent of the average per pupil expenditure of all the States.

''(2) REDUCTION.—The Secretary shall reduce the amount of each allocation otherwise determined under this section in accordance with subsection (e).

''(b) MINIMUM GRANT.—

''(1) IN GENERAL.—Notwithstanding subsection (e), an entity that is eligible for a grant under section 1262, and a school that is operated or supported by the 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 chapter in an amount that is not less than $3,000.

''(2) CONSORTIA.—Local educational agencies may form a consortium with other local educational agencies or Indian tribes for the purpose of obtaining grants under this chapter.

''(3) INCREASE.—The Secretary may increase the minimum grant under paragraph (1) to not more than $4,000 for all grantees if the Secretary determines such an increase is necessary to ensure the quality of the programs provided.

''(c) DEFINITION.—For the purpose of this section, the term 'average per pupil expenditure', used with respect to a State, means an amount equal to—

''(1) the sum of the aggregate current expenditures of all the local educational agencies in the State, plus any direct current expenditures by the State for the operation of such agencies, without regard to the sources of funds from

which such local or State expenditures were made, during the second fiscal year preceding the fiscal year for which the computation is made; divided by

''(2) the aggregate number of children who were included in average daily attendance for whom such agencies provided free public education during such preceding fiscal year.

''(d) SCHOOLS OPERATED OR SUPPORTED BY THE BUREAU OF INDIAN EDUCATION.—

''(1) IN GENERAL.—Subject to subsection (e), in addition to the grants awarded under subsection (a), the Secretary shall allocate to the Secretary of the Interior an amount equal to the product of—

''(A) the total number of Indian children enrolled in schools that are operated by—

''(i) the Bureau of Indian Education; or

''(ii) an Indian tribe, or an organization controlled or sanctioned by an Indian tribal government, for the children of that tribe under a contract with, or grant from, the Department of the Interior under the Indian Self-Determination Act or the Tribally Controlled Schools Act of 1988; and

''(B) the greater of—

''(i) the average per pupil expenditure of the State in which the school is located; or

''(ii) 80 percent of the average per pupil expenditure of all the States.

''(2) SPECIAL RULE.—Any school described in paragraph (1)(A) that wishes to receive an allocation under this chapter shall submit an application in accordance with section 1264, and shall otherwise be treated as a local educational agency for the purpose of this chapter, except that such school shall not be subject to section 1264(c)(4) or section 1269.

''(e) RATABLE REDUCTIONS.—If the sums reserved for any fiscal year under section 1262(a) 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. 1264. APPLICATIONS.

''(a) APPLICATION REQUIRED.—Each local educational agency that desires to receive a grant under this chapter shall submit an application to the Secretary at such time and in such manner as the Secretary may reasonably require.

''(b) COMPREHENSIVE PROGRAM REQUIRED.—Each application submitted under subsection (a) shall include a description of a comprehensive program for meeting the needs of Indian children served by the local educational agency, including the language and cultural needs of the children, that—

''(1) describes how the comprehensive program will offer programs and activities to meet the culturally related academic needs of American Indian and Alaska Native students;

''(2)(A) is aligned with and supports the State and local plans submitted under other provisions of this Act; and

''(B) includes academic standards for such children that are based on the State academic standards adopted under subpart 1 for all children;

''(3) explains how the local educational agency will use the funds made available under this chapter to supplement other Federal, State, and local programs, especially programs carried out under subpart 1, to meet the needs of such students;

''(4) demonstrates how funds made available under this chapter will be used for activities described in section 1265;

''(5) describes the professional development opportunities that will be provided, as needed, to ensure that—

''(A) teachers, school leaders, and other school professionals who are new to the Indian community are prepared to work with Indian children; and

''(B) all teachers who will be involved in programs assisted under this chapter have been properly trained to carry out such programs; and

''(6) describes how the local educational agency—

''(A) will periodically assess the progress of all Indian children enrolled in the schools of the local educational agency, including Indian children who do not participate in programs assisted under this chapter, in meeting the standards described in paragraph (2);

''(B) will provide the results of each assessment referred to in subparagraph (A) to—

''(i) the committee described in subsection (c)(4); and

''(ii) the community, including 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); and

''(7) describes the processes the local educational agency used to collaborate with Indian tribes in the community in the development of the comprehensive programs.

''(c) ASSURANCES.—Each application submitted under subsection (a) shall include assurances that—

''(1) the local educational agency will use funds received under this chapter only to supplement the funds that, in the absence of the Federal funds made available under this chapter, such agency would make available for the education of Indian children, and not to supplant such funds;

''(2) the local educational agency will prepare and submit to the Secretary such reports in such form as the Secretary may require to—

''(A) carry out the functions of the Secretary under this chapter; and

''(B) determine the extent to which activities carried out with funds provided to the local educational agency under this chapter are effective in improving the educational achievement of Indian students served by such agency;

''(3) the program for which assistance is sought—

''(A) is based on a comprehensive local assessment and prioritization of the unique educational and culturally related academic needs of the American Indian and Alaska Native students for whom the local educational agency is providing an education;

''(B) will use the best available talents and resources, including individuals from the Indian community; and

''(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) the local educational agency developed the program with the participation and written approval of a committee—

''(A) that is composed of, and selected by—

''(i) parents of Indian children in the local educational agency's schools;

''(ii) teachers in the schools; and

''(iii) if appropriate, Indian students attending secondary schools of the agency;

''(B) a majority of whose members are parents 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 of the children, and representatives of the area, to be served;

''(D) with respect to an application describing a schoolwide program in accordance with section 1265(c), that has—

''(i) reviewed in a timely fashion the program; and

''(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.

''SEC. 1265. AUTHORIZED SERVICES AND ACTIVITIES.

''(a) GENERAL REQUIREMENTS.—Each local educational agency that receives a grant under this chapter shall use the grant funds, in a manner consistent with the purpose specified in section 1261, for services and activities that—

''(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 1264(a);

''(2) are designed with special regard for the language and cultural needs of the Indian students; and

''(3) supplement and enrich the regular school program of such agency.

''(b) PARTICULAR ACTIVITIES.—The services and activities referred to in subsection (a) may include—

''(1) culturally related activities that support the program described in the application submitted by the local educational agency;

''(2) early childhood and family programs that emphasize school readiness;

''(3) enrichment programs that focus on problem solving and cognitive skills development and directly support the attainment of State academic standards;

''(4) integrated educational services in combination with other programs that meet the needs of Indian children and their families;

''(5) programs that help engage parents and tribes to meet the unique educational needs of Indian 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 concerning the prevention of substance abuse, violence, and suicide;

''(8) the acquisition of equipment, but only if the acquisition of the equipment is essential to achieve the purpose described in section 1261;

''(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 American Indian and Alaska Native specific curriculum content, consistent with State academic standards into the curriculum used by the local educational agency;

''(11) family literacy services; and

''(12) activities that recognize and support the unique cultural and educational needs of Indian children, and incorporate appropriately qualified tribal elders and seniors.

''(c) SCHOOLWIDE PROGRAMS.—Notwithstanding any other provision of law, a local educational agency may use funds made available to such agency under this chapter to support a schoolwide program under section 1114 if—

''(1) the committee established pursuant to section 1264(c)(4) approves the use of the funds for the schoolwide program; and

''(2) the schoolwide program is consistent with the purpose described in section 1261.

''(d) LIMITATION ON ADMINISTRATIVE COSTS.—Not more than 5 percent of the funds provided to a grantee under this chapter for any fiscal year may be used for administrative purposes.

''(e) LIMITATION ON USE OF FUNDS.—Funds provided to a grantee under this chapter may not be used for long-distance travel expenses for training activities available locally or regionally.

''SEC. 1266. INTEGRATION OF SERVICES AUTHORIZED.

''(a) PLAN.—An entity receiving funds under this chapter may submit a plan to the Secretary

for the integration of education and related services provided to Indian students.

''(b) CONSOLIDATION OF PROGRAMS.—Upon the receipt of an acceptable plan under subsection (a), the Secretary, in cooperation with each Federal agency providing grants for the provision of education and related services to the entity, shall authorize the entity to consolidate, in accordance with such plan, the federally funded education and related services programs of the entity and the Federal programs, or portions of the programs, serving Indian students in a manner that integrates the program services involved into a single, coordinated, comprehensive program and reduces administrative costs by consolidating administrative functions.

''(c) PROGRAMS AFFECTED.—The funds that may be consolidated in a demonstration project under any such plan referred to in subsection (a) shall include funds for any Federal program exclusively serving Indian children, or the funds reserved under any Federal program to exclusively serve Indian children, under which the entity is eligible for receipt of funds under a statutory or administrative formula for the purposes of providing education and related services that would be used to serve Indian students.

''(d) PLAN REQUIREMENTS.—For a plan to be acceptable pursuant to subsection (b), the plan shall—

''(1) identify the programs or funding sources to be consolidated;

''(2) be consistent with the objectives of this section concerning authorizing the services to be integrated in a demonstration project;

''(3) describe a comprehensive strategy that identifies the full range of potential educational opportunities and related services to be provided to assist Indian students to achieve the objectives set forth in this chapter;

''(4) describe the way in which services are to be integrated and delivered and the results expected from the plan;

''(5) identify the projected expenditures under the plan in a single budget;

''(6) identify the State, tribal, or local agency or agencies to be involved in the delivery of the services integrated under the plan;

''(7) identify any statutory provisions, regulations, policies, or procedures that the entity believes need to be waived in order to implement the plan;

''(8) set forth measures for student academic achievement consistent with State academic standards under section 1111(b)(1); and

''(9) be approved by a committee formed in accordance with section 1264(c)(4), if such a committee exists.

''(e) PLAN REVIEW.—Upon receipt of the plan from an eligible entity, the Secretary shall consult with the Secretary of each Federal department providing funds to be used to implement the plan, and with the entity submitting the plan. The parties so consulting shall identify any waivers of statutory requirements or of Federal departmental regulations, policies, or procedures necessary to enable the entity to implement the plan. Notwithstanding any other provision of law, the Secretary of the affected department shall have the authority to waive any regulation, policy, or procedure promulgated by that department that has been so identified by the entity or department, unless the Secretary of the affected department determines that such a waiver is inconsistent with the objectives of this chapter or those provisions of the statute from which the program involved derives authority that are specifically applicable to Indian students.

''(f) PLAN APPROVAL.—Within 90 days after the receipt of an entity's plan by the Secretary, the Secretary shall inform the entity, in writing, of the Secretary's approval or disapproval of the plan. If the plan is disapproved, the entity shall be informed, in writing, of the reasons for the disapproval and shall be given an opportunity to amend the plan or to petition the Secretary to reconsider such disapproval.

''(g) RESPONSIBILITIES OF DEPARTMENT OF EDUCATION.—The Secretary of Education, the Secretary of the Interior, 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) the Secretary of the Interior, in the case of an entity meeting the definition of a contract or grant school under title XI of the Education Amendments of 1978; or

''(2) the Secretary of Education, in the case of any other entity.

''(h) RESPONSIBILITIES OF LEAD AGENCY.—The responsibilities of the lead agency shall include—

''(1) the use of a single report format related to the plan for the individual project, which shall be used by an eligible entity to report on the activities undertaken under the project;

''(2) the use of a single report format related to the projected expenditures for the individual project which shall be used by an eligible entity to report on all project expenditures;

''(3) the development of a single system of Federal oversight for the project, which shall be implemented by the lead agency; and

''(4) the provision of technical assistance to an eligible entity appropriate to the project, except that an eligible entity shall have the authority to accept or reject the plan for providing such technical assistance and the technical assistance provider.

''(i) REPORT REQUIREMENTS.—A single report format shall be developed by the Secretary, consistent with the requirements of this section. Such report format shall require that reports described in subsection (h), together with records maintained on the consolidated program at the local level, shall contain such information as will allow a determination that the eligible entity has complied with the requirements incorporated in its approved plan, including making a demonstration of student academic achievement, and will provide assurances to each Secretary that the eligible entity has complied with all directly applicable statutory requirements and with those directly applicable regulatory requirements that have not been waived.

''(j) NO REDUCTION IN AMOUNTS.—In no case shall the amount of Federal funds available to an eligible entity involved in any demonstration project be reduced as a result of the enactment of this section.

''(k) INTERAGENCY FUND TRANSFERS AUTHORIZED.—The Secretary is authorized to take such action as may be necessary to provide for an interagency transfer of funds otherwise available to an eligible entity in order to further the objectives of this section.

''(l) ADMINISTRATION OF FUNDS.—

''(1) IN GENERAL.—Program funds for the consolidated programs shall be administered in such a manner as to allow for a determination that funds from a specific program are spent on allowable activities authorized under such program, except that the eligible entity shall determine the proportion of the funds granted that shall be allocated to such program.

''(2) SEPARATE RECORDS NOT REQUIRED.—Nothing in this section shall be construed as requiring the eligible entity to maintain separate records tracing any services or activities conducted under the approved plan to the individual programs under which funds were authorized for the services or activities, nor shall the eligible entity be required to allocate expenditures among such individual programs.

''(m) OVERAGE.—The eligible entity may commingle all administrative funds from the consolidated programs and shall be entitled to the full amount of such funds (under each program's or agency's regulations). The overage (defined as the difference between the amount of the commingled funds and the actual administrative cost of the programs) shall be considered to be properly spent for Federal audit purposes, if the overage is used for the purposes provided for under this section.

''(n) FISCAL ACCOUNTABILITY.—Nothing in this subpart shall be construed so as to interfere with the ability of the Secretary or the lead agency to fulfill the responsibilities for the safeguarding of Federal funds pursuant to chapter 75 of title 31, United States Code.

''(o) REPORT ON STATUTORY OBSTACLES TO PROGRAM INTEGRATION.—

''(1) IN GENERAL.—The Secretary of Education shall annually submit a report to the Committee on Health, Education, Labor, and Pensions and the Committee on Indian Affairs of the Senate, and the Committee on Education and the Workforce and the Committee on Natural Resources of the House of Representatives on the status 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 more effectively integrate their education and related services to Indian students in a manner consistent with the objectives of this section; and

''(B) the effective practices for program integration that result in increased student achievement and other relevant outcomes for Indian students.

''(p) DEFINITIONS.—For the purposes of this section, the term 'Secretary' means—

''(1) the Secretary of the Interior, in the case of an entity meeting the definition of a contract or grant school under title XI of the Education Amendments of 1978; or

''(2) the Secretary of Education, in the case of any other entity.

"SEC. 1267. STUDENT ELIGIBILITY FORMS.

''(a) IN GENERAL.—The Secretary shall require that, as part of an application for a grant under this chapter, each applicant shall maintain a file, with respect to each Indian child for whom the local educational agency provides a free public education, that contains a form that sets forth information establishing the status of the child as an Indian child eligible for assistance under this chapter, and that otherwise meets the requirements of subsection (b).

''(b) FORMS.—The form described in subsection (a) shall include—

''(1) either—

''(A)(i) the name of the tribe or band of Indians (as defined in section 1291) with respect to which the child claims membership;

''(ii) the enrollment number establishing the membership of the child (if readily available); and

''(iii) the name and address of the organization that maintains updated and accurate membership data for such tribe or band of Indians; or

''(B) the name, the enrollment 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 chapter, if the child is not a member of the tribe or band of Indians (as so defined);

''(2) a statement of whether the tribe or band of Indians (as so defined), with respect to which the child, or parent or grandparent of the child, claims membership, is federally recognized;

''(3) the name and address of the parent or legal guardian of the child; and

''(4) a signature of the parent or legal guardian of the child that verifies the accuracy of the information supplied.

''(c) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to affect a definition contained in section 1291.

''(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 1985–1986 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 chapter; and

''(2) to meet the requirements of subsection (a).

''(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 1263, 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) MONITORING AND EVALUATION REVIEW.—

''(1) IN GENERAL.—

''(A) REVIEW.—For each fiscal year, in order to provide such information as is necessary to carry out the responsibility of the Secretary to provide technical assistance under this chapter, the Secretary shall conduct a monitoring and evaluation review of a sampling of the recipients of grants under this chapter. The sampling conducted under this subparagraph shall take into account the size of and the geographic location of each local educational agency.

''(B) EXCEPTION.—A local educational agency may not be held liable to the United States or be subject to any penalty, by reason of the findings of an audit that relates to the date of completion, or the date of submission, of any forms used to establish, before April 28, 1988, the eligibility of a child for an entitlement under the Indian Elementary and Secondary School Assistance Act.

''(2) FALSE INFORMATION.—Any local educational agency that provides false information in an application for a grant under this chapter shall—

''(A) be ineligible to apply for any other grant under this chapter; and

''(B) be liable to the United States for any funds from the grant that have not been expended.

''(3) EXCLUDED CHILDREN.—A student who provides false information for the form required under subsection (a) shall not be counted for the purpose of computing the amount of a grant under section 1263.

''(g) TRIBAL GRANT AND CONTRACT SCHOOLS.—Notwithstanding any other provision of this section, in calculating the amount of a grant under this chapter to a tribal school that receives a grant or contract from the Bureau of Indian Education, the Secretary shall use only one of the following, as selected by the school:

''(1) A count of the number of students in the schools certified by the Bureau.

''(2) A count of the number of students for whom the school has eligibility forms that comply with this section.

''(h) TIMING OF CHILD COUNTS.—For purposes of determining the number of children to be counted in calculating the amount of a local educational agency's grant under this chapter (other than in the case described in subsection (g)(1)), the local educational agency shall—

''(1) establish a date on, or a period not longer than 31 consecutive days during, which the agency counts those children, if that date or period occurs before the deadline established by the Secretary for submitting an application under section 1264; and

''(2) determine that each such child was enrolled, and receiving a free public education, in a school of the agency on that date or during that period, as the case may be.

"SEC. 1268. PAYMENTS.

''(a) IN GENERAL.—Subject to subsections (b) and (c), the Secretary shall pay to each local educational agency that submits an application that is approved by the Secretary under this chapter the amount determined under section 1263. The Secretary shall notify the local educational agency of the amount of the payment not later than June 1 of the year for which the Secretary makes the payment.

''(b) PAYMENTS TAKEN INTO ACCOUNT BY THE STATE.—The Secretary may not make a grant under this chapter to a local educational agency for a fiscal year if, for such fiscal year, the State in which the local educational agency is located takes into consideration payments made under this chapter in determining the eligibility of the local educational agency for State aid, or the amount of the State aid, with respect to the free public education of children during such fiscal year or the preceding fiscal year.

''(c) REALLOCATIONS.—The Secretary may reallocate, in a manner that the Secretary determines will best carry out the purpose of this chapter, any amounts that—

''(1) based on estimates made by local educational agencies or other information, the Secretary determines will not be needed by such agencies to carry out approved programs under this chapter; or

''(2) otherwise become available for reallocation under this chapter.

"SEC. 1269. STATE EDUCATIONAL AGENCY REVIEW.

''Before submitting an application to the Secretary under section 1264, a local educational agency shall submit the application to the State educational agency, which may comment on such application. If the State educational agency comments on the application, the agency shall comment on all applications submitted by local educational agencies in the State and shall provide those comments to the respective local educational agencies, with an opportunity to respond.

"CHAPTER B—SPECIAL PROGRAMS AND PROJECTS TO IMPROVE EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN

"SEC. 1271. IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN.

''(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.

''(2) COORDINATION.—The Secretary shall take the necessary actions to achieve the coordination of activities assisted under this chapter with—

''(A) other programs funded under this Act; and

''(B) other Federal programs operated for the benefit of American Indian and Alaska Native children.

''(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.—

''(1) IN GENERAL.—From amounts appropriated under section 3(a)(1), the Secretary shall reserve 0.2 of one percent to award grants to eligible entities to enable such entities to carry out activities under this section and section 1272.

''(2) USES OF FUNDS.—An eligible entity that receives a grant under this section shall use the funds for one or more activities, including—

''(A) innovative programs related to the educational needs of educationally disadvantaged children;

''(B) educational services that are not available to such children in sufficient quantity or quality, including remedial instruction, to raise the achievement of Indian children in one or more of the core academic subjects;

''(C) bilingual and bicultural programs and projects;

''(D) special health and nutrition services, and other related activities, that address the special health, social, and psychological problems of Indian children;

''(E) special compensatory and other programs and projects designed to assist and encourage Indian children to enter, remain in, or reenter school, and to increase the rate of high school graduation for Indian children;

''(F) comprehensive guidance, counseling, and testing services;

''(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 with disabilities;

''(H) partnership projects between local educational agencies and institutions of higher education that allow secondary school students to enroll in courses at the postsecondary level to aid such students in the transition from secondary to postsecondary education;

''(I) partnership projects between schools and local businesses for career preparation programs designed to provide Indian youth with the knowledge and skills such youth need to make an effective transition from school to a high-skill, high-wage career;

''(J) programs designed to encourage and assist Indian students to work toward, and gain entrance into, an institution of higher education;

''(K) family literacy services;

''(L) activities that recognize and support the unique cultural and educational needs of Indian children, and incorporate appropriately qualified tribal elders and seniors; or

''(M) other services that meet the purpose described in this section.

''(3) PROFESSIONAL DEVELOPMENT.—Evidence based 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.—The Secretary may make multiyear grants under subsection (c) for the planning, development, pilot operation, or demonstration of any activity described in subsection (c) for a period not to exceed 5 years.

''(B) PRIORITY.—In making multiyear grants described in this paragraph, the Secretary shall give priority to entities submitting applications that present a plan for combining two or more of the activities described in subsection (c) over a period of more than 1 year.

''(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 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.

''(2) DISSEMINATION GRANTS.—

''(A) IN GENERAL.—In addition to awarding the multiyear grants described in paragraph (1), the Secretary may award grants under subsection (c) to eligible entities for the dissemination of exemplary materials or programs assisted under this section.

''(B) DETERMINATION.—The Secretary may award a dissemination grant described in this paragraph if, prior to awarding the grant, the Secretary determines that the material or program to be disseminated—

''(i) has been adequately reviewed;

''(ii) has demonstrated educational merit; and

''(iii) can be replicated.

''(3) APPLICATION.—

''(A) IN GENERAL.—Any eligible entity that desires to receive a grant under this section shall submit an application to the Secretary at such

time and in such manner as the Secretary may reasonably require.

''(B) CONTENTS.—Each application submitted to the Secretary under subparagraph (A), other than an application for a dissemination grant under paragraph (2), shall contain—

''(i) a description of how parents of Indian children and representatives of Indian tribes have been, and will be, involved in developing and implementing the activities for which assistance is sought;

''(ii) assurances that the applicant will participate, at the request of the Secretary, in any national evaluation of activities assisted under this section;

''(iii) information demonstrating that the proposed program for the activities is an evidence-based program, which may include a program that has been modified to be culturally appropriate for students who will be served; and

''(iv) a description of how the applicant will incorporate the proposed activities into the ongoing school program involved once the grant period is over.

''(e) ADMINISTRATIVE COSTS.—Not more than 5 percent of the funds provided to a grantee under this chapter for any fiscal year may be used for administrative purposes.

"SEC. 1272. PROFESSIONAL DEVELOPMENT FOR TEACHERS AND EDUCATION PROFESSIONALS.

''(a) PURPOSES.—The purposes of this section are—

''(1) to increase the number of qualified Indian teachers, school leaders, or other education professionals serving Indian students, including through recruitment strategies;

''(2) to provide training to qualified Indian individuals to enable such individuals to become effective teachers, school leaders, administrators, teacher aides, social workers, and ancillary educational personnel; and

''(3) to improve the skills of qualified Indian individuals who serve in the capacities described in paragraph (2).

''(b) ELIGIBLE ENTITIES.—For the purpose of this section, the term 'eligible entity' means—

''(1) an institution of higher education, including an Indian institution of higher education;

''(2) a State educational agency or local educational agency, in consortium with an institution of higher education;

''(3) an Indian tribe or organization, in consortium with an institution of higher education; and

''(4) a Bureau-funded school (as defined in section 1146 of the Education Amendments of 1978).

''(c) PROGRAM AUTHORIZED.—The Secretary is authorized to award grants from funds reserved under section 1271(c)(1) to eligible entities having applications approved under this section to enable those entities to carry out the activities described in subsection (d).

''(d) AUTHORIZED ACTIVITIES.—

''(1) IN GENERAL.—Grant funds under this section shall be used for activities to provide support and training for Indian individuals in a manner consistent with the purposes of this section.

''(2) SPECIAL RULES.—

''(A) TYPE OF TRAINING.—For education personnel, the training received pursuant to a grant under this section may be inservice or preservice training.

''(B) PROGRAM.—For individuals who are being trained to enter any education-related field other than teaching, the training received pursuant to a grant under this section shall be in a program that results in a graduate degree.

''(e) APPLICATION.—Each eligible entity desiring a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may reasonably require. An application shall include 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 school leaders;

''(2) use funds made available under the grant to support the recruitment, preparation, and professional development of Indian teachers or school leaders in local educational agencies that serve a high proportion of Indian students; and

''(3) assist participants in meeting the requirements under subsection (h).

''(f) SPECIAL RULE.—In awarding grants under this section, the Secretary—

''(1) shall consider the prior performance of the eligible entity; and

''(2) may not limit eligibility to receive a grant under this section on the basis of—

''(A) the number of previous grants the Secretary has awarded such entity; or

''(B) the length of any period during which such entity received such grants.

''(g) GRANT PERIOD.—Each grant under this section shall be awarded for an initial period of not more than three years, and may be renewed for not more than an additional two years if the Secretary finds that the grantee is meeting the grant objectives.

''(h) SERVICE OBLIGATION.—

''(1) IN GENERAL.—The Secretary shall require, by regulation, that an individual who receives training pursuant to a grant made under this section—

''(A) perform work—

''(i) related to the training received under this section; and

''(ii) that benefits Indian people; or

''(B) repay all or a prorated part of the assistance received.

''(2) REPORTING.—The Secretary shall 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).

"CHAPTER C—FEDERAL ADMINISTRATION

"SEC. 1281. NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION.

''(a) MEMBERSHIP.—There is established a National Advisory Council on Indian Education (hereafter in this section referred to as the 'Council'), which shall—

''(1) consist of 15 Indian members, who shall be appointed by the President from lists of nominees furnished, from time to time, by Indian tribes and organizations; and

''(2) represent different geographic areas of the United States.

''(b) DUTIES.—The Council shall—

''(1) advise the Secretary concerning the funding and administration (including the development of regulations and administrative policies and practices) of any program, including any program established under this subpart—

''(A) with respect to which the Secretary has jurisdiction; and

''(B)(i) that includes Indian children or adults as participants; or

''(ii) that may benefit Indian children or adults;

''(2) make recommendations to the Secretary for filling the position of Director of Indian Education whenever a vacancy occurs; and

''(3) submit to Congress, not later than June 30 of each year, a report on the activities of the Council, including—

''(A) any recommendations that the Council considers appropriate for the improvement of Federal education programs that include Indian children or adults as participants, or that may benefit Indian children or adults; and

''(B) recommendations concerning the funding of any program described in subparagraph (A).

"SEC. 1282. PEER REVIEW.

''The Secretary may use a peer review process to review applications submitted to the Secretary under chapter B.

"SEC. 1283. PREFERENCE FOR INDIAN APPLICANTS.

''In making grants and entering into contracts or cooperative agreements under chapter B, the Secretary shall give a preference to Indian tribes, organizations, and institutions of higher education under any program with respect to which Indian tribes, organizations, and institutions are eligible to apply for grants, contracts, or cooperative agreements.

"SEC. 1284. MINIMUM GRANT CRITERIA.

''The Secretary may not approve an application for a grant, contract, or cooperative agreement under chapter B unless the application is for a grant, contract, or cooperative agreement that is—

''(1) of sufficient size, scope, and quality to achieve the purpose or objectives of such grant, contract, or cooperative agreement; and

''(2) based on relevant research findings.

"CHAPTER D—DEFINITIONS

"SEC. 1291. DEFINITIONS.

''For the purposes of this subpart:

''(1) ADULT.—The term 'adult' means an individual who—

''(A) has attained the age of 16 years; or

''(B) has attained an age that is greater than the age of compulsory school attendance under an applicable State law.

''(2) 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.

''(3) 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.

''(4) INDIAN.—The term 'Indian' means an individual who is—

''(A) a member of an Indian tribe or band, as membership is defined by the tribe or band, including—

''(i) any tribe or band terminated since 1940; and

''(ii) any tribe or band recognized by the State in which the tribe or band resides;

''(B) a descendant, in the first or second degree, of an individual described in subparagraph (A);

''(C) considered by the Secretary of the Interior to be an Indian for any purpose;

''(D) an Eskimo, Aleut, or other Alaska Native; or

''(E) a member of an organized Indian group that received a grant under the Indian Education Act of 1988 as in effect the day preceding the date of enactment of the Improving America's Schools Act of 1994.''.

(b) STRIKE.—The Act is amended by striking title VII (20 U.S.C. 7401 et seq.).

Subtitle D—National Assessment

SEC. 141. NATIONAL ASSESSMENT OF TITLE I.

(a) IN GENERAL.—Part E of title I (20 U.S.C. 6491 et seq.) is redesignated as part B of title I.

(b) REPEALS.—Sections 1502 and 1504 (20 U.S.C. 6492; 6494) are repealed.

(c) REDESIGNATIONS.—Sections 1501 and 1503 (20 U.S.C. 6491; 6493) are redesignated as sections 1301 and 1302, respectively.

(d) AMENDMENTS TO SECTION 1301.—Section 1301 (20 U.S.C. 6491), as so redesignated, is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting '', acting through the Director of the Institute of Education Sciences (in this section and section 1302 referred to as the 'Director'),'' after ''The Secretary'';

(B) in paragraph (2)—

(i) by striking ''Secretary'' and inserting ''Director'';

(ii) in subparagraph (A), by striking ''reaching the proficient level'' and all that follows and inserting ''graduating high school prepared for postsecondary education or the workforce.'';

(iii) in subparagraph (B), by striking ''reach the proficient'' and all that follows and inserting ''meet State academic standards.'';

(iv) by striking subparagraphs (D) and (G) and redesignating subparagraphs (E), (F), and (H) through (O) as subparagraphs (D) through (M), respectively;

(v) in subparagraph (D)(v) (as so redesignated), by striking ''help schools in which'' and all that follows and inserting ''address disparities in the percentages of effective teachers teaching in low-income schools.''

(vi) in subparagraph (G) (as so redesignated)—

(I) by striking ''section 1116'' and inserting ''section 1111(b)(3)(B)(iii)''; and

(II) by striking '', including the following'' and all that follows and inserting a period;

(vii) in subparagraph (I) (as so redesignated), by striking ''qualifications'' and inserting ''effectiveness'';

(viii) in subparagraph (J) (as so redesignated), by striking '', including funds under section 1002,'';

(ix) in subparagraph (L) (as so redesignated), by striking ''section 1111(b)(2)(C)(v)(II)'' and inserting ''section 1111(b)(3)(B)(ii)(II)''; and

(x) in subparagraph (M) (as so redesignated), by striking ''Secretary'' and inserting ''Director'';

(C) in paragraph (3), by striking ''Secretary'' and inserting ''Director'';

(D) in paragraph (4), by striking ''Secretary'' and inserting ''Director'';

(E) in paragraph (5), by striking ''Secretary'' and inserting ''Director''; and

(F) in paragraph (6)—

(i) by striking ''No Child Left Behind Act of 2001'' each place it appears and inserting ''Student Success Act''; and

(ii) by striking ''Secretary'' each place it appears and inserting ''Director'';

(2) in subsection (b), by striking ''Secretary'' each place it appears and inserting ''Director'';

(3) in subsection (c)—

(A) in paragraph (1)—

(i) by striking ''Secretary'' and inserting ''Director''; and

(ii) by striking ''part A'' and inserting ''subpart 1 of part A'';

(B) in paragraph (2)—

(i) by striking ''Secretary'' and inserting ''Director'';

(ii) in subparagraph (B), by striking ''challenging academic achievement standards'' and inserting ''State academic standards'';

(iii) in subparagraph (E), by striking ''effects of the availability'' and all that follows and inserting ''extent to which actions authorized under section 1111(b)(3)(B)(iii) improve the academic achievement of disadvantaged students and low-performing schools.''; and

(iv) in subparagraph (F), by striking ''Secretary'' and inserting ''Director''; and

(C) in paragraph (3)—

(i) by striking ''Secretary'' and inserting ''Director''; and

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

''(C) analyzes varying models or strategies for delivering school services, including schoolwide and targeted services.''; and

(4) in subsection (d), by striking ''Secretary'' each place it appears and inserting ''Director''.

(e) AMENDMENTS TO SECTION 1302.—Section 1302 (20 U.S.C. 6493), as so redesignated, is amended—

(1) in subsection (a)—

(A) by striking ''Secretary'' and inserting ''Director''; and

(B) by striking ''and for making decisions about the promotion and graduation of students'';

(2) in subsection (b)—

(A) by striking ''Secretary'' the first place it appears and inserting ''Director'';

(B) by striking ''process,'' and inserting ''process consistent with section 1206,''; and

(C) by striking ''Assistant Secretary of Educational Research and Improvement'' and inserting ''Director'';

(3) in subsection (d)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking ''to the State-defined level of proficiency'' and inserting ''toward meeting the State academic standards''; and

(ii) in subparagraph (C), by striking ''pupil-services'' and inserting ''specialized instructional support services'';

(B) in paragraph (3), by striking ''limited and nonlimited English proficient students'' and inserting ''English learners''; and

(C) in paragraph (6), by striking ''Secretary'' and inserting ''Director''; and

(4) in subsection (f)—

(A) by striking ''Secretary'' and inserting ''Director''; and

(B) by striking ''authorized to be appropriated for this part'' and inserting ''appropriated under section 3(a)(2)''.

Subtitle E—Title I General Provisions

SEC. 151. GENERAL PROVISIONS FOR TITLE I.

Part I of title I (20 U.S.C. 6571 et seq.)—

(1) is transferred to appear after part B (as redesignated); and

(2) is amended to read as follows:

''PART C—GENERAL PROVISIONS

''SEC. 1401. FEDERAL REGULATIONS.

''(a) IN GENERAL.—The Secretary may, in accordance with subsections (b) through (d), issue such regulations as are necessary to reasonably ensure there is compliance with this title.

''(b) NEGOTIATED RULEMAKING PROCESS.—

''(1) IN GENERAL.—Before publishing in the Federal Register proposed regulations to carry out this title, the Secretary shall obtain the advice and recommendations of representatives of Federal, State, and local administrators, parents, teachers, and members of local school boards and other organizations involved with the implementation and operation of programs under this title.

''(2) MEETINGS AND ELECTRONIC EXCHANGE.—Such advice and recommendations may be obtained through such mechanisms as regional meetings and electronic exchanges of information.

''(3) PROPOSED REGULATIONS.—After obtaining such advice and recommendations, and before publishing proposed regulations, the Secretary shall—

''(A) establish a negotiated rulemaking process;

''(B) select individuals to participate in such process from among individuals or groups that provided advice and recommendations, including representation from all geographic regions of the United States, in such numbers as will provide an equitable balance between representatives of parents and students and representatives of educators and education officials; and

''(C) prepare a draft of proposed policy options that shall be provided to the individuals selected by the Secretary under subparagraph (B) not less than 15 days before the first meeting under such process.

''(c) PROPOSED RULEMAKING.—If the Secretary determines that a negotiated rulemaking process is unnecessary or the individuals selected to participate in the process under paragraph (3)(B) fail to reach unanimous agreement, the Secretary may propose regulations under the following procedure:

''(1) Not less than 30 days prior to beginning a rulemaking process, the Secretary shall provide to Congress, including the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate, notice that shall include—

''(A) a copy of the proposed regulations;

''(B) the need to issue regulations;

''(C) the anticipated burden, including the time, cost, and paperwork burden, the regulations will have on State educational agencies, local educational agencies, schools, and other entities that may be impacted by the regulations; and

''(D) any regulations that will be repealed when the new regulations are issued.

''(2) 30 days after giving notice of the proposed rule to Congress, the Secretary may proceed with the rulemaking process after all comments received from the Congress have been addressed and publishing how such comments are addressed with the proposed rule.

''(3) The comment and review period for any proposed regulation shall be 90 days unless an emergency requires a shorter period, in which case such period shall be not less than 45 days and the Secretary shall—

''(A) designate the proposed regulation as an emergency with an explanation of the emergency in the notice and report to Congress under paragraph (1); and

''(B) publish the length of the comment and review period in such notice and in the Federal Register.

''(4) No regulation shall be made final after the comment and review period until the Secretary has published in the Federal Register an independent assessment of—

''(A) the burden, including the time, cost, and paperwork burden, the regulation will impose on State educational agencies, local educational agencies, schools and other entities that may be impacted by the regulation; and

''(B) an explanation of how the entities described in subparagraph (A) may cover the cost of the burden assessed under subparagraph (A).

''(d) LIMITATION.—Regulations to carry out this title may not require local programs to follow a particular instructional model, such as the provision of services outside the regular classroom or school program.

''SEC. 1402. AGREEMENTS AND RECORDS.

''(a) AGREEMENTS.—In the case in which a negotiated rule making process is established under subsection (b) of section 1401, all published proposed regulations shall conform to agreements that result from the rulemaking described in section 1401 unless the Secretary reopens the negotiated rulemaking process.

''(b) RECORDS.—The Secretary shall ensure that an accurate and reliable record of agreements reached during the negotiations process is maintained.

''SEC. 1403. STATE ADMINISTRATION.

''(a) RULEMAKING.—

''(1) IN GENERAL.—Each State that receives funds under this title shall—

''(A) ensure that any State rules, regulations, and policies relating to this title conform to the purposes of this title and provide any such proposed rules, regulations, and policies to the committee of practitioners created under subsection (b) for review and comment;

''(B) minimize such rules, regulations, and policies to which the State's local educational agencies and schools are subject;

''(C) eliminate or modify State and local fiscal accounting requirements in order to facilitate the ability of schools to consolidate funds under schoolwide programs;

''(D) identify any such rule, regulation, or policy as a State-imposed requirement; and

''(E)(i) identify any duplicative or contrasting requirements between the State and Federal rules or regulations;

''(ii) eliminate the rules and regulations that are duplicative of Federal requirements; and

''(iii) report any conflicting requirements to the Secretary and determine which Federal or State rule or regulation shall be followed.

''(2) SUPPORT AND FACILITATION.—State rules, regulations, and policies under this title shall support and facilitate local educational agency and school-level systemic reform designed to enable all children to meet the State academic standards.

''(b) COMMITTEE OF PRACTITIONERS.—

''(1) IN GENERAL.—Each State educational agency that receives funds under this title shall

create a State committee of practitioners to advise the State in carrying out its responsibilities under this title.

''(2) MEMBERSHIP.—Each such committee shall include—

''(A) as a majority of its members, representatives from local educational agencies;

''(B) administrators, including the administrators of programs described in other parts of this title;

''(C) teachers from public charter schools, traditional public schools, and career and technical educators;

''(D) parents;

''(E) members of local school boards;

''(F) representatives of private school children; and

''(G) specialized instructional support personnel.

''(3) DUTIES.—The duties of such committee shall include a review, before publication, of any proposed or final State rule or regulation pursuant to this title. In an emergency situation where such rule or regulation must be issued within a very limited time to assist local educational agencies with the operation of the program under this title, the State educational agency may issue a regulation without prior consultation, but shall immediately thereafter convene the State committee of practitioners to review the emergency regulation before issuance in final form.

"SEC. 1404. 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 II—TEACHER PREPARATION AND EFFECTIVENESS

SEC. 201. TEACHER PREPARATION AND EFFECTIVENESS.

(a) HEADING.—The title heading for title II (20 U.S.C. 6601 et seq.) is amended to read as follows:

"TITLE II—TEACHER PREPARATION AND EFFECTIVENESS".

(b) PART A.—Part A of title II (20 U.S.C. 6601 et seq.) is amended to read as follows:

"PART A—SUPPORTING EFFECTIVE INSTRUCTION

"SEC. 2101. PURPOSE.

''The purpose of this part is to provide grants to State educational agencies and subgrants to local educational agencies to—

''(1) increase student achievement consistent with State academic standards under section 1111(b)(1);

''(2) improve teacher and school leader effectiveness in classrooms and schools, respectively;

''(3) provide evidence-based, job-embedded, continuous professional development; and

''(4) develop and implement teacher evaluation systems that use, in part, student achievement data to determine teacher effectiveness.

"Subpart 1—Grants to States

"SEC. 2111. ALLOTMENTS TO STATES.

''(a) IN GENERAL.—Of the amounts appropriated under section 3(b), the Secretary shall reserve 75 percent to 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.—Of the amount reserved under subsection (a) for a fiscal year, the Secretary shall reserve—

''(A) not more than 1 percent to carry out national activities under section 2132;

''(B) one-half of 1 percent for allotments to outlying areas on the basis of their relative need, as determined by the Secretary, in accordance with the purpose of this part; and

''(C) 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 reserved under subsection (a) for any fiscal year and not reserved under paragraph (1), the Secretary shall allot to each State the sum of—

''(i) an amount that bears the same relationship to 50 percent of the funds 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 50 percent of the funds 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.

''(B) SMALL STATE MINIMUM.—No State receiving an allotment under subparagraph (A) may receive less than one-half of 1 percent of the total amount of funds allotted under such subparagraph for a fiscal year.

''(c) ALTERNATE DISTRIBUTION OF FUNDS.—

''(1) IN GENERAL.—Subject to paragraphs (2) through (5), if a State does not apply to the Secretary for an allotment under this section, a local educational agency located in such State may apply to the Secretary for a portion of the funds that would have been allotted to the State had such State applied for an allotment under this section to carry out the activities under this part.

''(2) APPLICATION.—In order to receive an allotment under paragraph (1), a local educational agency shall submit to the Secretary an application at such time, in such manner, and containing the information described in section 2122.

''(3) USE OF FUNDS.—A local educational agency receiving an allotment under paragraph (1)—

''(A) shall use such funds to carry out the activities described in section 2123(1); and

''(B) may use such funds to carry out the activities described in section 2123(2).

''(4) REPORTING REQUIREMENTS.—A local educational agency receiving an allotment under paragraph (1) shall carry out the reporting requirements described in section 2131(a), except that annual reports shall be submitted to the Secretary and not a State educational agency.

''(5) AMOUNT OF ALLOTMENT.—An allotment made to a local educational agency under paragraph (1) for a fiscal year shall be equal to the amount of subgrant funds that the local educational agency would have received under subpart 2 had such agency applied for a subgrant under such subpart for such fiscal year.

''(d) REALLOTMENT.—If a State does not apply for an allotment under this section for any fiscal year or only a portion of the State's allotment is allotted under subsection (c), the Secretary shall reallot the State's entire allotment or the remaining portion of its allotment, as the case may be, to the remaining States in accordance with subsection (b).

"SEC. 2112. STATE APPLICATION.

''(a) IN GENERAL.—For a State to be eligible to receive a grant under this subpart, the State educational agency shall submit an application to the Secretary at such time and in such a manner as the Secretary may reasonably require, which shall include the following:

''(1) A description of how the State educational agency will meet the requirements of this subpart.

''(2) A description of how the State educational agency will use a grant received under section 2111, including the grant funds the State will reserve for State-level activities under section 2113(a)(2).

''(3) A description of how the State educational agency will facilitate the sharing of evidence-based and other effective strategies among local educational agencies.

''(4) A description of how, and under what timeline, the State educational agency will allocate subgrants under subpart 2 to local educational agencies.

''(5) In the case of a State educational agency that is not developing or implementing a statewide teacher evaluation system, a description of how the State educational agency will ensure that each local educational agency in the State receiving a subgrant under subpart 2 will implement a teacher evaluation system that meets the requirements of clauses (i) through (v) of section 2123(1)(A).

''(6) In the case of a State educational agency that is developing or implementing a statewide teacher evaluation system—

''(A) a description of how the State educational agency will work with local educational agencies in the State to implement the statewide teacher evaluation system within 3 years of the date of enactment of the Student Success Act; and

''(B) an assurance that the statewide teacher evaluation system complies with clauses (i) through (v) of section 2123(1)(A).

''(7) An assurance that the State educational agency will comply with section 5501 (regarding participation by private school children and teachers).

''(b) DEEMED APPROVAL.—An application submitted by a State educational agency under 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.

''(c) DISAPPROVAL.—The Secretary shall not finally disapprove an application, except after giving the State educational agency notice and an opportunity for a hearing.

''(d) NOTIFICATION.—If the Secretary finds that an 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.

''(e) RESPONSE.—If a State educational agency responds to a notification from the Secretary under subsection (d)(2) during the 45-day period beginning on the date on which the agency received the notification, and resubmits the application with the requested information described in subsection (d)(2)(B), the Secretary shall approve or disapprove such application prior to the later of—

''(1) the expiration of the 45-day period beginning on the date on which the application is resubmitted; or

''(2) the expiration of the 120-day period described in subsection (b).

''(f) FAILURE TO RESPOND.—If a State educational agency does not respond to a notification from the Secretary under subsection (d)(2) during the 45-day period beginning on the date on which the agency received the notification, such application shall be deemed to be disapproved.

"SEC. 2113. STATE USE OF FUNDS.

''(a) IN GENERAL.—A State educational agency that receives a grant under section 2111 shall—

''(1) reserve 95 percent of the grant funds to make subgrants to local educational agencies under subpart 2; and

''(2) use the remainder of the funds, after reserving funds under paragraph (1), for the State activities described in subsection (b), except that the State may reserve not more than 1 percent of the grant funds for planning and administration related to carrying out activities described in subsection (b).

''(b) STATE-LEVEL ACTIVITIES.—A State educational agency that receives a grant under section 2111—

''(1) shall use the amount described in subsection (a)(2) to—

''(A) provide training and technical assistance to local educational agencies on—

''(i) in the case of a State educational agency not implementing a statewide teacher evaluation system—

''(I) the development and implementation of a teacher evaluation system that meets the requirements of clauses (i) through (v) of section 2123(1)(A); and

''(II) training school leaders in using such evaluation system; or

''(ii) in the case of a State educational agency implementing a statewide teacher evaluation system, implementing such evaluation system; and

''(B) fulfill the State educational agency's responsibilities with respect to the proper and efficient administration of the subgrant program carried out under this part; and

''(2) may use the amount described in subsection (a)(2) to—

''(A) disseminate and share evidence-based and other effective practices, including practices consistent with the principles of effectiveness described in section 2222(b), related to teacher and school leader effectiveness and professional development;

''(B) provide professional development for teachers and school leaders in the State consistent with section 2123(2)(D); and

''(C) provide training and technical assistance to local educational agencies on—

''(i) in the case of a State educational agency not implementing a statewide school leader evaluation system, the development and implementation of a school leader evaluation system; and

''(ii) in the case of a State educational agency implementing a statewide school leader evaluation system, implementing such evaluation system.

"Subpart 2—Subgrants to Local Educational Agencies

"SEC. 2121. ALLOCATIONS TO LOCAL EDUCATIONAL AGENCIES.

''(a) IN GENERAL.—Each State receiving a grant under section 2111 shall use the funds reserved under section 2113(a)(1) to award subgrants to local educational agencies under this section.

''(b) ALLOCATION OF FUNDS.—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 the sum of—

''(1) an amount that bears the same relationship to 50 percent of the funds as the number of individuals age 5 through 17 in the geographic area served by the local educational agency, as determined by the State 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

''(2) an amount that bears the same relationship to 50 percent of the funds as the number of individuals age 5 through 17 from families with incomes below the poverty line in the geographic area served by the local educational agency, as determined by the State 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. LOCAL APPLICATIONS.

''To be eligible to receive a subgrant under this subpart, a local educational agency shall submit an application to the State educational agency involved at such time, in such a manner, and containing such information as the State educational agency may reasonably require that, at a minimum, shall include the following:

''(1) A description of—

''(A) how the local educational agency will meet the requirements of this subpart;

''(B) how the activities to be carried out by the local educational agency under this subpart will be evidence-based, improve student academic achievement, and improve teacher and school leader effectiveness;

''(C) in the case of a local educational agency not in a State with a statewide teacher evaluation system, the teacher evaluation system that will be developed and implemented under section 2123(1) and how such system will meet the requirements described in clauses (i) through (v) of section 2123(1)(A);

''(D) how, in developing and implementing such a teacher evaluation system, the local educational agency will work with parents, teachers, school leaders, and other staff of the schools served by the local educational agency; and

''(E) how the local educational agency will develop and implement such a teacher evaluation system within 3 years of the date of enactment of the Student Success Act.

''(2) In the case of a local educational agency in a State with a statewide teacher evaluation system, a description of how the local educational agency will work with the State educational agency to implement the statewide teacher evaluation system within 3 years of the date of enactment of the Student Success Act.

''(3) An assurance that the local educational agency will comply with section 5501 (regarding participation by private school children and teachers).

"SEC. 2123. LOCAL USE OF FUNDS.

''A local educational agency receiving a subgrant under this subpart—

''(1) shall use such funds—

''(A) to develop and implement a teacher evaluation system that—

''(i) uses student achievement data derived from a variety of sources as a significant factor in determining a teacher's evaluation, with the weight given to such data defined by the local educational agency;

''(ii) uses multiple measures of evaluation for evaluating teachers;

''(iii) has more than 2 categories for rating the performance of teachers;

''(iv) shall be used to make personnel decisions, as determined by the local educational agency; and

''(v) is based on input from parents, school leaders, teachers, and other staff of schools served by the local educational agency; or

''(B) in the case of a local educational agency located in a State implementing a statewide teacher evaluation system, to implement such evaluation system; and

''(2) may use such funds for—

''(A) the training of school leaders or other individuals for the purpose of evaluating teachers under a teacher evaluation system described in subparagraph (A) or (B) of paragraph (1), as appropriate;

''(B) in the case of a local educational agency located in a State implementing a statewide school leader evaluation system, to implement such evaluation system;

''(C) in the case of a local educational agency located in a State not implementing a statewide school leader evaluation system, the development and implementation of a school leader evaluation system;

''(D) professional development for teachers and school leaders that is evidence-based, job-embedded, and continuous, such as—

''(i) subject-based professional development for teachers;

''(ii) professional development aligned with the State's academic standards;

''(iii) professional development to assist teachers in meeting the needs of students with different learning styles, particularly students with disabilities, English learners, and gifted and talented students;

''(iv) professional development for teachers identified as in need of additional support through data provided by a teacher evaluation system described in subparagraph (A) or (B) of paragraph (1), as appropriate;

''(v) professional development based on the current science of learning, which includes research on positive brain change and cognitive skill development;

''(vi) professional development for school leaders, including evidence-based mentorship programs for such leaders;

''(vii) professional development on integrated, interdisciplinary, and project-based teaching strategies, including for career and technical education teachers; or

''(viii) professional development on teaching dual credit and dual enrollment postsecondary-level courses to secondary school students;

''(E) partnering with a public or private organization or a consortium of such organizations to develop and implement a teacher evaluation system described in subparagraph (A) or (B) of paragraph (1), or to administer professional development, as appropriate;

''(F) any activities authorized under section 2222(a); or

''(G) class size reduction, except that the local educational agency may use not more than 10 percent of such funds for this purpose.

"Subpart 3—General Provisions

"SEC. 2131. REPORTING REQUIREMENTS.

''(a) LOCAL EDUCATIONAL AGENCIES.—Each local educational agency receiving a subgrant under subpart 2 shall submit to the State educational agency involved, on an annual basis until the last year in which the local educational agency receives such subgrant funds, a report on—

''(1) how the local educational agency is meeting the purposes of this part described in section 2101;

''(2) how the local educational agency is using such subgrant funds;

''(3) the number and percentage of teachers in each category established under clause (iii) of section 2123(1)(A), except that such report shall not reveal personally identifiable information about an individual teacher; and

''(4) any such other information as the State educational agency may require.

''(b) STATE EDUCATIONAL AGENCIES.—Each State educational agency receiving a grant under subpart 1 shall submit to the Secretary a report, on an annual basis until the last year in which the State educational agency receives such grant funds, on—

''(1) how the State educational agency is meeting the purposes of this part described in section 2101; and

''(2) how the State educational agency is using such grant funds.

"SEC. 2132. NATIONAL ACTIVITIES.

''From the funds reserved by the Secretary under section 2111(b)(1)(A), the Secretary shall, directly or through grants and contracts—

''(1) provide technical assistance to States and local educational agencies in carrying out activities under this part; and

''(2) acting through the Institute of Education Sciences, conduct national evaluations of activities carried out by State educational agencies and local educational agencies under this part.

"SEC. 2133. STATE DEFINED.

''In this part, the term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.''.

(c) PART B.—Part B of title II (20 U.S.C. 6661 et seq.) is amended to read as follows:

"PART B—TEACHER AND SCHOOL LEADER FLEXIBLE GRANT

"SEC. 2201. PURPOSE.

''The purpose of this part is to improve student academic achievement by—

''(1) supporting all State educational agencies, local educational agencies, schools, teachers, and school leaders to pursue innovative and evidence-based practices to help all students meet the State's academic standards; and

''(2) increasing the number of teachers and school leaders who are effective in increasing student academic achievement.

"Subpart 1—Formula Grants to States

"SEC. 2211. STATE ALLOTMENTS.

''(a) RESERVATIONS.—From the amount appropriated under section 3(b) for any fiscal year, the Secretary—

''(1) shall reserve 25 percent to award grants to States under this subpart; and

''(2) of the amount reserved under paragraph (1), shall reserve—

''(A) not more than 1 percent for national activities described in section 2233;

''(B) one-half of 1 percent for allotments to outlying areas on the basis of their relative need, as determined by the Secretary, in accordance with the purpose of this part; and

''(C) one-half of 1 percent for the Secretary of the Interior for programs under this part in schools operated or funded by the Bureau of Indian Education.

''(b) STATE ALLOTMENTS.—

''(1) IN GENERAL.—From the total amount reserved under subsection (a)(1) for each fiscal year and not reserved under subparagraphs (A) through (C) of subsection (a)(2), the Secretary shall allot, and make available in accordance with this section, to each State 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.

''(2) SMALL STATE MINIMUM.—No State receiving an allotment under paragraph (1) may receive less than one-half of 1 percent of the total amount allotted under such paragraph.

''(3) REALLOTMENT.—If a State does not receive an allotment under this subpart for a fiscal year, the Secretary shall reallot the amount of the State's allotment to the remaining States in accordance with this section.

''(c) STATE APPLICATION.—In order to receive an allotment under this section for any fiscal year, a State shall submit an application to the Secretary, at such time and in such manner as the Secretary may reasonably require. Such application shall—

''(1) designate the State educational agency as the agency responsible for the administration and supervision of programs assisted under this part;

''(2) describe how the State educational agency will use funds received under this section for State level activities described in subsection (d)(3);

''(3) describe the procedures and criteria the State educational agency will use for reviewing applications and awarding subgrants in a timely manner to eligible entities under section 2221 on a competitive basis;

''(4) describe how the State educational agency will ensure that subgrants made under section 2221 are of sufficient size and scope to support effective programs that will help increase academic achievement in the classroom and are consistent with the purposes of this part;

''(5) describe the steps the State educational agency will take to ensure that eligible entities use subgrants received under section 2221 to carry out programs that implement effective strategies, including by providing ongoing technical assistance and training, and disseminating evidence-based and other effective strategies to such eligible entities;

''(6) describe how programs under this part will be coordinated with other programs under this Act; and

''(7) include an assurance that, other than 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 decision-making processes of eligible entities as to the expenditure of funds made pursuant to an application submitted under section 2221(b).

''(d) STATE USE OF FUNDS.—

''(1) IN GENERAL.—Each State that receives an allotment under this section shall reserve not less than 92 percent of the amount allotted to such State under subsection (b), for each fiscal year, for subgrants to eligible entities under subpart 2.

''(2) STATE ADMINISTRATION.—A State educational agency may reserve not more than 1 percent of the amount made available to the State under subsection (b) for the administrative costs of carrying out such State educational agency's responsibilities under this subpart.

''(3) STATE-LEVEL ACTIVITIES.—

''(A) INNOVATIVE TEACHER AND SCHOOL LEADER ACTIVITIES.—A State educational agency shall reserve not more than 4 percent of the amount made available to the State under subsection (b) to carry out, solely, or in partnership with State agencies of higher education, 1 or more of the following activities:

''(i) Reforming teacher and school leader certification, recertification, licensing, and tenure systems to ensure that such systems are rigorous and that—

''(I) each teacher has the subject matter knowledge and teaching skills necessary to help students meet the State's academic standards; and

''(II) school leaders have the instructional leadership skills to help teachers instruct and students learn.

''(ii) Improving the quality of teacher preparation programs within the State, including through the use of appropriate student achievement data and other factors to evaluate the quality of teacher preparation programs within the State.

''(iii) Carrying out programs that establish, expand, or improve alternative routes for State certification or licensure of teachers and school leaders, including such programs for—

''(I) mid-career professionals from other occupations, including science, technology, engineering, and math fields;

''(II) former military personnel; and

''(III) recent graduates of an institution of higher education, with a record of academic distinction, who demonstrate the potential to become effective teachers or school leaders.

''(iv) Developing, or assisting eligible entities in developing—

''(I) performance-based pay systems for teachers and school leaders;

''(II) strategies that provide differential, incentive, or bonus pay for teachers and school leaders; or

''(III) teacher and school leader advancement initiatives that promote professional growth and emphasize multiple career paths and pay differentiation.

''(v) Developing, or assisting eligible entities in developing, new, evidence-based teacher and school leader induction and mentoring programs that are designed to—

''(I) improve instruction and student academic achievement; and

''(II) increase the retention of effective teachers and school leaders.

''(vi) Providing professional development for teachers and school leaders that is focused on improving teaching and student academic achievement, including for students with different learning styles, particularly students with disabilities, English learners, gifted and talented students, and other special populations.

''(vii) Providing training and technical assistance to eligible entities that receive a subgrant under section 2221.

''(viii) Other activities identified by the State educational agency that meet the purposes of this part, including those activities authorized under subparagraph (B).

''(B) TEACHER OR SCHOOL LEADER PREPARATION ACADEMIES.—

''(i) IN GENERAL.—In the case of a State in which teacher or school leader preparation academies are allowable under State law, a State educational agency may reserve not more than 3 percent of the amount made available to the State under subsection (b) to support the establishment or expansion of one or more teacher or school leader preparation academies and, subject to the limitation under clause (iii), to support State authorizers for such academies.

''(ii) MATCHING REQUIREMENT.—A State educational agency shall not provide funds under this subparagraph to support the establishment or expansion of a teacher or school leader preparation academy unless the academy agrees to provide, either directly or through private contributions, non-Federal matching funds equal to not less than 10 percent of the amount of the funds the academy will receive under this subparagraph.

''(iii) FUNDING FOR STATE AUTHORIZERS.—Not more than 5 percent of funds provided to a teacher or school leader preparation academy under this subparagraph may be used to support activities of State authorizers for such academy.

"SEC. 2212. APPROVAL AND DISAPPROVAL OF STATE APPLICATIONS.

''(a) DEEMED APPROVAL.—An application submitted by a State pursuant to section 2211(c) 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 section 2211(c).

''(b) DISAPPROVAL PROCESS.—

''(1) IN GENERAL.—The Secretary shall not finally disapprove an application submitted under section 2211(c), except after giving the State educational agency notice and an opportunity for a hearing.

''(2) NOTIFICATION.—If the Secretary finds that an application is not in compliance, in whole or in part, with section 2211(c) the Secretary shall—

''(A) give the State educational agency notice and an opportunity for a hearing; and

''(B) notify the State 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.

''(3) RESPONSE.—If a State educational agency responds to a notification from the Secretary under paragraph (2)(B) during the 45-day period beginning on the date on which the State educational agency received the notification, and resubmits the application with the requested information described in paragraph (2)(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 subsection (a).

''(4) FAILURE TO RESPOND.—If the State educational agency does not respond to a notification from the Secretary under paragraph (2)(B) during the 45-day period beginning on the date on which the State educational agency received the notification, such application shall be deemed to be disapproved.

"Subpart 2—Local Competitive Grant Program

"SEC. 2221. LOCAL COMPETITIVE GRANT PROGRAM.

''(a) IN GENERAL.—A State that receives an allotment under section 2211(b) for a fiscal year shall use the amount reserved under section 2211(d)(1) to award subgrants, on a competitive basis, to eligible entities in accordance with this section to enable such entities to carry out the programs and activities described in section 2222.

''(b) APPLICATION.—

''(1) IN GENERAL.—To be eligible to receive a subgrant under this section, an eligible entity shall submit an application to the State educational agency at such time, in such manner, and including such information as the State educational agency may reasonably require.

''(2) CONTENTS.—Each application submitted under paragraph (1) shall include—

''(A) a description of the programs and activities to be funded and how they are consistent with the purposes of this part; and

''(B) an assurance that the eligible entity will comply with section 5501 (regarding participation by private school children and teachers).

''(c) PEER REVIEW.—In reviewing applications under this section, a State educational agency shall use a peer review process or other methods of assuring the quality of such applications but the review shall only judge the likelihood of the activity to increase student academic achievement. The reviewers shall not make a determination based on the policy of the proposed activity.

''(d) GEOGRAPHIC DIVERSITY.—A State educational agency shall distribute funds under this section equitably among geographic areas within the State, including rural, suburban, and urban communities.

''(e) DURATION OF AWARDS.—A State educational agency may award subgrants under this section for a period of not more than 5 years.

''(f) MATCHING.—An eligible entity receiving a subgrant under this section shall provide, either directly or through private contributions, non-Federal matching funds equal to not less than 10 percent of the amount of the subgrant.

''SEC. 2222. LOCAL AUTHORIZED ACTIVITIES.

''(a) IN GENERAL.—Each eligible entity receiving a subgrant under section 2221 shall use such subgrant funds to develop, implement, and evaluate comprehensive programs and activities, that are in accordance with the purpose of this part and—

''(1) are consistent with the principles of effectiveness described in subsection (b); and

''(2) may include, among other programs and activities—

''(A) developing and implementing initiatives to assist in recruiting, hiring, and retaining highly effective teachers and school leaders, including initiatives that provide—

''(i) differential, incentive, or bonus pay for teachers and school leaders;

''(ii) performance-based pay systems for teachers and school leaders;

''(iii) teacher and school leader advancement initiatives that promote professional growth and emphasize multiple career paths and pay differentiation;

''(iv) new teacher and school leader induction and mentoring programs that are designed to improve instruction, student academic achievement, and to increase teacher and school leader retention; and

''(v) teacher residency programs, and school leader residency programs, designed to develop and support new teachers or new school leaders, respectively;

''(B) supporting the establishment or expansion of teacher or school leader preparation academies under section 2211(d)(3)(B);

''(C) recruiting qualified individuals from other fields, including individuals from science, technology, engineering, and math fields, mid-career professionals from other occupations, and former military personnel;

''(D) establishing, improving, or expanding model instructional programs to ensure that all children meet the State's academic standards;

''(E) providing evidence-based, job embedded, continuous professional development for teachers and school leaders focused on improving teaching and student academic achievement;

''(F) implementing programs based on the current science of learning, which includes research on positive brain change and cognitive skill development;

''(G) recruiting and training teachers to teach dual credit and dual enrollment postsecondary-level courses to secondary school students; and

''(H) other activities and programs identified as necessary by the local educational agency that meet the purpose of this part.

''(b) PRINCIPLES OF EFFECTIVENESS.—For a program or activity developed pursuant to this section to meet the principles of effectiveness, such program or activity shall—

''(1) be based upon an assessment of objective data regarding the need for programs and activities in the elementary schools and secondary schools served to increase the number of teachers and school leaders who are effective in improving student academic achievement;

''(2) reflect evidence-based research, or in the absence of a strong research base, reflect effective strategies in the field, that provide evidence that the program or activity will improve student academic achievement; and

''(3) include meaningful and ongoing consultation with, and input from, teachers, school leaders, and parents, in the development of the application and administration of the program or activity.

''Subpart 3—General Provisions

''SEC. 2231. PERIODIC EVALUATION.

''(a) IN GENERAL.—Each eligible entity and each teacher or school leader preparation academy that receives funds under this part shall undergo a periodic evaluation by the State educational agency involved to assess such entity's or such academy's progress toward achieving the purposes of this part.

''(b) USE OF RESULTS.—The results of an evaluation described in subsection (a) of an eligible entity or academy shall be—

''(1) used to refine, improve, and strengthen such eligible entity or such academy, respectively; and

''(2) made available to the public upon request, with public notice of such availability provided.

''SEC. 2232. REPORTING REQUIREMENTS.

''(a) ELIGIBLE ENTITIES AND ACADEMIES.—Each eligible entity and each teacher or school leader preparation academy that receives funds from a State educational agency under this part shall prepare and submit annually to such State educational agency a report that includes—

''(1) a description of the progress of the eligible entity or teacher or school leader preparation academy, respectively, in meeting the purposes of this part;

''(2) a description of the programs and activities conducted by the eligible entity or teacher or school leader preparation academy, respectively, with funds received under this part;

''(3) how the eligible entity or teacher or school leader preparation academy, respectively, is using such funds; and

''(4) any such other information as the State educational agency may require.

''(b) STATE EDUCATIONAL AGENCIES.—Each State educational agency that receives a grant under this part shall prepare and submit, annually, to the Secretary a report that includes—

''(1) a description of the programs and activities conducted by the State educational agency with grant funds received under this part;

''(2) a description of the progress of the State educational agency in meeting the purposes of this part described in section 2201;

''(3) how the State educational agency is using grant funds received under this part;

''(4) the methods and criteria the State educational agency used to award subgrants in a timely manner to eligible entities under section 2221 and, if applicable, funds in a timely manner to teacher or school leader academies under section 2211(d)(3)(B); and

''(5) the results of the periodic evaluations conducted under section 2231.

''SEC. 2233. NATIONAL ACTIVITIES.

''From the funds reserved by the Secretary under section 2211(a)(2)(A), the Secretary shall, directly or through grants and contracts—

''(1) provide technical assistance to States and eligible entities in carrying out activities under this part; and

''(2) acting through the Institute of Education Sciences, conduct national evaluations of activities carried out by States and eligible entities under this part.

''SEC. 2234. DEFINITIONS.

''In this part:

''(1) ELIGIBLE ENTITY.—The term 'eligible entity' means—

''(A) a local educational agency or consortium of local educational agencies;

''(B) an institution of higher education or consortium of such institutions in partnership with a local educational agency or consortium of local educational agencies;

''(C) a for-profit organization, a nonprofit organization, or a consortium of for-profit or nonprofit organizations in partnership with a local educational agency or consortium of local educational agencies; or

''(D) a consortium of the entities described in subparagraphs (B) and (C).

''(2) STATE.—The term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

''(3) STATE AUTHORIZER.—The term 'State authorizer' means an entity designated by the Governor of a State to authorize teacher or school leader preparation academies within the State that—

''(A) enters into an agreement with a teacher or school leader preparation academy that—

''(i) specifies the goals expected of the academy, which, at a minimum, include the goals described in paragraph (4); and

''(ii) does not reauthorize the academy if such goals are not met; and

''(B) may be a nonprofit organization, a State educational agency, or other public entity, or consortium of such entities (including a consortium of State educational agencies).

''(4) TEACHER OR SCHOOL LEADER PREPARATION ACADEMY.—The term 'teacher or school leader preparation academy' means a public or private entity, or a nonprofit or for-profit organization, which may be an institution of higher education or an organization affiliated with an institution of higher education, that will prepare teachers or school leaders to serve in schools, and that—

''(A) enters into an agreement with a State authorizer that specifies the goals expected of the academy, including—

''(i) a requirement that prospective teachers or school leaders who are enrolled in a teacher or school leader preparation academy receive a significant part of their training through clinical preparation that partners the prospective candidate with an effective teacher or school leader, respectively, with a demonstrated record of increasing student achievement, while also receiving concurrent instruction from the academy in the content area (or areas) in which the prospective teacher or school leader will become certified or licensed;

''(ii) the number of effective teachers or school leaders, respectively, who will demonstrate success in increasing student achievement that the academy will produce; and

''(iii) a requirement that a teacher or school leader preparation academy will only award a certificate of completion after the graduate demonstrates that the graduate is an effective teacher or school leader, respectively, with a demonstrated record of increasing student achievement, except that an academy may award a provisional certificate for the period necessary to allow the graduate to demonstrate such effectiveness;

''(B) does not have restrictions on the methods the academy will use to train prospective teacher or school leader candidates, including—

''(i) obligating (or prohibiting) the academy's faculty to hold advanced degrees or conduct academic research;

''(ii) restrictions related to the academy's physical infrastructure;

''(iii) restrictions related to the number of course credits required as part of the program of study;

''(iv) restrictions related to the undergraduate coursework completed by teachers teaching or working on alternative certificates, licenses, or credentials, as long as such teachers have successfully passed all relevant State-approved content area examinations; or

''(v) restrictions related to obtaining accreditation from an accrediting body for purposes of becoming an academy;

''(C) limits admission to its program to prospective teacher or school leader 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; and

''(D) results in a certificate of completion that the State may recognize as at least the equivalent of a master's degree in education for the purposes of hiring, retention, compensation, and promotion in the State.

''(5) TEACHER RESIDENCY PROGRAM.—The term 'teacher residency program' means a school-based teacher preparation program in which a prospective teacher—

''(A) for one academic year, teaches alongside an effective teacher, as determined by a teacher evaluation system implemented under part A, who is the teacher of record;

''(B) receives concurrent instruction during the year described in subparagraph (A) from the partner institution (as defined in section 200 of the Higher Education Act of 1965 (20 U.S.C. 1021)), which courses may be taught by local educational agency personnel or residency program faculty, in the teaching of the content area in which the teacher will become certified or licensed; and

''(C) acquires effective teaching skills.''.

(d) PART C.—Part C of title II (20 U.S.C. 6671 et seq.) is amended—

(1) by striking subparts 1 through 4;

(2) by striking the heading relating to subpart 5;

(3) by striking sections 2361 and 2368;

(4) in section 2362, by striking ''principals'' and inserting ''school leaders'';

(5) in section 2363(6)(A), by striking ''principal'' and inserting ''school leader'';

(6) in section 2366(b), by striking ''ate law'' and inserting ''(3) A State law'';

(7) by redesignating section 2362 as section 2361;

(8) by redesignating sections 2364 through 2367 as sections 2362 through 2365, respectively; and

(9) by redesignating section 2363 as section 2366 and transferring such section to appear after section 2365 (as so redesignated).

(e) PART D.—Part D of title II (20 U.S.C. 6751 et seq.) is amended to read as follows:

"PART D—GENERAL PROVISIONS

"SEC. 2401. INCLUSION OF CHARTER SCHOOLS.

''In this title, the term 'local educational agency' includes a charter school (as defined in section 5101) that, in the absence of this section, would not have received funds under this title.

"SEC. 2402. PARENTS' RIGHT TO KNOW.

''At the beginning of each school year, a local educational agency that receives funds under this title shall notify the parents of each student attending any school receiving funds under this title 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.

"SEC. 2403. SUPPLEMENT, NOT SUPPLANT.

''Funds received under this title shall be used to supplement, and not supplant, non-Federal funds that would otherwise be used for activities authorized under this title.''.

SEC. 202. CONFORMING REPEALS.

(a) CONFORMING REPEALS.—Title II of the Higher Education Act of 1965 (20 U.S.C. 1021 et seq.) is amended by repealing sections 201 through 204.

(b) EFFECTIVE DATE.—The repeals made by subsection (a) shall take effect October 1, 2013.

TITLE III—PARENTAL ENGAGEMENT AND LOCAL FLEXIBILITY

SEC. 301. PARENTAL ENGAGEMENT AND LOCAL FLEXIBILITY.

Title III (20 U.S.C. 6801 et seq.) is amended to read as follows:

"TITLE III—PARENTAL ENGAGEMENT AND LOCAL FLEXIBILITY

"PART A—PARENTAL ENGAGEMENT

"Subpart 1—Charter School Program

"SEC. 3101. PURPOSE.

''It is the purpose of this subpart to—

''(1) improve the United States education system and educational opportunities for all Americans by supporting innovation in public education in public school settings that prepare students to compete and contribute to the global economy;

''(2) provide financial assistance for the planning, program design, and initial implementation of charter schools;

''(3) expand the number of high-quality charter schools available to students across the Nation;

''(4) evaluate the impact of such schools on student achievement, families, and communities, and share best practices between charter schools and other public schools;

''(5) encourage States to provide support to charter schools for facilities financing in an amount more nearly commensurate to the amount the States have typically provided for traditional public schools;

''(6) improve student services to increase opportunities for students with disabilities, English learners, and other traditionally underserved students to attend charter schools and meet challenging State academic achievement standards; and

''(7) support efforts to strengthen the charter school authorizing process to improve performance management, including transparency, monitoring, and evaluation of such schools.

"SEC. 3102. PROGRAM AUTHORIZED.

''(a) IN GENERAL.—From the amounts appropriated under section 3(c)(1)(A), the Secretary shall carry out a charter school program under this subpart that supports charter schools that serve elementary school and secondary school students by—

''(1) supporting the startup, replication, and expansion of charter schools;

''(2) assisting charter schools in accessing credit to acquire and renovate facilities for school use; and

''(3) carrying out national activities to support—

''(A) charter school development;

''(B) the dissemination of best practices of charter schools for all schools; and

''(C) the evaluation of the impact of the program on schools participating in the program.

''(b) FUNDING ALLOTMENT.—From the amount made available under section 3(c)(1)(A) for a fiscal year, the Secretary shall—

''(1) reserve 15 percent to support charter school facilities assistance under section 3104;

''(2) reserve not more than 5 percent to carry out national activities under section 3105; and

''(3) use the remaining amount after the Secretary reserves funds under paragraphs (1) and (2) to carry out section 3103.

''(c) PRIOR GRANTS AND SUBGRANTS.—The recipient of a grant or subgrant under this subpart or subpart 2, as such subpart was in effect on the day before the date of enactment of the Student Success Act, shall continue to receive funds in accordance with the terms and conditions of such grant or subgrant.

"SEC. 3103. GRANTS TO SUPPORT HIGH-QUALITY CHARTER SCHOOLS.

''(a) IN GENERAL.—From the amount reserved under section 3102(b)(3), the Secretary shall award grants to State entities having applications approved pursuant to subsection (f) to enable such entities to—

''(1) award subgrants to eligible applicants for—

''(A) opening new charter schools;

''(B) opening replicable, high-quality charter school models; or

''(C) expanding high-quality charter schools; and

''(2) provide technical assistance to eligible applicants and authorized public chartering agencies in carrying out the activities described in paragraph (1) and work with authorized public chartering agencies in the State to improve authorizing quality.

''(b) STATE USES OF FUNDS.—

''(1) IN GENERAL.—A State entity receiving a grant under this section shall—

''(A) use 90 percent of the grant funds to award subgrants to eligible applicants, in accordance with the quality charter school program described in the entity's application approved pursuant to subsection (f), for the purposes described in subparagraphs (A) through (C) of subsection (a)(1); and

''(B) reserve 10 percent of such funds to carry out the activities described in subsection (a)(2), of which not more than 30 percent may be used for administrative costs which may include technical assistance.

''(2) CONTRACTS AND GRANTS.—A State entity may use a grant received under this section to carry out the activities described in subparagraphs (A) and (B) of paragraph (1) directly or through grants, contracts, or cooperative agreements.

''(c) PROGRAM PERIODS; PEER REVIEW; GRANT NUMBER AND AMOUNT; DIVERSITY OF PROJECTS; WAIVERS.—

''(1) PROGRAM PERIODS.—

''(A) GRANTS.—A grant awarded by the Secretary to a State entity under this section shall be for a period of not more than 5 years.

''(B) SUBGRANTS.—A subgrant awarded by a State entity under this section shall be for a period of not more than 3 years, of which an eligible applicant may use not more than 18 months for planning and program design.

''(2) PEER REVIEW.—The Secretary, and each State entity receiving a grant under this section, shall use a peer review process to review applications for assistance under this section.

''(3) GRANT NUMBER AND AMOUNT.—The Secretary shall ensure that the number of grants awarded under this section and the award amounts will allow for a sufficient number of new grants to be awarded under this section for each succeeding fiscal year.

''(4) DIVERSITY OF PROJECTS.—Each State entity receiving a grant under this section shall award subgrants under this section in a manner that, to the extent possible, ensures that such subgrants—

''(A) are distributed throughout different areas, including urban, suburban, and rural areas; and

''(B) will assist charter schools representing a variety of educational approaches.

''(5) WAIVERS.—The Secretary may waive any statutory or regulatory requirement without requiring the adoption of any unrelated requirements over which the Secretary exercises administrative authority except any such requirement relating to the elements of a charter school described in section 5101(3), if—

''(A) the waiver is requested in an approved application under this section; and

''(B) the Secretary determines that granting such a waiver will promote the purpose of this subpart.

''(d) LIMITATIONS.—

''(1) GRANTS.—A State entity may not receive more than 1 grant under this section for a 5-year period.

''(2) SUBGRANTS.—An eligible applicant may not receive more than 1 subgrant under this section for an individual charter school for a 3-year period.

''(e) APPLICATIONS.—A State entity desiring to receive a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require. The application shall include the following:

''(1) DESCRIPTION OF PROGRAM.—A description of the State entity's objectives in running a quality charter school program under this section and how the objectives of the program will be carried out, including a description—

''(A) of how the entity—

''(i) will support both new charter school startup and the expansion and replication of high-quality charter school models;

''(ii) will inform eligible charter schools, developers, and authorized public chartering agencies of the availability of funds under the program;

''(iii) will work with eligible applicants to ensure that the applicants access all Federal funds that they are eligible to receive, and help the charter schools supported by the applicants and the students attending the charter schools—

''(I) participate in the Federal programs in which the schools and students are eligible to participate; and

''(II) receive the commensurate share of Federal funds the schools and students are eligible to receive under such programs;

''(iv) in the case in which the entity is not a State educational agency—

''(I) will work with the State educational agency and the charter schools in the State to maximize charter school participation in Federal and State programs for charter schools; and

''(II) will work with the State educational agency to adequately operate the entity's program under this section, where applicable;

''(v) will ensure eligible applicants that receive a subgrant under the entity's program are prepared to continue to operate the charter schools receiving the subgrant funds once the funds have expired;

''(vi) will support charter schools in local educational agencies with large numbers of schools implementing requirements under the State's school improvement system under section 1111(b)(3)(B)(iii);

''(vii) will work with charter schools to promote inclusion of all students and support all students once they are enrolled to promote retention;

''(viii) will work with charter schools on recruitment practices, including efforts to engage groups that may otherwise have limited opportunities to participate in charter schools;

''(ix) will share best and promising practices between charter schools and other public schools, including, where appropriate, instruction and professional development in science, math, technology, and engineering education;

''(x) will ensure the charter schools receiving funds under the entity's program can meet the educational needs of their students, including students with disabilities and English learners; and

''(xi) will support efforts to increase quality initiatives, including meeting the quality authorizing elements described in paragraph (2)(E);

''(B) of the extent to which the entity—

''(i) is able to meet and carry out the priorities listed in subsection (f)(2); and

''(ii) is working to develop or strengthen a cohesive statewide system to support the opening of new charter schools and replicable, high-quality charter school models, and the expansion of high-quality charter schools;

''(C) of how the entity will carry out the subgrant competition, including—

''(i) a description of the application each eligible applicant desiring to receive a subgrant will submit, including—

''(I) a description of the roles and responsibilities of eligible applicants, partner organizations, and management organizations, including the administrative and contractual roles and responsibilities;

''(II) a description of the quality controls agreed to between the eligible applicant and the authorized public chartering agency involved, such as a contract or performance agreement, and how a school's performance in the State's academic accountability system will be a primary factor for renewal or revocation of the school's charter; and

''(III) a description of how the eligible applicant will solicit and consider input from parents and other members of the community on the implementation and operation of each charter school receiving funds under the entity's program; and

''(ii) a description of how the entity will review applications;

''(D) in the case of an entity that partners with an outside organization to carry out the entity's quality charter school program, in whole or in part, of the roles and responsibilities of this partner;

''(E) of how the entity will help the charter schools receiving funds under the entity's program consider the transportation needs of the schools' students; and

''(F) of how the entity will support diverse charter school models, including models that serve rural communities.

''(2) ASSURANCES.—Assurances, including a description of how the assurances will be met, that—

''(A) each charter school receiving funds under the entity's program will have a high degree of autonomy over budget and operations, including personnel;

''(B) the entity will support charter schools in meeting the educational needs of their students as described in paragraph (1)(A)(x);

''(C) the entity will ensure that the authorized public chartering agency of any charter school that receives funds under the entity's program—

''(i) ensures that each charter school is meeting the obligations under this Act, part B of the Individuals with Disabilities Education Act, title VI of the Civil Rights Act of 1964, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title IX of the Education Amendments of 1972;

''(ii) adequately monitors and helps each charter school in recruiting, enrolling, and meeting the needs of all students, including students with disabilities and English learners; and

''(iii) ensures that each charter school solicits and considers input from parents and other members of the community on the implementation and operation of the school;

''(D) the entity will provide adequate technical assistance to eligible applicants to—

''(i) meet the objectives described in clauses (vii), (viii), and (x) of paragraph (1)(A); and

''(ii) enroll traditionally underserved students, including students with disabilities and English learners, to promote an inclusive education environment;

''(E) the entity will promote quality authorizing, such as through providing technical assistance, to support all authorized public chartering agencies in the State to improve the monitoring of their charter schools, including by—

''(i) assessing annual performance data of the schools, including, as appropriate, graduation rates and student growth; and

''(ii) reviewing the schools' independent, annual audits of financial statements conducted in accordance with generally accepted accounting principles, and ensuring any such audits are publically reported;

''(F) the entity will work to ensure that charter schools are included with the traditional public schools in decision-making about the public school system in the State; and

''(G) the entity will ensure that each charter school in the State make publicly available, consistent with the dissemination requirements of the annual State report card, the information parents need to make informed decisions about the education options available to their children, including information on the educational program, student support services, and annual performance and enrollment data for the groups of students described in section 1111(b)(3)(B)(ii)(II).

''(3) REQUESTS FOR WAIVERS.—A request and justification for waivers of any Federal statutory or regulatory provisions that the entity believes are necessary for the successful operation of the charter schools that will receive funds under the entity's program under this section, and a description of any State or local rules, generally applicable to public schools, that will be waived, or otherwise not apply to such schools.

''(f) SELECTION CRITERIA; PRIORITY.—

''(1) SELECTION CRITERIA.—The Secretary shall award grants to State entities under this section on the basis of the quality of the applications submitted under subsection (e), after taking into consideration—

''(A) the degree of flexibility afforded by the State's public charter school law and how the entity will work to maximize the flexibility provided to charter schools under the law;

''(B) the ambitiousness of the entity's objectives for the quality charter school program carried out under this section;

''(C) the quality of the strategy for assessing achievement of those objectives;

''(D) the likelihood that the eligible applicants receiving subgrants under the program will meet those objectives and improve educational results for students;

''(E) the proposed number of new charter schools to be opened, and the proposed number of high-quality charter schools to be replicated or expanded under the program;

''(F) the entity's plan to—

''(i) adequately monitor the eligible applicants receiving subgrants under the entity's program; and

''(ii) work with the authorized public chartering agencies involved to avoid duplication of work for the charter schools and authorized public chartering agencies;

''(G) the entity's plan to provide adequate technical assistance, as described in the entity's application under subsection (e), for the eligible applicants receiving subgrants under the entity's program under this section;

''(H) the entity's plan to support quality authorizing efforts in the State, consistent with the objectives described in subparagraph (B); and

''(I) the entity's plan to solicit and consider input from parents and other members of the community on the implementation and operation of the charter schools in the State.

''(2) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to State entities to the extent that they meet the following criteria:

''(A) In the case of a State entity located in a State that allows an entity other than a local educational agency to be an authorized public chartering agency, the State has a quality authorized public chartering agency that is an entity other than a local educational agency.

''(B) The State entity is located in a State that does not impose any limitation on the number or percentage of charter schools that may exist or the number or percentage of students that may attend charter schools in the State.

''(C) The State entity is located in a State that ensures equitable financing, as compared to traditional public schools, for charter schools and students in a prompt manner.

''(D) The State entity is located in a State that uses best practices from charter schools to help improve struggling schools and local educational agencies.

''(E) The State entity partners with an organization that has a demonstrated record of success in developing management organizations to

support the development of charter schools in the State.

''(F) The State entity demonstrates quality policies and practices to support and monitor charter schools through factors including—

''(i) the proportion of high-quality charter schools in the State; and

''(ii) the proportion of charter schools enrolling, at a rate similar to traditional public schools, traditionally underserved students, including students with disabilities and English learners.

''(G) The State entity supports charter schools that support at-risk students through activities such as dropout prevention or dropout recovery.

''(H) The State entity authorizes all charter schools in the State to serve as school food authorities.

''(g) LOCAL USES OF FUNDS.—An eligible applicant receiving a subgrant under this section shall use such funds to open new charter schools, open replicable, high-quality charter school models, or expand existing high-quality charter schools.

''(h) REPORTING REQUIREMENTS.—Each State entity receiving a grant under this section shall submit to the Secretary, at the end of the third year of the 5-year grant period and at the end of such grant period, a report on—

''(1) the number of students served under each subgrant awarded under this section and, if applicable, how many new students were served during each year of the subgrant period;

''(2) the number of subgrants awarded under this section to carry out each of the following—

''(A) the opening of new charter schools;

''(B) the opening of replicable, high-quality charter school models; and

''(C) the expansion of high-quality charter schools;

''(3) the progress the entity made toward meeting the priorities described in subsection (f)(2), as applicable;

''(4) how the entity met the objectives of the quality charter school program described in the entity's application under subsection (e);

''(5) how the entity complied with, and ensured that eligible applicants complied with, the assurances described in the entity's application; and

''(6) how the entity worked with authorized public chartering agencies and how such agencies worked with the management company or leadership of the schools that received subgrants under this section.

''(i) STATE ENTITY DEFINED.—For purposes of this section, the term 'State entity' means—

''(1) a State educational agency;

''(2) a State charter school board;

''(3) a Governor of a State; or

''(4) a charter support organization.

"SEC. 3104. FACILITIES FINANCING ASSISTANCE.

''(a) GRANTS TO ELIGIBLE ENTITIES.—

''(1) IN GENERAL.—From the amount reserved under section 3102(b)(1), the Secretary shall award grants to eligible entities that have the highest-quality applications approved under subsection (d), after considering the diversity of such applications, to demonstrate innovative methods of assisting charter schools to address the cost of acquiring, constructing, and renovating facilities by enhancing the availability of loans or bond financing.

''(2) ELIGIBLE ENTITY DEFINED.—For purposes of this section, the term 'eligible entity' means—

''(A) a public entity, such as a State or local governmental entity;

''(B) a private nonprofit entity; or

''(C) a consortium of entities described in subparagraphs (A) and (B).

''(b) GRANTEE SELECTION.—The Secretary shall evaluate each application submitted under subsection (d), and shall determine whether the application is sufficient to merit approval.

''(c) GRANT CHARACTERISTICS.—Grants under subsection (a) shall be of 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) APPLICATIONS.—

''(1) IN GENERAL.—To receive a grant under subsection (a), an eligible entity shall submit to the Secretary an application in such form as the Secretary may reasonably require.

''(2) CONTENTS.—An application submitted under paragraph (1) shall contain—

''(A) a statement identifying the activities proposed to be undertaken with funds received under subsection (a), including how the eligible entity will determine which charter schools will receive assistance, and how much and what types of assistance charter schools will receive;

''(B) a description of the involvement of charter schools in the application's development and the design of the proposed activities;

''(C) a description of the eligible entity's expertise in capital market financing;

''(D) a description of how the proposed activities will leverage the maximum amount of private-sector financing capital relative to the amount of Federal, State, or local government funding used and otherwise enhance credit available to charter schools, including how the entity will offer a combination of rates and terms more favorable than the rates and terms that a charter school could receive without assistance from the entity under this section;

''(E) a description of how the eligible entity possesses sufficient expertise in education to evaluate the likelihood of success of a charter school program for which facilities financing is sought; and

''(F) in the case of an application submitted by a State governmental entity, a description of the actions that the 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.

''(e) CHARTER SCHOOL OBJECTIVES.—An eligible entity receiving a grant under this section shall use the funds deposited in the reserve account established under subsection (f) to assist one or more charter schools to access private sector capital to accomplish one or 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, including predevelopment costs, or the renovation, repair, or alteration of existing facilities, necessary to commence or continue the operation of a charter school.

''(f) RESERVE ACCOUNT.—

''(1) USE OF FUNDS.—To assist charter schools to accomplish the objectives described in subsection (e), an eligible entity receiving a grant under subsection (a) shall, in accordance with State and local law, directly or indirectly, alone or in collaboration with others, deposit the funds received under subsection (a) (other than funds used for administrative costs in accordance with subsection (g)) in a reserve account established and maintained by the eligible entity for this purpose. Amounts deposited in such account shall be used by the eligible entity for one or more of the following purposes:

''(A) Guaranteeing, insuring, and reinsuring bonds, notes, evidences of debt, loans, and interests therein, the proceeds of which are used for an objective described in subsection (e).

''(B) Guaranteeing and insuring leases of personal and real property for an objective described in subsection (e).

''(C) Facilitating financing by identifying potential lending sources, encouraging private lending, and other similar activities that directly promote lending to, or for the benefit of, charter schools.

''(D) Facilitating the issuance of bonds by charter schools, or by other public entities for the benefit of charter schools, by providing technical, administrative, and other appropriate assistance (including the recruitment of bond counsel, underwriters, and potential investors and the consolidation of multiple charter school projects within a single bond issue).

''(2) INVESTMENT.—Funds received under this section and deposited in the reserve account established under paragraph (1) shall be invested in obligations issued or guaranteed by the United States or a State, or in other similarly low-risk securities.

''(3) REINVESTMENT OF EARNINGS.—Any earnings on funds received under subsection (a) shall be deposited in the reserve account established under paragraph (1) and used in accordance with such paragraph.

''(g) LIMITATION ON ADMINISTRATIVE COSTS.—An eligible entity may use not more than 2.5 percent of the funds received under subsection (a) for the administrative costs of carrying out its responsibilities under this section (excluding subsection (k)).

''(h) AUDITS AND REPORTS.—

''(1) FINANCIAL RECORD MAINTENANCE AND AUDIT.—The financial records of each eligible entity receiving a grant under subsection (a) shall be maintained in accordance with generally accepted accounting principles and shall be subject to an annual audit by an independent public accountant.

''(2) REPORTS.—

''(A) GRANTEE ANNUAL REPORTS.—Each eligible entity receiving a grant under subsection (a) annually shall submit to the Secretary a report of its operations and activities under this section.

''(B) CONTENTS.—Each annual report submitted under subparagraph (A) shall include—

''(i) a copy of the most recent financial statements, and any accompanying opinion on such statements, prepared by the independent public accountant reviewing the financial records of the eligible entity;

''(ii) a copy of any report made on an audit of the financial records of the eligible entity that was conducted under paragraph (1) during the reporting period;

''(iii) an evaluation by the eligible entity of the effectiveness of its use of the Federal funds provided under subsection (a) in leveraging private funds;

''(iv) a listing and description of the charter schools served during the reporting period, including the amount of funds used by each school, the type of project facilitated by the grant, and the type of assistance provided to the charter schools;

''(v) a description of the activities carried out by the eligible entity to assist charter schools in meeting the objectives set forth in subsection (e); and

''(vi) a description of the characteristics of lenders and other financial institutions participating in the activities undertaken by the eligible entity under this section (excluding subsection (k)) during the reporting period.

''(C) SECRETARIAL REPORT.—The Secretary shall review the reports submitted under subparagraph (A) and shall provide a comprehensive annual report to Congress on the activities conducted under this section (excluding subsection (k)).

''(i) NO FULL FAITH AND CREDIT FOR GRANTEE OBLIGATION.—No financial obligation of an eligible entity entered into pursuant to this section (such as an obligation under a guarantee, bond, note, evidence of debt, or loan) shall be an obligation of, or guaranteed in any respect by, the United States. The full faith and credit of the United States is not pledged to the payment of funds which may be required to be paid under any obligation made by an eligible entity pursuant to any provision of this section.

''(j) RECOVERY OF FUNDS.—

''(1) IN GENERAL.—The Secretary, in accordance with chapter 37 of title 31, United States Code, shall collect—

''(A) all of the funds in a reserve account established by an eligible entity under subsection (f)(1) if the Secretary determines, not earlier than 2 years after the date on which the eligible entity first received funds under this section (excluding subsection (k)), that the eligible entity has failed to make substantial progress in carrying out the purposes described in subsection (f)(1); or

''(B) all or a portion of the funds in a reserve account established by an eligible entity under subsection (f)(1) if the Secretary determines that the eligible entity has permanently ceased to use all or a portion of the funds in such account to accomplish any purpose described in subsection (f)(1).

''(2) EXERCISE OF AUTHORITY.—The Secretary shall not exercise the authority provided in paragraph (1) to collect from any eligible entity any funds that are being properly used to achieve one or more of the purposes described in subsection (f)(1).

''(3) PROCEDURES.—The provisions of sections 451, 452, and 458 of the General Education Provisions Act (20 U.S.C. 1234, 1234a, 1234g) shall apply to the recovery of funds under paragraph (1).

''(4) CONSTRUCTION.—This subsection shall not be construed to impair or affect the authority of the Secretary to recover funds under part D of the General Education Provisions Act (20 U.S.C. 1234 et seq.).

''(k) PER-PUPIL FACILITIES AID PROGRAM.—

''(1) DEFINITION OF PER-PUPIL FACILITIES AID PROGRAM.—In this subsection, the term 'per-pupil facilities aid program' means a program in which a State makes payments, on a per-pupil basis, to charter schools to provide the schools with financing—

''(A) that is dedicated solely 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 reserved under section 3102(b)(1) and remaining after the Secretary makes grants under subsection (a), the Secretary shall make grants, on a competitive basis, to States to pay for the Federal share of the cost of establishing or enhancing, and administering per-pupil facilities aid programs.

''(B) PERIOD.—The Secretary shall award grants under this subsection for periods of not more than 5 years.

''(C) FEDERAL SHARE.—The Federal share of the cost described in subparagraph (A) for a per-pupil facilities aid program shall be not more than—

''(i) 90 percent of the cost, for the first fiscal year for which the program receives assistance under this subsection;

''(ii) 80 percent 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.

''(D) STATE SHARE.—A State receiving a grant under this subsection may partner with 1 or more organizations to provide up to 50 percent of the State share of the cost of establishing or enhancing, and administering the per-pupil facilities aid program.

''(E) MULTIPLE GRANTS.—A State may receive more than 1 grant under this subsection, so long as the amount of such funds provided to charter schools increases with each successive grant.

''(3) USE OF FUNDS.—

''(A) IN GENERAL.—A State that receives a grant under this subsection shall use the funds made available through the grant to establish or enhance, and administer, a per-pupil facilities aid program for charter schools in the State of the applicant.

''(B) EVALUATIONS; TECHNICAL ASSISTANCE; DISSEMINATION.—From the amount made available to a State through a grant under this subsection for a fiscal year, the State may reserve not more than 5 percent to carry out evaluations, to provide technical assistance, and to disseminate information.

''(C) SUPPLEMENT, NOT SUPPLANT.—Funds made available under this subsection shall be used to supplement, and not supplant, State, and local public funds expended to provide per pupil facilities aid programs, operations financing programs, or other programs, for charter schools.

''(4) REQUIREMENTS.—

''(A) VOLUNTARY PARTICIPATION.—No State may be required to participate in a program carried out under this subsection.

''(B) STATE LAW.—

''(i) IN GENERAL.—Except as provided in clause (ii), to be eligible to receive a grant under this subsection, a State shall establish or enhance, and administer, a per-pupil facilities aid program for charter schools in the State, that—

''(I) is specified in State law; and

''(II) provides annual financing, on a per-pupil basis, for charter school facilities.

''(ii) SPECIAL RULE.—Notwithstanding clause (i), a State that is required under State law to provide its charter schools with access to adequate facility space, but which does not have a per-pupil facilities aid program for charter schools specified in State law, may be eligible to receive a grant under this subsection if the State agrees to use the funds to develop a per-pupil facilities aid program consistent with the requirements of this subsection.

''(5) APPLICATIONS.—To be eligible to receive a grant under this subsection, a State shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"SEC. 3105. NATIONAL ACTIVITIES.

''(a) IN GENERAL.—From the amount reserved under section 3102(b)(2), the Secretary shall—

''(1) use not less than 50 percent of such funds to award grants in accordance with subsection (b); and

''(2) use the remainder of such funds to—

''(A) disseminate technical assistance to State entities in awarding subgrants under section 3103, and eligible entities and States receiving grants under section 3104;

''(B) disseminate best practices; and

''(C) evaluate the impact of the charter school program, including the impact on student achievement, carried out under this subpart.

''(b) GRANTS.—

''(1) IN GENERAL.—The Secretary shall make grants, on a competitive basis, to eligible applicants for the purpose of carrying out the activities described in section 3102(a)(1), subparagraphs (A) through (C) of section 3103(a)(1), and section 3103(g).

''(2) TERMS AND CONDITIONS.—Except as otherwise provided in this subsection, grants awarded under this subsection shall have the same terms and conditions as grants awarded to State entities under section 3103.

''(3) ELIGIBLE APPLICANT DEFINED.—For purposes of this subsection, the term 'eligible applicant' means an eligible applicant that desires to open a charter school in—

''(A) a State that did not apply for a grant under section 3103;

''(B) a State that did not receive a grant under section 3103; or

''(C) a State that received a grant under section 3103 and is in the 4th or 5th year of the grant period for such grant.

''(c) CONTRACTS AND GRANTS.—The Secretary may carry out any of the activities described in this section directly or through grants, contracts, or cooperative agreements.

"SEC. 3106. 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. 3107. 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, regulations, or nonregulatory guidance required to implement this subpart, as well as in the development of any rules, regulations, or nonregulatory guidance 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. 3108. RECORDS TRANSFER.

''State educational agencies and local educational agencies, as quickly as possible and 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(14) 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. 3109. 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. 3110. DEFINITIONS.

''In this subpart:

''(1) 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.

''(2) CHARTER SUPPORT ORGANIZATION.—The term 'charter support organization' means a nonprofit, nongovernmental entity that provides, on a statewide or regional basis—

''(A) assistance to developers during the planning, program design, and initial implementation of a charter school; and

''(B) technical assistance to operate charter schools.

''(3) 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.

''(4) 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.

''(5) EXPANSION OF A HIGH-QUALITY CHARTER SCHOOL.—The term 'expansion of a high-quality charter school' means to significantly increase the enrollment of, or add one or more grades to, a high-quality charter school.

''(6) HIGH-QUALITY CHARTER SCHOOL.—The term 'high-quality charter school' means a charter school that—

''(A) shows evidence of strong academic results, which may include strong academic growth as determined by a State;

''(B) has no significant issues in the areas of student safety, financial management, or statutory or regulatory compliance;

''(C) has demonstrated success in significantly increasing student academic achievement and attainment for all students served by the charter school; and

''(D) has demonstrated success in increasing student academic achievement for the groups of students described in section 1111(b)(3)(B)(ii)(II), except that such demonstration is not required in a case in which the number of students in a group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student.

''(7) REPLICABLE, HIGH-QUALITY CHARTER SCHOOL MODEL.—The term 'replicable, high-quality charter school model' means a high-quality charter school that has the capability of opening another such charter school under an existing charter.

"Subpart 2—Magnet School Assistance

"SEC. 3121. PURPOSE.

''The purpose of this subpart is to assist in the desegregation of schools served by local educational agencies by providing financial assistance to eligible local educational agencies for—

''(1) the elimination, reduction, or prevention of minority group isolation in elementary schools and secondary schools with substantial proportions of minority students, which shall include assisting in the efforts of the United States to achieve voluntary desegregation in public schools;

''(2) the development and implementation of magnet school programs that will assist local educational agencies in achieving systemic reforms and providing all students the opportunity to meet State academic standards;

''(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 career, technical, and professional skills of students attending such schools;

''(5) improving the ability of local educational agencies, including through professional development, to continue operating magnet schools at a high performance level after Federal funding for the magnet schools is terminated; and

''(6) ensuring that students enrolled in the magnet school programs have equitable access to a quality education that will enable the students to succeed academically and continue with postsecondary education or employment.

"SEC. 3122. DEFINITION.

''For the purpose of this subpart, 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.

"SEC. 3123. PROGRAM AUTHORIZED.

''From the amount appropriated under section 3(c)(1)(B), the Secretary, in accordance with this subpart, is authorized to award grants to eligible local educational agencies, and consortia of such agencies where appropriate, to carry out the purpose of this subpart for magnet schools that are—

''(1) part of an approved desegregation plan; and

''(2) designed to bring students from different social, economic, ethnic, and racial backgrounds together.

"SEC. 3124. ELIGIBILITY.

''A local educational agency, or consortium of such agencies where appropriate, is eligible to receive a grant under this subpart to carry out the purpose of this subpart if such agency or consortium—

''(1) is implementing a plan undertaken pursuant to a final order issued by a court of the United States, or a court of any State, or any other State agency or official of competent jurisdiction, that requires the desegregation of minority-group-segregated children or faculty in the elementary schools and secondary schools of such agency; or

''(2) without having been required to do so, has adopted and is implementing, or will, if a grant is awarded to such local educational agency, or consortium of such agencies, under this subpart, adopt and implement a plan that has been approved by the Secretary as adequate under title VI of the Civil Rights Act of 1964 for the desegregation of minority-group-segregated children or faculty in such schools.

"SEC. 3125. APPLICATIONS AND REQUIREMENTS.

''(a) APPLICATIONS.—An eligible local educational agency, or consortium of such agencies, desiring to receive a grant under this subpart shall submit an application to the Secretary at such time and in such manner as the Secretary may reasonably require.

''(b) INFORMATION AND ASSURANCES.—Each application submitted under subsection (a) shall include—

''(1) a description of—

''(A) how a grant awarded under this subpart 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 subpart is no longer available, and, if applicable, an explanation of why magnet schools established or supported by the applicant with grant funds under this subpart cannot be continued without the use of grant funds under this subpart;

''(D) how grant funds under this subpart 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 subpart for the purposes specified in section 3121;

''(B) employ effective teachers in the courses of instruction assisted under this subpart;

''(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 quality education program that will encourage greater parental decision-making 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.

''(c) SPECIAL RULE.—No grant shall be awarded under this subpart unless the Assistant Secretary of Education for Civil Rights determines that the assurances described in subsection (b)(2)(C) will be met.

"SEC. 3126. PRIORITY.

''In awarding grants under this subpart, 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;

''(3) propose to select students to attend magnet school programs by methods such as lottery, rather than through academic examination; and

''(4) propose to serve the entire student population of a school.

"SEC. 3127. USE OF FUNDS.

''(a) IN GENERAL.—Grant funds made available under this subpart 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, 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 subpart;

''(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.

''(b) SPECIAL RULE.—Grant funds under this subpart 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 academic standards or directly related to improving student reading skills or knowledge of mathematics, science, history, geography, English, foreign languages, art, or music, or to improving career, technical, and professional skills.

"SEC. 3128. LIMITATIONS.

''(a) DURATION OF AWARDS.—A grant under this subpart shall be awarded for a period that shall not exceed 3 fiscal years.

''(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 percent of the grant funds received under this subpart for the first year of the program and not more than 15 percent of such funds for each of the second and third such years.

''(c) AMOUNT.—No local educational agency, or consortium of such agencies, awarded a grant under this subpart shall receive more than $4,000,000 under this subpart for any 1 fiscal year.

''(d) TIMING.—To the extent practicable, the Secretary shall award grants for any fiscal year under this subpart not later than July 1 of the applicable fiscal year.

"SEC. 3129. EVALUATIONS.

''(a) RESERVATION.—The Secretary may reserve not more than 2 percent of the funds appropriated under section 3(c)(1)(B) 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 subpart.

''(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 academic improvement;

''(2) the extent to which magnet school programs enhance student access to a 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. 3130. RESERVATION.

''In any fiscal year for which the amount appropriated under section 3(c)(1)(B) exceeds $75,000,000, the Secretary shall give priority in using such amounts in excess of $75,000,000 to awarding grants to local educational agencies or consortia of such agencies that did not receive a grant under this subpart in the preceding fiscal year.

"Subpart 3—Family Engagement in Education Programs

"SEC. 3141. PURPOSES.

''The purposes of this subpart are the following:

''(1) To provide financial support to organizations to provide technical assistance and training to State and local educational agencies in the implementation and enhancement of systemic and effective family engagement policies, programs, and activities that lead to improvements in student development and academic achievement.

''(2) To assist State educational agencies, local educational agencies, community-based organizations, schools, and educators in strengthening partnerships among parents, teachers, school leaders, administrators, and other school personnel in meeting the educational needs of children and fostering greater parental engagement.

''(3) To support State educational agencies, local educational agencies, schools, educators, and parents in developing and strengthening the relationship between parents and their children's school in order to further the developmental progress of children.

''(4) To coordinate activities funded under this subpart with parent involvement initiatives funded under section 1118 and other provisions of this Act.

''(5) To assist the Secretary, State educational agencies, and local educational agencies in the coordination and integration of Federal, State, and local services and programs to engage families in education.

"SEC. 3142. GRANTS AUTHORIZED.

''(a) STATEWIDE FAMILY ENGAGEMENT CENTERS.—From the amount appropriated under section 3(c)(1)(C), the Secretary is authorized to award grants for each fiscal year to statewide organizations (or consortia of such organizations), to establish Statewide Family Engagement Centers that provide comprehensive training and technical assistance to State educational agencies, local educational agencies, schools identified by State educational agencies and local educational agencies, organizations that support family-school partnerships, and other organizations that carry out, or carry out directly, parent education and family engagement in education programs.

''(b) MINIMUM AWARD.—In awarding grants under this section, the Secretary shall, to the extent practicable, ensure that a grant is awarded for a Statewide Family Engagement Center in an amount not less than $500,000.

"SEC. 3143. APPLICATIONS.

''(a) SUBMISSIONS.—Each statewide organization, or a consortium of such organizations, that desires a grant under this subpart shall submit an application to the Secretary at such time, in such manner, and including the information described in subsection (b).

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

''(1) A description of the applicant's approach to family engagement in education.

''(2) A description of the support that the Statewide Family Engagement Center that will be operated by the applicant will have from the State educational agency and any partner organization outlining the commitment to work with the center.

''(3) A description of the applicant's plan for building a statewide infrastructure for family engagement in education, that includes—

''(A) management and governance;

''(B) statewide leadership; or

''(C) systemic services for family engagement in education.

''(4) A description of the applicant's demonstrated experience in providing training, information, and support to State educational agencies, local educational agencies, schools, educators, parents, and organizations on family engagement in education policies and practices that are effective for parents (including low-income parents) and families, English learners, minorities, parents of students with disabilities, parents of homeless students, foster parents and students, and parents of migratory students, including evaluation results, reporting, or other data exhibiting such demonstrated experience.

''(5) An assurance that the applicant will—

''(A) establish a special advisory committee, the membership of which includes—

''(i) parents, who shall constitute a majority of the members of the special advisory committee;

''(ii) representatives of education professionals with expertise in improving services for disadvantaged children;

''(iii) representatives of local elementary schools and secondary schools, including students;

''(iv) representatives of the business community; and

''(v) representatives of State educational agencies and local educational agencies;

''(B) use not less than 65 percent of the funds received under this subpart in each fiscal year to serve local educational agencies, schools, and community-based organizations that serve high concentrations of disadvantaged students, including English learners, minorities, parents of students with disabilities, parents of homeless students, foster parents and students, and parents of migratory students;

''(C) operate a Statewide Family Engagement Center of sufficient size, scope, and quality to ensure that the Center is adequate to serve the State educational agency, local educational agencies, and community-based organizations;

''(D) ensure that the Center will retain staff with the requisite training and experience to serve parents in the State;

''(E) serve urban, suburban, and rural local educational agencies and schools;

''(F) work with—

''(i) other Statewide Family Engagement Centers assisted under this subpart; and

''(ii) parent training and information centers and community parent resource centers assisted under sections 671 and 672 of the Individuals with Disabilities Education Act;

''(G) use not less than 30 percent of the funds received under this subpart for each fiscal year to establish or expand technical assistance for evidence-based parent education programs;

''(H) provide assistance to State educational agencies and local educational agencies and community-based organizations that support family members in supporting student academic achievement;

''(I) work with State educational agencies, local educational agencies, schools, educators, and parents to determine parental needs and the best means for delivery of services to address such needs; and

''(J) conduct sufficient outreach to assist parents, including parents who the applicant may have a difficult time engaging with a school or local educational agency.

"SEC. 3144. USES OF FUNDS.

''(a) IN GENERAL.—Grantees shall use grant funds received under this subpart, based on the needs determined under section 3143(b)(5)(I), to provide training and technical assistance to State educational agencies, local educational agencies, and organizations that support family-school partnerships, and activities, services, and training for local educational agencies, school leaders, educators, and parents—

''(1) to assist parents in participating effectively in their children's education and to help their children meet State standards, such as assisting parents—

''(A) to engage in activities that will improve student academic achievement, including understanding how they can support learning in the classroom with activities at home and in after-school and extracurricular programs;

''(B) to communicate effectively with their children, teachers, school leaders, counselors, administrators, and other school personnel;

''(C) to become active participants in the development, implementation, and review of school-parent compacts, family engagement in education policies, and school planning and improvement;

''(D) to participate in the design and provision of assistance to students who are not making academic progress;

''(E) to participate in State and local decision-making;

''(F) to train other parents; and

''(G) to help the parents learn and use technology applied in their children's education;

''(2) to develop and implement, in partnership with the State educational agency, statewide family engagement in education policy and systemic initiatives that will provide for a continuum of services to remove barriers for family

engagement in education and support school reform efforts; and

''(3) to develop and implement parental involvement policies under this Act.

''(b) MATCHING FUNDS FOR GRANT RENEWAL.—For each fiscal year after the first fiscal year for which an organization or consortium receives assistance under this section, the organization or consortium shall demonstrate in the application that a portion of the services provided by the organization or consortium is supported through non-Federal contributions, which may be in cash or in-kind.

''(c) TECHNICAL ASSISTANCE.—The Secretary shall reserve not more than 2 percent of the funds appropriated under section 3(c)(1)(C) to carry out this subpart to provide technical assistance, by competitive grant or contract, for the establishment, development, and coordination of Statewide Family Engagement Centers.

''(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit a Statewide Family Engagement Center from—

''(1) having its employees or agents meet with a parent at a site that is not on school grounds; or

''(2) working with another agency that serves children.

''(e) PARENTAL RIGHTS.—Notwithstanding any other provision of this section—

''(1) no person (including a parent who educates a child at home, a public school parent, or a private school parent) shall be required to participate in any program of parent education or developmental screening under this section; and

''(2) no program or center assisted under this section shall take any action that infringes in any manner on the right of a parent to direct the education of their children.

"SEC. 3145. FAMILY ENGAGEMENT IN INDIAN SCHOOLS.

''The Secretary of the Interior, in consultation with the Secretary of Education, shall establish, or enter into contracts and cooperative agreements with local Indian nonprofit parent organizations to establish and operate Family Engagement Centers.

"PART B—LOCAL ACADEMIC FLEXIBLE GRANT

"SEC. 3201. PURPOSE.

''The purpose of this part is to—

''(1) provide local educational agencies with the opportunity to access funds to support the initiatives important to their schools and students to improve academic achievement, including protecting student safety; and

''(2) provide nonprofit and for-profit entities the opportunity to work with students to improve academic achievement, including student safety.

"SEC. 3202. ALLOTMENTS TO STATES.

''(a) RESERVATIONS.—From the funds appropriated under section 3(c)(2) for any fiscal year, the Secretary shall reserve—

''(1) not more than one-half of 1 percent for national activities to provide technical assistance to eligible entities in carrying out programs under this part; and

''(2) not more than one-half of 1 percent for payments to the outlying areas and the Bureau of Indian Education, to be allotted in accordance with their respective needs for assistance under this part, as determined by the Secretary, to enable the outlying areas and the Bureau to carry out the purpose of this part.

''(b) STATE ALLOTMENTS.—

''(1) DETERMINATION.—From the funds appropriated under section 3(c)(2) 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 chapter B of subpart 1 of part A of title I for the preceding fiscal year bears to the amount all States received under that chapter for the preceding fiscal year, except that no State shall receive less than an amount equal to one-half of 1 percent of the total amount made available to all States under this subsection.

''(2) REALLOTMENT OF UNUSED FUNDS.—If a State does not receive an allotment under this part for a fiscal year, the Secretary shall reallot the amount of the State's allotment to the remaining States in accordance with this section.

''(c) STATE USE OF FUNDS.—

''(1) IN GENERAL.—Each State that receives an allotment under this part shall reserve not less than 75 percent of the amount allotted to the State under subsection (b) for each fiscal year for awards to eligible entities under section 3204.

''(2) AWARDS TO NONGOVERNMENTAL ENTITIES TO IMPROVE STUDENT ACADEMIC ACHIEVEMENT.—Each State that receives an allotment under subsection (b) for each fiscal year shall reserve not less than 10 percent of the amount allotted to the State for awards to nongovernmental entities under section 3205.

''(3) STATE ACTIVITIES AND STATE ADMINISTRATION.—A State educational agency may reserve not more than 15 percent of the amount allotted to the State under subsection (b) for each fiscal year for the following:

''(A) Enabling the State educational agency—

''(i) to pay the costs of developing the State assessments and standards required under section 1111(b), which may include the costs of working, at the sole discretion of the State, in voluntary partnerships with other States to develop such assessments and standards; or

''(ii) if the State has developed the assessments and standards required under section 1111(b), to administer those assessments or carry out other activities related to ensuring that the State's schools and local educational agencies are helping students meet the State's academic standards under such section.

''(B) The administrative costs of carrying out its responsibilities under this part, except that not more than 5 percent of the reserved amount may be used for this purpose.

''(C) Monitoring and evaluation of programs and activities assisted under this part.

''(D) Providing training and technical assistance under this part.

''(E) Statewide academic focused programs.

''(F) Sharing evidence-based and other effective strategies with eligible entities.

"SEC. 3203. STATE APPLICATION.

''(a) IN GENERAL.—In order to receive an allotment under section 3202 for any fiscal year, a State shall submit to the Secretary, at such time as the Secretary may require, an application that—

''(1) designates the State educational agency as the agency responsible for the administration and supervision of programs assisted under this part;

''(2) describes how the State educational agency will use funds reserved for State-level activities, including how, if any, of the funds will be used to support student safety;

''(3) describes the procedures and criteria the State educational agency will use for reviewing applications and awarding funds to eligible entities on a competitive basis, which shall include reviewing how the proposed project will help increase student academic achievement;

''(4) 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 3204(f);

''(5) describes the steps the State educational agency will take to ensure that programs implement effective strategies, including providing ongoing technical assistance and training, and dissemination of evidence-based and other effective strategies;

''(6) describes how the State educational agency will consider students across all grades when making these awards;

''(7) an assurance that, other than 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 decision-making process of eligible entities as to the expenditure of funds received by the eligible entities under this part;

''(8) describes how programs under this part will be coordinated with programs under this Act, and other programs as appropriate;

''(9) contains an assurance that the State educational agency—

''(A) will make awards for programs for a period of not more than 5 years; and

''(B) will require each eligible entity seeking such an award to submit a plan describing how the project to be funded through the award will continue after funding under this part ends, if applicable; and

''(10) contains an assurance that funds appropriated to carry out this part will be used to supplement, and not supplant, State and local public funds expended to provide programs and activities authorized under this part and other similar programs.

''(b) DEEMED APPROVAL.—An application submitted by a State educational agency pursuant to subsection (a) shall be deemed to be approved by the Secretary unless the Secretary makes a written determination, prior to the expiration of the 120-day period beginning on the date on which the Secretary received the application, that the application is not in compliance with this part.

''(c) DISAPPROVAL.—The Secretary shall not finally disapprove the application, except after giving the State educational agency notice and an opportunity for a hearing.

''(d) NOTIFICATION.—If the Secretary finds that the application is not in compliance, in whole or in part, with this part, the Secretary shall—

''(1) give the State educational agency notice and an opportunity for a hearing; and

''(2) notify the State educational agency of the finding of noncompliance, and, in such notification, 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.

''(e) RESPONSE.—If the State educational agency responds to the Secretary's notification described in subsection (d)(2) during the 45-day period beginning on the date on which the agency received the notification, and resubmits the application with the requested information described in subsection (d)(2)(B), the Secretary shall approve or disapprove such application prior to the later of—

''(1) the expiration of the 45-day period beginning on the date on which the application is resubmitted; or

''(2) the expiration of the 120-day period described in subsection (b).

''(f) FAILURE TO RESPOND.—If the State educational agency does not respond to the Secretary's notification described in subsection (d)(2) during the 45-day period beginning on the date on which the agency received the notification, such application shall be deemed to be disapproved.

''(g) RULE OF CONSTRUCTION.—An application submitted by a State educational agency pursuant to subsection (a) shall not be approved or disapproved based upon the activities for which the agency may make funds available to eligible entities under section 3204 if the agency's use of funds is consistent with section 3204(b).

"SEC. 3204. 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 3202(c)(1) to eligible entities in accordance with this section.

''(b) USE OF FUNDS.—

''(1) IN GENERAL.—An eligible entity that receives an award under this part shall use the funds for activities that—

''(A) are evidence-based;

''(B) will improve student academic achievement;

''(C) are allowable under State law; and

''(D) focus on one or more projects from the following two categories:

''(i) Supplemental student support activities such as before, after, or summer school activities, tutoring, and expanded learning time, but not including athletics or in-school learning activities.

''(ii) Activities designed to support students, such as academic subject specific programs, adjunct teacher programs, extended learning time programs, dual enrollment programs, and parent engagement, but not including activities to—

''(I) support smaller class sizes or construction; or

''(II) provide compensation or benefits to teachers, school leaders, other school officials, or local educational agency staff.

''(2) PARTICIPATION OF CHILDREN ENROLLED IN PRIVATE SCHOOLS.—An eligible entity that receives an award under this part shall ensure compliance with section 5501 (relating to participation of children enrolled in private schools).

''(c) APPLICATION.—

''(1) IN GENERAL.—To be eligible to receive an award under this part, an eligible entity shall submit an application to the State educational agency at such time, in such manner, and including such information as the State educational agency may reasonably require, including the contents required by paragraph (2).

''(2) CONTENTS.—Each application submitted under paragraph (1) shall include—

''(A) a description of the activities to be funded and how they are consistent with subsection (b), including any activities that will increase student safety;

''(B) an assurance that funds under this part will be used to increase the level of State, local, and other non-Federal funds that would, in the absence of funds under this part, be made available for programs and activities authorized under this part, and in no case supplant State, local, or non-Federal funds;

''(C) an assurance that the community will be given notice of an intent to submit an application with an opportunity for comment, and that the application will be available for public review after submission of the application; and

''(D) an assurance that students who benefit from any activity funded under this part shall continue to maintain enrollment in a public elementary or secondary school.

''(d) 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 but the review shall be limited to the likelihood that the project will increase student academic achievement.

''(e) GEOGRAPHIC DIVERSITY.—A State educational agency shall distribute funds under this part equitably among geographic areas within the State, including rural, suburban, and urban communities.

''(f) AWARD.—A grant shall be awarded to all eligible entities that submit an application that meets the requirements of this section in an amount that is not less than $10,000, but there shall be only one award granted to any one local educational agency, but such award may be for multiple projects or programs with the local educational agency.

''(g) DURATION OF AWARDS.—Grants under this part may be awarded for a period of not more than 5 years.

''(h) ELIGIBLE ENTITY DEFINED.—In this section, the term 'eligible entity' means—

''(1) a local educational agency in partnership with a community-based organization, business entity, or nongovernmental entity;

''(2) a consortium of local educational agencies working in partnership with a community-based organization, business entity, or nongovernmental entity;

''(3) a community-based organization in partnership with a local educational agency and, if applicable, a business entity or nongovernmental entity; or

''(4) a business entity in partnership with a local educational agency and, if applicable, a community-based organization or nongovernmental entity.

''SEC. 3205. AWARDS TO NONGOVERNMENTAL ENTITIES TO IMPROVE ACADEMIC ACHIEVEMENT.

''(a) IN GENERAL.—From the amount reserved under section 3202(c)(2), a State educational agency shall award grants to nongovernmental entities, including public or private organizations, community-based or faith-based organizations, and business entities for a program or project to increase the academic achievement of public school students attending public elementary or secondary schools (or both) in compliance with the requirements in this section. Subject to the availability of funds, the State educational agency shall award a grant to each eligible applicant that meets the requirements in a sufficient size and scope to support the program.

''(b) APPLICATION.—The State educational agency shall require an application that includes the following information:

''(1) A description of the program or project the applicant will use the funds to support.

''(2) A description of how the applicant is using or will use other State, local, or private funding to support the program or project.

''(3) A description of how the program or project will help increase student academic achievement, including the evidence to support this claim.

''(4) A description of the student population the program or project is targeting to impact, and if the program will prioritize students in high-need local educational agencies.

''(5) A description of how the applicant will conduct sufficient outreach to ensure students can participate in the program or project.

''(6) A description of any partnerships the applicant has entered into with local educational agencies or other entities the applicant will work with, if applicable.

''(7) A description of how the applicant will work to share evidence-based and other effective strategies from the program or project with local educational agencies and other entities working with students to increase academic achievement.

''(8) An assurance that students who benefit from any program or project funded under this section shall continue to maintain enrollment in a public elementary or secondary school.

''(c) MATCHING CONTRIBUTION.—An eligible applicant receiving a grant under this section 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.

''(d) REVIEW.—The State educational agency shall review the application to ensure that—

''(1) the applicant is an eligible applicant;

''(2) the application clearly describes the required elements in subsection (b);

''(3) the entity meets the matching requirement described in subsection (c); and

''(4) the program is allowable and complies with Federal, State, and local laws.

''(e) DISTRIBUTION OF FUNDS.—If the application requests exceed the funds available, the State educational agency shall prioritize projects that support students in high-need local educational agencies and ensure geographic diversity, including serving rural, suburban, and urban areas.

''(f) ADMINISTRATIVE COSTS.—Not more than 1 percent of a grant awarded under this section may be used for administrative costs.

''SEC. 3206. REPORT.

''Each recipient of a grant under section 3204 or 3205 shall report to the State educational agency on—

''(1) the success of the program in reaching the goals of the program;

''(2) a description of the students served by the program and how the students' academic achievement improved; and

''(3) the results of any evaluation conducted on the success of the program.''.

TITLE IV—IMPACT AID

SEC. 401. PURPOSE.

Section 8001 (20 U.S.C. 7701) is amended by striking ''challenging State standards'' and inserting ''State academic standards''.

SEC. 402. PAYMENTS RELATING TO FEDERAL ACQUISITION OF REAL PROPERTY.

Section 8002 (20 U.S.C. 7702) is amended—

(1) in subsection (b)(1)(B), by striking ''section 8014(a)'' and inserting ''section 3(d)(1)''; and

(2) by amending subsection (f) to read as follows:

''(f) SPECIAL RULE.—Beginning with fiscal year 2014, a local educational agency shall be deemed to meet the requirements of subsection (a)(1)(C) if records to determine eligibility under such subsection were destroyed prior to fiscal year 2000 and the agency received funds under subsection (b) in the previous year.'';

(3) by amending subsection (g) to read as follows:

''(g) FORMER DISTRICTS.—

''(1) CONSOLIDATIONS.—For fiscal year 2006 and each succeeding fiscal year, if a local educational agency described in paragraph (2) is formed at any time after 1938 by the consolidation of two 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 such fiscal year on the basis of one or more of those former districts, as designated by the local educational agency.

''(2) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—A local educational agency described in this paragraph is—

''(A) any local educational agency that, for fiscal year 1994 or any preceding fiscal year, applied for, and was determined to be eligible under section 2(c) of the Act of September 30, 1950 (Public Law 874, 81st Congress) as that section was in effect for that fiscal year; or

''(B) a local educational agency formed by the consolidation of 2 or more school districts, at least one of which was eligible for assistance under this section for the fiscal year preceding the year of the consolidation, if—

''(i) for fiscal years 2006 through 2013, the local educational agency notifies the Secretary not later than 30 days after the date of enactment of the Student Success Act of the designation described in paragraph (1); and

''(ii) for fiscal year 2014, and each 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 fiscal year 2005, the Secretary may obligate funds remaining after final payments have been made for any of such fiscal years to carry out this subsection.'';

(4) in subsection (h)—

(A) in paragraph (2)—

(i) in subparagraph (C)(ii), by striking ''section 8014(a)'' and inserting ''section 3(d)(1)''; and

(ii) in subparagraph (D), by striking ''section 8014(a)'' and inserting ''section 3(d)(1)''; and

(B) in paragraph (4), by striking ''Impact Aid Improvement Act of 2012'' and inserting ''Student Success Act'';

(5) by repealing subsections (k) and (m);

(6) by redesignating subsection (l) as subsection (j);

(7) by amending subsection (j) (as so redesignated) by striking ''(h)(4)(B)'' and inserting ''(h)(2)''; and

(8) by redesignating subsection (n) as subsection (k).

SEC. 403. PAYMENTS FOR ELIGIBLE FEDERALLY CONNECTED CHILDREN.

(a) COMPUTATION OF PAYMENT.—Section 8003(a) (20 U.S.C. 7703(a)) is amended—

(1) in the matter preceding subparagraph (A) of paragraph (1), by inserting after ''schools of such agency'' the following: ''(including those children enrolled in such agency as a result of the open enrollment policy of the State in which the agency is located, but not including children who are enrolled in a distance education program at such agency and who are not residing within the geographic boundaries of such agency)''; and

(2) in paragraph (5)(A), by striking ''1984'' and all that follows through ''situated'' and inserting ''1984, or under lease of off-base property under subchapter IV of chapter 169 of title 10, United States Code, to be children described under paragraph (1)(B) if the property described is within the fenced security perimeter of the military facility or attached to and under any type of force protection agreement with the military installation upon which such housing is situated''.

(b) BASIC SUPPORT PAYMENTS FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—Section 8003(b) (20 U.S.C. 7703(b)) is amended—

(1) by striking ''section 8014(b)'' each place it appears and inserting ''section 3(d)(2)'';

(2) in paragraph (1), by repealing subparagraph (E);

(3) in paragraph (2)—

(A) in subparagraph (A), by inserting at the end the following:

''(iii) The Secretary shall—

''(I) deem each local educational agency that received a basic support payment under this paragraph for fiscal year 2009 as eligible to receive a basic support payment under this paragraph for each of fiscal years 2012, 2013, and 2014; and

''(II) make a payment to each such local educational agency under this paragraph for each of fiscal years 2012, 2013, and 2014.''; and

(B) in subparagraph (B)—

(i) by striking ''CONTINUING'' in the heading;

(ii) by amending clause (i) to read as follows:

''(i) IN GENERAL.—A heavily impacted local educational agency is eligible to receive a basic support payment under subparagraph (A) with respect to a number of children determined under subsection (a)(1) if the agency—

''(I) is a local educational agency—

''(aa) whose boundaries are the same as a Federal military installation or an island property designated by the Secretary of the Interior to be property that is held in trust by the Federal Government; and

''(bb) that has no taxing authority;

''(II) is a local educational agency that—

''(aa) has an enrollment of children described in subsection (a)(1) that constitutes a percentage of the total student enrollment of the agency that is not less than 45 percent;

''(bb) has a per-pupil expenditure that is less than—

''(AA) for an agency that has a total student enrollment of 500 or more students, 125 percent of the average per-pupil expenditure of the State in which the agency is located; or

''(BB) for any agency that has a total student enrollment less than 500, 150 percent of the average per-pupil expenditure of the State in which the agency is located or the average per-pupil expenditure of 3 or more comparable local educational agencies in the State in which the agency is located; and

''(cc) is an agency that—

''(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 2013 and is located in a State that by State law has eliminated ad valorem tax as a revenue for local educational agencies;

''(III) 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 20 percent;

''(bb) for the 3 fiscal years preceding the fiscal year for which the determination is made, the average enrollment of children who are not described in subsection (a)(1) and who are eligible for a free or reduced price lunch under the Richard B. Russell National School Lunch Act constitutes a percentage of the total student enrollment of the agency that is not less than 65 percent; and

''(cc) 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;

''(IV) is a local educational agency that has a total student enrollment of not less than 25,000 students, of which—

''(aa) not less than 50 percent are children described in subsection (a)(1); and

''(bb) not less than 5,500 of such children are children described in subparagraphs (A) and (B) of subsection (a)(1); or

''(V) is a local educational agency that—

''(aa) has an enrollment of children described in subsection (a)(1) including, for purposes of determining eligibility, those children described in subparagraphs (F) and (G) of such subsection, that is not less than 35 percent of the total student enrollment of the agency; and

''(bb) was eligible to receive assistance under subparagraph (A) for fiscal year 2001.''; and

(iii) in clause (ii)—

(I) by striking ''A heavily'' and inserting the following:

''(I) IN GENERAL.—Subject to subclause (II), a heavily''; and

(II) by adding at the end the following:

''(II) LOSS OF ELIGIBILITY DUE TO FALLING BELOW 95 PERCENT OF THE AVERAGE TAX RATE FOR GENERAL FUND PURPOSES.—In a case of a heavily impacted local educational agency that is eligible to receive a basic support payment under subparagraph (A), but that has had, for 2 consecutive fiscal years, a tax rate for general fund purposes that falls below 95 percent of the average tax rate for general fund purposes of comparable local educational agencies in the State, such agency shall be determined to be ineligible under clause (i) and ineligible to receive a basic support payment under subparagraph (A) for each fiscal year succeeding such 2 consecutive fiscal years for which the agency has such a tax rate for general fund purposes, and until the fiscal year for which the agency resumes such eligibility in accordance with clause (iii).'';

(C) by striking subparagraph (C);

(D) by redesignating subparagraphs (D) through (H) as subparagraphs (C) through (G), respectively;

(E) in subparagraph (C) (as so redesignated)—

(i) in the heading, by striking ''REGULAR'';

(ii) by striking ''Except as provided in subparagraph (E)'' and inserting ''Except as provided in subparagraph (D)'';

(iii) by amending subclause (I) of clause (ii) to read as follows: ''(I)(aa) 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), and that has an enrollment of children described in subparagraphs (A), (B), or (C) of such subsection equal to at least 10 percent of the agency's total enrollment, the Secretary shall calculate the weighted student units of those children described in subparagraph (D) or (E) of such subsection by multiplying the number of such children by a factor of 0.55.

''(bb) Notwithstanding subitem (aa), a local educational agency that received a payment under this paragraph for fiscal year 2013 shall not be required to have an enrollment of children described in subparagraphs (A), (B), or (C) of subsection (a)(1) equal to at least 10 percent of the agency's total enrollment.''; and

(iv) by amending subclause (III) of clause (ii) by striking ''(B)(i)(II)(aa)'' and inserting ''subparagraph (B)(i)(I)'';

(F) in subparagraph (D)(i)(II) (as so redesignated), by striking ''6,000'' and inserting ''5,500'';

(G) in subparagraph (E) (as so redesignated)—

(i) by striking ''Secretary'' and all that follows through ''shall use'' and inserting ''Secretary shall use'';

(ii) by striking ''; and'' and inserting a period; and

(iii) by striking clause (ii);

(H) in subparagraph (F) (as so redesignated), by striking ''subparagraph (C)(i)(II)(bb)'' and inserting ''subparagraph (B)(i)(II)(bb)(BB)'';

(I) in subparagraph (G) (as so redesignated)—

(i) in clause (i)—

(I) by striking ''subparagraph (B), (C), (D), or (E)'' and inserting ''subparagraph (B), (C), or (D)'';

(II) by striking ''by reason of'' and inserting ''due to'';

(III) by inserting after ''clause (iii)'' the following '', or as the direct result of base realignment and closure or modularization as determined by the Secretary of Defense and force structure change or force relocation''; and

(IV) by inserting before the period, the following: ''or during such time as activities associated with base closure and realignment, modularization, force structure change, or force relocation are ongoing''; and

(ii) in clause (ii), by striking ''(D) or (E)'' each place it appears and inserting ''(C) or (D)'';

(4) in paragraph (3)—

(A) in subparagraph (B)—

(i) by amending clause (iii) to read as follows:

''(iii) In the case of a local educational agency providing a free public education to students enrolled in kindergarten through grade 12, but which enrolls students described in subparagraphs (A), (B), and (D) of subsection (a)(1) only in grades 9 through 12, and which received a final payment in fiscal year 2009 calculated under this paragraph (as this paragraph was in effect on the day before the date of enactment of the Student Success Act) for students in grades 9 through 12, the Secretary shall, in calculating the agency's payment, consider only that portion of such agency's total enrollment of students in grades 9 through 12 when calculating the percentage under clause (i)(I) and only that portion of the total current expenditures attributed to the operation of grades 9 through 12 in such agency when calculating the percentage under clause (i)(II).''; and

(ii) by adding at the end the following:

''(v) In the case of a local educational agency that is providing a program of distance education to children not residing within the geographic boundaries of the agency, the Secretary shall—

''(I) for purposes of the calculation under clause (i)(I), disregard such children from the total number of children in average daily attendance at the schools served by such agency; and

''(II) for purposes of the calculation under clause (i)(II), disregard any funds received for such children from the total current expenditures for such agency.'';

(B) in subparagraph (C), by striking ''subparagraph (D) or (E) of paragraph (2), as the case may be'' and inserting ''paragraph (2)(D)''; and

(C) by amending subparagraph (D) to read as follows:

''(D) RATABLE DISTRIBUTION.—For any fiscal year described in subparagraph (A) for which the sums available exceed the amount required to pay each local educational agency 100 percent of its threshold payment, the Secretary

shall distribute the excess sums to each eligible local educational agency that has not received its full amount computed under paragraph (1) or (2) (as the case may be) by multiplying—

''(i) a percentage, the denominator of which is the difference between the full amount computed under paragraph (1) or (2) (as the case may be) for all local educational agencies and the amount of the threshold payment (as calculated under subparagraphs (B) and (C)) of all local educational agencies, and the numerator of which is the aggregate of the excess sums, by

''(ii) the difference between the full amount computed under paragraph (1) or (2) (as the case may be) for the agency and the amount of the threshold payment as calculated under subparagraphs (B) and (C) of the agency.''; and

(D) by inserting at the end the following new subparagraphs:

''(E) INSUFFICIENT PAYMENTS.—For each fiscal year described in subparagraph (A) for which the sums appropriated under section 3(d)(2) are insufficient to pay each local educational agency all of the local educational agency's threshold payment described in subparagraph (D), the Secretary shall ratably reduce the payment to each local educational agency under this paragraph.

''(F) INCREASES.—If the sums appropriated under section 3(d)(2) are sufficient to increase the threshold payment above the 100 percent threshold payment described in subparagraph (D), 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.''; and

(5) in paragraph (4)—

(A) in subparagraph (A), by striking ''through (D)'' and inserting ''and (C)''; and

(B) in subparagraph (B), by striking ''subparagraph (D) or (E)'' and inserting ''subparagraph (C) or (D)''.

(c) PRIOR YEAR DATA.—Paragraph (2) of section 8003(c) (20 U.S.C. 7703(c)) is amended to read as follows:

''(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) and (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 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 the force structure changes or movements of units or personnel between military installations or because of actions initiated by the Secretary of the Interior or the head of another Federal agency; or

''(C) was eligible to receive a payment under this section for the previous fiscal year and has had an increase in enrollment (as determined by the Secretary)—

''(i) of not less than 10 percent of children described in subsection (a)(1) or not less than 100 of such children; and

''(ii) that is the direct result of the closure of a local educational agency that received a payment under subsection (b)(1) or (b)(2) in the previous fiscal year.''.

(d) CHILDREN WITH DISABILITIES.—Section 8003(d)(1) (20 U.S.C. 7703(d)) is amended by striking ''section 8014(c)'' and inserting ''section 3(d)(3)''.

(e) HOLD-HARMLESS.—Section 8003(e) (20 U.S.C. 7703(e)) is amended—

(1) by amending paragraph (1) to read as follows:

''(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 2014, shall not be less than 90 percent of the total amount that the local educational agency received under subsection (b)(1), (b)(2), or (b)(2)(B)(ii) for fiscal year 2013;

''(B) for fiscal year 2015, shall not be less than 85 percent of the total amount that the local educational agency received under subsection (b)(1), (b)(2), or (b)(2)(B)(ii) for fiscal year 2013; and

''(C) for fiscal year 2016, shall not be less than 80 percent of the total amount that the local educational agency received under subsection (b)(1), (b)(2), or (b)(2)(B)(ii) for fiscal year 2013.''; and

(2) by amending paragraph (2) to read as follows:

''(2) MAXIMUM AMOUNT.—The total amount provided to a local educational agency under subparagraph (A), (B), or (C) 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, for such fiscal year.''.

(f) MAINTENANCE OF EFFORT.—Section 8003 (20 U.S.C. 7703) is amended by striking subsection (g).

SEC. 404. POLICIES AND PROCEDURES RELATING TO CHILDREN RESIDING ON INDIAN LANDS.

Section 8004(e)(9) is amended by striking ''Bureau of Indian Affairs'' and inserting ''Bureau of Indian Education''.

SEC. 405. APPLICATION FOR PAYMENTS UNDER SECTIONS 8002 AND 8003.

Section 8005(b) (20 U.S.C. 7705(b)) is amended in the matter preceding paragraph (1) by striking ''and shall contain such information,''.

SEC. 406. CONSTRUCTION.

Section 8007 (20 U.S.C. 7707) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''section 8014(e)'' and inserting ''section 3(d)(4)'';

(B) in paragraph (2), by adding at the end the following:

''(C) The agency is eligible under section 4003(b)(2) or is receiving basic support payments under circumstances described in section 4003(b)(2)(B)(ii).''; and

(C) in paragraph (3), by striking ''section 8014(e)'' each place it appears and inserting ''section 3(d)(4)''; and

(2) in subsection (b)—

(A) in paragraph (1), by striking ''section 8014(e)'' and inserting ''section 3(d)(4)'';

(B) in paragraph (3)—

(i) in subparagraph (C)(i)(I), by adding at the end the following:

''(cc) At least 10 percent of the property in the agency is exempt from State and local taxation under Federal law.''; and

(ii) by adding at the end the following:

''(F) LIMITATIONS ON ELIGIBILITY REQUIREMENTS.—The Secretary shall not limit eligibility—

''(i) under subparagraph (C)(i)(I)(aa), to those local educational agencies in which the number of children determined under section 8003(a)(1)(C) for each such agency for the preceding school year constituted more than 40 percent of the total student enrollment in the schools of each such agency during the preceding school year; and

''(ii) under subparagraph (C)(i)(I)(cc), to those local educational agencies in which more than 10 percent of the property in each such agency is exempt from State and local taxation under Federal law.'';

(C) in paragraph (6)—

(i) in the matter preceding subparagraph (A), by striking ''in such manner, and accompanied by such information'' and inserting ''and in such manner''; and

(ii) by striking subparagraph (F); and

(D) by striking paragraph (7).

SEC. 407. FACILITIES.

Section 8008 (20 U.S.C. 7708) is amended in subsection (a), by striking ''section 8014(f)'' and inserting ''section 3(d)(5)''.

SEC. 408. STATE CONSIDERATION OF PAYMENTS PROVIDING STATE AID.

Section 8009(c)(1)(B) (20 U.S.C. 7709(c)(1)(B)) is amended by striking ''and contain the information''.

SEC. 409. FEDERAL ADMINISTRATION.

Section 8010(d)(2) (20 U.S.C. 7710(d)(2)) is amended, by striking ''section 8014'' and inserting ''section 3(d)''.

SEC. 410. ADMINISTRATIVE HEARINGS AND JUDICIAL REVIEW.

Section 8011(a) (20 U.S.C. 7711(a)) is amended by striking ''or under the Act'' and all the follows through ''1994)''.

SEC. 411. DEFINITIONS.

Section 8013 (20 U.S.C. 7713) is amended—

(1) in paragraph (1), by striking ''and Marine Corps'' and inserting ''Marine Corps, and Coast Guard'';

(2) in paragraph (4), by striking ''and title VI'';

(3) in paragraph (5)(A)(iii)—

(A) in subclause (II), by striking ''Stewart B. McKinney Homeless Assistance Act'' and inserting ''McKinney-Vento Homeless Assistance Act (42 U.S.C. 11411)''; and

(B) in subclause (III), by inserting before the semicolon, ''(25 U.S.C. 4101 et seq.)'';

(4) in paragraph (8)(A), by striking ''and verified by'' and inserting '', and verified by,''; and

(5) in paragraph (9)(B), by inserting a comma before ''on a case-by-case basis''.

SEC. 412. AUTHORIZATION OF APPROPRIATIONS.

Section 8014 (20 U.S.C. 7801) is repealed.

SEC. 413. CONFORMING AMENDMENTS.

(a) IMPACT AID IMPROVEMENT ACT OF 2012.—Subsection (c) of the Impact Aid Improvement Act of 2012 (20 U.S.C. 6301 note; Public Law 112–239; 126 Stat 1748) is amended—

(1) by striking paragraphs (1) and (4); and

(2) by redesignating paragraphs (2) and (3), as paragraphs (1) and (2), respectively.

(b) REPEAL.—Title IV (20 U.S.C. 7101 et seq.), as amended by section 501(b)(2) of this Act, is repealed.

(c) TRANSFER AND REDESIGNATION.—Title VIII (20 U.S.C. 7701 et seq.), as amended by this title, is redesignated as title IV (20 U.S.C. 7101 et seq.), and transferred and inserted after title III (as amended by this Act).

(d) TITLE VIII REFERENCES.—The Act (20 U.S.C. 6301 et seq.) is amended—

(1) by redesignating sections 8001 through 8005 as sections 4001 through 4005, respectively;

(2) by redesignating sections 8007 through 8013 as sections 4007 through 4013, respectively;

(3) by striking ''section 8002'' each place it appears and inserting ''section 4002'';

(4) by striking ''section 8002(b)'' each place it appears and inserting ''section 4002(b)'';

(5) by striking ''section 8003'' each place it appears and inserting ''section 4003'', respectively;

(6) by striking ''section 8003(a)'' each place it appears and inserting ''section 4003(a)'';

(7) by striking ''section 8003(a)(1)'' each place it appears and inserting ''section 4003(a)(1)'';

(8) by striking ''section 8003(a)(1)(C)'' each place it appears and inserting ''section 4003(a)(1)(C)'';

(9) by striking ''section 8002(a)(2)'' each place it appears and inserting ''section 4002(a)(2)'';

(10) by striking ''section 8003(b)'' each place it appears and inserting ''section 4003(b)'';

(11) by striking ''section 8003(b)(1)'' each place it appears and inserting ''section 4003(b)(1)'';

(12) in section 4002(b)(1)(C) (as so redesignated), by striking ''section 8003(b)(1)(C)'' and inserting ''section 4003(b)(1)(C)'';

(13) in section 4002(k)(1) (as so redesignated), by striking ''section 8013(5)(C)(iii)'' and inserting ''section 4013(5)(C)(iii)'';

(14) in section 4005 (as so redesignated)—

*(A) in the section heading, by striking ''**8002 AND 8003**'' and inserting ''**4002 AND 4003**'';*

(B) by striking ''or 8003'' each place it appears and inserting ''or 4003'';

(C) in subsection (b)(2), by striking ''section 8004'' and inserting ''section 4004''; and

(D) in subsection (d)(2), by striking ''section 8003(e)'' and inserting ''section 4003(e)'';

(15) in section 4007(a)(3)(A)(i)(II) (as so redesignated), by striking ''section 8008(a)'' and inserting ''section 4008(a)'';

(16) in section 4007(a)(4) (as so redesignated), by striking ''section 8013(3)'' and inserting ''section 4013(3)''; and

(17) in section 4009 (as so redesignated)—

(A) in subsection (b)(1)—

(i) by striking ''or 8003(b)'' and inserting ''or 4003(b)'';

(ii) by striking ''section 8003(a)(2)(B)'' and inserting ''section 4003(a)(2)(B)''; and

(iii) by striking ''section 8003(b)(2)'' each place it appears and inserting ''section 4003(b)(2)'';

(B) by striking ''section 8011(a)'' each place it appears and inserting ''section 4011(a)''; and

(18) in section 4010(c)(2)(D) (as so redesignated) by striking ''section 8009(b)'' and inserting ''section 4009(b)''.

TITLE V—GENERAL PROVISIONS FOR THE ACT

SEC. 501. GENERAL PROVISIONS FOR THE ACT.

(a) AMENDING TITLE V.—Title V (20 U.S.C. 7201 et seq.) is amended to read as follows:

''TITLE V—GENERAL PROVISIONS

''PART A—DEFINITIONS

''SEC. 5101. 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) 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;

''(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; and

''(M) may serve prekindergarten or post secondary students.

''(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 5305.

''(8) CONSOLIDATED LOCAL PLAN.—The term 'consolidated local plan' means a plan submitted by a local educational agency pursuant to section 5305.

''(9) CONSOLIDATED STATE APPLICATION.—The term 'consolidated State application' means an application submitted by a State educational agency pursuant to section 5302.

''(10) CONSOLIDATED STATE PLAN.—The term 'consolidated State plan' means a plan submitted by a State educational agency pursuant to section 5302.

''(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) title II; and

''(C) title III.

''(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.

''(15) DEPARTMENT.—The term 'Department' means the Department of Education.

''(16) DIRECT STUDENT SERVICES.—The term 'direct student services' means public school choice or high-quality academic tutoring that are designed to help increase academic achievement for students.

''(17) DISTANCE EDUCATION.—The term 'distance education' means the use of one or more technologies to deliver instruction to students who are separated from the instructor and to support regular and substantive interaction between the students and the instructor synchronously or nonsynchronously.

''(18) 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.

''(19) 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.

''(20) ENGLISH LEARNER.—The term 'English learner', 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 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 academic standards described in section 1111;

''(ii) the ability to successfully achieve in classrooms where the language of instruction is English; or

''(iii) the opportunity to participate fully in society.

''(21) EXTENDED-YEAR ADJUSTED COHORT GRADUATION RATE.—

''(A) IN GENERAL.—The term 'extended-year adjusted cohort graduation rate' means the ratio where—

''(i) the denominator consists of the number of students who form the original cohort of entering first-time 9th grade students enrolled in the high school no later than the effective date for student membership data submitted annually by State educational agencies to the National Center for Education Statistics under section 153 of the Education Sciences Reform Act, adjusted by—

''(I) adding the students who joined that cohort, after the time of the determination of the original cohort; and

''(II) subtracting only those students who left that cohort, after the time of the determination of the original cohort, as described in subparagraph (B); and

''(ii) the numerator consists of the number of students in the cohort, as adjusted under clause (i), who earned a regular high school diploma before, during, or at the conclusion of—

''(I) one or more additional years beyond the fourth year of high school; or

''(II) a summer session immediately following the additional year of high school.

''(B) COHORT REMOVAL.—To remove a student from a cohort, a school or local educational agency shall require documentation to confirm that the student has transferred out, emigrated to another country, transferred to a prison or juvenile facility, or is deceased.

''(C) TRANSFERRED OUT.—

''(i) IN GENERAL.—For purposes of this paragraph, the term 'transferred out' means a student who the high school or local educational agency has confirmed, according to clause (ii), has transferred—

''(I) to another school from which the student is expected to receive a regular high school diploma; or

''(II) to another educational program from which the student is expected to receive a regular high school diploma.

''(ii) CONFIRMATION REQUIREMENTS.—

''(I) DOCUMENTATION REQUIRED.—The confirmation of a student's transfer to another school or educational program described in clause (i) requires documentation from the receiving school or program that the student enrolled in the receiving school or program.

''(II) LACK OF CONFIRMATION.—A student who was enrolled, but for whom there is no confirmation of the student having transferred out, shall remain in the denominator of the extended-year adjusted cohort.

''(iii) PROGRAMS NOT PROVIDING CREDIT.—A student who is retained in grade or who is enrolled in a GED or other alternative educational program that does not issue or provide credit toward the issuance of a regular high school diploma shall not be considered transferred out and shall remain in the extended-year adjusted cohort.

''(D) SPECIAL RULE.—For those high schools that start after grade 9, the original cohort shall be calculated for the earliest high school grade students attend no later than the effective date for student membership data submitted annually by State educational agencies to the National Center for Education Statistics pursuant to section 153 of the Education Sciences Reform Act.

''(22) 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.

''(23) FOUR-YEAR ADJUSTED COHORT GRADUATION RATE.—

''(A) IN GENERAL.—The term 'four-year adjusted cohort graduation rate' means the ratio where—

''(i) the denominator consists of the number of students who form the original cohort of entering first-time 9th grade students enrolled in the high school no later than the effective date for student membership data submitted annually by State educational agencies to the National Center for Education Statistics pursuant to section 153 of the Education Sciences Reform Act, adjusted by—

''(I) adding the students who joined that cohort, after the time of the determination of the original cohort; and

''(II) subtracting only those students who left that cohort, after the time of the determination of the original cohort, as described in subparagraph (B); and

''(ii) the numerator consists of the number of students in the cohort, as adjusted under clause (i), who earned a regular high school diploma before, during, or at the conclusion of—

''(I) the fourth year of high school; or

''(II) a summer session immediately following the fourth year of high school.

''(B) COHORT REMOVAL.—To remove a student from a cohort, a school or local educational agency shall require documentation to confirm that the student has transferred out, emigrated to another country, transferred to a prison or juvenile facility, or is deceased.

''(C) TRANSFERRED OUT.—

''(i) IN GENERAL.—For purposes of this paragraph, the term 'transferred out' means a student who the high school or local educational agency has confirmed, according to clause (ii), has transferred—

''(I) to another school from which the student is expected to receive a regular high school diploma; or

''(II) to another educational program from which the student is expected to receive a regular high school diploma.

''(ii) CONFIRMATION REQUIREMENTS.—

''(I) DOCUMENTATION REQUIRED.—The confirmation of a student's transfer to another school or educational program described in clause (i) requires documentation from the receiving school or program that the student enrolled in the receiving school or program.

''(II) LACK OF CONFIRMATION.—A student who was enrolled, but for whom there is no confirmation of the student having transferred out, shall remain in the adjusted cohort.

''(iii) PROGRAMS NOT PROVIDING CREDIT.—A student who is retained in grade or who is enrolled in a GED or other alternative educational program that does not issue or provide credit toward the issuance of a regular high school diploma shall not be considered transferred out and shall remain in the adjusted cohort.

''(D) SPECIAL RULE.—For those high schools that start after grade 9, the original cohort shall be calculated for the earliest high school grade students attend no later than the effective date for student membership data submitted annually by State educational agencies to the National Center for Education Statistics pursuant to section 153 of the Education Sciences Reform Act.

''(24) 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.

''(25) 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.

''(26) HIGH-QUALITY ACADEMIC TUTORING.—The term 'high-quality academic tutoring' means supplemental academic services that—

''(A) are in addition to instruction provided during the school day;

''(B) are provided by a non-governmental entity or local educational agency that—

''(i) is included on a State educational agency approved provider list after demonstrating to the State educational agency that its program consistently improves the academic achievement of students; and

''(ii) agrees to provide parents of children receiving high-quality academic tutoring, the appropriate local educational agency, and school with information on participating students increases in academic achievement, in a format, and to the extent practicable, a language that such parent can understand, and in a manner that protects the privacy of individuals consistent with section 444 of the General Education Provisions Act (20 U.S.C. 1232g);

''(C) are selected by the parents of students who are identified by the local educational agency as being eligible for such services from among providers on the approved provider list described in subparagraph (B)(i);

''(D) meet all applicable Federal, State, and local health, safety, and civil rights laws; and

''(E) ensure that all instruction and content are secular, neutral, and non-ideological.

''(27) 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.

''(28) 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.

''(29) 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 Education.

''(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.

''(30) 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.

''(31) OTHER STAFF.—The term 'other staff' means specialized instructional support personnel, librarians, career guidance and counseling personnel, education aides, and other instructional and administrative personnel.

''(32) 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 99–658; 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).

''(33) PARENT.—The term 'parent' includes a legal guardian or other person standing in loco parentis (such as a grandparent, stepparent, or foster parent with whom the child lives, or a person who is legally responsible for the child's welfare).

''(34) 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 in 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; and

''(D) the carrying out of other activities, such as those described in section 1118.

''(35) 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.

''(36) PROFESSIONAL DEVELOPMENT.—The term 'professional development'—

''(A) includes evidence-based, job-embedded, continuous activities that—

''(i) improve and increase teachers' knowledge of the academic subjects the teachers teach, and enable teachers to become effective educators;

''(ii) are an integral part of broad schoolwide and districtwide educational improvement plans;

''(iii) give teachers, school leaders, other staff, and administrators the knowledge and skills to provide students with the opportunity to meet State academic standards;

''(iv) improve classroom management skills;

''(v)(I) 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 effective teachers, including teachers who became certified or licensed through State and local alternative routes to certification;

''(vii) advance teacher understanding of effective instructional strategies that are strategies for improving student academic achievement or substantially increasing the knowledge and teaching skills of teachers, including through addressing the social and emotional development needs of students;

''(viii) are aligned with and directly related to—

''(I) State academic standards and assessments; and

''(II) the curricula and programs tied to the standards described in subclause (I);

''(ix) are developed with extensive participation of teachers, school leaders, parents, and administrators of schools to be served under this Act;

''(x) are designed to give teachers of English learners and other teachers and instructional staff, the knowledge and skills to provide instruction and appropriate language and academic support services to those children, including the appropriate use of curricula and assessments;

''(xi) to the extent appropriate, provide training for teachers, other staff, and school leaders in the use of technology so that technology and technology applications are effectively used to improve teaching and learning in the curricula and core academic subjects in which the students receive instruction;

''(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 the 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, school leaders, specialized instructional support personnel, other staff, and school administrators may work more effectively with parents; and

''(B) may include evidence-based, job-embedded, continuous 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 new 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 subpart 1 of 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 individuals 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.

''(37) REGULAR HIGH SCHOOL DIPLOMA.—

''(A) IN GENERAL.—The term 'regular high school diploma' means the standard high school diploma awarded to the preponderance of students in the State that is fully aligned with State standards, or a higher diploma. Such term shall not include a GED or other recognized equivalent of a diploma, a certificate of attendance, or any lesser diploma award.

''(B) EXCEPTION FOR STUDENTS WITH SIGNIFICANT COGNITIVE DISABILITIES.—For a student who is assessed using an alternate assessment aligned to alternate academic standards under section 1111(b)(1)(D), receipt of a regular high school diploma as defined under subparagraph (A) or a State-defined alternate diploma obtained within the time period for which the State ensures the availability of a free appropriate public education and in accordance with section 612(a)(1) of the Individuals with Disabilities Education Act shall be counted as graduating with a regular high school diploma for the purposes of this Act.

''(38) SCHOOL LEADER.—The term 'school leader' means a principal, assistant principal, or other individual who is—

''(A) an employee or officer of a school, local educational agency, or other entity operating the school; and

''(B) responsible for—

''(i) the daily instructional leadership and managerial operations of the school; and

''(ii) creating the optimum conditions for student learning.

''(39) 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.

''(40) SECRETARY.—The term 'Secretary' means the Secretary of Education.

''(41) 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, 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.

''(42) 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.

''(43) STATE EDUCATIONAL AGENCY.—The term 'State educational agency' means the agency primarily responsible for the State supervision of public elementary schools and secondary schools.

''(44) TECHNOLOGY.—The term 'technology' means modern information, computer and communication technology products, services, or tools, including, but not limited to, the Internet and other communications networks, computer devices and other computer and communications hardware, software applications, data systems, and other electronic content and data storage.

"SEC. 5102. APPLICABILITY OF TITLE.

''Parts B, C, D, and E of this title do not apply to title IV of this Act.

"SEC. 5103. APPLICABILITY TO BUREAU OF INDIAN EDUCATION OPERATED SCHOOLS.

''For the purpose of any competitive program under this Act—

''(1) a consortium of schools operated by the Bureau of Indian Education;

''(2) a school operated under a contract or grant with the Bureau of Indian Education in consortium with another contract or grant school or a tribal or community organization; or

''(3) a Bureau of Indian Education school in consortium with an institution of higher education, a contract or grant school, or a tribal or community organization,

shall be given the same consideration as a local educational agency.

"PART B—FLEXIBILITY IN THE USE OF ADMINISTRATIVE AND OTHER FUNDS

"SEC. 5201. CONSOLIDATION OF STATE ADMINISTRATIVE FUNDS FOR ELEMENTARY AND SECONDARY EDUCATION PROGRAMS.

''(a) CONSOLIDATION OF ADMINISTRATIVE FUNDS.—

''(1) IN GENERAL.—A State educational agency may consolidate the amounts specifically made available to it for State administration under one or more of the programs under paragraph (2).

''(2) APPLICABILITY.—This section applies to any program under this Act under which funds are authorized to be used for administration, and such other programs as the Secretary may designate.

''(b) USE OF FUNDS.—

''(1) IN GENERAL.—A State educational agency shall use the amount available under this section for the administration of the programs included in the consolidation under subsection (a).

''(2) ADDITIONAL USES.—A State educational agency may also use funds available under this section for administrative activities designed to enhance the effective and coordinated use of funds under programs included in the consolidation under subsection (a), such as—

''(A) the coordination of those programs with other Federal and non-Federal programs;

''(B) the establishment and operation of peer-review mechanisms under this Act;

''(C) the administration of this title;

''(D) the dissemination of information regarding model programs and practices;

''(E) technical assistance under any program under this Act;

''(F) State-level activities designed to carry out this title;

''(G) training personnel engaged in audit and other monitoring activities; and

''(H) implementation of the Cooperative Audit Resolution and Oversight Initiative of the Department.

''(c) RECORDS.—A State educational agency that consolidates administrative funds under this section shall not be required to keep separate records, by individual program, to account for costs relating to the administration of programs included in the consolidation under subsection (a).

''(d) REVIEW.—To determine the effectiveness of State administration under this section, the Secretary may periodically review the performance of State educational agencies in using consolidated administrative funds under this section and take such steps as the Secretary finds appropriate to ensure the effectiveness of that administration.

''(e) UNUSED ADMINISTRATIVE FUNDS.—If a State educational agency does not use all of the funds available to the agency under this section for administration, the agency may use those funds during the applicable period of availability as funds available under one or more programs included in the consolidation under subsection (a).

''(f) CONSOLIDATION OF FUNDS FOR STANDARDS AND ASSESSMENT DEVELOPMENT.—In order to develop State academic standards and assessments, a State educational agency may consolidate the amounts described in subsection (a) for those purposes under title I.

"SEC. 5202. SINGLE LOCAL EDUCATIONAL AGENCY STATES.

''A State educational agency that also serves as a local educational agency shall, in its applications or plans under this Act, describe how the agency will eliminate duplication in conducting administrative functions.

"SEC. 5203. CONSOLIDATED SET-ASIDE FOR DEPARTMENT OF THE INTERIOR FUNDS.

''(a) GENERAL AUTHORITY.—

''(1) TRANSFER.—The Secretary shall transfer to the Department of the Interior, as a consolidated amount for covered programs, the Indian education programs under subpart 6 of part A of title I, and the education for homeless children and youth program under subtitle B of title VII of the McKinney-Vento Homeless Assistance Act, the amounts allotted to the Department of the Interior under those programs.

''(2) AGREEMENT.—

''(A) IN GENERAL.—The Secretary and the Secretary of the Interior shall enter into an agreement, consistent with the requirements of the programs specified in paragraph (1), for the distribution and use of those program funds under terms that the Secretary determines best meet the purposes of those programs.

''(B) CONTENTS.—The agreement shall—

''(i) set forth the plans of the Secretary of the Interior for the use of the amount transferred and the achievement measures to assess program effectiveness; and

''(ii) be developed in consultation with Indian tribes.

''(b) ADMINISTRATION.—The Department of the Interior may use not more than 1.5 percent of the funds consolidated under this section for its costs related to the administration of the funds transferred under this section.

"PART C—COORDINATION OF PROGRAMS; CONSOLIDATED STATE AND LOCAL PLANS AND APPLICATIONS

"SEC. 5301. PURPOSES.

''The purposes of this part are—

''(1) to improve teaching and learning by encouraging greater cross-program coordination, planning, and service delivery;

''(2) to provide greater flexibility to State and local authorities through consolidated plans, applications, and reporting; and

''(3) to enhance the integration of programs under this Act with State and local programs.

"SEC. 5302. OPTIONAL CONSOLIDATED STATE PLANS OR APPLICATIONS.

''(a) GENERAL AUTHORITY.—

''(1) SIMPLIFICATION.—In order to simplify application requirements and reduce the burden for State educational agencies under this Act, the Secretary, in accordance with subsection (b), shall establish procedures and criteria under which, after consultation with the Governor, a State educational agency may submit a consolidated State plan or a consolidated State application meeting the requirements of this section for—

''(A) each of the covered programs in which the State participates; and

''(B) such other programs as the Secretary may designate.

''(2) CONSOLIDATED APPLICATIONS AND PLANS.—After consultation with the Governor, a State educational agency that submits a consolidated State plan or a consolidated State application under this section shall not be required to submit separate State plans or applications under any of the programs to which the consolidated State plan or consolidated State application under this section applies.

''(b) COLLABORATION.—

''(1) IN GENERAL.—In establishing criteria and procedures under this section, the Secretary shall collaborate with State educational agencies and, as appropriate, with other State agencies, local educational agencies, public and private agencies, organizations, and institutions, private schools, and parents, students, and teachers.

''(2) CONTENTS.—Through the collaborative process described in paragraph (1), the Secretary shall establish, for each program under this Act to which this section applies, the descriptions, information, assurances, and other material required to be included in a consolidated State plan or consolidated State application.

''(3) NECESSARY MATERIALS.—The Secretary shall require only descriptions, information, assurances (including assurances of compliance with applicable provisions regarding participation by private school children and teachers), and other materials that are absolutely necessary for the consideration of the consolidated State plan or consolidated State application.

"SEC. 5303. CONSOLIDATED REPORTING.

''(a) IN GENERAL.—In order to simplify reporting requirements and reduce reporting burdens, the Secretary shall establish procedures and criteria under which a State educational agency, in consultation with the Governor of the State, may submit a consolidated State annual report.

''(b) CONTENTS.—The report shall contain information about the programs included in the report, including the performance of the State under those programs, and other matters as the Secretary determines are necessary, such as monitoring activities.

''(c) REPLACEMENT.—The report shall replace separate individual annual reports for the programs included in the consolidated State annual report.

"SEC. 5304. GENERAL APPLICABILITY OF STATE EDUCATIONAL AGENCY ASSURANCES.

''(a) ASSURANCES.—A State educational agency, in consultation with the Governor of the State, that submits a consolidated State plan or consolidated State application under this Act, whether separately or under section 5302, shall have on file with the Secretary a single set of assurances, applicable to each program for which the plan or application is submitted, that provides that—

''(1) each such program will be administered in accordance with all applicable statutes, regulations, program plans, and applications;

''(2)(A) the control of funds provided under each such program and title to property acquired with program funds will be in a public agency, an eligible private agency, institution, or organization, or an Indian tribe, if the law authorizing the program provides for assistance to those entities; and

''(B) the public agency, eligible private agency, institution, or organization, or Indian tribe will administer those funds and property to the extent required by the authorizing law;

''(3) the State will adopt and use proper methods of administering each such program, including—

''(A) the enforcement of any obligations imposed by law on agencies, institutions, organizations, and other recipients responsible for carrying out each program;

''(B) the correction of deficiencies in program operations that are identified through audits, monitoring, or evaluation; and

''(C) the adoption of written procedures for the receipt and resolution of complaints alleging violations of law in the administration of the programs;

''(4) the State will cooperate in carrying out any evaluation of each such program conducted by or for the Secretary or other Federal officials;

''(5) the State will use such fiscal control and fund accounting procedures that will ensure proper disbursement of, and accounting for, Federal funds paid to the State under each such program;

''(6) the State will—

''(A) make reports to the Secretary as may be necessary to enable the Secretary to perform the Secretary's duties under each such program; and

''(B) maintain such records, provide such information to the Secretary, and afford such access to the records as the Secretary may find necessary to carry out the Secretary's duties; and

''(7) before the plan or application was submitted to the Secretary, the State afforded a reasonable opportunity for public comment on the plan or application and considered such comment.

''(b) GEPA PROVISION.—Section 441 of the General Education Provisions Act shall not apply to programs under this Act.

"SEC. 5305. CONSOLIDATED LOCAL PLANS OR APPLICATIONS.

''(a) GENERAL AUTHORITY.—

''(1) CONSOLIDATED PLAN.—A local educational agency receiving funds under more than one covered program may submit plans or applications to the State educational agency under those programs on a consolidated basis.

''(2) AVAILABILITY TO GOVERNOR.—The State educational agency shall make any consolidated local plans and applications available to the Governor.

''(b) REQUIRED CONSOLIDATED PLANS OR APPLICATIONS.—A State educational agency that

has an approved consolidated State plan or application under section 5302 may require local educational agencies in the State receiving funds under more than one program included in the consolidated State plan or consolidated State application to submit consolidated local plans or applications under those programs, but may not require those agencies to submit separate plans.

''(c) COLLABORATION.—A State educational agency, in consultation with the Governor, shall collaborate with local educational agencies in the State in establishing procedures for the submission of the consolidated State plans or consolidated State applications under this section.

''(d) NECESSARY MATERIALS.—The State educational agency shall require only descriptions, information, assurances, and other material that are absolutely necessary for the consideration of the local educational agency plan or application.

"SEC. 5306. OTHER GENERAL ASSURANCES.

''(a) ASSURANCES.—Any applicant, other than a State educational agency that submits a plan or application under this Act, shall have on file with the State educational agency a single set of assurances, applicable to each program for which a plan or application is submitted, that provides that—

''(1) each such program will be administered in accordance with all applicable statutes, regulations, program plans, and applications;

''(2)(A) the control of funds provided under each such program and title to property acquired with program funds will be in a public agency or in an eligible private agency, institution, organization, or Indian tribe, if the law authorizing the program provides for assistance to those entities; and

''(B) the public agency, eligible private agency, institution, or organization, or Indian tribe will administer the funds and property to the extent required by the authorizing statutes;

''(3) the applicant will adopt and use proper methods of administering each such program, including—

''(A) the enforcement of any obligations imposed by law on agencies, institutions, organizations, and other recipients responsible for carrying out each program; and

''(B) the correction of deficiencies in program operations that are identified through audits, monitoring, or evaluation;

''(4) the applicant will cooperate in carrying out any evaluation of each such program conducted by or for the State educational agency, the Secretary, or other Federal officials;

''(5) the applicant will use such fiscal control and fund accounting procedures as will ensure proper disbursement of, and accounting for, Federal funds paid to the applicant under each such program;

''(6) the applicant will—

''(A) submit such reports to the State educational agency (which shall make the reports available to the Governor) and the Secretary as the State educational agency and Secretary may require to enable the State educational agency and the Secretary to perform their duties under each such program; and

''(B) maintain such records, provide such information, and afford such access to the records as the State educational agency (after consultation with the Governor) or the Secretary may reasonably require to carry out the State educational agency's or the Secretary's duties; and

''(7) before the application was submitted, the applicant afforded a reasonable opportunity for public comment on the application and considered such comment.

''(b) GEPA PROVISION.—Section 442 of the General Education Provisions Act shall not apply to programs under this Act.

"PART D—WAIVERS

"SEC. 5401. WAIVERS OF STATUTORY AND REGULATORY REQUIREMENTS.

''(a) IN GENERAL.—

''(1) REQUEST FOR WAIVER.—A State educational agency, local educational agency, or Indian tribe that receives funds under a program authorized under this Act may submit a request to the Secretary to waive any statutory or regulatory requirement of this Act.

''(2) RECEIPT OF WAIVER.—Except as provided in subsection (c) and subject to the limits in subsection (b)(5)(A), the Secretary shall waive any statutory or regulatory requirement of this Act for a State educational agency, local educational agency, Indian tribe, or school (through a local educational agency), that submits a waiver request pursuant to this subsection.

''(b) PLAN.—

''(1) IN GENERAL.—A State educational agency, local educational agency, or Indian tribe that desires a waiver under this section shall submit a waiver request to the Secretary, which shall include a plan that—

''(A) identifies the Federal programs affected by the requested waiver;

''(B) describes which Federal statutory or regulatory requirements are to be waived;

''(C) reasonably demonstrates that the waiver will improve instruction for students and advance student academic achievement;

''(D) describes the methods the State educational agency, local educational agency, or Indian tribe will use to monitor the effectiveness of the implementation of the plan; and

''(E) describes how schools will continue to provide assistance to the same populations served by programs for which the waiver is requested.

''(2) ADDITIONAL INFORMATION.—A waiver request under this section—

''(A) may provide for waivers of requirements applicable to State educational agencies, local educational agencies, Indian tribes, and schools; and

''(B) shall be developed and submitted—

''(i)(I) by local educational agencies (on behalf of those agencies and schools) to State educational agencies; and

''(II) by State educational agencies (on their own behalf, or on behalf of, and based on the requests of, local educational agencies in the State) to the Secretary; or

''(ii) by Indian tribes (on behalf of schools operated by the tribes) to the Secretary.

''(3) GENERAL REQUIREMENTS.—

''(A) STATE EDUCATIONAL AGENCIES.—In the case of a waiver request submitted by a State educational agency acting on its own behalf, or on behalf of local educational agencies in the State, the State educational agency shall—

''(i) provide the public and local educational agencies in the State with notice and a reasonable opportunity to comment and provide input on the request;

''(ii) submit the comments and input to the Secretary, with a description of how the State addressed the comments and input; and

''(iii) provide notice and a reasonable time to comment to the public and local educational agencies in the manner in which the applying agency customarily provides similar notice and opportunity to comment to the public.

''(B) LOCAL EDUCATIONAL AGENCIES.—In the case of a waiver request submitted by a local educational agency that receives funds under this Act—

''(i) the request shall be reviewed by the State educational agency and be accompanied by the comments, if any, of the State educational agency and the public; and

''(ii) notice and a reasonable opportunity to comment regarding the waiver request shall be provided to the State educational agency and the public by the agency requesting the waiver in the manner in which that agency customarily provides similar notice and opportunity to comment to the public.

''(4) PEER REVIEW.—

''(A) ESTABLISHMENT.—The Secretary shall establish a multi-disciplinary peer review team, which shall meet the requirements of section 5543, to review waiver requests under this section.

''(B) APPLICABILITY.—The Secretary may approve a waiver request under this section without conducting a peer review of the request, but shall use the peer review process under this paragraph before disapproving such a request.

''(C) STANDARD AND NATURE OF REVIEW.—Peer reviewers shall conduct a good faith review of waiver requests submitted to them under this section. Peer reviewers shall review such waiver requests—

''(i) in their totality;

''(ii) in deference to State and local judgment; and

''(iii) with the goal of promoting State- and local-led innovation.

''(5) WAIVER DETERMINATION, DEMONSTRATION, AND REVISION.—

''(A) IN GENERAL.—The Secretary shall approve a waiver request not more than 60 days after the date on which such request is submitted, unless the Secretary determines and demonstrates that—

''(i) the waiver request does not meet the requirements of this section;

''(ii) the waiver is not permitted under subsection (c);

''(iii) the plan that is required under paragraph (1)(C), and reviewed with deference to State and local judgment, provides no reasonable evidence to determine that a waiver will enhance student academic achievement; or

''(iv) the waiver request does not provide for adequate evaluation to ensure review and continuous improvement of the plan.

''(B) WAIVER DETERMINATION AND REVISION.—If the Secretary determines and demonstrates that the waiver request does not meet the requirements of this section, the Secretary shall—

''(i) immediately—

''(I) notify the State educational agency, local educational agency, or Indian tribe of such determination; and

''(II) at the request of the State educational agency, local educational agency, or Indian tribe, provide detailed reasons for such determination in writing;

''(ii) offer the State educational agency, local educational agency, or Indian tribe an opportunity to revise and resubmit the waiver request not more than 60 days after the date of such determination; and

''(iii) if the Secretary determines that the resubmission does not meet the requirements of this section, at the request of the State educational agency, local educational agency, or Indian tribe, conduct a public hearing not more than 30 days after the date of such resubmission.

''(C) WAIVER DISAPPROVAL.—The Secretary may disapprove a waiver request if—

''(i) the State educational agency, local educational agency, or Indian tribe has been notified and offered an opportunity to revise and resubmit the waiver request, as described under clauses (i) and (ii) of subparagraph (B); and

''(ii) the State educational agency, local educational agency, or Indian tribe—

''(I) does not revise and resubmit the waiver request; or

''(II) revises and resubmits the waiver request, and the Secretary determines that such waiver request does not meet the requirements of this section after a hearing conducted under subparagraph (B)(iii), if requested.

''(D) EXTERNAL CONDITIONS.—The Secretary shall not, directly or indirectly, require or impose new or additional requirements in exchange for receipt of a waiver if such requirements are not specified in this Act.

''(c) RESTRICTIONS.—The Secretary shall not waive under this section any statutory or regulatory requirements relating to—

''(1) the allocation or distribution of funds to States, local educational agencies, Indian tribes, or other recipients of funds under this Act;

''(2) comparability of services;

''(3) use of Federal funds to supplement, not supplant, non-Federal funds;

''(4) equitable participation of private school students and teachers;

''(5) parental participation and involvement;

''(6) applicable civil rights requirements;

''(7) the prohibitions—

''(A) in subpart 2 of part E;

''(B) regarding use of funds for religious worship or instruction in section 5505; and

''(C) regarding activities in section 5524; or

''(8) the selection of a school attendance area or school under subsections (a) and (b) of section 1113, except that the Secretary may grant a waiver to allow a school attendance area or school to participate in activities under subpart 1 of part A of title I if the percentage of children from low-income families in the school attendance area or who attend the school is not more than 10 percentage points below the lowest percentage of those children for any school attendance area or school of the local educational agency that meets the requirements of subsections (a) and (b) of section 1113.

''(d) DURATION AND EXTENSION OF WAIVER; LIMITATIONS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), a waiver approved by the Secretary under this section may be for a period not to exceed 3 years.

''(2) EXTENSION.—The Secretary may extend the period described in paragraph (1) if the State demonstrates that—

''(A) the waiver has been effective in enabling the State or affected recipient to carry out the activities for which the waiver was requested and the waiver has contributed to improved student achievement; and

''(B) the extension is in the public interest.

''(3) SPECIFIC LIMITATIONS.—The Secretary shall not require a State educational agency, local educational agency, or Indian tribe, as a condition of approval of a waiver request, to—

''(A) include in, or delete from, such request, specific academic standards, such as the Common Core State Standards developed under the Common Core State Standards Initiative or any other standards common to a significant number of States;

''(B) use specific academic assessment instruments or items, including assessments aligned to the standards described in subparagraph (A); or

''(C) include in, or delete from, such waiver request any criterion that specifies, defines, describes, or prescribes the standards or measures that a State or local educational agency or Indian tribe uses to establish, implement, or improve—

''(i) State academic standards;

''(ii) academic assessments;

''(iii) State accountability systems; or

''(iv) teacher and school leader evaluation systems.

''(e) REPORTS.—

''(1) WAIVER REPORTS.—A State educational agency, local educational agency, or Indian tribe that receives a waiver under this section shall, at the end of the second year for which a waiver is received under this section and each subsequent year, submit a report to the Secretary that—

''(A) describes the uses of the waiver by the agency or by schools;

''(B) describes how schools continued to provide assistance to the same populations served by the programs for which waivers were granted; and

''(C) evaluates the progress of the agency and schools, or Indian tribe, in improving the quality of instruction or the academic achievement of students.

''(2) REPORT TO CONGRESS.—The Secretary shall annually 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 a report—

''(A) summarizing the uses of waivers by State educational agencies, local educational agencies, Indian tribes, and schools; and

''(B) describing the status of the waivers in improving academic achievement.

''(f) TERMINATION OF WAIVERS.—The Secretary shall terminate a waiver under this section if the Secretary determines, after notice and an opportunity for a hearing, that the performance of the State or other recipient affected by the waiver has been inadequate to justify a continuation of the waiver and the recipient of the waiver has failed to make revisions needed to carry out the purpose of the waiver, or if the waiver is no longer necessary to achieve its original purpose.

''(g) PUBLICATION.—A notice of the Secretary's decision to grant each waiver under subsection (a) shall be published in the Federal Register and the Secretary shall provide for the dissemination of the notice to State educational agencies, interested parties, including educators, parents, students, advocacy and civil rights organizations, and the public.

''PART E—UNIFORM PROVISIONS

''Subpart 1—Private Schools

''SEC. 5501. PARTICIPATION BY PRIVATE SCHOOL CHILDREN AND TEACHERS.

''(a) PRIVATE SCHOOL PARTICIPATION.—

''(1) IN GENERAL.—Except as otherwise provided in this Act, to the extent consistent with the number of eligible children in areas served by a State educational agency, local educational agency, educational service agency, consortium of those agencies, or another entity receiving financial assistance under a program specified in subsection (b), who are enrolled in private elementary schools and secondary schools in areas served by such agency, consortium, or entity, the agency, consortium, or entity shall, after timely and meaningful consultation with appropriate private school officials or their representatives, provide to those children and their teachers or other educational personnel, on an equitable basis, special educational services or other benefits that address their needs under the program.

''(2) SECULAR, NEUTRAL, AND NONIDEOLOGICAL SERVICES OR BENEFITS.—Educational services or other benefits, including materials and equipment, provided under this section, shall be secular, neutral, and nonideological.

''(3) SPECIAL RULE.—Educational services and other benefits provided under this section for private school children, teachers, and other educational personnel shall be equitable in comparison to services and other benefits for public school children, teachers, and other educational personnel participating in the program and shall be provided in a timely manner.

''(4) EXPENDITURES.—

''(A) IN GENERAL.—Expenditures for educational services and other benefits to eligible private school children, teachers, and other service personnel shall be equal to the expenditures for participating public school children, taking into account the number and educational needs, of the children to be served.

''(B) OBLIGATION OF FUNDS.—Funds allocated to a local educational agency for educational services and other benefits to eligible private school children shall—

''(i) be obligated in the fiscal year for which the funds are received by the agency; and

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

''(C) NOTICE OF ALLOCATION.—Each State educational agency shall—

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

''(ii) provide notice, simultaneously, to each such local educational agency and the appropriate private school officials or their representatives in the State of such allocation of funds.

''(5) PROVISION OF SERVICES.—An agency, consortium, or entity described in subsection (a)(1) of this section may provide those services directly or through contracts with public and private agencies, organizations, and institutions.

''(b) APPLICABILITY.—

''(1) IN GENERAL.—This section applies to programs under—

''(A) subpart 2 of part A of title I;

''(B) subpart 4 of part A of title I;

''(C) part A of title II;

''(D) part B of title II; and

''(E) part B of title III.

''(2) DEFINITION.—For the purpose of this section, the term 'eligible children' means children eligible for services under a program described in paragraph (1).

''(c) CONSULTATION.—

''(1) IN GENERAL.—To ensure timely and meaningful consultation, a State educational agency, local educational agency, educational service agency, consortium of those agencies, or entity shall consult, in order to reach an agreement, with appropriate private school officials or their representatives during the design and development of the programs under this Act, on issues such as—

''(A) how the children's needs will be identified;

''(B) what services will be offered;

''(C) how, where, and by whom the services will be provided;

''(D) how the services will be assessed and how the results of the assessment will be used to improve those services;

''(E) the size and scope of the equitable services to be provided to the eligible private school children, teachers, and other educational personnel and the amount of funds available for those services;

''(F) how and when the agency, consortium, or entity will make decisions about the delivery of services, including a thorough consideration and analysis of the views of the private school officials or their representatives on the provision of services through potential third-party providers or contractors; and

''(G) how, if the agency disagrees with the views of the private school officials or their representatives on the provision of services through a contract, the local educational agency will provide in writing to such private school officials or their representatives an analysis of the reasons why the local educational agency has chosen not to use a contractor.

''(2) DISAGREEMENT.—If the agency, consortium, or entity disagrees with the views of the private school officials or their representatives with respect to an issue described in paragraph (1), the agency, consortium, or entity shall provide to the private school officials or their representatives a written explanation of the reasons why the local educational agency has chosen not to adopt the course of action requested by such officials or their representatives.

''(3) TIMING.—The consultation required by paragraph (1) shall occur before the agency, consortium, or entity makes any decision that affects the opportunities of eligible private school children, teachers, and other educational personnel to participate in programs under this Act, and shall continue throughout the implementation and assessment of activities under this section.

''(4) DISCUSSION REQUIRED.—The consultation required by paragraph (1) shall include a discussion of service delivery mechanisms that the agency, consortium, or entity could use to provide equitable services to eligible private school children, teachers, administrators, and other staff.

''(5) DOCUMENTATION.—Each local educational agency shall maintain in the agency's records and provide to the State educational agency involved a written affirmation signed by officials or their representatives of each participating private school that the meaningful consultation required by this section has occurred.

The written affirmation shall provide the option for private school officials or their representatives to indicate that timely and meaningful consultation has not occurred or that the program design is not equitable with respect to eligible private school children. If such officials or their representatives do not provide such affirmation within a reasonable period of time, the local educational agency shall forward the documentation that such consultation has, or attempts at such consultation have, taken place to the State educational agency.

''(6) COMPLIANCE.—

''(A) IN GENERAL.—If the consultation required under this section is with a local educational agency or educational service agency, a private school official or representative shall have the right to file a complaint with the State educational agency that the consultation required under this section was not meaningful and timely, did not give due consideration to the views of the private school official or representative, or did not treat the private school or its students equitably as required by this section.

''(B) PROCEDURE.—If the private school official or representative wishes to file a complaint, the private school official or representative shall provide the basis of the noncompliance with this section and all parties shall provide the appropriate documentation to the appropriate officials or representatives.

''(C) SERVICES.—A State educational agency shall provide services under this section directly or through contracts with public and private agencies, organizations, and institutions, if—

''(i) the appropriate private school officials or their representatives have—

''(I) requested that the State educational agency provide such services directly; and

''(II) demonstrated that the local educational agency or Education Service Agency involved has not met the requirements of this section; or

''(ii) in a case in which—

''(I) a local educational agency has more than 10,000 children from low-income families who attend private elementary schools or secondary schools in such agency's school attendance areas, as defined in section 1113(a)(2)(A), that are not being served by the agency's program under this section; or

''(II) 90 percent of the eligible private school students in a school attendance area, as defined in section 1113(a)(2)(A), are not being served by the agency's program under this section.

''(d) PUBLIC CONTROL OF FUNDS.—

''(1) IN GENERAL.—The control of funds used to provide services under this section, and title to materials, equipment, and property purchased with those funds, shall be in a public agency for the uses and purposes provided in this Act, and a public agency shall administer the funds and property.

''(2) PROVISION OF SERVICES.—

''(A) IN GENERAL.—The provision of services under this section shall be provided—

''(i) by employees of a public agency; or

''(ii) through contract by the public agency with an individual, association, agency, organization, or other entity.

''(B) INDEPENDENCE; PUBLIC AGENCY.—In the provision of those services, the employee, person, association, agency, organization, or other entity shall be independent of the private school and of any religious organization, and the employment or contract shall be under the control and supervision of the public agency.

''(C) COMMINGLING OF FUNDS PROHIBITED.—Funds used to provide services under this section shall not be commingled with non-Federal funds.

"SEC. 5502. STANDARDS FOR BY-PASS.

''(a) IN GENERAL.—If, by reason of any provision of law, a State educational agency, local educational agency, educational service agency, consortium of those agencies, or other entity is prohibited from providing for the participation in programs of children enrolled in, or teachers or other educational personnel from, private elementary schools and secondary schools, on an equitable basis, or if the Secretary determines that the agency, consortium, or entity has substantially failed or is unwilling to provide for that participation, as required by section 5501, the Secretary shall—

''(1) waive the requirements of that section for the agency, consortium, or entity; and

''(2) arrange for the provision of equitable services to those children, teachers, or other educational personnel through arrangements that shall be subject to the requirements of this section and of sections 5501, 5503, and 5504.

''(b) DETERMINATION.—In making the determination under subsection (a), the Secretary shall consider one or more factors, including the quality, size, scope, and location of the program, and the opportunity of private school children, teachers, and other educational personnel to participate in the program.

"SEC. 5503. COMPLAINT PROCESS FOR PARTICIPATION OF PRIVATE SCHOOL CHILDREN.

''(a) PROCEDURES FOR COMPLAINTS.—The Secretary shall develop and implement written procedures for receiving, investigating, and resolving complaints from parents, teachers, or other individuals and organizations concerning violations of section 5501 by a State educational agency, local educational agency, educational service agency, consortium of those agencies, or entity. The individual or organization shall submit the complaint to the State educational agency for a written resolution by the State educational agency within 45 days.

''(b) APPEALS TO SECRETARY.—The resolution may be appealed by an interested party to the Secretary not later than 30 days after the State educational agency resolves the complaint or fails to resolve the complaint within the 45-day time limit. The appeal shall be accompanied by a copy of the State educational agency's resolution, and, if there is one, a complete statement of the reasons supporting the appeal. The Secretary shall investigate and resolve the appeal not later than 90 days after receipt of the appeal.

"Subpart 2—Prohibitions

"SEC. 5521. PROHIBITION AGAINST FEDERAL MANDATES, DIRECTION, OR CONTROL.

''(a) IN GENERAL.—No officer or employee of the Federal Government shall, directly or indirectly, through grants, contracts, or other cooperative agreements, mandate, direct, or control a State, local educational agency, or school's specific instructional content, academic standards and assessments, curricula, or program of instruction, (including any requirement, direction, or mandate to adopt the Common Core State Standards developed under the Common Core State Standards Initiative or any other academic standards common to a significant number of States), nor shall anything in this Act be construed to authorize such officer or employee to do so.

''(b) FINANCIAL SUPPORT.—No officer or employee of the Federal Government shall, directly or indirectly, through grants, contracts, or other cooperative agreements, make financial support available in a manner that is conditioned upon a State, local educational agency, or school's adoption of specific instructional content, academic standards and assessments, curriculum, or program of instruction, (including any requirement, direction, or mandate to adopt the Common Core State Standards developed under the Common Core State Standards Initiative, any other academic standards common to a significant number of States, or any assessment, instructional content, or curriculum aligned to such standards), even if such requirements are specified in an Act other than this Act, nor shall anything in this Act be construed to authorize such officer or employee to do so.

"SEC. 5522. PROHIBITIONS ON FEDERAL GOVERNMENT AND USE OF FEDERAL FUNDS.

''(a) GENERAL PROHIBITION.—Nothing in this Act shall be construed to authorize an officer or employee of the Federal Government directly or indirectly, whether through a grant, contract, or cooperative agreement, to mandate, direct, or control a State, local educational agency, or school's curriculum, program of instruction, or allocation of State or local resources, or mandate a State or any subdivision thereof to spend any funds or incur any costs not paid for under this Act.

''(b) PROHIBITION ON ENDORSEMENT OF CURRICULUM.—Notwithstanding any other prohibition of Federal law, no funds provided to the Department under this Act may be used by the Department directly or indirectly—whether through a grant, contract, or cooperative agreement—to endorse, approve, develop, require, or sanction any curriculum, including any curriculum aligned to the Common Core State Standards developed under the Common Core State Standards Initiative or any other academic standards common to a significant number of States, designed to be used in an elementary school or secondary school.

''(c) LOCAL CONTROL.—Nothing in this Act shall be construed to—

''(1) authorize an officer or employee of the Federal Government directly or indirectly – whether through a grant, contract, or cooperative agreement – to mandate, direct, review, or control a State, local educational agency, or school's instructional content, curriculum, and related activities;

''(2) limit the application of the General Education Provisions Act;

''(3) require the distribution of scientifically or medically false or inaccurate materials or to prohibit the distribution of scientifically or medically true or accurate materials; or

''(4) create any legally enforceable right.

''(d) PROHIBITION ON REQUIRING FEDERAL APPROVAL OR CERTIFICATION OF STANDARDS.—Notwithstanding any other provision of Federal law, no State shall be required to have academic standards approved or certified by the Federal Government, in order to receive assistance under this Act.

''(e) RULE OF CONSTRUCTION ON BUILDING STANDARDS.—Nothing in this Act shall be construed to mandate national school building standards for a State, local educational agency, or school.

"SEC. 5523. PROHIBITION ON FEDERALLY SPONSORED TESTING.

''(a) GENERAL PROHIBITION.—Notwithstanding any other provision of Federal law and except as provided in subsection (b), no funds provided under this Act to the Secretary or to the recipient of any award may be used to develop, pilot test, field test, implement, administer, or distribute any federally sponsored national test or testing materials in reading, mathematics, or any other subject, unless specifically and explicitly authorized by law.

''(b) EXCEPTIONS.—Subsection (a) shall not apply to international comparative assessments developed under the authority of section 153(a)(5) of the Education Sciences Reform Act of 2002 and administered to only a representative sample of pupils in the United States and in foreign nations.

"SEC. 5524. LIMITATIONS ON NATIONAL TESTING OR CERTIFICATION FOR TEACHERS.

''(a) MANDATORY NATIONAL TESTING OR CERTIFICATION OF TEACHERS.—Notwithstanding any other provision of this Act or any other provision of law, no funds available to the Department or otherwise available under this Act may be used for any purpose relating to a mandatory nationwide test or certification of teachers or education paraprofessionals, including any planning, development, implementation, or administration of such test or certification.

''(b) PROHIBITION ON WITHHOLDING FUNDS.—The Secretary is prohibited from withholding

funds from any State educational agency or local educational agency if the State educational agency or local educational agency fails to adopt a specific method of teacher or paraprofessional certification.

"SEC. 5525. PROHIBITED USES OF FUNDS.

''No funds under this Act may be used—

''(1) for construction, renovation, or repair of any school facility, except as authorized under title IV or otherwise authorized under this Act;

''(2) for medical services, drug treatment or rehabilitation, except for specialized instructional support services or referral to treatment for students who are victims of, or witnesses to, crime or who illegally use drugs;

''(3) for transportation unless otherwise authorized under this Act;

''(4) to develop or distribute materials, or operate programs or courses of instruction directed at youth, that are designed to promote or encourage sexual activity, whether homosexual or heterosexual;

''(5) to distribute or to aid in the distribution by any organization of legally obscene materials to minors on school grounds;

''(6) to provide sex education or HIV-prevention education in schools unless that instruction is age appropriate and includes the health benefits of abstinence; or

''(7) to operate a program of contraceptive distribution in schools.

"SEC. 5529. PROHIBITION REGARDING STATE AID.

''A State shall not take into consideration payments under this Act (other than under title IV) in determining the eligibility of any local educational agency in that State for State aid, or the amount of State aid, with respect to free public education of children.

"Subpart 3—Other Provisions

"SEC. 5541. ARMED FORCES RECRUITER ACCESS TO STUDENTS AND STUDENT RECRUITING INFORMATION.

''(a) POLICY.—

''(1) ACCESS TO STUDENT RECRUITING INFORMATION.—Notwithstanding section 444(a)(5)(B) of the General Education Provisions Act, each local educational agency receiving assistance under this Act shall provide, upon a request made by a military recruiter or an institution of higher education, access to the name, address, and telephone listing of each secondary school student served by the local educational agency, unless the parent of such student has submitted the prior consent request under paragraph (2).

''(2) CONSENT.—

''(A) OPT-OUT PROCESS.—A parent of a secondary school student may submit a written request, to the local educational agency, that the student's name, address, and telephone listing not be released for purposes of paragraph (1) without prior written consent of the parent. Upon receiving such request, the local educational agency may not release the student's name, address, and telephone listing for such purposes without the prior written consent of the parent.

''(B) NOTIFICATION OF OPT-OUT PROCESS.—Each local educational agency shall notify the parents of the students served by the agency of the option to make a request described in subparagraph (A).

''(3) SAME ACCESS TO STUDENTS.—Each local educational agency receiving assistance under this Act shall provide military recruiters the same access to secondary school students as is provided generally to institutions of higher education or to prospective employers of those students.

''(4) RULE OF CONSTRUCTION PROHIBITING OPT-IN PROCESSES.—Nothing in this subsection shall be construed to allow a local educational agency to withhold access to a student's name, address, and telephone listing from a military recruiter or institution of higher education by implementing an opt-in process or any other process other than the written consent request process under paragraph (2)(A).

''(5) PARENTAL CONSENT.—For purposes of this subsection, whenever a student has attained 18 years of age, the permission or consent required of and the rights accorded to the parents of the student shall only be required of and accorded to the student.

''(b) NOTIFICATION.—The Secretary, in consultation with the Secretary of Defense, shall, not later than 120 days after the date of enactment of the Student Success Act, notify school leaders, school administrators, and other educators about the requirements of this section.

''(c) EXCEPTION.—The requirements of this section do not apply to a private secondary school that maintains a religious objection to service in the Armed Forces if the objection is verifiable through the corporate or other organizational documents or materials of that school.

"SEC. 5542. RULEMAKING.

''The Secretary shall issue regulations under this Act as prescribed under section 1401 only to the extent that such regulations are necessary to ensure that there is compliance with the specific requirements and assurances required by this Act.

"SEC. 5543. PEER REVIEW.

''(a) IN GENERAL.—If the Secretary uses a peer review panel to evaluate an application for any program required under this Act, the Secretary shall conduct the panel in accordance with this section.

''(b) MAKEUP.—The Secretary shall—

''(1) solicit nominations for peers to serve on the panel from States that are—

''(A) practitioners in the subject matter; or

''(B) experts in the subject matter; and

''(2) select the peers from such nominees, except that there shall be at least 75 percent practitioners on each panel and in each group formed from the panel.

''(c) GUIDANCE.—The Secretary shall issue the peer review guidance concurrently with the notice of the grant.

''(d) REPORTING.—The Secretary shall—

''(1) make the names of the peer reviewers available to the public before the final deadline for the application of the grant;

''(2) make the peer review notes publically available once the review has concluded; and

''(3) make any deviations from the peer reviewers' recommendations available to the public with an explanation of the deviation.

''(e) APPLICANT REVIEWS.—An applicant shall have an opportunity within 30 days to review the peer review notes and appeal the score to the Secretary prior to the Secretary making any final determination.

''(f) PROHIBITION.—The Secretary, and the Secretary's staff, may not attempt to participate in, or influence, the peer review process. No Federal employee may participate in, or attempt to influence the peer review process, except to respond to questions of a technical nature, which shall be publicly reported.

"SEC. 5544. 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 funded under part B of title III. 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 Act, other than classroom instruction.

"SEC. 5548. SEVERABILITY.

''If any provision of this Act is held invalid, the remainder of this Act shall be unaffected thereby.

"SEC. 5551. DEPARTMENT STAFF.

''The Secretary shall—

''(1) not later than 60 days after the date of the enactment of the Student Success Act, identify the number of Department employees who worked on or administered each education program and project authorized under this Act, as such program or project was in effect on the day before such enactment date, and publish such information on the Department's website;

''(2) not later than 60 days after such enactment date, identify the number of full-time equivalent employees who work on or administer programs or projects authorized under this Act, as in effect on the day before such enactment date, that have been eliminated or consolidated since such date;

''(3) not later than 1 year after such enactment date, reduce the workforce of the Department by the number of full-time equivalent employees the Department calculated under paragraph (2); and

''(4) not later than 1 year after such enactment date, report to the Congress on—

''(A) the number of employees associated with each program or project authorized under this Act administered by the Department;

''(B) the number of full-time equivalent employees who were determined to be associated with eliminated or consolidated programs or projects under paragraph (2); and

''(C) how the Secretary reduced the number of employees at the Department under paragraph (3).

"PART F—EVALUATIONS

"SEC. 5601. EVALUATIONS.

''(a) RESERVATION OF FUNDS.—Except as provided in subsections (c) and (d), the Secretary may reserve not more than 0.5 percent of the amount appropriated to carry out each categorical program authorized under this Act. The reserved amounts shall be used by the Secretary, acting through the Director of the Institute of Education Sciences—

''(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) REQUIRED PLAN.—The Secretary, acting through the Director of the Institute of Education Sciences, may use the reserved amount under subsection (a) only after completion of a comprehensive, multi-year plan—

''(1) for the periodic evaluation of each of the major categorical programs authorized under this Act, and as resources permit, the smaller categorical programs authorized under this Act;

''(2) that shall be developed and implemented with the involvement of other officials at the Department, as appropriate; and

''(3) that shall not be finalized until—

''(A) the publication of a notice in the Federal Register seeking public comment on such plan and after review by the Secretary of such comments; and

''(B) the plan is submitted for comment 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 and after review by the Secretary of such comments.

''(c) TITLE I EXCLUDED.—The Secretary may not reserve under subsection (a) funds appropriated to carry out any program authorized under title I.

''(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.''.

(b) TECHNICAL AMENDMENTS.—

(1) TITLE IX.—

(A) SUBPART 1 OF PART E OF TITLE V.—

(i) TRANSFER AND REDESIGNATION.—Sections 9504 through 9506 (20 U.S.C. 7884; 7885; 7886) are—

(I) transferred to title V, as amended by subsection (a) of this section;

(II) inserted after section 5503 of such title; and

(III) redesignated as sections 5504 through 5506, respectively.

(ii) AMENDMENTS.—Section 5504 (as so redesignated) is amended—

(I) in subsection (a)(1)(A), by striking ''section 9502'' and inserting ''section 5502'';

(II) in subsection (b), by striking ''section 9501'' and inserting ''section 5501''; and

(III) in subsection (d), by striking ''No Child Left Behind Act of 2001'' and inserting ''Student Success Act''.

(B) SUBPART 2 OF PART E OF TITLE V.—

(i) TRANSFER AND REDESIGNATION.—Sections 9531, 9533, and 9534 (20 U.S.C. 7911; 7913; 7914) are—

(I) transferred to title V, as amended by subparagraph (A) of this paragraph;

(II) inserted after section 5525 of such title; and

(III) redesignated as sections 5526 through 5528, respectively.

(ii) AMENDMENTS.—Section 5528 (as so redesignated) is amended—

(I) by striking ''(a) IN GENERAL.—Nothing'' and inserting ''Nothing''; and

(II) by striking subsection (b).

(C) SUBPART 3 OF PART E OF TITLE V.—Sections 9523, 9524, and 9525 (20 U.S.C. 7903; 7904; 7905) are—

(i) transferred to title V, as amended by subparagraph (B) of this paragraph;

(ii) inserted after section 5544 of such title; and

(iii) redesignated as sections 5545 through 5547, respectively.

(2) TITLE IV.—Sections 4141 and 4155 (20 U.S.C. 7151; 7161) are—

(A) transferred to title V, as amended by paragraph (1) of this subsection;

(B) inserted after section 5548 (as so redesignated by paragraph (1)(C)(iii) of this subsection); and

(C) redesignated as sections 5549 and 5550, respectively.

SEC. 502. REPEAL.

Title IX (20 U.S.C. 7801 et seq.), as amended by section 501(b)(1) of this title, is repealed.

SEC. 503. OTHER LAWS.

Beginning on the date of the enactment of this Act, any reference in law to the term ''highly qualified'' as defined in section 9101 of the Elementary and Secondary Education Act of 1965 shall be treated as a reference to such term under section 9101 of the Elementary and Secondary Education Act of 1965 as in effect on the day before the date of the enactment of this Act.

SEC. 504. AMENDMENT TO IDEA.

Section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401) is amended by striking paragraph (10).

TITLE VI—REPEAL

SEC. 601. REPEAL OF TITLE VI.

The Act is amended by striking title VI (20 U.S.C. 7301 et seq.)

TITLE VII—HOMELESS EDUCATION

SEC. 701. STATEMENT OF POLICY.

Section 721 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431) is amended—

(1) by amending paragraph (2) to read as follows:

''(2) In any State where compulsory residency requirements or other requirements, laws, regulations, practices, or policies may act as a barrier to the identification, enrollment, attendance, or success in school of homeless children and youths, the State and local educational agencies will review and undertake steps to revise such laws, regulations, practices, or policies to ensure that homeless children and youths are afforded the same free, appropriate public education as is provided to other children and youths.'';

(2) in paragraph (3), by striking ''alone''; and

(3) in paragraph (4), by striking ''challenging State student academic achievement'' and inserting ''State academic''.

SEC. 702. GRANTS FOR STATE AND LOCAL ACTIVITIES FOR THE EDUCATION OF HOMELESS CHILDREN AND YOUTHS.

Section 722 of such Act (42 U.S.C. 11432) is amended—

(1) in subsection (a), by striking ''(g).'' and inserting ''(h).'';

(2) by striking subsection (b);

(3) in subsection (c)—

(A) in paragraph (1)(A)—

(i) in clause (i), by adding ''or'' at the end;

(ii) in clause (ii), by striking ''; or'' at the end and inserting a period; and

(iii) by striking clause (iii); and

(B) by striking paragraph (3);

(4) in subsection (d)—

(A) in the matter preceding paragraph (1), by striking ''Grants'' and inserting ''Grant funds from a grant made to a State'';

(B) by amending paragraph (2) to read as follows:

''(2) To provide services and activities to improve the identification of 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.'';

(C) in paragraph (3), by inserting before the period at the end the following: ''that can sufficiently carry out the duties described in this subtitle'';

(D) by amending paragraph (5) to read as follows:

''(5) To develop and implement professional development programs for liaisons designated under subsection (g)(1)(J)(ii) and other local educational agency personnel—

''(A) to improve their identification of homeless children and youths; and

''(B) to heighten their awareness of, and capacity to respond to, specific needs in the education of homeless children and youths.''.

(5) in subsection (e)—

(A) in paragraph (1)—

(i) by striking ''sums'' and inserting ''grant funds''; and

(ii) by inserting ''a State under subsection (a) to'' after ''each year to'';

(B) in paragraph (2), by striking ''funds made available for State use under this subtitle'' and inserting ''the grant funds remaining after the State educational agency distributes subgrants under paragraph (1)''; and

(C) in paragraph (3)—

(i) in subparagraph (C)(iv)(II), by striking ''sections 1111 and 1116'' and inserting ''section 1111'';

(ii) in subparagraph (F)—

(I) in clause (i)—

(aa) in the matter preceding subclause (I), by striking ''a report'' and inserting ''an annual report'';

(bb) by striking ''and'' at the end of subclause (II);

(cc) by striking the period at the end of subclause (III) and inserting ''; and''; and

(dd) by adding at the end the following:

''(IV) the progress the separate schools are making in helping all students meet the State academic standards.''; and

(II) in clause (iii), by striking ''Not later than 2 years after the date of enactment of the McKinney-Vento Homeless Education Assistance Improvements Act of 2001, the'' and inserting ''The'';

(6) by amending subsection (f) to read as follows:

''(f) FUNCTIONS OF THE OFFICE OF COORDINATOR.—The Coordinator for Education of Homeless Children and Youths established in each State shall—

''(1) gather and make publically available reliable, valid, and comprehensive information on—

''(A) the number of homeless children and youths identified in the State, posted annually on the State educational agency's website;

''(B) the nature and extent of the problems homeless children and youths have in gaining access to public preschool programs and to public elementary schools and secondary schools;

''(C) the difficulties in identifying the special needs and barriers to the participation and achievement of such children and youths;

''(D) any progress made by the State educational agency and local educational agencies in the State in addressing such problems and difficulties; and

''(E) the success of the programs under this subtitle in identifying homeless children and youths and allowing such children and youths to enroll in, attend, and succeed in, school;

''(2) develop and carry out the State plan described in subsection (g);

''(3) collect data for and transmit to the Secretary, at such time and in such manner as the Secretary may require, a report containing information necessary to assess the educational needs of homeless children and youths within the State, including data necessary for the Secretary to fulfill the responsibilities under section 724(h);

''(4) in order to improve the provision of comprehensive education and related support services to homeless children and youths and their families, coordinate and collaborate with—

''(A) educators, including teachers, special education personnel, administrators, and child development and preschool program personnel;

''(B) providers of services to homeless children and youths and their families, including services of public and private child welfare and social services agencies, law enforcement agencies, juvenile and family courts, agencies providing mental health services, domestic violence agencies, child care providers, runaway and homeless youth centers, and providers of services and programs funded under the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.);

''(C) providers of emergency, transitional, and permanent housing to homeless children and youths, and their families, including public housing agencies, shelter operators, operators of transitional housing facilities, and providers of transitional living programs for homeless youths;

''(D) local educational agency liaisons designated under subsection (g)(1)(J)(ii) for homeless children and youths; and

''(E) community organizations and groups representing homeless children and youths and their families;

''(5) provide technical assistance to local educational agencies, in coordination with local educational agency liaisons designated under subsection (g)(1)(J)(ii), to ensure that local educational agencies comply with the requirements of subsection (e)(3), paragraphs (3) through (7) of subsection (g), and subsection (h);

''(6) provide professional development opportunities for local educational agency personnel and the homeless liaison designated under subsection (g)(1)(J)(ii) to assist such personnel in meeting the needs of homeless children and youths; and

''(7) respond to inquiries from parents and guardians of homeless children and youths and unaccompanied youths to ensure that each child or youth who is the subject of such an inquiry receives the full protections and services provided by this subtitle.'';

(7) by amending subsection (g) to read as follows:

''(g) STATE PLAN.—

''(1) IN GENERAL.—In order to be eligible to receive a grant under this section, each State educational agency shall submit to the Secretary a

plan to provide for the education of homeless children and youths within the State that includes the following:

''(A) A description of how such children and youths are (or will be) given the opportunity to meet the same State academic standards that all students are expected to meet.

''(B) A description of the procedures the State educational agency will use to identify such children and youths in the State and to assess their needs.

''(C) A description of procedures for the prompt resolution of disputes regarding the educational placement of homeless children and youths.

''(D) A description of programs for school personnel (including liaisons, school leaders, attendance officers, teachers, enrollment personnel, and specialized instructional support personnel) to heighten the awareness of such personnel of the specific needs of homeless adolescents, including runaway and homeless youths.

''(E) A description of procedures that ensure that homeless children and youths who meet the relevant eligibility criteria are able to participate in Federal, State, or local nutrition programs.

''(F) A description of procedures that ensure that—

''(i) homeless children have equal access to public preschool programs, administered by the State educational agency or local educational agency, as provided to other children in the State;

''(ii) homeless youths and youths separated from public schools are identified and accorded equal access to appropriate 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 education 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 other health 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 identification, enrollment, and retention of homeless children and youths 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 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).

''(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 child or youth continues to live in the area served by the local educational agency in which the school of origin is located, the child's or youth's transportation to and from the school of origin shall be provided or arranged by the local educational agency in which the school of origin is located.

''(II) If the child's or youth's living arrangements in the area served by the local educational agency of origin terminate and the child or youth, though continuing 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 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) SCHOOL STABILITY.—In determining the best interest of the child or youth under subparagraph (A), the local educational agency shall—

''(i) presume that keeping the child or youth in the school of origin is in the child or youth's best interest, except when doing so is contrary to the wishes of the child's or youth's parent or guardian, or the unaccompanied youth;

''(ii) consider student-centered factors related to the child's or youth's best interest, including factors related to the impact of mobility on achievement, education, health, and safety of homeless children and youth, giving priority to the wishes of the homeless child's or youth's parent of guardian or the unaccompanied youth involved;

''(iii) if, after conducting the best interest determination based on consideration of the presumption in clause (i) and the student-centered factors in clause (ii), the local educational agency determines that it is not in the child's or youth's best interest to attend the school of origin or the school requested by the parent, guardian, or unaccompanied youth, provide the child's or youth's parent or guardian or the unaccompanied youth with a written explanation of the reasons for its determination, in a manner and form understandable to such parent, guardian, or unaccompanied youth, including information regarding the right to appeal under subparagraph (E); and

''(iv) in the case of an unaccompanied youth, ensure that the homeless liaison designated under paragraph (1)(J)(ii) assists in placement or enrollment decisions under this subparagraph, gives priority to the views of such unaccompanied youth, and provides notice to such youth of the right to appeal under subparagraph (E).

''(C) ENROLLMENT.—

''(i) IN GENERAL.—The school selected in accordance with this paragraph shall immediately enroll the homeless child or youth, even if the child or youth—

''(I) is unable to produce records normally required for enrollment, such as previous academic records, records of immunization and other required health records, proof of residency, or other documentation; or

''(II) has missed application or enrollment deadlines during any period of homelessness.

''(ii) RELEVANT ACADEMIC RECORDS.—The enrolling school shall immediately contact the school last attended by the child or youth to obtain relevant academic and other records.

''(iii) RELEVANT HEALTH RECORDS.—If the child or youth needs to obtain immunizations or other required health records, the enrolling school shall immediately refer the parent or guardian of the child or youth, or the unaccompanied child or 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).

''(D) RECORDS.—Any record ordinarily kept by the school, including immunization or other required health records, academic records, birth certificates, guardianship records, and evaluations for special services or programs, regarding each homeless child or youth shall be maintained—

''(i) so that the records involved are available, in a timely fashion, when a child or youth enters a new school or school district; and

''(ii) in a manner consistent with section 444 of the General Education Provisions Act (20 U.S.C. 1232g).

''(E) ENROLLMENT DISPUTES.—If a dispute arises over school selection or enrollment in a school—

''(i) the child or youth shall be immediately enrolled in the school in which enrollment is sought, pending final resolution of the dispute, including all available appeals;

''(ii) the parent, guardian, or unaccompanied youth shall be provided with a written explanation of any decisions made by the school, the local educational agency, or the State educational agency involved, including the rights of the parent, guardian, or youth to appeal such decisions;

''(iii) the parent, guardian, or unaccompanied youth shall be referred to the local educational agency liaison designated under paragraph (1)(J)(ii), who shall carry out the dispute resolution process as described in paragraph (1)(C) as expeditiously as possible after receiving notice of the dispute; and

''(iv) in the case of an unaccompanied youth, the liaison shall ensure that the youth is immediately enrolled in school in which the youth seeks enrollment pending resolution of such dispute.

''(F) PLACEMENT CHOICE.—The choice regarding placement shall be made regardless of whether the child or youth lives with the homeless parents or has been temporarily placed elsewhere.

''(G) SCHOOL OF ORIGIN DEFINED.—

''(i) IN GENERAL.—In this paragraph, the term 'school of origin' means the school that a child or youth attended when permanently housed or the school in which the child or youth was last enrolled.

''(ii) RECEIVING SCHOOL.—When the child or youth completes the final grade level served by the school of origin, as described in clause (i), the term ''school of origin'' shall include the designated receiving school at the next grade level for all feeder schools.

''(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.

''(J) ACADEMIC ACHIEVEMENT.—The school selected in accordance with this paragraph shall ensure that homeless children and youth have opportunities to meet the same State academic standards to which other students are held.

''(4) COMPARABLE SERVICES.—Each homeless child or youth to be assisted under this subtitle shall be provided services comparable to services offered to other students in the school selected under paragraph (3), including the following:

''(A) Transportation services.

''(B) Educational services for which the child or youth meets the eligibility criteria, such as services provided under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) or similar State or local programs, educational programs for children with disabilities, and educational programs for English learners.

''(C) Programs in career and technical education.

''(D) Programs for gifted and talented students.

''(E) School nutrition programs.

''(5) COORDINATION.—

''(A) IN GENERAL.—Each local educational agency serving homeless children and youths that receives assistance under this subtitle shall coordinate—

''(i) the provision of services under this subtitle with local social services agencies and other agencies or entities providing services to homeless children and youths and their families, including services and programs funded under the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.); and

''(ii) transportation, transfer of school records, and other interdistrict activities, with other local educational agencies.

''(B) HOUSING ASSISTANCE.—If applicable, each State educational agency and local educational agency that receives assistance under this subtitle shall coordinate with State and local housing agencies responsible for developing the comprehensive housing affordability strategy described in section 105 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12705) to minimize educational disruption for children and youths who become homeless.

''(C) COORDINATION PURPOSE.—The coordination required under subparagraphs (A) and (B) shall be designed to—

''(i) ensure that all homeless children and youths are promptly identified;

''(ii) ensure that homeless children and youths have access to, and are in reasonable proximity to, available education and related support services; and

''(iii) raise the awareness of school personnel and service providers of the effects of short-term stays in a shelter and other challenges associated with homelessness.

''(D) HOMELESS CHILDREN AND YOUTHS WITH DISABILITIES.—For children and 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 that local educational agency and other involved local educational agencies.

''(6) LOCAL EDUCATIONAL AGENCY LIAISON.—

''(A) DUTIES.—Each local educational agency liaison for homeless children and youths, designated under paragraph (1)(J)(ii), shall ensure that—

''(i) homeless children and youths are identified by school personnel through outreach and coordination activities with other entities and agencies;

''(ii) homeless children and youths are enrolled in, and have a full and equal opportunity to succeed in, schools of that local educational agency;

''(iii) homeless families, children, and youths have access to and receive educational services for which such families, children, and youths are eligible, including services through Head Start, Early Head Start, early intervention, and preschool programs administered by the local educational agency;

''(iv) homeless families, children, and youths receive referrals to health care services, dental services, mental health and substances abuse services, housing services, and other appropriate services;

''(v) the parents or guardians of homeless children and youths are informed of the educational and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children;

''(vi) public notice of the educational rights of homeless children and youths is disseminated in locations frequented by parents or guardians of such children and youths, and unaccompanied youths, including schools, shelters, public libraries, and soup kitchens in a manner and form understandable to the parents and guardians of homeless children and youths, and unaccompanied youths;

''(vii) enrollment disputes are mediated in accordance with paragraph (3)(E);

''(viii) the parent or guardian of a homeless child or youth, and any unaccompanied youth, is fully informed of all transportation services, including transportation to the school of origin, as described in paragraph (1)(J)(iii), and is assisted in accessing transportation to the school that is selected under paragraph (3)(A);

''(ix) school personnel providing services under this subtitle receive professional development and other support; and

''(x) unaccompanied youths—

''(I) are enrolled in school;

''(II) have opportunities to meet the same State academic standards to which other students are held, including through implementation of the policies and practices required by paragraph (1)(F)(ii); and

''(III) are informed of their status as independent students under section 480 of the Higher Education Act of 1965 (20 U.S.C. 1087vv) and receive verification of such status for purposes of the Free Application for Federal Student Aid described in section 483 of such Act (20 U.S.C. 1090).

''(B) NOTICE.—State coordinators established under subsection (d)(3) and local educational agencies shall inform school personnel, service providers, advocates working with homeless families, parents and guardians of homeless children and youths, and homeless children and youths of the duties of the local educational agency liaisons, including publishing an annually updated list of the liaisons on the State educational agency's website.

''(C) LOCAL AND STATE COORDINATION.—Local educational agency liaisons for homeless children and youths shall, as a part of their duties, coordinate and collaborate with State coordinators and community and school personnel responsible for the provision of education and related services to homeless children and youths. Such coordination shall include collecting and providing to the State Coordinator the reliable, valid, and comprehensive data needed to meet the requirements of paragraphs (1) and (3) of subsection (f).

''(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.'';

(8) in subsection (h)(1)(A), by striking ''fiscal year 2009,'' and inserting ''fiscal years 2014 through 2019,''; and

(9) in subsection (h)(4), by striking ''fiscal year 2009'' and inserting ''fiscal years 2014 through 2019''.

SEC. 703. LOCAL EDUCATIONAL AGENCY SUBGRANTS FOR THE EDUCATION OF HOMELESS CHILDREN AND YOUTHS.

Section 723 of such Act (42 U.S.C. 11433) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''facilitating the enrollment,'' and inserting ''facilitating the identification, enrollment,'';

(B) in paragraph (2)(A)—

(i) by adding ''and'' at the end of clause (i);

(ii) by striking ''; and'' and inserting a period at the end of clause (ii); and

(iii) by striking clause (iii); and

(C) by adding at the end the following:

''(4) DURATION OF GRANTS.—Subgrants awarded under this section shall be for terms of not to exceed 3 years.'';

(2) in subsection (b)—

(A) by striking paragraph (3) and redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively; and

(B) by adding at the end the following:

''(5) 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).

''(6) An assurance that the local educational agency has removed barriers to complying with the requirements of section 722(g)(1)(I).'';

(3) in subsection (c)—

(A) in paragraph (1), by striking ''726'' and inserting ''722(a)'';

(B) in paragraph (2)—

(i) in subparagraph (A), by inserting ''identification,'' before ''enrollment'';

(ii) by amending subparagraph (B) to read as follows:

''(B) The extent to which the application reflects coordination with other local and State agencies that serve homeless children and youths.''; and

(iii) in subparagraph (C), by inserting ''(as of the date of submission of the application)'' after ''current practice'';

(C) in paragraph (3)—

(i) by amending subparagraph (C) to read as follows:

''(C) The extent to which the applicant will promote meaningful involvement of parents or guardians of homeless children or youths in the education of their children.'';

(ii) in subparagraph (D), by striking ''within'' and inserting ''into'';

(iii) in subparagraph (G)—

(I) by striking ''Such'' and inserting ''The extent to which the applicant's program meets such''; and

(II) by striking ''case management or related'';

(iv) by redesignating subparagraph (G) as subparagraph (I) and inserting after subparagraph (F) the following:

''(G) The extent to which the local educational agency will use the subgrant to leverage resources, including by maximizing nonsubgrant funding for the position of the liaison described in section 722(g)(1)(J)(ii) and the provision of transportation.

''(H) How the local educational agency uses funds to serve homeless children and youths

under section 1113(c)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6313(c)(3)).''; and

(v) by adding at the end the following:

''(J) An assurance that the applicant will meet the requirements of section 722(g)(3).''; and

(D) by striking paragraph (4).

(4) in subsection (d)—

(A) in paragraph (1)—

(i) by striking ''challenging State academic content standards'' and inserting ''State academic standards''; and

(ii) by striking ''and challenging State student academic achievement standards'';

(B) in paragraph (2)—

(i) by striking ''students with limited English proficiency,'' and inserting ''English learners,'' ; and

(ii) by striking ''vocational'' and inserting ''career'';

(C) in paragraph (3), by striking ''pupil services'' and inserting ''specialized instructional support'';

(D) in paragraph (7), by striking '', and unaccompanied youths,'' and inserting '', particularly homeless children and youths who are not enrolled in school,'';

(E) in paragraph (9) by striking ''medical'' and inserting ''other required health'';

(F) in paragraph (10), by inserting before the period at the end '', and other activities designed to increase the meaningful involvement of parents or guardians of homeless children or youths in the education of their children'';

(G) in paragraph (12), by striking ''pupil'' and inserting ''specialized instructional support''; and

(H) in paragraph (13), by inserting before the period at the end ''and parental mental health or substance abuse problems''.

SEC. 704. SECRETARIAL RESPONSIBILITIES.

Section 724 of such Act (42 U.S.C. 11434) is amended—

(1) by amending subsection (c) to read as follows:

''(c) NOTICE.—

''(1) IN GENERAL.—The Secretary shall, before the next school year that begins after the date of the enactment of the Student Success Act, update and disseminate nationwide the public notice described in this subsection (as in effect prior to such date) of the educational rights of homeless children and youths.

''(2) DISSEMINATION.—The Secretary shall disseminate the notice nationally to all Federal agencies, program grantees, and grant recipients serving homeless families, children, and youths.'';

(2) in subsection (d), by striking ''and dissemination'' and inserting '', dissemination, and technical assistance'';

(3) in subsection (e)—

(A) by striking ''applications for grants under this subtitle'' and inserting ''plans for the use of grant funds under section 722'';

(B) by striking ''60-day'' and inserting ''120-day''; and

(C) by striking ''120-day'' and inserting ''180-day'';

(4) in subsection (f), by adding at the end the following: ''The Secretary shall provide support and technical assistance to State educational agencies in areas in which barriers to a free appropriate public education persist.'';

(5) by amending subsection (g) to read as follows:

''(g) GUIDELINES.—The Secretary shall develop, issue, and publish in the Federal Register, not later than 60 days after the date of the enactment of the Student Success Act, strategies by which a State—

''(1) may assist local educational agencies to implement the provisions amended by the Act; and

''(2) can review and revise State policies and procedures that may present barriers to the identification, enrollment, attendance, and success of homeless children and youths in school.'';

(6) in subsection (h)(1)(A), by inserting ''in all areas served by local educational agencies'' before the semicolon at the end; and

(7) in subsection (i), by striking ''McKinney-Vento Homeless Education Assistance Improvements Act of 2001'' and inserting ''Student Success Act''.

SEC. 705. DEFINITIONS.

Section 725 of such Act (42 U.S.C. 11434a) is amended—

(1) in paragraph (2)(B)(iv), by striking ''1309'' and inserting ''1139'' and

(2) in paragraph (3), by striking ''9101'' and inserting ''5101''

SEC. 706. AUTHORIZATION OF APPROPRIATIONS.

Section 726 of such Act (42 U.S.C. 11435) is amended to read as follows:

''SEC. 726. AUTHORIZATION OF APPROPRIATIONS.

''For the purpose of carrying out this subtitle, there are authorized to be appropriated $61,771,000 for each of fiscal years 2014 through 2019.''.

The CHAIR. No amendment to that amendment in the nature of a substitute shall be in order except those printed in House Report 113–158. Each such amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, may be withdrawn by the proponent at any time before action thereon, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. KLINE

The CHAIR. It is now in order to consider amendment No. 1 printed in House Report 113–158.

Mr. KLINE. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 25, line 5, insert '', at the State's discretion,'' after ''and''.

Page 28, line 13, strike ''and''.

Page 28, line 18, strike the period and insert '', and''.

Page 28, after line 18, insert the following:

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

Page 54, beginning on line 17, strike ''and early college high schools'' and insert '', early college high schools, and Advanced Placement or International Baccalaureate programs''.

Page 195, line 16, strike ''**AND TRIBES**'' and insert ''**, TRIBES, AND ALASKA NATIVE ORGANIZATIONS**''.

Page 195, line 19, strike ''and Indian tribes'' and insert '', Indian tribes, and Alaska Native organizations''.

Page 197, after line 8, insert the following:

''(d) ALASKA NATIVE ORGANIZATIONS.—With respect to an Alaska Native organization that desires to receive a grant under subsection (c), subsection (c) shall be applied—

''(1) by substituting 'Alaska Native organization' for 'Indian tribe'; and

''(2) by substituting 'Alaska Native children' for 'Indian children'.''.

Page 198, line 16, strike ''or Indian tribes'' and insert '', Indian tribes, or Alaska Native organizations''.

Page 224, line 25, insert ''(including an Alaska Native organization)'' after ''organization''.

Page 236, line 8, insert ''(including Alaska Native organizations)'' after ''organizations''.

Page 236, line 10, insert ''(including Alaska Native organizations)'' after ''organizations''.

Page 237, after line 8, insert the following new paragraph:

''(3) ALASKA NATIVE ORGANIZATION.—The term ''Alaska Native organization'' means a federally recognized tribe, consortium of tribes, regional nonprofit Native association, or 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.''.

Page 237, line 9, strike ''(3)'' and insert ''(4)''.

Page 237, line 17, strike ''(4)'' and insert ''(5)''.

Page 251, after line 8, insert the following new subparagraphs:

''(F) representatives of public charter school authorizers;

''(G) public charter school leaders;''.

Page 251, line 9, strike ''(F)'' and insert ''(H)''.

Page 251, line 11, strike ''(G)'' and insert ''(I)''.

Page 267, line 19, insert '', including for teachers of civic education'' after ''teachers''.

Page 268, line 21, strike ''and dual enrollment'' and insert '', dual enrollment, Advanced Placement, or International Baccalaureate''.

Page 285, line 15, strike ''and dual enrollment'' and insert '', dual enrollment, Advanced Placement, or International Baccalaureate''.

Page 317, beginning on line 11, strike ''From the amount reserved under section 3102(b)(1), the Secretary shall'' and insert ''The Secretary shall not use less than 50 percent of the amount reserved under section 3102(b)(1) to''.

Page 320, line 7, strike ''both'' and insert ''more''.

Page 320, after line 18, insert the following new paragraph:

''(3) The predevelopment costs required to assess sites for purposes of paragraph (1) or (2) and which are necessary to commence or continue the operation of a charter school.''.

Page 363, line 2, strike ''and''.

Page 363, line 7, strike the period and insert ''; and''.

Page 363, after line 7, insert the following:

''(11) an assurance that the State will support projects from each of the categories listed in section 3204(b)(1)(D) in awarding subgrants to local educational agencies.''.

Page 366, line 6, insert ''including civic education,'' after ''programs,''.

Page 372, after line 23, insert the following new paragraph, and redesignate the succeeding paragraphs accordingly:

(1) in subsection (a)(1)(C), by amending the matter preceding clause (i) to read as follows:

''(C) had an assessed value according to original records (including facsimiles or other reproductions of those records) documenting the assessed value of such property (determined as of the time or times when so acquired) prepared by the local officials referred to in subsection (b)(3) or, when such original records are not available due to unintentional destruction (such as natural disaster, fire, flooding, pest infestation, or deterioration due to age), other records, including Federal agency records, local historical records, or other records that the Secretary

determines to be appropriate and reliable, aggregating 10 percent or more of the assessed value of—''.

Page 377, line 13, strike ''each of''.

Page 377, line 14, strike ''2012, 2013, and 2014'' and insert ''2012 and 2013''.

Page 377, line 17, strike ''each of''.

Page 377, beginning on line 17, strike ''2012, 2013, and 2014'' and insert ''2012 and 2013''.

Page 470, line 7, insert ''incentivize,'' after ''direct,''.

Page 470, line 10, insert ''incentive,'' after ''direction,''.

Page 475, after line 19, insert the following new section:

''SEC. 5530. PROHIBITION ON REQUIRING STATE PARTICIPATION.

''Any State that opts out of receiving funds, or that has not been awarded funds, under one or more programs under this Act shall not be required to carry out any of the requirements of such program or programs, and nothing in this Act shall be construed to require a State to participate in any program under this Act.''.

The CHAIR. Pursuant to House Resolution 303, the gentleman from Minnesota (Mr. KLINE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. KLINE. Mr. Chairman, I rise in support of the manager's amendment for H.R. 5, the Student Success Act, and I yield myself such time as I may consume.

For the first time in more than a decade, we are debating comprehensive legislation to reauthorize the Elementary and Secondary Education Act in Congress. This law is woefully overdue for a rewrite. While some seem perfectly content to leave students and schools tied to an outdated law, my Republican colleagues and I know our children deserve better.

The legislation before us today will help schools across America raise the bar and better prepare our children for a successful future. It will support unique student populations, protect our Nation's most vulnerable children and help States continue to narrow achievement gaps. Most importantly, the Student Success Act restores the balance between the Federal Government's limited role and the responsibilities of State and local governments to deliver an excellent education to all students. I would like to highlight a few technical changes included in the manager's amendment that will improve the underlying legislation and strengthen our efforts to ensure all students have access to a quality education.

□ 1545

To encourage more local control, the amendment specifies State assessments must measure individual student growth at the sole discretion of the State. This ensures States have maximum flexibility in developing their own accountability systems.

To support effective teachers, the amendment also clarifies school districts may use funds for professional development programs, for civic education teachers, or to operate a civic education program, if they so choose.

To promote parental choice and engagement, the amendment makes additional improvements to the charter school program ensuring equal funding for credit enhancement and allowing schools to use that funding for predevelopment.

Finally, to further reduce the Federal footprint in our schools, the amendment clarifies States may opt out of funding under the Elementary and Secondary Education Act entirely, freeing them from any requirements that would otherwise come tied to those Federal education resources.

Mr. Chairman, nothing is more important to the future of this Nation than the success of our children, and right now Federal education law isn't helping students gain the skills and knowledge they need. Our children deserve better. With passage of this legislation today, we can take a critical step forward in the fight for real education reform.

I strongly urge my colleagues to support the manager's amendment and the Student Success Act, and I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I rise in opposition to the amendment.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself 1 minute.

For the most part, this manager's amendment is technical changes to the underlying bill. For the same reasons that I oppose the underlying bill, I oppose the manager's amendment.

I yield back the balance of my time.

Mr. KLINE. Mr. Chairman, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Minnesota (Mr. KLINE).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. YOUNG OF ALASKA

The CHAIR. It is now in order to consider amendment No. 2 printed in House Report 113–158.

Mr. YOUNG of Alaska. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

(Page and line nos. refer to Rules Committee Print 113-18)

Page 4, line 21, after the dollar amount insert ''(reduced by $195,399,345)''.

Page 9, strike lines 2 and 3.

Page 11, strike line 3.

Page 11, strike lines 19 and 20.

Page 194, strike line 1 and all that follows through page 238, line 15.

Page 487, strike lines 13 through 16 and insert the following (and amend the table of contents accordingly):

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

SEC. 601. THE FEDERAL GOVERNMENT'S TRUST RESPONSIBILITY TO AMERICAN INDIAN, ALASKA NATIVE, AND NATIVE HAWAIIAN EDUCATION.

Title VI of the Act (20 U.S.C. 7301 et seq.) is amended to read as follows:

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

''PART A—INDIAN EDUCATION

''SEC. 6101. STATEMENT OF POLICY.

''It is the policy of the United States to fulfill the Federal Government's unique and continuing trust relationship with, and responsibility to, the Indian people for the education of Indian children. The Federal Government will continue to work with local educational agencies, Indian tribes and organizations, postsecondary institutions, and other entities toward the goal of ensuring that programs that serve Indian children are of the highest quality and provide for not only the basic elementary and secondary educational needs, but also the unique educational and culturally related academic needs of these children.

''SEC. 6102. PURPOSE.

''It is the purpose of this part to support the efforts of local educational agencies, Indian tribes and organizations, postsecondary institutions, and other entities—

''(1) to meet the unique educational and culturally related academic needs of American Indian and Alaska Native students, so that such students can meet State student academic achievement standards.

''(2) to ensure that Indian and Alaskan Native students gain knowledge and understanding of Native communities, languages, tribal histories, traditions, and cultures; and

''(3) to ensure that school leaders, 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. 6111. PURPOSE.

''It is the purpose of this subpart to support the efforts of local educational agencies, Indian tribes and organizations, and other entities to improve the academic achievement of American Indian and Alaska Native students by providing for their unique cultural, language, and educational needs and ensuring that they are prepared to meet State academic standards.

''SEC. 6112. GRANTS TO LOCAL EDUCATIONAL AGENCIES AND TRIBES.

''(a) IN GENERAL.—In accordance with this section and section 6113, the Secretary may make grants from allocations made under section 6113, to—

''(1) local educational agencies;

''(2) Indian tribes;

''(3) Indian organizations; and

''(4) Alaska Native Organizations

''(b) LOCAL EDUCATIONAL AGENCIES.—

''(1) ENROLLMENT REQUIREMENTS.—A local educational agency shall be eligible for a grant under this subpart for any fiscal year if the number of Indian children eligible under section 6117 who were enrolled in the schools of the agency, and to whom the agency provided free public education, during the preceding fiscal year—

''(A) was at least 10; or

''(B) constituted not less than 25 percent of the total number of individuals enrolled in the schools of such agency.

''(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, an Indian reservation.

''(c) INDIAN TRIBES, INDIAN ORGANIZATIONS, ALASKA NATIVE ORGANIZATIONS, AND CONSORTIA.—

''(1) IN GENERAL.—If a local educational agency that is otherwise eligible for a grant under this subpart does not establish a committee under section 6114(c)(4) for such

grant, an Indian tribe, Indian organization, Alaska Native Organization, or consortium of such entities that represents not less than 1/3 of the eligible Indian or Alaska Native children who are served by such local educational agency may apply for such grant.

''(2) SPECIAL RULE.—

''(A) IN GENERAL.—The Secretary shall treat each Indian tribe, Indian organization, Alaska Native Organization, or consortium of such entities applying for a grant pursuant to paragraph (1) as if such applicant were a local educational agency for purposes of this subpart.

''(B) EXCEPTIONS.—Notwithstanding subparagraph (A), such Indian tribe, Indian organization, Alaska Native Organization, or consortium of such entities shall not be subject to the requirements of section 6114(c)(5), 6118(c), or 6119.

''(3) ELIGIBILITY.—If more than 1 applicant qualifies to apply for a grant under paragraph (1), the entity that represents the most eligible Indian and Alaska Native children who are served by the local educational agency shall be eligible to receive the grant or the applicants may apply in consortium and jointly operate a program.

''(d) INDIAN AND ALASKA NATIVE COMMUNITY-BASED ORGANIZATIONS.—

''(1) IN GENERAL.—If no local educational agency pursuant to subsection (b), and no Indian tribe, tribal organization, Alaska Native Organization, or consortium pursuant to subsection (c), applies for a grant under this subpart, Indian and Alaska Native community-based organizations serving the community of the local educational agency may apply for the grant.

''(2) APPLICABILITY OF SPECIAL RULE.—The Secretary shall apply the special rule in subsection (c)(2) to a community-based organization applying or receiving a grant under paragraph (1) in the same manner as such rule applies to an Indian tribe, Indian organization, Alaska Native Organization, or consortium.

''(3) DEFINITION OF INDIAN AND ALASKA NATIVE COMMUNITY-BASED ORGANIZATIONS.—In this subsection, the term 'Indian and Alaska Native community-based organizations' means any organizations that—

''(A) are composed primarily of the family members of Indian or Alaska Native students, Indian or Alaska Native community members, tribal government education officials, and tribal members from a specific community;

''(B) assist in the social, cultural, and educational development of Indians or Alaska Natives in such community;

''(C) meet the unique cultural, language, and academic needs of Indian or Alaska Native students; and

''(D) demonstrate organizational and administrative capacity to effectively manage the grant.

"SEC. 6113. AMOUNT OF GRANTS.

''(a) AMOUNT OF GRANT AWARDS.—

''(1) IN GENERAL.—Except as provided in subsection (b) and paragraph (2), the Secretary shall allocate to each local educational agency that has an approved application under this subpart an amount equal to the product of—

''(A) the number of Indian children who are eligible under section 6117 and served by such agency; and

''(B) the greater of—

''(i) the average per pupil expenditure of the State in which such agency is located; or

''(ii) 80 percent of the average per pupil expenditure of all the States.

''(2) REDUCTION.—The Secretary shall reduce the amount of each allocation otherwise determined under this section in accordance with subsection (e).

''(b) MINIMUM GRANT.—

''(1) IN GENERAL.—Notwithstanding subsection (e), an entity that is eligible for a grant under section 6112, and a school that is operated or supported by the 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 for the purpose of obtaining grants under this subpart.

''(3) INCREASE.—The Secretary may increase the minimum grant under paragraph (1) to not more than $4,000 for all grantees if the Secretary determines such increase is necessary to ensure the quality of the programs provided.

''(c) DEFINITION.—For the purpose of this section, the term average per pupil expenditure'', used with respect to a State, means an amount equal to—

''(1) the sum of the aggregate current expenditures of all the local educational agencies in the State, plus any direct current expenditures by the State for the operation of such agencies, without regard to the sources of funds from which such local or State expenditures were made, during the second fiscal year preceding the fiscal year for which the computation is made; divided by

''(2) the aggregate number of children who were included in average daily attendance for whom such agencies provided free public education during such preceding fiscal year.

''(d) SCHOOLS OPERATED OR SUPPORTED BY THE BUREAU OF INDIAN EDUCATION.—

''(1) IN GENERAL.—Subject to subsection (e), in addition to the grants awarded under subsection (a), the Secretary shall allocate to the Secretary of the Interior an amount equal to the product of—

''(A) the total number of Indian children enrolled in schools that are operated by—

''(i) the Bureau of Indian Education; or

''(ii) an Indian tribe, or an organization controlled or sanctioned by an Indian tribal government, for the children of that tribe under a contract with, or grant from, the Department of the Interior under the Indian Self-Determination Act or the Tribally Controlled Schools Act of 1988; and

''(B) the greater of—

''(i) the average per pupil expenditure of the State in which the school is located; or

''(ii) 80 percent of the average per pupil expenditure of all the States.

''(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 6114, 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 6114(c)(5), section 6118(c), or section 6119.

''(e) RATABLE REDUCTIONS.—If the sums appropriated for any fiscal year 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. 6114. APPLICATIONS.

''(a) APPLICATION REQUIRED.—Each local educational agency that desires to receive 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 reasonably require.

''(b) COMPREHENSIVE PROGRAM REQUIRED.—Each application submitted under subsection (a) shall include a description of a comprehensive program for meeting the needs of Indian and Alaska Native children served by the local educational agency, including the language and cultural needs of the children, that—

''(1) describes how the comprehensive program will offer programs and activities to meet the culturally related academic needs of American Indian and Alaska Native students;

''(2)(A) is consistent with 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 State academic content and student academic achievement standards adopted under title I for all children;

''(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 serve such students;

''(4) demonstrates how funds made available under this subpart will be used for activities described in section 6115;

''(5) describes the professional development opportunities that will be provided, as needed, to ensure that—

''(A) teachers and other school professionals who are new to the Indian or Alaska Native community are prepared to work with Indian and Alaska Native children;

''(B) all teachers who will be involved in programs assisted under this subpart have been properly trained to carry out such programs; and

''(C) those family members of Indian and Alaska Native children and representatives of tribes who are on the committee described in (c)(5) will participate in the planning of professional development materials

''(6) describes how the local educational agency—

''(A) will periodically assess the progress of all Indian children enrolled in the schools of the local educational agency, including Indian children who do not participate in programs assisted under this subpart, in meeting the goals described in paragraph (2);

''(B) will provide the results of each assessment referred to in subparagraph (A) to—

''(i) the committee described in subsection (c)(5); and

''(ii) the community served by the local educational agency; and

''(iii) the tribes whose children are served by the local educational agency

''(C) is responding to findings of any previous assessments that are similar to the assessments described in subparagraph (A); and

''(7) explicitly delineates—

''(A) a formal, collaborative process that the local educational agency used to directly involve tribes, Indian organizations, or Alaska Native Organizations in the development of the comprehensive programs and the results of such process; and

''(B) how the local educational agency plans to ensure that tribes, Indian organizations, or Alaska Native Organizations will play an active, meaningful, and ongoing role in the functioning of the comprehensive programs.

''(c) ASSURANCES.—Each application submitted under subsection (a) shall include assurances that—

''(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 services described in this subsection, 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;

''(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) carry out the functions of the Secretary under this subpart; and

''(B) determine the extent to which activities carried out with funds provided to the local educational agency under this subpart are effective in improving the educational achievement of Indian and Alaska Native students served by such agency; and

''(C) determine the extent to which such activities address the unique cultural, language, and educational needs of Indian students.

''(4) the program for which assistance is sought—

''(A) is based on a comprehensive local assessment and prioritization of the unique educational and culturally related academic needs of the American Indian and Alaska Native students for whom the local educational agency is providing an education;

''(B) will use the best available talents and resources, including individuals from the Indian or Alaska Native community; and

''(C) was developed by such agency in open consultation with the families of Indian or Alaska Native children, Indian or Alaska Native teachers, Indian or Alaska Native students from secondary schools, and representatives of tribes, Indian organizations, or Alaska Native Organizations in the community 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

''(5) the local educational agency developed the program with the participation and written approval of a committee—

''(A) that is composed of, and selected by—

''(i) family members of Indian and Alaska Native children that are attending the local educational agency's schools;

''(ii) teachers in the schools; and

''(iii) Indian and Alaska Native students attending secondary schools of the agency;

''(B) a majority of whose members are family members of Indian and Alaska Native children that are attending the local educational agency's schools;

''(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 of the children, and representatives of the area, to be served;

''(D) with respect to an application describing a schoolwide program in accordance with section 6115(c), that has—

''(i) reviewed in a timely fashion the program; and

''(ii) determined that the program will not diminish the availability of culturally related activities for American Indian and Alaska Native students; and

''(iii) will directly enhance the educational experience of 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.

''(6) the local educational agency conducted adequate outreach to family members to meet the requirements under subsection (c)(5).

"SEC. 6115. AUTHORIZED SERVICES AND ACTIVITIES.

''(a) GENERAL REQUIREMENTS.—Each local educational agency that receives a grant under this subpart shall use the grant funds, in a manner consistent with the purpose specified in section 6111, for services and activities that—

''(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 6114(a) solely for the services and activities described in such application;

''(2) are designed with special regard for the language and cultural needs of the Indian students; and

''(3) supplement and enrich the regular school program of such agency.

''(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;

''(2) culturally related activities that support the program described in the application submitted by the local educational agency;

''(3) early childhood and family programs that emphasize school readiness;

''(4) enrichment programs that focus on problem solving and cognitive skills development and directly support the attainment of challenging State academic content and student academic achievement standards;

''(5) integrated educational services in combination with other programs including programs that enhance student achievement by promoting increased involvement of parents and families in school activities;

''(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 Improvement Act of 2006, including programs for tech-prep education, mentoring, and apprenticeship;

''(7) activities to educate individuals so as to prevent violence, suicide, and substance abuse;

''(8) the acquisition of equipment, but only if the acquisition of the equipment is essential to achieve the purpose described in section 6111;

''(9) activities that promote the incorporation of culturally responsive teaching and learning strategies into the educational program of the local educational agency;

''(10) 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 and ensures that children are better able to meet State standards;;

''(11) family literacy services;

''(12) activities that recognize and support the unique cultural and educational needs of Indian children, and incorporate appropriately qualified tribal elders and seniors;

''(13) dropout prevention strategies for Indian and Alaska Native students; and

''(14) strategies to meet the educational needs of at-risk Indian students in correctional facilities, including such strategies that support Indian and Alaska Native students who are transitioning from such facilities to schools served by local educational agencies;

''(c) SCHOOLWIDE PROGRAMS.—Notwithstanding any other provision of law, a local educational agency may use funds made available to such agency under this subpart to support a schoolwide program under section 1114 if—

''(1) the committee established pursuant to section 6114(c)(5) approves the use of the funds for the schoolwide program;

''(2) the schoolwide program is consistent with the purpose described in section 6111; and

''(3) the local educational agency identifies in its application how the use of such funds in a schoolwide program will produce benefits to the American Indian and Alaska Native students that would not be achieved if the funds were not used in a schoolwide program.

''(d) LIMITATION ON ADMINISTRATIVE COSTS.—Not more than 5 percent of the funds provided to a grantee under this subpart for any fiscal year may be used for administrative purposes.

''(e) LIMITATION ON THE USE OF FUNDS.—Funds provided to a grantee under this subpart may not be used for long-distance travel expenses for training activities available locally or regionally.

"SEC. 6116. INTEGRATION OF SERVICES AUTHORIZED.

''(a) PLAN.—An entity receiving funds under this subpart may submit a plan to the Secretary for the integration of education and related services provided to Indian students.

''(b) CONSOLIDATION OF PROGRAMS.—Upon the receipt of an acceptable plan under subsection (a), the Secretary, in cooperation with each Federal agency providing grants for the provision of education and related services to the entity, shall authorize the entity to consolidate, in accordance with such plan, the federally funded education and related services programs of the entity and the Federal programs, or portions of the programs, serving Indian students in a manner that integrates the program services involved into a single, coordinated, comprehensive program and reduces administrative costs by consolidating administrative functions.

''(c) PROGRAMS AFFECTED.—The funds that may be consolidated in a demonstration project under any such plan referred to in subsection (a) shall include funds for any Federal program exclusively serving Indian children, or the funds reserved under any Federal program to exclusively serve Indian children, under which the entity is eligible for receipt of funds under a statutory or administrative formula for the purposes of providing education and related services that would be used to serve Indian students.

''(d) PLAN REQUIREMENTS.—For a plan to be acceptable pursuant to subsection (b), the plan shall—

''(1) identify the programs or funding sources to be consolidated;

''(2) be consistent with the objectives of this section concerning authorizing the services to be integrated in a demonstration project;

''(3) describe a comprehensive strategy that identifies the full range of potential educational opportunities and related services to be provided to assist Indian students to achieve the objectives set forth in this subpart;

''(4) describe the way in which services are to be integrated and delivered and the results expected from the plan;

''(5) identify the projected expenditures under the plan in a single budget;

''(6) identify the State, tribal, or local agency or agencies to be involved in the delivery of the services integrated under the plan;

''(7) identify any statutory provisions, regulations, policies, or procedures that the entity believes need to be waived in order to implement the plan;

''(8) set forth measures for academic content and student academic achievement goals designed to be met within a specific period of time; and

''(9) be approved by a committee formed in accordance with section 6114(c)(5), if such a committee exists.

''(e) PLAN REVIEW.—Upon receipt of the plan from an eligible entity, the Secretary shall consult with the Secretary of each Federal department providing funds to be used to implement the plan, and with the entity submitting the plan. The parties so consulting shall identify any waivers of statutory requirements or of Federal departmental regulations, policies, or procedures necessary to enable the entity to implement the plan. Notwithstanding any other provision of law, the Secretary of the affected department shall have the authority to waive any regulation, policy, or procedure promulgated by that department that has been so identified by the entity or department, unless the Secretary of the affected department determines that such a waiver is inconsistent with the objectives of this subpart or those provisions of the statute from which the program involved derives authority that are specifically applicable to Indian students.

''(f) PLAN APPROVAL.—Within 90 days after the receipt of an entity's plan by the Secretary, the Secretary shall inform the entity, in writing, of the Secretary's approval or disapproval of the plan. If the plan is disapproved, the entity shall be informed, in writing, of the reasons for the disapproval and shall be given an opportunity to amend the plan or to petition the Secretary to reconsider such disapproval.

''(g) RESPONSIBILITIES OF DEPARTMENT OF EDUCATION.—Not later than 180 days after the date of enactment of the Student Success Act of 2013, the Secretary of Education, the Secretary of the Interior, the Secretary of the Department 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) the Secretary of the Interior, in the case of an entity meeting the definition of a contract or grant school under title XI of the Education Amendments of 1978; or

''(2) the Secretary of Education, in the case of any other entity.

''(h) RESPONSIBILITIES OF LEAD AGENCY.—The responsibilities of the lead agency shall include—

''(1) the use of a single report format related to the plan for the individual project, which shall be used by an eligible entity to report on the activities undertaken under the project;

''(2) the use of a single report format related to the projected expenditures for the individual project which shall be used by an eligible entity to report on all project expenditures;

''(3) the development of a single system of Federal oversight for the project, which shall be implemented by the lead agency; and

''(4) the provision of technical assistance to an eligible entity appropriate to the project, except that an eligible entity shall have the authority to accept or reject the plan for providing such technical assistance and the technical assistance provider.

''(i) REPORT REQUIREMENTS.—A single report format shall be developed by the Secretary, consistent with the requirements of this section. Such report format shall require that reports described in subsection (h), together with records maintained on the consolidated program at the local level, shall contain such information as will allow a determination that the eligible entity has complied with the requirements incorporated in its approved plan, including making a demonstration of student academic achievement, and will provide assurances to each Secretary that the eligible entity has complied with all directly applicable statutory requirements and with those directly applicable regulatory requirements that have not been waived.

''(j) NO REDUCTION IN AMOUNTS.—In no case shall the amount of Federal funds available to an eligible entity involved in any demonstration project be reduced as a result of the enactment of this section.

''(k) INTERAGENCY FUND TRANSFERS AUTHORIZED.—The Secretary is authorized to take such action as may be necessary to provide for an interagency transfer of funds otherwise available to an eligible entity in order to further the objectives of this section.

''(l) ADMINISTRATION OF FUNDS.—

''(1) IN GENERAL.—Program funds for the consolidated programs shall be administered in such a manner as to allow for a determination that funds from a specific program are spent on allowable activities authorized under such program, except that the eligible entity shall determine the proportion of the funds granted that shall be allocated to such program.

''(2) SEPARATE RECORDS NOT REQUIRED.—Nothing in this section shall be construed as requiring the eligible entity to maintain separate records tracing any services or activities conducted under the approved plan to the individual programs under which funds were authorized for the services or activities, nor shall the eligible entity be required to allocate expenditures among such individual programs.

''(m) OVERAGE.—The eligible entity may commingle all administrative funds from the consolidated programs and shall be entitled to the full amount of such funds (under each program's or agency's regulations). The overage (defined as the difference between the amount of the commingled funds and the actual administrative cost of the programs) shall be considered to be properly spent for Federal audit purposes, if the overage is used for the purposes provided for under this section.

''(n) FISCAL ACCOUNTABILITY.—Nothing in this part shall be construed so as to interfere with the ability of the Secretary or the lead agency to fulfill the responsibilities for the safeguarding of Federal funds pursuant to chapter 75 of title 31, United States Code.

''(o) REPORT ON STATUTORY OBSTACLES TO PROGRAM INTEGRATION.—

''(1) PRELIMINARY REPORT.—Not later than 2 years after the date of enactment of the Student Success Act of 2013, the Secretary of Education shall submit a preliminary report to the Committee on Education and the Workforce and the Committee on Natural 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 Student Success Act of 2013, the Secretary of Education shall submit a report to the Committee on Education and the Workforce and the Committee on Natural 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.

''(p) DEFINITIONS.—For the purposes of this section, the term ''Secretary'' means—

''(1) the Secretary of the Interior, in the case of an entity meeting the definition of a contract or grant school under title XI of the Education Amendments of 1978; or

''(2) the Secretary of Education, in the case of any other entity.

''SEC. 6117. STUDENT ELIGIBILITY FORMS.

''(a) IN GENERAL.—The Secretary shall require that, as part of an application for a grant under this subpart, each applicant shall maintain a file, with respect to each Indian child for whom the local educational agency provides a free public education, that contains a form that sets forth information establishing the status of the child as an Indian child eligible for assistance under this subpart, and that otherwise meets the requirements of subsection (b).

''(b) FORMS.—The form described in subsection (a) shall include—

''(1) either—

''(A)(i) the name of the tribe or band of Indians (as defined in section 6151) with respect to which the child claims membership;

''(ii) the enrollment or membership number establishing the membership of the child (if readily available); and

''(iii) the name and address of the organization that maintains updated and accurate membership data for such tribe or band of Indians; or

''(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);

''(2) a statement of whether the tribe or band of Indians (as so defined), with respect to which the child, or parent or grandparent of the child, claims membership, is federally recognized;

''(3) the name and address of the parent or legal guardian of the child;

''(4) a signature of the parent or legal guardian of the child that verifies the accuracy of the information supplied; and

''(5) any other information that the Secretary considers necessary to provide an accurate program profile.

''(c) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to affect a definition contained in section 6151.

''(d) DOCUMENTATION AND TYPES OF PROOF.—

''(1) TYPES OF PROOF.—For purposes of determining whether a child is eligible to be counted for the purpose of computing the amount of a grant award under section 6113, the membership of the child, or any parent or grandparent of the child, in a tribe or band of Indians (as so defined) may be established by proof other than an enrollment number, notwithstanding the availability of an enrollment number for a member of such tribe or band. Nothing in subsection (b) shall be construed to require the furnishing of an enrollment number.

''(2) NO NEW OR DUPLICATIVE DETERMINATIONS.—Once a child is determined to be an Indian eligible to be counted for such grant award, the local education agency shall maintain a record of such determination and shall not require a new or duplicate determination to be made for such child for a subsequent application for a grant under this subpart.

''(3) PREVIOUSLY FILED FORMS.—An Indian student eligibility form that was on file as required by this section on the day before the date of enactment of the Student Success Act of 2013 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) MONITORING AND EVALUATION REVIEW.—

''(1) IN GENERAL.—

''(A) REVIEW.—For each fiscal year, in order to provide such information as is necessary to carry out the responsibility of the Secretary to provide technical assistance under this subpart, the Secretary shall conduct a monitoring and evaluation review of a sampling of the recipients of grants under this subpart. The sampling conducted under this subparagraph shall take into account the size of and the geographic location of each local educational agency.

''(B) EXCEPTION.—A local educational agency may not be held liable to the United States or be subject to any penalty, by reason of the findings of an audit that relates to the date of completion, or the date of submission, of any forms used to establish, before April 28, 1988, the eligibility of a child for an entitlement under the Indian Elementary and Secondary School Assistance Act.

''(2) FALSE INFORMATION.—Any local educational agency that provides false information in an application for a grant under this subpart shall—

''(A) be ineligible to apply for any other grant under this subpart; and

''(B) be liable to the United States for any funds from the grant that have not been expended.

''(3) EXCLUDED CHILDREN.—A student who provides false information for the form required under subsection (a) shall not be counted for the purpose of computing the amount of a grant under section 6113.

''(f) 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 Education, the Secretary shall use only one of the following, as selected by the school:

''(1) A count of the number of students in the schools certified by the Bureau.

''(2) A count of the number of students for whom the school has eligibility forms that comply with this section.

''(g) TIMING OF CHILD COUNTS.—For purposes of determining the number of children to be counted in calculating the amount of a local educational agency's grant under this subpart (other than in the case described in subsection (f)(1)), the local educational agency shall—

''(1) establish a date on, or a period not longer than 31 consecutive days during, which the agency counts those children, if that date or period occurs before the deadline established by the Secretary for submitting an application under section 6114; and

''(2) determine that each such child was enrolled, and receiving a free public education, in a school of the agency on that date or during that period, as the case may be.

''SEC. 6118. PAYMENTS.

''(a) IN GENERAL.—Subject to subsections (b) and (c), the Secretary shall pay to each local educational agency that submits an application that is approved by the Secretary under this subpart the amount determined under section 6113. The Secretary shall notify the local educational agency of the amount of the payment not later than June 1 of the year for which the Secretary makes the payment.

''(b) PAYMENTS TAKEN INTO ACCOUNT BY THE STATE.—The Secretary may not make a grant under this subpart to a local educational agency for a fiscal year if, for such fiscal year, the State in which the local educational agency is located takes into consideration payments made under this chapter in determining the eligibility of the local educational agency for State aid, or the amount of the State aid, with respect to the free public education of children during such fiscal year or the preceding fiscal year.

''(c) REDUCTION OF PAYMENT FOR FAILURE TO MAINTAIN FISCAL EFFORT.—

''(1) IN GENERAL.—The Secretary may not pay a local educational agency the full amount of a grant award determined under section 6113 for any fiscal year unless the State educational agency notifies the Secretary, and the Secretary determines, that with respect to the provision of free public education by the local educational agency for the preceding fiscal year, the combined fiscal effort of the local educational agency and the State, computed on either a per student or aggregate expenditure basis, was not less than 90 percent of the amount of the combined fiscal effort, computed on the same basis, for the second preceding fiscal year.

''(2) FAILURE TO MAINTAIN EFFORT.—If, for the preceding fiscal year, the Secretary determines that a local educational agency and State failed to maintain the combined fiscal effort for such agency at the level specified in paragraph (1), the Secretary shall—

''(A) reduce the amount of the grant that would otherwise be made to such agency under this subpart in the exact proportion of the failure to maintain the fiscal effort at such level; and

''(B) not use the reduced amount of the agency and State expenditures for the preceding year to determine compliance with paragraph (1) for any succeeding fiscal year, but shall use the amount of expenditures that would have been required to comply with paragraph (1).

''(3) WAIVER.—

''(A) IN GENERAL.—The Secretary may waive the requirement of paragraph (1) for a local educational agency, for not more than 1 year at a time, if the Secretary determines that the failure to comply with such requirement is due to exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the agency's financial resources.

''(B) FUTURE DETERMINATIONS.—The Secretary shall not use the reduced amount of the agency's expenditures for the fiscal year preceding the fiscal year for which a waiver is granted to determine compliance with paragraph (1) for any succeeding fiscal year, but shall use the amount of expenditures that would have been required to comply with paragraph (1) in the absence of the waiver.

''(d) REALLOCATIONS.—The Secretary may reallocate, in a manner that the Secretary determines will best carry out the purpose of this subpart, any amounts that—

''(1) based on estimates made by local educational agencies or other information, the Secretary determines will not be needed by such agencies to carry out approved programs under this subpart; or

''(2) otherwise become available for reallocation under this subpart.

''SEC. 6119. STATE EDUCATIONAL AGENCY REVIEW.

''Before submitting an application to the Secretary under section 6114, a local educational agency shall submit the application to the State educational agency, which may comment on such application. If the State educational agency comments on the application, the agency shall comment on all applications submitted by local educational agencies in the State and shall provide those comments to the respective local educational agencies, with an opportunity to respond.

''SUBPART 2—SPECIAL PROGRAMS AND PROJECTS TO IMPROVE EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN AND YOUTH

''SEC. 6121. SPECIAL PROGRAMS AND PROJECTS TO IMPROVE 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.—The Secretary shall take the necessary actions to achieve the coordination of activities assisted under this subpart with—

''(A) other programs funded under this Act; and

''(B) other Federal programs operated for the benefit of American Indian and Alaska Native children and youth.

''(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), Alaska Native Organization, or a consortium of such entities.

''(c) GRANTS AUTHORIZED.—

''(1) IN GENERAL.—The Secretary shall award grants to eligible entities to enable such entities to carry out activities that meet the purpose of this section, including—

''(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 and Alaska Native children 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;

''(E) special compensatory and other programs and projects designed to assist and encourage Indian children to enter, remain in, or reenter school, and to increase the rate of high school graduation for Indian children;

''(F) comprehensive guidance, counseling, and testing services;

''(G) high quality early childhood education programs that are effective in preparing young children to make sufficient academic growth by the end of grade 3, including kindergarten and pre-kindergarten programs, family-based preschool programs that emphasize school readiness, screening and referral, and the provision of services to Indian children and youth with disabilities;

''(H) partnership projects between local educational agencies and institutions of higher education that allow secondary school students to enroll in courses at the postsecondary level to aid such students in the transition from secondary to postsecondary education;

''(I) partnership projects between schools and local businesses for career preparation programs designed to provide Indian youth with the knowledge and skills such youth need to make an effective transition from school to a high-skill, high-wage career;

''(J) programs designed to encourage and assist Indian students to work toward, and gain entrance into, an institution of higher education;

''(K) family literacy services;

''(L) activities that recognize and support the unique cultural and educational needs of Indian children, and incorporate appropriately qualified tribal elders and seniors; or

''(M) high quality professional development of teaching professionals and paraprofessionals; or

''(N) other services that meet the purpose described in this section.

''(d) GRANT REQUIREMENTS AND APPLICATIONS.—

''(1) GRANT REQUIREMENTS.—

''(A) IN GENERAL.—The Secretary may make multiyear grants under subsection (c) for the planning, development, pilot operation, or demonstration of any activity described in subsection (c) for a period not to exceed 5 years.

''(B) PRIORITY.—In making multiyear grants described in this paragraph, the Secretary shall give priority to entities submitting applications that present a plan for combining two or more of the activities described in subsection (c) over a period of more than 1 year.

''(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 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.

''(2) DISSEMINATION GRANTS.—

''(A) IN GENERAL.—In addition to awarding the multiyear grants described in paragraph (1), the Secretary may award grants under subsection (c) to eligible entities for the dissemination of exemplary materials or programs assisted under this section.

''(B) DETERMINATION.—The Secretary may award a dissemination grant described in this paragraph if, prior to awarding the grant, the Secretary determines that the material or program to be disseminated—

''(i) has been adequately reviewed;

''(ii) has demonstrated educational merit; and

''(iii) can be replicated.

''(3) APPLICATION.—

''(A) IN GENERAL.—Any eligible entity that desires to receive a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may reasonably require.

''(B) CONTENTS.—Each application submitted to the Secretary under subparagraph (A), other than an application for a dissemination grant under paragraph (2), shall contain—

''(i) a description of how parents of Indian children and representatives of Indian tribes have been, and will be, involved in developing and implementing the activities for which assistance is sought;

''(ii) assurances that the applicant will participate, at the request of the Secretary, in any national evaluation of activities assisted under this section;

''(iii) information demonstrating that the proposed program for the activities is a scientifically based research program, where applicable, which may include a program that has been modified to be culturally appropriate for students who will be served;

''(iv) a description of how the applicant will incorporate the proposed activities into the ongoing school program involved once the grant period is over; and

''(v) such other assurances and information as the Secretary may reasonably require.

''(e) ADMINISTRATIVE COSTS.—Not more than 5 percent of the funds provided to a grantee under this subpart for any fiscal year may be used for administrative purposes.

''SEC. 6122. PROFESSIONAL DEVELOPMENT FOR TEACHERS AND EDUCATION PROFESSIONALS.

''(a) PURPOSES.—The purposes of this section are—

''(1) to increase the number of qualified Indian and Alaska Native teachers and administrators serving Indian and Alaska Native students;

''(2) to provide training to qualified Indian and Alaska Native individuals to become educators and education support service professionals; and

''(3) to improve the skills of qualified Indian individuals who serve in the capacities described in paragraph (2).

''(b) ELIGIBLE ENTITIES.—For the purpose of this section, the term eligible entity'' means—

''(1) an institution of higher education, including an Indian institution of higher education;

''(2) a State educational agency or local educational agency, in consortium with an institution of higher education;

''(3) an Indian tribe or organization, in consortium with an institution of higher education; and

''(4) a Bureau-funded school (as defined in section 1146 of the Education Amendments of 1978).

''(c) PROGRAM AUTHORIZED.—The Secretary is authorized to award grants to eligible entities having applications approved under this section to enable those entities to carry out the activities described in subsection (d).

''(d) AUTHORIZED ACTIVITIES.—

''(1) IN GENERAL.—Grant funds under this section shall be used for activities to provide support and training for Indian individuals in a manner consistent with the purposes of this section. Such activities may include continuing programs, symposia, workshops, conferences, and direct financial support, and may include programs designed to train tribal elders and seniors.

''(2) SPECIAL RULES.—

''(A) TYPE OF TRAINING.—For education personnel, the training received pursuant to a grant under this section may be inservice or preservice training.

''(B) PROGRAM.—For individuals who are being trained to enter any field other than teaching, the training received pursuant to a grant under this section shall be in a program that results in a graduate degree.

''(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

''(f) SPECIAL RULE.—In awarding grants under this section, the Secretary—

''(1) shall consider the prior performance of the eligible entity; and

''(2) may not limit eligibility to receive a grant under this section on the basis of—

''(A) the number of previous grants the Secretary has awarded such entity; or

''(B) the length of any period during which such entity received such grants.

''(g) GRANT PERIOD.—Each grant under this section shall be awarded for a period of not more than 5 years.

''(h) SERVICE OBLIGATION.—

''(1) IN GENERAL.—The Secretary shall require, by regulation, that an individual who receives training pursuant to a grant made under this section—

''(A) perform work—

''(i) related to the training received under this section; and

''(ii) that benefits Indian people; or

''(B) repay all or a prorated part of the assistance received.

''(2) REPORTING.—The Secretary shall 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. 6123. TRIBAL EDUCATION AGENCIES COOPERATIVE AGREEMENTS.

''(a) PURPOSE.—Tribes may enter into written cooperative agreements with the State educational agency and the local educational agencies operating a school or schools within Indian lands. For purposes of this section, the term 'Indian land' has the meaning given that term in section 8013.

''(b) COOPERATIVE AGREEMENT.—If requested by the Indian tribe, the State educational agency or the local educational agency may enter into a cooperative agreement with the Indian tribe. Such cooperative agreement—

''(1) may authorize the tribe or such tribe's respective tribal education agency to plan, conduct, consolidate, and administer programs, services, functions, and activities, or portions thereof, administered by the State educational agency or the local educational agency;

''(2) may authorize the tribe or such tribe's respective tribal education agency to reallocate funds for such programs, services, functions, and activities, or portions thereof as necessary; and

''(3) shall—

''(A) only confer the tribe or such tribe's respective tribal education agency with responsibilities to conduct activities described in paragraph (1) such that the burden assumed by the tribe or the tribal education agency for conducting such is commensurate with the benefit that doing so conveys to all parties of the agreement; and

''(B) be based solely on terms of the written agreement decided upon by the Indian tribe and the State educational agency or local education agency.

''(c) DISAGREEMENT.—Agreements shall only be valid if the Indian tribe and State educational agency or local educational agency agree fully in writing to all of the terms of the written cooperative agreement.

''(d) COMPLIANCE WITH APPLICABLE LAW.—Nothing in this section shall be construed to relieve any party to a cooperative agreement from complying with all applicable Federal, State, local laws. State and local educational agencies are still the ultimate responsible, liable parties for complying with all laws and funding requirements for any functions that are conveyed to tribes and tribal education agencies through the cooperative agreements.

''(e) DEFINITION.—For the purposes of this subpart, the term 'Indian Tribe' means any tribe or band that is officially recognized by the Secretary of the Interior.

''SUBPART 3—NATIONAL ACTIVITIES

''SEC. 6131. NATIONAL RESEARCH ACTIVITIES.

''(a) AUTHORIZED ACTIVITIES.—The Secretary may use funds made available to carry out this subpart for each fiscal year to—

''(1) conduct research related to effective approaches for improving the academic achievement and development of Indian and Alaska Native children and adults;

''(2) collect and analyze data on the educational status and needs of Indian and Alaska Native students; and

''(4) carry out other activities that are consistent with the purpose of this part.

''(b) ELIGIBILITY.—The Secretary may 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.

''(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 Office of Indian Education Programs, the Office of Educational Research and Improvement, the Bureau of Indian Education, and the Institute of Education Sciences.

''SEC. 6132. 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) DEFINITION OF ELIGIBLE ENTITY.—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 American 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. Each such grant shall be 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 American 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. 6133. 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.

''SUBPART 4—FEDERAL ADMINISTRATION

''SEC. 6141. NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION.

''(a) MEMBERSHIP.—There is established a National Advisory Council on Indian Education (hereafter in this section referred to as the Council″), which shall—

''(1) consist of 15 Indian members, who shall be appointed by the President from lists of nominees furnished, from time to time, by Indian tribes and organizations; and

''(2) represent different geographic areas of the United States.

''(b) DUTIES.—The Council shall—

''(1) advise the Secretary 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) with respect to which the Secretary has jurisdiction; and

''(B)(i) that includes Indian children or adults as participants; or

''(ii) that may benefit Indian children or adults;

''(2) make recommendations to the Secretary for filling the position of Director of Indian Education whenever a vacancy occurs; and

''(3) submit to Congress, not later than June 30 of each year, a report on the activities of the Council, including—

''(A) any recommendations that the Council considers appropriate for the improvement of Federal education programs that include Indian children or adults as participants, or that may benefit Indian children or adults; and

''(B) recommendations concerning the funding of any program described in subparagraph (A).

''SEC. 6142. PEER REVIEW.

''The Secretary may use a peer review process to review applications submitted to the Secretary under subpart 2 or subpart 3.

''SEC. 6143. PREFERENCE FOR INDIAN APPLICANTS.

''In making grants and entering into contracts or cooperative agreements under subpart 2 or subpart 3, the Secretary shall give a preference to Indian tribes, organizations, and institutions of higher education under any program with respect to which Indian tribes, organizations, and institutions are eligible to apply for grants, contracts, or cooperative agreements.

''SEC. 6144. MINIMUM GRANT CRITERIA.

''The Secretary may not approve an application for a grant, contract, or cooperative agreement under subpart 2 or subpart 3 unless the application is for a grant, contract, or cooperative agreement that is—

''(1) of sufficient size, scope, and quality to achieve the purpose or objectives of such grant, contract, or cooperative agreement; and

''(2) based on relevant research findings.

''SUBPART 5—DEFINITIONS; AUTHORIZATIONS OF APPROPRIATIONS

''SEC. 6151. DEFINITIONS.

''For the purposes of this part:

''(1) ADULT.—The term 'adult' means an individual who—

''(A) has attained the age of 16 years; or

''(B) has attained an age that is greater than the age of compulsory school attendance under an applicable State law.

''(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) INDIAN.—The term 'Indian' means an individual who is—

''(A) a member of an Indian tribe or band, as membership is defined by the tribe or band, including—

''(i) any tribe or band terminated since 1940; and

''(ii) any tribe or band recognized by the State in which the tribe or band resides;

''(B) a descendant, in the first or second degree, of an individual described in subparagraph (A);

''(C) considered by the Secretary of the Interior to be an Indian for any purpose;

''(D) an Alaska Native, as defined in section 6206(1); or

''(E) a member of an organized Indian group that received a grant under the Indian Education Act of 1988 as in effect the day preceding the date of enactment of the Improving America's Schools Act of 1994.

''(4) ALASKA NATIVE ORGANIZATION.—The term 'Alaska Native Organization' has the same meaning as defined in section 6206(2).

''SEC. 6152. AUTHORIZATIONS OF APPROPRIATIONS.

''(a) SUBPART 1.—For the purpose of carrying out subpart 1, there are authorized to be appropriated $98,245,425 for each of fiscal years 2014 through 2019.

''(b) SUBPARTS 2 AND 3.—For the purpose of carrying out subparts 2 and 3, there are authorized to be appropriated $33,303,534 for each of fiscal years 2014 through 2019.

''PART B—ALASKA NATIVE EDUCATION

''SEC. 6201. SHORT TITLE.

''This part may be cited as the 'Alaska Native Educational Equity, Support, and Assistance Act'.

''SEC. 6202. FINDINGS.

''Congress finds and declares the following:

''(1) The preservation of culture and language is critical to the attainment of educational success, to the betterment of the conditions, and to the long-term well-being, of Alaska Natives. Alaska Native students must be afforded a culturally relevant education.

''(2) It is the policy of the Federal Government to maximize the leadership of and participation by Alaska Natives in the planning and the management of Alaska Native education programs and to support efforts developed by and undertaken within the Alaska Native community to improve educational opportunity for all students.

''(3) Many Alaska Native children enter and exit school with serious educational disadvantages.

''(4) Overcoming the magnitude of the geographic challenges, historical inequities, and other barriers to successfully improving educational outcomes for Alaska Native students in rural, village, and urban settings is challenging. Significant disparities between academic achievement of Alaska Native students and non-Native students continues, including lower graduation rates, increased school dropout rates, and lower achievement scores on standardized tests.

''(5) The preservation of Alaska Native cultures and languages and the integration of Alaska Native cultures and languages into education, positive identity development for Alaska Native students, and local, place-based, and culture-based programming are critical to the attainment of educational success and the long-term well-being of Alaska Native students.

''(6) Improving educational outcomes for Alaska Native students increases access to employment opportunities.

''(7) The programs and activities authorized under this part give priority to Alaska Native organizations as a means of increasing Alaska Native parents' and community involvement in the promotion of academic success of Alaska Native students.

''(8) The Federal Government should lend support to efforts developed by and undertaken within the Alaska Native community to improve educational opportunity for Alaska Native students. In 1983, pursuant to Public Law 98–63, Alaska ceased to receive educational funding from the Bureau of Indian Affairs. The Bureau of Indian Education does not operate any schools in Alaska, nor operate or fund Alaska Native education programs. The program under this part supports the Federal trust responsibility of the United States to Alaska Natives.

''SEC. 6203. PURPOSES.

''The purposes of this part are as follows:

''(1) To recognize and address the unique educational needs of Alaska Natives.

''(2) To recognize the role of Alaska Native languages and cultures in the educational success and long-term well-being of Alaska Native students.

''(3) To integrate Alaska Native cultures and languages into education, develop Alaska Native students' positive identity, and support local place-based and culture-based curriculum and programming.

''(4) To authorize the development, management, and expansion of effective supplemental educational programs to benefit Alaska Natives.

''(5) 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.

''(6) To ensure the maximum participation by Alaska Native educators and leaders in the planning, development, management, and evaluation of programs designed to serve Alaska Natives students, and to ensure Alaska Native organizations play a meaningful role in supplemental educational services provided to Alaska Native students.

''SEC. 6204. 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, State educational agencies, local educational agencies, educational entities with experience in developing or operating Alaska Native educational 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 part.

''(2) ADDITIONAL REQUIREMENT.—A State educational agency, local educational agency, educational entity with experience in developing or operating Alaska Native educational programs or programs of instruction conducted in Alaska Native languages, cultural and community-based organization with experience in developing or operating programs to benefit the educational needs of Alaska Natives, or consortium of such organizations and entities is eligible for an award under this part only as part of a partnership involving an Alaska Native organization.

''(3) MANDATORY ACTIVITIES.—Activities provided through the programs carried out under this part shall include the following which shall only be provided specifically in the context of elementary and secondary education:

''(A) The development and implementation of plans, methods, and strategies to improve the education of Alaska Natives.

''(B) The collection of data to assist in the evaluation of the programs carried out under this part.

''(4) PERMISSIBLE ACTIVITIES.—Activities provided through programs carried out under this part may include the following which shall only be provided specifically in the context of elementary and secondary education:

''(A) The development of curricula and programs that address the educational needs of Alaska Native students, including the following:

''(i) Curriculum 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.

''(B) Training and professional development activities for educators, including the following:

''(i) Pre-service and in-service training and professional development programs to prepare teachers to develop appreciation for and understanding of Alaska Native cultures, values, ways of knowing and learning in order to effectively address the cultural diversity and unique needs of Alaska Native students.

''(ii) 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.

''(C) The development and operation of student enrichment programs, including those 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.

''(D) Research and data collection activities to determine the educational status and needs of Alaska Native children.

''(E) Other research and evaluation activities related to programs carried out under this part.

''(F) Remedial and enrichment programs to assist Alaska Native students to be college or career ready upon graduation from high school.

''(G) 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 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.

''(H) Statewide on-site exchange programs, for both students and teachers, that work to facilitate 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.

''(I) Education programs for at-risk urban Alaska Native students in kindergarten through grade 12 that work to increase graduation rates among such students and that—

''(i) include 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, including residential support;

''(iv) work with parents to increase parental involvement in their students' education;

''(v) work to improve academic proficiency and increase 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.

''(J) Statewide programs that provide technical assistance and support to schools and communities to engage adults in promoting the academic progress and overall well-being of Alaska Native people through child and youth development, positive youth-adult relationships, improved conditions for learning (school climate, student connection to school and community), and increased connections between schools and families.

''(K) Career preparation activities to enable Alaska Native children and adults to prepare for meaningful employment, including programs providing tech-prep, mentoring, training, and apprenticeship activities.

''(L) Support for the development and operational activities of regional vocational schools in rural areas of Alaska to provide students with necessary resources to prepare for skilled employment opportunities.

''(M) Other activities, consistent with the purposes of this part, to meet the educational needs of Alaska Native children and adults.

''(N) Regional leadership academies that demonstrate effectiveness in building respect, understanding, and fostering a sense of Alaska Native identity to promote their pursuit of and success in completing higher education or career training.

''(b) LIMITATION ON ADMINISTRATIVE COSTS.—Not more than 5 percent of funds provided to an award recipient under this part for any fiscal year may be used for administrative purposes.

''(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 Organizations. Such priority shall be explicitly delineated in the Secretary's process for evaluating applications and applied consistently and transparently to all applications from Alaska Native Organizations.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this part $31,453,135 for each of fiscal years 2014 through 2019.

"SEC. 6205. ADMINISTRATIVE PROVISIONS.

''(a) APPLICATION REQUIRED.—

''(1) IN GENERAL.—No grant may be made under this part, and no contract may be entered into under this part, unless the Alaska Native organization or 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.

''(2) REQUIREMENT FOR CERTAIN APPLICANTS.—An applicant described in section 6204(a)(2) shall, in the application submitted under this paragraph—

''(A) demonstrate that an Alaska Native organization was directly involved in the development of the program for which the application seeks funds and explicitly delineate the meaningful role that the Alaska Native organization will play in the implementation and evaluation of the program for which funding is sought; and

''(B) provide a copy of the Alaska Native organization's governing document.

''(b) 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.

''(c) 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.

''(d) CONTINUATION AWARDS.—An applicant described in section 6204(a)(2) that receives funding under this part shall periodically demonstrate to the Secretary, during the term of the award, that the applicant is continuing to meet the requirements of subsection (a)(2)(A).

"SEC. 6206. 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 and their descendants.

''(2) ALASKA NATIVE ORGANIZATION.—The term 'Alaska Native organization' means a federally recognized tribe, consortium of tribes, regional nonprofit Native association, and an 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.

''PART C—NATIVE HAWAIIAN EDUCATION

"SEC. 6301. 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, and many other countries.

''(2) Native Hawaiians have a cultural, historic, and land-based link to the indigenous people who exercised sovereignty over the Hawaiian Islands.

''(3) The political status of Native Hawaiians is comparable to that of American Indians and Alaska Natives.

''(4) 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 many Federal statutes, including—

''(A) the Native American Programs Act of 1974 (42 U.S.C. 2991 et seq.);

''(B) Public Law 95–341 (commonly known as 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.).

''(5) Many Native Hawaiian students lag behind other students in terms of—

''(A) school readiness factors;

''(B) scoring below national norms on education achievement tests at all grade levels;

''(C) underrepresentation in the uppermost achievement levels and in gifted and talented programs;

''(D) overrepresentation among students qualifying for special education programs;

''(E) underrepresentation in institutions of higher education and among adults who have completed 4 or more years of college;

''(6) The percentage of Native Hawaiian students served by the State of Hawaii Department of Education rose 30 percent from 1980 to 2008, and there are and will continue to be geographically rural, isolated areas with a high Native Hawaiian population density.

''(7) 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.

"SEC. 6302. PURPOSES.

''The purposes of this part are—

''(1) to authorize, develop, implement, assess, 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 in order to help such students meet challenging State student academic achievement standards;

''(2) to provide guidance to appropriate Federal, State, and local agencies to more effectively and efficiently focus resources, including resources made available under this part, on the development and implementation of—

''(A) innovative educational programs for Native Hawaiians;

''(B) rigorous and substantive Native Hawaiian language programs; and

''(C) Native Hawaiian culture-based educational programs; and

''(3) to create a system by which information from programs funded under this part will be collected, analyzed, evaluated, reported, and used in decisionmaking activities regarding the types of grants awarded under this part.

"SEC. 6303. NATIVE HAWAIIAN EDUCATION COUNCIL GRANT.

''(a) GRANT AUTHORIZED.—In order to better effectuate the purposes of this part through the coordination of educational and related services and programs available to Native Hawaiians, including those programs that receive funding under this part, the Secretary shall award a grant to an education council, as described under subsection (b).

''(b) EDUCATION COUNCIL.—

''(1) ELIGIBILITY.—To be eligible to receive the grant under subsection (a), the council shall be an education council (referred to in this section as the 'Education Council') that meets the requirements of this subsection.

''(2) COMPOSITION.—The Education Council shall consist of 15 members of whom—

''(A) 1 shall be the President of the University of Hawaii (or a designee);

''(B) 1 shall be the Governor of the State of Hawaii (or a designee);

''(C) 1 shall be the Superintendent of the State of Hawaii Department of Education (or a designee);

''(D) 1 shall be the chairperson of the Office of Hawaiian Affairs (or a designee);

''(E) 1 shall be the executive director of Hawaii's Charter School Network (or a designee);

''(F) 1 shall be the chief executive officer of the Kamehameha Schools (or a designee);

''(G) 1 shall be the Chief Executive Officer of the Queen Liliuokalani Trust (or a designee);

''(H) 1 shall be a member, selected by the other members of the Education Council, who represents a private grant-making entity;

''(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).

''(3) REQUIREMENTS.—Any designee serving on the Education Council shall demonstrate, as determined by the individual who appointed such designee with input from the Native Hawaiian community, not less than 5 years of experience as a consumer or provider of Native Hawaiian education or cultural activities, with traditional cultural experience given due consideration.

''(4) LIMITATION.—A member (including a designee), while serving on the Education Council, shall not be a recipient of grant funds that are awarded under this part.

''(5) TERM OF MEMBERS.—A member who is a designee shall serve for a term of not more than 4 years.

''(6) CHAIR, VICE CHAIR.—

''(A) SELECTION.—The Education Council shall select a Chair and a Vice Chair from among the members of the Education Council.

''(B) TERM LIMITS.—The Chair and Vice Chair shall each serve for a 2-year term.

''(7) ADMINISTRATIVE PROVISIONS RELATING TO EDUCATION COUNCIL.—The Education Council shall meet at the call of the 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.

''(8) NO COMPENSATION.—None of the funds made available through the grant may be used to provide compensation to any member of the Education Council or member of a working group established by the Education Council, for functions described in this section.

''(c) USE OF FUNDS FOR COORDINATION ACTIVITIES.—The Education Council shall use funds made available through the grant to carry out each of the following activities:

''(1) Providing advice about the coordination, and serving as a clearinghouse for, the educational and related services and programs available to Native Hawaiians, including the programs assisted under this part.

''(2) Assessing the extent to which such services and programs meet the needs of Native Hawaiians, and collecting data on the status of Native Hawaiian education.

''(3) Providing direction and guidance, through the issuance of reports and recommendations, to appropriate Federal, State, and local agencies in order to focus and improve the use of resources, including resources made available under this part, relating to Native Hawaiian education, and serving, where appropriate, in an advisory capacity.

''(4) Awarding grants, if such grants enable the Education Council to carry out the activities described in paragraphs (1) through (3).

''(5) Hiring an executive director who shall assist in executing the duties and powers of the Education Council, as described in subsection (d).

''(d) USE OF FUNDS FOR TECHNICAL ASSISTANCE.—The Education Council shall use funds made available through the grant to—

''(1) provide technical assistance to Native Hawaiian organizations that are grantees or potential grantees under this part;

''(2) obtain from such grantees information and data regarding grants awarded under this part, including information and data about—

''(A) the effectiveness of such grantees in meeting the educational priorities established by the Education Council, as described in paragraph (6)(D), using metrics related to these priorities; and

''(B) the effectiveness of such grantees in carrying out any of the activities described in section 6304(c) that are related to the specific goals and purposes of each grantee's grant project, using metrics related to these priorities;

''(3) assess and define the educational needs of Native Hawaiians;

''(4) assess the programs and services available to address the educational needs of Native Hawaiians;

''(5) assess and evaluate the individual and aggregate impact achieved by grantees under this part in improving Native Hawaiian educational performance and meeting the goals of this part, using metrics related to these goals;

''(6) prepare and submit to the Secretary, at the end of each calendar year, an annual report that contains—

''(A) a description of the activities of the Education Council during the calendar year;

''(B) a description of significant barriers to achieving the goals of this part;

''(C) a summary of each community consultation session described in subsection (e); and

''(D) recommendations to establish priorities for funding under this part, based on an assessment of—

''(i) the educational needs of Native Hawaiians;

''(ii) programs and services available to address such needs;

''(iii) the effectiveness of programs in improving the educational performance of Native Hawaiian students to help such students meet challenging State student academic achievement standards; and

''(iv) priorities for funding in specific geographic communities.

''(e) USE OF FUNDS FOR COMMUNITY CONSULTATIONS.—The Education Council shall use funds made available though the grant under subsection (a) to hold not less than 1 community consultation each year on each of the islands of Hawaii, Maui, Molokai, Lanai, Oahu, and Kauai, at which—

''(1) not less than 3 members of the Education Council shall be in attendance;

''(2) the Education Council shall gather community input regarding—

''(A) current grantees under this part, as of the date of the consultation;

''(B) priorities and needs of Native Hawaiians; and

''(C) other Native Hawaiian education issues; and

''(3) the Education Council shall report to the community on the outcomes of the activities supported by grants awarded under this part.

''(f) FUNDING.—For each fiscal year, the Secretary shall use the amount described in section 6305(d)(2), to make a payment under the grant. Funds made available through the grant shall remain available until expended.

''(g) REPORT.—Beginning not later than 2 years after the date of enactment of the Student Success Act, and for each subsequent year, 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 and the Committee on Health, Education, Labor, and Pensions of the Senate, a report that—

''(1) summarizes the annual reports of the Education Council;

''(2) describes the allocation and use of funds under this part 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 part.

"SEC. 6304. GRANT PROGRAM AUTHORIZED.

''(a) GRANTS AND CONTRACTS.—In order to carry out programs that meet the purposes of this part, 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 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 awarding grants and entering into contracts under this part, the Secretary shall give priority to—

''(1) programs that meet the educational priority recommendations of the Education Council, as described under section 6303(d)(6)(D);

''(2) the repair and renovation of public schools that serve high concentrations of Native Hawaiian students;

''(3) 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 challenging State student academic achievement standards, 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; and

''(E) other programs relating to the activities described in this part; and

''(4) programs in which a local educational agency, institution of higher education, or a State educational agency in partnership with a nonprofit entity serving underserved communities within the Native Hawaiian population apply for a grant or contract under this part as part of a partnership or consortium.

''(c) AUTHORIZED ACTIVITIES.—Activities provided through programs carried out under this part may include—

''(1) the development and maintenance of a statewide Native Hawaiian early education and care system to provide a continuum of high-quality early learning 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) early care and education programs for Native Hawaiians; and

''(B) research on, and development and assessment of, family-based, early childhood, 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 in 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 such 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, 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 educational progress of such students;

''(6) the development of academic and vocational curricula to address the needs of Native Hawaiian students, including curricula materials in the Hawaiian language and mathematics and science 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 high concentrations of Native Hawaiian students to meet the unique needs of such students; and

''(C) the recruitment and preparation of Native Hawaiians, and other individuals who live in communities with a high concentration of Native Hawaiians, to become teachers;

''(8) the operation of community-based learning centers that address the needs of Native Hawaiian students, parents, families, and communities through the coordination of public and private programs and services, including—

''(A) early education programs;

''(B) before, after, and Summer school programs, expanded learning time, or weekend academies;

''(C) career and technical education programs; and

''(D) programs that recognize and support the unique cultural and educational needs of Native Hawaiian children, and incorporate appropriately qualified Native Hawaiian elders and seniors;

''(9) activities, including program co-location, that ensure Native Hawaiian students graduate college and career ready including—

''(A) family literacy services;

''(B) counseling, guidance, and support services for students; and

''(C) professional development activities designed to help educators improve the college and career readiness of Native Hawaiian students;

''(10) research and data collection activities to determine the educational status and needs of Native Hawaiian children and adults;

''(11) other research and evaluation activities related to programs carried out under this part; and

''(12) other activities, consistent with the purposes of this part, to meet the educational needs of Native Hawaiian children and adults.

''(d) ADDITIONAL ACTIVITIES.—Notwithstanding any other provision of this part, funds made available to carry out this section as of the day before the date of enactment of the Student Success Act shall remain available until expended. The Secretary shall use such funds to support the following:

''(1) The repair and renovation of public schools that serve high concentrations of Native Hawaiian students.

''(2) The perpetuation of, and expansion of access to, Hawaiian culture and history through digital archives.

''(3) Informal education programs that connect traditional Hawaiian knowledge, science, astronomy, and the environment through State museums or learning centers.

''(4) Public charter schools serving high concentrations of Native Hawaiian students.

''(e) 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 this section for any fiscal year may be used for administrative purposes.

''(2) EXCEPTION.—The Secretary may waive the requirement of paragraph (1) for a nonprofit entity that receives funding under this section and allow not more than 10 percent of funds provided to such nonprofit entity under this section for any fiscal year to be used for administrative purposes.

''SEC. 6305. 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) DIRECT GRANT APPLICATIONS.—The Secretary shall provide a copy of all direct grant applications to the Education Council.

''(c) SUPPLEMENT NOT SUPPLANT.—

''(1) IN GENERAL.—Except as provided in paragraph (2), funds made available under this part shall be used to supplement, and not supplant, any State or local funds used to achieve the purposes of this part.

''(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 part.

''(d) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated to carry out this part $32,397,259 for each of fiscal years 2014 through 2019.

''(2) RESERVATION.—Of the funds appropriated under this subsection, the Secretary shall reserve, for each fiscal year after the date of enactment of the Student Success Act not less than $500,000 for the grant to the Education Council under section 6303.

''(3) AVAILABILITY.—Funds appropriated under this subsection shall remain available until expended.''.

The CHAIR. Pursuant to House Resolution 303, the gentleman from Alaska (Mr. YOUNG) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, this bill that has been proposed to us actually took one successful program out, the very successful Hawaiian Natives and Alaskan Natives program. It is destroying a program that works.

This is a different program than the other Indian areas have, but it should have been left in this bill. And as I talked with the chairman, why take out some successful program and try to take and change it when there's other problems with No Child Left Behind?

I'm asking my colleagues to vote for my amendment, which puts it back in. It restores title VI moneys, and it does retain a working program that we should leave. I say this because Alaska Natives and Hawaiian Natives are not under the BIE funding programs, and it would be impossible for them to receive the moneys under the grant program.

All I want to do is keep my Natives on a right plain, which they've been doing very well in actually improving their lives, being better educated, achieving their goals.

I reserve the balance of my time.

Mr. KLINE. Mr. Chairman, I claim time in opposition.

The CHAIR. The gentleman from Minnesota is recognized for 5 minutes.

Mr. KLINE. Mr. Chairman, while I understand and appreciate the gentleman's concerns—and we've talked about this at some length over the year—the amendment reduces funding for title I programs. That's aid to the disadvantaged, migrant students, neglected and delinquent students, rural education, and English language acquisition to pay for the restoration and expansion of the Alaska Native and Native Hawaiian programs. This reduces funding to States and school districts—about $64 million a year—that need title I funds to increase student academic achievement, especially with today's budgetary challenges.

The underlying bill upholds the Federal Government's trust responsibility to the Indian people. It reauthorizes and maintains a separate funding stream for the Indian education program as in current law and increases funding for Indian education over the FY13 level and over President Obama's FY14 budget. The manager's amendment adds Alaska Native organizations as eligible entities to the program as well.

Reluctantly, I urge my colleagues to oppose the amendment and support the Student Success Act, and I yield back the balance of my time.

Mr. YOUNG of Alaska. At this time, I yield 1 minute to Congresswoman HANABUSA.

Ms. HANABUSA. Mr. Chair, I thank the gentleman from Alaska.

Mr. Chair, this amendment, which I've introduced with my colleagues, ensures that all Native students are supported in their education efforts.

H.R. 5, as reported, eliminates and reduces title VII and combines them with the broad title I programs, which is inappropriate and unjust to the programs.

What this amendment does is it upholds the Federal trust responsibility to tribes and Native organizations by ensuring that Native Americans, Native Alaskans, and Native Hawaiians, who have been historically disadvantaged, are able to succeed.

This amendment also ensures flexibility among the States as to how these programs would be administered. And most importantly, the CBO has found that our amendment has no impact on direct spending and complies with the CutGo requirements.

The primary issue here is that Congress must ensure that we maintain this important precedent in law, a precedent in law that we do have trust responsibility to the Native children, and we must ensure that that continues.

That is why I encourage all my colleagues to vote in favor of this amendment.

Mr. YOUNG of Alaska. At this time, Mr. Chairman, I yield 1 minute to Congresswoman GABBARD.

Ms. GABBARD. Mr. Chairman, I'm rising to give my strong support for the amendment before us, and I would like to thank my colleague from Alaska (Mr. YOUNG) for his steadfast support and championing of the issues and concerns of Native communities throughout our country.

This amendment does a simple thing: it ensures that Native students across the country have access to support which meets the unique cultural and language needs of these communities. This support has been there now for decades, and it's important and crucial that we continue this. For my home State of Hawaii, the Native Hawaiian Education Program, which the amendment reauthorizes and which does not exist in the underlying measure, is a vital resource for our Native Hawaiian community.

Last district period when I was home over the Fourth of July, I had the opportunity to travel to a few different islands where I met with teachers, parents, students, and other stakeholders and learned firsthand about the many accomplishments of this program.

By passing this amendment, we're empowering and educating the next generation in communities that have largely been underserved and at the same time preserving rich and unique culture, language, and values of our Native people.

With that, I insert into the RECORD numerous letters of support that I've received from my constituents explaining in a very personal way the important success stories of the Native Hawaiian Education Programs over the years.

MID-CONTINENT RESEARCH FOR EDUCATION AND LEARNING PACIFIC CENTER FOR CHANGING THE ODDS,
Honolulu, HI, July 17, 2013.

Rep. TULSI GABBARD,
Ala Moana Blvd.,
Honolulu, HI.
Attention: Anthony Ching.

DEAR REPRESENTATIVE GABBARD, Thank you for being a supporter of the Native Hawaiian Education Act. This legislation is critical for the future and progress of Hawai'i's education system. Every year tens of thousands of Hawaiian students benefit from the academic programs funded by this policy. The Act is also a significant milestone in the relationship between the U.S. federal government and Native Hawaiians because it affirms the trust in that relationship and recognizes the rights of Native Hawaiians.

The ESEA reauthorization bill H.R. 5 the Student Success Act, put forward by Representative John Kline, seeks to eliminate the Native Hawaiian Education Act, which would end critical academic programs for Native Hawaiians. If passed, the Student Success Act would cut funding and potentially terminate many of the innovative programs promoting native culture and education in Hawai'i that have been valued for over twenty-five years.

As the ESEA reauthorization process continues, we urge you to consider the preservation of Native Hawaiian culture, traditions and values within the Student Success Act.

Thank you for championing Native Hawaiian education and for supporting Hawai'i's students who benefit from the Native Hawaiian Education Act.

Sincerely,

JANE R. BEST, PH.D.,
Chief Strategy Officer.

KAMEHAMEHA SCHOOLS,
Honolulu, HI, July 16, 2013.

To: Members of the United States Congress.
From: Kamehameha Schools, Office of the Chief Executive Officer.
Re Preserving the Native Hawaiian Education Act (NHEA) proposed amendments to H.R. 5.

My name is Dee Jay Mailer and I am the Chief Executive Officer of Kamehameha Schools. We are a private independent school whose mission is to improve the capability and wellbeing of Native Hawaiians through education. Thank you for this opportunity to express Kamehameha Schools' support of Congressman Young's and Congresswoman Gabbard's amendments to H.R. 5 that would preserve the Native Hawaiian Education Act.

There continues to exist significant educational disparities between Native Hawaiians and other ethnic groups within Hawai'i. Despite being the largest single ethnic group in Hawaii's public school system, achievement outcomes for Native Hawaiian youth are among the lowest in the state, trailing as much as 30 percentile points behind the highest performing groups. For many years, the Native Hawaiian Education Act and organizations in Hawai'i have supported and implemented culturally responsive education. In 2010, Kamehameha Schools along with the Hawai'i Department of Education, and Na Lei Na'auao undertook collaborative research study, which reported positive effects of culture-based educational strategies on student socio-emotional development and educational outcomes for Native Hawaiian and other learners. Culture-based education is the grounding of instruction and student learning in the values, norms, knowledge, beliefs, practices, and language that are the foundation of an indigenous culture. At the state, national, and international levels, culture-based educational strategies are increasingly being seen as a promising means of addressing educational disparities between indigenous students and their peers. Without continued support from the Native Hawaiian Education Act, educational disparities will continue to grow.

Kamehameha Schools supports promoting the achievement and success of Hawai'i's public school students and, as such, continues to support and promote culture based education. Thank you for the opportunity to express Kamehameha Schools' support for preserving the Native Hawaiian Education Act.

Sincerely,

DEE JAY MAILER,
Chief Executive Officer.

KEIKI O KA AINA
FAMILY LEARNING CENTERS,
July 15, 2013.

ALOHA, As a Native Hawaiian non-profit, Keiki O Ka Aina Family Learning Centers has been helping families statewide for eighteen years. With funding from NHEA, we help over 2000 families through home-visiting programs, (PAT and HIPPY), center-based preschools, family child interaction learning programs, programs for infants and toddlers with special needs, and supporting parents affected by incarceration.

The money given to Hawaiian non-profits through the rigorous competitive grants offered under NHEA help the entire community, Hawaiian and non-Hawaiian alike. The funding helps in the area in which our country is most needy, education.

Giving funds to the State in Race to the Top is nice, but putting funds in the hands of those who are providing the direct services is far more practical and achieves superior results. Research also shows that culture-based education is good education for indigenous populations and non-indigenous populations as well. Project-based, place-based, individualized instruction is just best practice, and it is Hawaiian education organizations, with support from NHEA, that is leading the charge in bringing about improvement in educational practice in the state. All NHEA recipients make details reports to NHEA on the efficacy of our programs, and they show positive impacts.

To eliminate this much needed funding stream will be extremely detrimental to the State who will have an additional burden and find itself unable to adequately serve its host population. United States Public Law 103–150 The ''Apology Resolution'' Passed by Congress and signed by President William J.

Clinton November 23, 1993 was a step forward, but to cut this funding would be an unconscionable step backward.

Sincerely,

MOMI AKANA,
Executive Director.

KANU O KA 'ĀINA
NEW CENTURY PUBLIC CHARTER SCHOOL,
Kamuela, HI, July 15, 2013.

Re letter of support for H.R. 2287, Native Hawaiian Education Act Reauthorization, and its inclusion in H.R. 5, The Student Success Act.

DEAR REPRESENTATIVE GABBARD: I am Taffi Wise, Business Manager of Kanu o ka 'Āina Public Charter School (KANU). We are a Hawaiian focused school in the rural community of Waimea on the Big Island of Hawai'i that serves 260 students, 65% of which are Title I recipients.

KANU strongly supports H.R. 2287 which calls for the reauthorization of the Native Hawaiian Education Act and its inclusion in H.R. 5, The Student Success Act (SSA) and advocates for the Native Hawaiian Education Act administered by the U.S. Department of Education. This grant program, first authorized in 1988, is known and recognized for its support of innovative education for and by Native Hawaiians.

With the change in the current law, the expanding of eligibility for grants to address the varying types of education programs offered to Native Hawaiian students will have the bill make changes to eligibility for NHEA, and, for example, allow grants to Native Hawaiian focused charter schools among other proposed and relevant changes.

We join with you in your floor statement, ''Education is by far the best investment we can make in our economy and in our future. We are empowering and educating the next generation in communities that have largely been underserved, at the same time preserving rich and unique culture, language, and values of our native people.''

KANU appreciates the opportunity to endorse and support H.R. 2287.

Mahalo nui loa,

TAFFI WISE.

KANU O KA 'ĀINA
LEARNING 'OHANA
July 15, 2013.

Re letter of support for H.R. 2287, Native Hawaiian Education Act Reauthorization, And its inclusion in H.R. 5, The Student Success Act.

DEAR REPRESENTATIVE GABBARD: I am Taffi Wise, Executive Director of Kanu o ka 'Āina Learning 'Ohana (KALO) a Hawaiian serving non-profit institution whose mission is serving and perpetuating sustainable Hawaiian communities through Education with Aloha.

KALO strongly supports H.R. 2287 which calls for the reauthorization of the Native Hawaiian Education Act and its inclusion in H.R. 5, The Student Success Act (SSA) and advocates for the Native Hawaiian Education Act administered by the U.S. Department of Education. This grant program, first authorized in 1988, is known and recognized for its support of innovative education for and by Native Hawaiians.

With the change in the current law, the expanding of eligibility for grants to address the varying types of education programs offered to Native Hawaiian students will have the bill make changes to eligibility for NHEA, and, for example, allow grants to Native Hawaiian focused charter schools among other proposed and relevant changes.

We join with you in your floor statement, ''Education is by far the best investment we can make in our economy and in our future. We are empowering and educating the next generation in communities that have largely been underserved, at the same time preserving rich and unique culture, language, and values of our native people.''

KALO appreciates the opportunity to endorse and support H.R. 2287.

Mahalo nui loa,

TAFFI WISE.

NĀ LEI NA'AUAO NATIVE HAWAIIAN
CHARTER SCHOOL ALLIANCE,
Kamuela, HI, July 15, 2013.

Re letter in support of H.R. 2287, Native Hawaiian Education Act Reauthorization, and its inclusion in H.R. 5, The Student Success Act.

DEAR REPRESENTATIVE GABBARD: My name is Ka'iulani Pahiō, and I am the Coordinator of the Nā Lei Na'auao—Native Hawaiian Charter School Alliance—which makes up twelve Hawaiian focused public charter schools throughout the State of Hawai'i.

Nā Lei Na'auao strongly supports H.R. 2287 which calls for the reauthorization of the Native Hawaiian Education Act and its inclusion in H.R. 5, The Student Success Act (SSA) and advocates for the Native Hawaiian Education Act administered by the U.S. Department of Education. This grant program, first authorized in 1988, is known and recognized for its support of innovative education for and by Native Hawaiians.

With the change in the current law, the expanding of eligibility for grants to address the varying types of education programs offered to Native Hawaiian students will have the bill address changes to eligibility for NHEA, and, for example, allow grants to Native Hawaiian focused public charter schools among other proposed and relevant changes.

Hawaiian focused public charter schools embrace culturally-driven educational strategies that link experiential learning with the teaching of Hawaiian language, culture and traditions, also in collaboration with teachers, parents, elders and its community. More than 4,000 students are now enrolled in culturally-based Hawaiian focused public charter schools, of which, over 90% are of Hawaiian ancestry.

As culturally-driven quality 21st century models of education, the mission of the Nā Lei Na'auao—Native Hawaiian Charter School Alliance, is to establish models of education throughout the Hawaiian Islands, which are community-designed and controlled—and reflect, respect and embrace Hawaiian cultural values, philosophies and ideologies.

We join with you in your floor statement, ''Education is by far the best investment we can make in our economy and in our future. We are empowering and educating the next generation in communities that have largely been underserved, at the same time preserving rich and unique culture, language, and values of our native people.''

Nā Lei Na'auao appreciates the opportunity to endorse and support H.R. 2287.

Mahalo,

KA 'IULANI PAHI'Ō.

NATIVE HAWAIIAN EDUCATION COUNCIL,
Honolulu, HI, July 12, 2013.

Hon. TULSI GABBARD,
House of Representatives, Cannon House Office Building, Washington, DC.

ALOHA CONGRESSWOMAN GABBARD, The Council was dismayed to hear that the House bill to reauthorize the Elementary and Secondary Education Act (ESEA), H.R. 5, is moving forward. A major flaw in the bill is the elimination of Title VII of ESEA. We believe that Title VII—the Indian, Native Hawaiian, and Alaska Native Education title—is unique and cannot be merged into Title I for two very important reasons:

1. It would breach the trust responsibility to native peoples. Title VII specifically funds programs for native children. Without this clear legislative distinction, states would have the discretion to use these funds for other purposes.

2. It would inhibit progress made by native communities and educators in developing and implementing programs that are linguistically and culturally aligned to the needs of our students. These culture- and place-based programs take into account clearly different values and approaches to learning.

Data shows that the programs funded by the Native Hawaiian Education Act (NHEA), Title VII, Part B, address unique characteristics of Native Hawaiian children. Native Hawaiian children have strong family values that they bring to their school settings, and a relationship to the land. For example, 70% of Native Hawaiian keiki report that many people at school were like family as opposed to only 52% for non-Native children, and 62% of Native Hawaiian keiki feel strong connections to the land versus 29% of non-Native children. The innovative and different approaches to education of these NHEA funded programs actually result in improvements. Graduation rates for Native Hawaiians have risen; however they still lag behind state totals.

Timely High School Graduation Rates

	2002 (%)	2006 (%)
Native Hawaiians	70	71
State Total	77	79

Source: Kamehameha Schools' Native Education Assessment Update 2009, Fig. 9.

Similarly math and reading scores have risen for Native Hawaiians, but still are not at parity with the rest of the state.

Percent Scoring Proficient or Above

	2007 (%)	2012 (%)
Native Hawaiian		
Math	27	49
Reading	41	62
State Totals		
Math	38	59
Reding	60	71

Source: Hawaii DOE Longitudinal Data System.

The Native Hawaiian Education Act (NHEA) allows for supplemental educational programs to address the unique culture, language, values, history, and traditions of Native Hawaiians, and therefore should be strongly supported as an important part of the reauthorization of ESEA.

We ask that you seek to amend H.R. 5 to include Title VII.

Me kealoha, purmehana,

WENDY ROYLO HEE,
Executive Director.

KAHO'IWAI—CENTER FOR
ADULT TEACHING AND LEARNING,
July 15, 2013.

DEAR REPRESENTATIVE GABBARD: We are Kaho'iwai—Center for Adult Teaching and Learning and our mission is to improve indigenous educational experiences in Hawai'i so that youth, adults and communities engage in deep and purposeful lives characterized by growth and creativity.

Kaho'iwai strongly supports H.R. 2287 which calls for the reauthorization of the Native Hawaiian Education Act and its inclusion in H.R. 5, The Student Success Act (SSA) and advocates for the Native Hawaiian Education Act administered by the U.S. Department of Education. This grant program, first authorized in 1988, is known and recognized for its support of innovative education for and by Native Hawaiians.

With the change in the current law, the expanding of eligibility for grants to address

the varying types of education programs offered to Native Hawaiian students will have the bill make changes to eligibility for NHEA, and, for example, allow grants to Native Hawaiian focused charter schools among other proposed and relevant changes.

We join with you in your floor statement, ''Education is by far the best investment we can make in our economy and in our future. We are empowering and educating the next generation in communities that have largely been underserved, at the same time preserving rich and unique culture, language, and values of our native people.''

Kaho'iwai appreciates the opportunity to endorse and support H.S. 2287.

Sincerely,

JOE FRASER,
Director.

TO CONGRESSWOMAN GABBARD: Thank you for allowing me an opportunity to submit comments on H.R. 5: The Student Success Act (SSA). Thank you for your hard work in drafting this bill. However, I strongly urge you to reinstate Title VII Part B, the Native Hawaiian Education Act (NHEA) which has been eliminated in the SSA.

I have the privilege of working on the Hawai'i Preschool Positive Engagement Project (HPPEP), which is funded by the NHEA, and I would like to share with you the work that we have done thus far and are currently aiming to complete within the next year with these essential funds:

HPPEP is the only program in Hawai'i bringing behavior management interventions to preschool-aged at-risk children and families, providing vital protective factors to the next generation of citizens who need them and can benefit from them most.

Students receiving HPPEP interventions have experienced statistically significant improvements in Academic Engaged Time scores, Behavior Ratings Scales, and Strengths and Difficulty Questionnaire scores. These gains provide at risk children with a considerably greater chance of succeeding in school and life.

This project has developed an innovative data management system that incorporates social work theory, complex measurement tools, and flexibility of replication that has the potential to benefit data management in educational and social service programs in Hawai'i and the nation.

We have provided Professional Development to over 230 teachers, staff, and community members with 17 presentations to bolster teacher education, competence, and effectiveness.

158 parents have received parenting and behavior management education, support, and literacy tools to further amplify the positive impacts of HPPEP's work in their homes and promote school and social success beyond preschool.

Over the next year, this project will be attempting to create sustainability within schools to allow our target populations to continue receiving beneficial interventions independently. Sustainability will allow the outcomes of our interventions to expand many times over, thus the funding from NHEA could be impacting educational success of Hawai'i's children for many years in the future.

With continued funding by the NHEA as planned, we will continue to work earnestly and efficiently toward our goals to benefit the educational outcomes of those with the greatest needs. Please consider that the federal government has an obligation to the American citizens in our state and that the NHEA allows for the types of creative and culturally responsive programs that will truly address the unique needs of our most vulnerable students. I truly hope you will hear the voices from your colleagues across the pacific and reinstate Title VII of the current ESEA.

Thank you for your consideration.

Sincerely,

CAMILLE ROCKETT,
LSW Award S362A11012; 2010–2014.

DOLORES DORÉ ECCLES CENTER
FOR EARLY CARE AND EDUCATION,
Logan, UT.

TO CONGRESSWOMAN GABBARD: Thank you for allowing us an opportunity to submit comments on H.R. 5: The Student Success Act (SSA), the bill reauthorizing the Elementary and Secondary Education Act (ESEA). We congratulate your committee on its hard work in drafting this bill. However, we strongly encourage you to reinstate important education programs that have been eliminated in SSA.

Title VII, Part B of ESEA is the Native Hawaiian Education Act and as a steward of a current USDOE Native Hawaiian Education Program grant, we ask that you please reinstate all parts of Title VII of the current ESEA. We encourage you to support efforts that not only fulfill the trust responsibilities of the Federal government to the indigenous people of the United States of America, but also to preserve programs that make a difference in improving the educational attainment of the most disadvantaged in order to advance the economic health and vitality of the community.

The Native Hawaiian Education program grant targets specific funds for some of the most vulnerable children with few other resources. Typically, only half of low-income children in Hawaii receive financial aid or subsidized services needed to participate in preschool programs (Good Beginnings Alliance, 2004). Native Hawaiians have unique strengths and needs that can be neglected or overlooked when they are grouped with the entire mainland for funding allocations. Parents and teachers are committed to helping their children prepare and succeed in school, but many lack the knowledge and resources to make this happen without additional supports. I have seen these supports put in place with the Hawai'i Preschool Positive Engagement Project, fully funded by monies from the NHEA. As part of this project, I have observed groups of 15–20 children with their parents (most with fathers involved) explore, listen, talk-story, and teach their children in outdoor settings supported by practitioners with the sole purpose for supporting families and improving academic and social outcomes for these high risk children. Data from this project are convincing in improving child outcomes. Parents are actively involved and engaged because the intervention was developed specifically with their needs and strengths in mind through the NHEA.

Please reinstate all parts of Title VII of the current ESEA

Thank you for your time

LISÁ BOYCE, PH.D.,
Executive Director.

Mr. YOUNG of Alaska. Mr. Chairman, at this time, I yield 1 minute to the gentleman from California (Mr. DENHAM).

Mr. DENHAM. Mr. Chairman, I appreciate Chairman KLINE and the committee's work on this important reauthorization.

Consolidating programs and replacing them with flexible grants is the right way to ensure that States and school districts are able to respond to the specific needs of their communities; however, the Federal Government has a unique and important trust obligation to the Native American population in this country.

This trust obligation means that support for Indian education programs should be handled separately from the traditional grant programs that support disadvantaged students. Only by maintaining a separate title can we ensure that there's a dedicated funding stream that meets the needs of Native children.

I thank Mr. YOUNG for offering this important and revenue-neutral amendment, and I urge my colleagues to support both the underlying legislation, as well as this amendment.

Mr. YOUNG of Alaska. Mr. Chairman, how much time do I have remaining?

The CHAIR. The gentleman has 1 minute remaining.

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself the balance of my time.

I urge the chairman to accept this amendment. This amendment takes no money away from anyone, other than the Natives themselves.

This program has worked. It has worked so well that I'm asking my colleagues to keep it in the existing bill that's coming before us. I'm not going to argue about Leave No Child Behind or the new bill, H.R. 5. But if a program is working and it's neutral, for God's sake let's leave it in there. Why take it out?

Everybody says, Well, they have a chance at it. Not when we don't have BIE funding in the State of Alaska. This is a neutral bill financially. It doesn't take away from any other programs.

I ask very respectfully for my colleagues to vote for this legislation to promote American Indian, Hawaiian Indian, and Alaska Native educational programs. It's the right thing to do, and let's do what's right today.

With that, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Alaska (Mr. YOUNG).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. KLINE. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Alaska will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. CÁRDENAS

The CHAIR. It is now in order to consider amendment No. 3 printed in House Report 113–158.

Mr. CÁRDENAS. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 4, line 22, strike ''2019.'' and insert ''2019, of which 775,000,000 for each of such fiscal years are authorized for subpart 4 of such part.''.

The CHAIR. Pursuant to House Resolution 303, the gentleman from California (Mr. CÁRDENAS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. CÁRDENAS. Mr. Chairman, my amendment increases authorized funding for English language learners from $750 million to $775 million until 2019.

Services to this growing, but completely underserved, population are important to me and families throughout my district and throughout this country; but it should be important for all of us.

Latinos as a percent of the labor force will grow to 34 percent in the next 10 years.

I want to share some numbers showing our neglect of these students.

Only 7 percent of the English language learners in the fourth grade and 3 percent of those in the eighth grade were at or above a proficient level of English in 2011; non-English language learners saw five times as many fourth graders and 11 times as many eighth graders at or above proficient levels in English.

All students should be able to reach those levels and greater.

Mr. Chairman, English language learners are the fastest growing segment of the public school population. The overwhelming majority are native-born U.S. citizens. Half are second- or third-generation Americans. Adequate educational services could prevent 25 percent of English language learners from dropping out, ensuring a fair shot at their participation in this economy of ours.

Instead, our system has failed these students. Second- and third-generation American citizens in our public schools are not proficient in English. This is absolutely unacceptable.

My amendment provides a funding stream specifically for services for English language learners, but the provisions in H.R. 5 do not ensure that these funds will be used to support these children.

H.R. 5 does not do what needs to be done to provide for these students. It strips the English language learner title and allows funds to be shared, allowing funds to be redirected from their intended population. Already, too many schools incorrectly use these funds. Opening the door to redirecting funds makes the problem even worse.

H.R. 5 strips achievement metrics for English language acquisition. If we can't measure whether something works or not, what is the point of funding it, ladies and gentlemen? Given our poor record of educating Americans, why is the Federal Government retreating from having these outcomes measured? These children can be doctors, lawyers, business owners, educators, and community leaders if we provide them with the proper education when they're youngsters. We must allow them to realize their potential by investing in them. That is why next week I'll be introducing my own bill on educating English language learners.

My colleagues on the other side of the aisle give much lip service to integrating Latino and immigrant families into American society; however, H.R. 5 would have been a great opportunity to show that they have meant what they said.

At this time, I yield as much time as she may consume to my friend from Illinois, Congresswoman DUCKWORTH.

□ 1600

Ms. DUCKWORTH. Mr. Chairman, I thank the gentleman from California for yielding, and also for your leadership on this important issue.

Earlier this year, at Harper College in Illinois, I held an education roundtable with school district administrators and parents on the importance of averting the sequester and reforming our education system.

Since then, I have heard continuously from educators and parents throughout my district on the importance of English language learner programs for our young men and women. As a child, English was not my first language, and I understand intimately the importance of programs that help children learn the language of our Nation. It makes them more competitive when they become adults and enter the workforce. It also makes our Nation more competitive to have truly bilingual members of the workforce.

That is why I support proper funding of the English Language Learner program, and I'm rising in opposition to this dangerous bill that, simply put, lets students down. H.R. 5 ignores the needs of this growing portion of our student population. It ignores them, along with poor children, migratory children, and neglected children.

This bill guts education funding, rolls back protections for disadvantaged students, and removes accountability provisions that we all know our students deserve. I want the children in my district to receive excellent education, and this partisan, extreme bill will fail to provide that.

Mr. CÁRDENAS. Mr. Chairman, how much time do I have remaining?

The Acting CHAIR (Mr. POE of Texas). The gentleman from California has 1 minute remaining.

Mr. CÁRDENAS. Mr. Chairman, my amendment, while ruled in order, does not go as far as we should. In fact, Mr. MILLER's substitute provides even more of an opportunity for us to serve this important need. His bill would replace H.R. 5. Therefore, I ask my colleagues to support Mr. MILLER's substitute language, vote against the current language.

Mr. Chairman, I withdraw my amendment.

AMENDMENT NO. 4 OFFERED BY MR. LUETKEMEYER

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in House Report 113–158.

Mr. LUETKEMEYER. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 6, after line 21, insert the following new section:

SEC. 7. SENSE OF THE CONGRESS.

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

(1) The Elementary and Secondary Education Act prohibits the Federal Government from mandating, directing, or controlling a State, local educational agency, or school's curriculum, program of instruction, or allocation of State and local resources, and from mandating a State or any subdivision thereof to spend any funds or incur any costs not paid for under such Act.

(2) The Elementary and Secondary Education Act prohibits the Federal Government from funding the development, pilot testing, field testing, implementation, administration, or distribution of any federally sponsored national test in reading, mathematics, or any other subject, unless specifically and explicitly authorized by law.

(3) The Secretary of Education, through 3 separate initiatives, has created a system of waivers and grants that influence, incentivize, and coerce State educational agencies into implementing common national elementary and secondary standards and assessments endorsed by the Secretary.

(4) The Race to the Top Fund encouraged and incentivized States to adopt Common Core State Standards developed by the National Governor's Association Center for Best Practices and the Council of Chief State School Officers.

(5) The Race to the Top Assessment grants awarded to the Partnership for the Assessment of Readiness for College and Careers (PARCC) and SMARTER Balanced Assessment Consortium (SMARTER Balance) initiated the development of Common Core State Standards aligned assessments that will, in turn, inform and ultimately influence kindergarten through 12th-grade curriculum and instructional materials.

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

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that States and local educational agencies should maintain the rights and responsibilities of determining educational curriculum, programs of instruction, and assessments for elementary and secondary education.

The Acting CHAIR. Pursuant to House Resolution 303, the gentleman from Missouri (Mr. LUETKEMEYER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Missouri.

Mr. LUETKEMEYER. Mr. Chairman, I rise today in support of my amendment that expresses the sense of Congress that States and local education agencies should maintain the rights and responsibilities of determining curricula and assessments for their students. Local control is the foundation of American education, providing the diversity of thought and practices that has propelled our education system forward.

As many parents and teachers will tell you, the people closest to the child

are the ones best suited to deliver the highest quality education. No Washington bureaucrat, through top-down mandates or regulations, should determine what is best for each of our Nation's more than 100,000 schools and their nearly 50 million students.

Unfortunately, in recent years the Federal Government has vastly expanded its influence over local education decisions. Through efforts to push Common Core State Standards, the Department of Education has incentivized and pressured States into adopting common national standards and assessments favored by the Department.

Although initially billed as a simple framework, these standards and assessments will ultimately influence the curricula and instructional materials that are used in classrooms across the Nation. As Federal bureaucrats attach more strings to what the schools are able to do, they lessen the ability of parents, teachers, administrators, and school board members to determine the most appropriate ways to help students learn.

In addition to producing bad practices, this increased Federal influence over our classrooms threatens to run afoul of numerous Federal laws. The General Education Policy Act, the Department of Education Organization Act, and No Child Left Behind all include statutory language prohibiting the direction, control, and supervision of curricula and instructional materials by the Federal Government.

Every school is different; every classroom is different; every student is unique; and the quicker we recognize and understand this dynamic, the more able we will be to help our children succeed. Maintaining the right of States and local school boards to set curricula allows for competitive excellence and innovation in our education system. Respecting the historic role of local communities while adhering to high standards will produce the superior outcomes that we all desire.

It is imperative that we give States and local agencies the right to reclaim their education decisionmaking authority. When included in the underlying legislation, this amendment will help roll back the Department's role in Common Core by clearly reaffirming that teachers, parents, and local school districts should maintain the authority to determine what their children are taught.

I thank Chairman KLINE for his efforts and for including another way to address Common Core in the underlying bill. I urge my colleagues to support this amendment and support H.R. 5.

With that, Mr. Chairman, I yield back the balance of my time.

Mr. ANDREWS. Mr. Chairman, I rise to claim the time in opposition to the amendment.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. ANDREWS. Mr. Chairman, I yield myself 2 minutes.

(Mr. ANDREWS asked and was given permission to revise and extend his remarks.)

Mr. ANDREWS. Mr. Chairman, I oppose this amendment, we oppose this amendment because we believe it is redundant and ideological. It truly is a solution in search of a problem.

Not one word of existing Federal law, and as I read it, not one word of the underlying bill, authorizes the Federal Department of Education to create curriculum, any sort of curriculum for States and for local school districts. As a matter of fact, I would offer the author of the amendment just this one thought, and I know he is proceeding with a good-faith intent to make sure that the day never comes when there is a national curriculum. I think in some ways this amendment is contrary to that goal because it implies that the amendment is necessary.

The amendment is unnecessary if, as is the case, there is no present authority for a national curriculum in Federal law, and there is no existing authority under the proposed bill for a national curriculum. Adding this may actually raise the ambiguity that there is something in existing Federal law or in the bill that would authorize a national curriculum.

So I think that this is simply a statement to try to solve a problem that does not exist in present law or in this bill, and I would respectfully urge a ''no'' vote on the amendment.

With that, Mr. Chairman, I yield 1 minute to the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Mr. Chairman, I thank the gentleman for yielding.

I am speaking on the previous amendment, the Young amendment. I ran out of time earlier.

As currently written, this bill does not provide a clear funding source for Indian education programs, which violates an important trust responsibility between the Federal Government and our sovereign Indian nations. We have a moral obligation as a society to provide quality education for all children, including Native American youth.

I believe it is a huge mistake to eliminate title VII, and if this amendment, the previous amendment, is not adopted in rollcall, I believe it will have a negative impact on Native American communities.

Mr. ANDREWS. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado (Mr. POLIS), a real leader in education.

Mr. POLIS. Mr. Chairman, this Chamber, this body here at the Federal level, is simply the wrong venue, the wrong place, to be discussing this issue of Common Core Standards. If the gentleman and others are interested in making sure that their States or their districts don't adopt them, they need to run for State House, they need to run for Governor, they need to run for State board, State superintendent. This body here, the Federal Government, has absolutely nothing to do with Common Core Standards, nor should we have a role in trying to prevent States from working together, which symbolically this amendment does.

I think it's great that my State and a number of others have taken advantage of economy in scale to prepare good college and career-ready standards. I think it's terrific that States like Virginia and Minnesota, outside of the working group of Governors, have come up with their own core standards for college and career-ready that are different but also high standards.

There's different ways to get there. And again, if any folks in this Chamber feel passionately about that, they ought to run for a different office because it's not this body that decides on standards. I think it's the wrong reason to come here and try to force any particular standard down any State's throat.

Very clearly, I think it's great some States are working together. My State is among them. It is very important that we don't have a race to the bottom with regard to standards. One of the dangers of this underlying bill is that it encourages that. It encourages States to define mediocrity as success by lowering their standards and showing that all students are achieving when achievement means nothing and the very definition of the word is diluted.

So, yes, we, of course, have a Federal interest as a Nation in making sure that kids from Alaska, from Minnesota, from Texas, and from Colorado are ready for college or ready for career. And if some States want to work together to develop those standards that can save money, save time, be convenient for families to move between those States, if other States want to take it upon themselves to engage in that; but certainly what this amendment insinuates, that somehow States are being coerced to do a certain thing, is contrary to Secretary Duncan's testimony before our committee and contrary to fact. And anybody who disagrees, frankly, needs to run for a different office to advocate for or against a particular set of standards.

Mr. ANDREWS. It is my understanding that the majority side has yielded back its time, and we have how much time left?

The Acting CHAIR. The gentleman is correct; the majority has yielded back its time. The gentleman from New Jersey has 1 minute remaining.

Mr. ANDREWS. Mr. Chairman, I yield myself the balance of my time in closing.

The problem with the underlying bill is not that it tries to impose a national curriculum. The problem is that we believe it ignores a national interest. The national interest is in articulating high standards for every student in our country, and then leaving to the creative energies of local educators and

families the best way to reach those high standards.

The failure of the underlying bill to reach that objective is the reason that business groups such as the Chamber of Commerce, education groups, civil rights groups, and disabled advocates have united in an unusual coalition, frankly, to oppose the underlying legislation. We think that the underlying bill is flawed. We think that this amendment flaws that flaw and respectfully would ask for a ''no'' vote on the offered amendment and the underlying bill.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Missouri (Mr. LUETKEMEYER).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. LUETKEMEYER. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Missouri will be postponed.

AMENDMENT NO. 5 OFFERED BY MS. JACKSON LEE

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in House Report 113–158.

Ms. JACKSON LEE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 16, line 6, strike ''low-performing schools'' and insert ''neglected, delinquent, migrant students, English learners, at-risk students, and Native Americans, to increase academic achievement of such students''.

The Acting CHAIR. Pursuant to House Resolution 303, the gentlewoman from Texas (Ms. JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE. Mr. Chairman, I thank the Chairman very much. I am reminded in my amendment of the high calling of Chairman MILLER and President Bush some many years ago with the name Leave No Child Behind.

My amendment could be called ''Throw No Child Away'' or ''No Child is a Throwaway,'' for that is the necessity of where we are today with the underlying bill. We must restore and help those children who are considered throughout America as at-risk children.

Research shows that a disproportionate number of schools with predominantly low-income African American and Hispanic students have low housing stability and that such students are more likely than others to switch schools in the middle of the year. High student mobility has consequences for students, teachers, and schools, and could result in lower achievement levels, slower academic pacing, and lower teaching satisfaction.

My amendment expands that concept; and it indicates that States with insufficient funding should find a way to target funds for schools serving neglected, delinquent, migrant students, English learners, at-risk students, and Native Americans to increase academic achievement of such students, all with the idea that there are no throwaway children.

Children and education are one and the same. That is the work of children. When children are at work and are fully educated—and when I say that, at their work, a combination of education and play—what you create is a greater America.

Poor families, for example, move 50–100 percent more often than nonpoor families. Migrant children typically move from community to community. Foster children often change schools each time they're removed from a home. Right now, as I speak, we in Houston are trying to establish one of those homes for aged-out children who are still in high school who've aged out of foster care.

□ 1615

Those children typically are at risk. We can't shortchange them, as the underlying legislation does.

Student mobility has consequences with students and teachers and, therefore, we need to help build higher achievement levels because there is a possibility of lower achievement levels, lower academic pacing, and lower teacher satisfaction.

Take the school district that I represent, HISD, 200,000 students, 80 percent of which are eligible for free and reduced-price lunch. Children can not learn if they are hungry.

HISD has a diverse population. But, 100 of the largest districts represent less than 1 percent of all school districts in the Nation. Yet it enrolls 21 percent of all students, including 25 percent of census poverty students, 33 percent of Black students, 32 percent of Hispanic, and 31 percent of all minority students.

But the real point is that, in addition to these large school districts, this amendment respects the rural communities of America and deals with at-risk children in those areas, and deals with migrant students in those areas, and indicates that a State should not shortchange those individuals if their grant money is, in fact, shortchanged. Don't shortchange the children. Again, there are no throwaways.

So I think my amendment balances great needs in the underlying legislation by saying to my colleagues that the understanding of education is that it should be equal to all. And the quality should be equal to all, and therefore, whether you are a student that moves frequently, or a migrant student, or an English-learner student, you should not be denied an excellent education.

I reserve the balance of my time.

Mr. ROKITA. Mr. Chairman, I rise to claim time in opposition, but I do not intend to oppose the amendment.

The Acting CHAIR. Without objection, the gentleman from Indiana is recognized for 5 minutes.

There was no objection.

Mr. ROKITA. Mr. Chair, as one of the authors of the underlying legislation, I'll be the first to admit that going through the progress that we have laid out in this House has the potential to only make the legislation better.

In that vein, this amendment, as I understand the gentlelady to propose it, supports the tutoring and public school choice options in the Direct Student Services program. Tutoring services and public school choice are key programs to ensure students have the opportunity to access critical educational help or to find a school that better fits their needs.

We know, through study after study, through letter after letter, through parent interview after parent interview, that students who have access to tutoring services do better in school, those who are in a school that fits their learning style better.

This is a minor amendment to the important program that I think already exists in the underlying law, and it says that if there is not enough funding in the State to support all of the applications for direct student services, that it should prioritize the vulnerable populations, rather than look at supporting the lowest-performing schools. So, either way, the important thing is to help students have access to high-quality tutoring and school choice.

For that reason, I reserve the balance of my time.

Ms. JACKSON LEE. I thank the gentleman for his expression on this particular amendment. Let me frame it, as I close, thanking my colleagues and expressing my commitment to the concept that no child should be thrown away.

With formulas changing, block grants being promoted, the idea of a State being shortchanged in its awards means that there needs to be focus and refocus, and that is, from my perspective, to look at those children, whether they're rural or urban communities that need to be educated who could be considered neglected, delinquent, migrant students, English-learners, at-risk students, Native American youth, and to determine again, to find a way to focus those dollars in a way that will lift, in essence, all educational boats.

Sometimes that will be an enormous challenge, as this formula has evidenced. And I would like to see that no matter what happens in the underlying bill, that we have these children protected, many of whom are in the school districts that I represent, including formerly the North Forest Independent School District, that could have benefited from those resources, having given to them a number of rural school

districts in Texas that could have benefited from targeted dollars, to be able to keep them as existing viable school districts, teaching their children, not closed school districts.

So I hope that as we proceed that the message that comes, ultimately, from Members of Congress is that we promote education first, and the children at risk will never be lost in the debate, but we'll always support them.

I ask my colleagues to support the Jackson Lee amendment.

I yield back the balance of my time.

Mr. ROKITA. I'd ask the Chair how much time I have remaining.

The Acting CHAIR. The gentleman from Indiana has 3½ minutes remaining.

Mr. ROKITA. In closing, I'd like to urge my colleagues, as well, to support this amendment and the Student Success Act in its entirety.

And in response to the debate we've seen here on the floor this afternoon, Mr. Chairman, so far, I'd like to say that there are many organizations in support of the Student Success Act, including the American Association of School Administrators, the National School Boards Association, the Council of Chief State School Officers, the Council for American Private Education, the Association of Christian Schools International, Concerned Women for America, National Association of Independent Schools, National Alliance for Public Charter Schools, and many more.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. BENTIVOLIO

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in House Report 113–158.

Mr. BENTIVOLIO. Mr. Chairman, I rise to introduce my amendment to H.R. 5.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 20, line 21, strike ''and parents'' and insert ''parents, private sector employers, and entrepreneurs''.

Page 39, line 10, strike ''and local educational agencies'' and insert ''local educational agencies, and private sector employers (including representatives of entrepreneurial ventures)''.

Page 39, line 15, strike ''75 percent'' and insert ''65 percent''.

Page 39, line 16, insert ''and 10 percent are representatives of private sector employers'' before the period at the end.

The Acting CHAIR. Pursuant to House Resolution 303, the gentleman from Michigan (Mr. BENTIVOLIO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. BENTIVOLIO. Mr. Chairman, I have taught in both private and public schools. My children graduated from both private and public schools. I am certified as both a vocational and general education teacher, and I also have a master's degree in education.

Our students deserve not just a quality education but an education that prepares them for the jobs of tomorrow, instilling them with passion, confidence and skills needed to be successful in the 21st century's global economy.

In my State, we have some of the best schools and universities. But what I hear from our employers is that our students don't have the skills necessary to fill many of the jobs they are offering. This is especially true for companies in the STEM and manufacturing sectors.

This amendment brings employers, entrepreneurs, teachers and parents together to ensure that academic standards adequately prepare students to obtain employment, enter college, or start their own business after graduating from high school, regardless of their circumstances in life.

As a former teacher, I know, firsthand, how poor circumstances can negatively impact a child's ability to learn. Broken homes, poverty and mental health concerns are things that put children in a challenging position. Having a disadvantage, however, does not mean that they do not have the potential to live a successful and happy lives. Just ask any educator.

Teachers see talent and potential in all of their students. Children need someone to tell them they are capable and talented. They also need to know what opportunities exist and what skills they need to obtain those jobs. Too often we simply assume that they know.

By allowing employers to be part of the conversation in education, we can help broaden the economic horizons for all of our students. That should be the purpose of our education system.

There are many paths to success in the United States. That is what makes our country so special and so unique. We need to ensure our schools are not just producing workers, but also developing job creators and small business owners. We need the leaders of today to pass on their knowledge for tomorrow.

Regardless of what side of the aisle they sit on, I think most of my fellow Members of Congress believe that our students need to be prepared for jobs. If we want our education system to focus on college and career-readiness, including creating jobs, then we need to have the private sector at the discussion table. This amendment does just that. I ask for your support.

Mr. Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chair, I rise to claim the time in opposition.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. GEORGE MILLER of California. Mr. Chairman, and Members of the House, I oppose this amendment offered by the gentleman from Michigan because I think this amendment continues the ideological approach here that we have in taking away Federal dollars under H.R. 5 from the poorest schools in our systems, serving some of the poorest children in our country, at a time when this legislation locks in the post-sequestration funding for the schools now, as H.R. 5 does, and mandates that those scarce dollars go to the private sector. Now we're mandating that those schools now get involved with the private sector.

I don't know, maybe it's different in your States. But in my State, when local school districts put together their budgets, when local school districts consider engaging in developing new programs and new curriculums, they invite the community to come in and participate in those discussions across the board. Nobody has to mandate them to do that. They do that because those are community schools. Those are trying to serve the community.

Whether it's at the elementary level, or at the high school level or at the community college level, this is what they do in developing those curriculums and developing those assessments that are taking place. And so I don't understand.

In a bill that rails against Federal mandates, we're now on to our second mandate under this legislation. Why are we creating these mandates for these local districts that know better, that know how to do it best, according to all of the statements here?

Why are we then mandating from the Federal Government to do it this particular way?

In my community I would say they already do it this way, but I don't think they need to be mandated to do that. And for these reasons, I oppose this amendment because I think it continues the ideological bent that somehow, while mandates are bad for schools when they come from the Federal Government, apparently, when they come from the Congress they're good.

So we'll try to sort this out in the meantime. But in the meantime I'll oppose this amendment.

I reserve the balance of my time.

Mr. BENTIVOLIO. Mr. Chairman, sadly, too much of our Federal education policy is based on where children are, instead of where we want them to be. We need our children, but especially those we label as disadvantaged, to know that they can be anything they set their mind to.

When we continue to tell children they are victims instead of empowering them to seize the talents God has blessed them with, we, as a Congress and as a society fail.

Many of my colleagues believe it takes a village to raise a child. Well, entrepreneurs, small business owners and employers are part of that community. It is the business owner who hires, the entrepreneur who creates opportunity. This is exactly why they

should be involved in the education policy.

It is time we stop merely labeling children as disadvantaged and, instead, let's empower our States and teachers to implement the potential they see every day in the classroom by working with representatives from the private sector and the entrepreneurs.

I yield back the balance of my time.

Mr. GEORGE MILLER of California. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Michigan (Mr. BENTIVOLIO).

The amendment was agreed to.

AMENDMENT NO. 7 OFFERED BY MRS. MCMORRIS RODGERS

The Acting CHAIR. It is now in order to consider amendment No. 7 printed in House Report 113–158.

Mrs. MCMORRIS RODGERS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 22, line 14, insert ''in each subject being assessed'' after ''student''.

Page 22, line 15, insert, ''alternate academic achievement'' before ''standards''.

Page 22, line 17, strike ''standards'' and insert ''content standards for the grade in which the student is enrolled''.

Page 22, line 19, strike ''promote'' and insert ''provide''.

Page 22, line 20, strike ''and''.

Page 22, line 23, strike the period and insert a semicolon.

Page 22, after line 23, insert the following:

''(IV) are vertically aligned;

''(V) reflect concepts and skills that students should know and understand for each grade and the enduring understandings of the content being tested (such as concepts and skills that identify core concepts, principles, theories, and processes, serve to organize important facts, skills, or actions around central ideas, and are transferable to other contexts or other disciplines); and

''(VI) are supported by evidence-based learning progressions to age and grade-level performance.''.

Page 28, beginning on line 20, strike ''aligned with'' and insert ''based on''.

Page 28, line 21, strike ''standards'' and insert ''achievement standards''.

Page 29, line 11, strike ''are informed'' and insert '', as part of the individualized education program team for such students, are involved in the decision''.

Page 29, line 14, strike ''standards'' and insert ''academic achievement standards''.

Page 29, line 16, strike ''precludes'' and insert ''may preclude''.

Page 29, line 20, strike ''demonstrates'' and insert ''provides evidence''.

Page 29, line 21, strike '', to the extent practicable,''.

Page 29, after line 24, insert the following:

''(iv) certifies that the State's requirements for academic assessments under this paragraph and subparagraphs (A) and (B) are universally designed to be accessible to students, including students with sensory, physical, and intellectual disabilities;''.

Page 30, line 1, strike ''(iv)'' and insert ''(v)''.

Page 30, line 2, insert ''make available,'' after ''about,''.

Page 30, line 2, strike ''appropriate'' and insert ''reasonable adaptations and appropriate''.

Page 30, line 4, strike ''disabilities'' and insert ''the most significant cognitive disabilities''.

Page 30, line 4, strike ''who'' and insert ''participating in grade-level academic instruction and takes steps to ensure the use of appropriate accommodations to increase the number of students with the most significant cognitive disabilities who''.

Page 30, beginning on line 6, strike ''for the grade in which a student is enrolled''.

Page 30, line 7, strike ''and''.

Page 30, line 8, strike ''(v)'' and insert ''(vi)''.

Page 30, line 11, strike ''assessments'' and insert ''assessments based on alternate academic achievement standards adopted in accordance with paragraph (1)(D)''.

Page 30, line 13, strike the period and insert a semicolon.

Page 30, after line 13, insert the following:

''(vii) requires separate determinations about whether a student should be assessed using an alternate assessment for each subject assessed;

''(viii) ensures that, if a student's individualized education program includes goals for a subject assessed based on alternate academic achievement standards, such goals are based on academic content standards for the grade in which the student is enrolled; and

''(ix) ensures that students assessed on alternate academic standards are not precluded from the opportunity to earn a secondary school diploma.''.

Page 34, after line 23, insert the following:

''(C) STUDENTS WITH THE MOST SIGNIFICANT COGNITIVE DISABILITIES.—When measuring the academic achievement of students against the State's academic content standards under subparagraph (B)(I) or, if applicable, measuring adequate student growth against such standards under such subparagraph, States and local educational agencies may include, for all schools in the State or local educational agency, the performance of the State's or local educational agency's students with the most significant cognitive disabilities on alternate assessments described in subsection (b)(2)©) in the subjects included in the State's accountability system, if the total number of the students taking such alternate assessments based on alternate academic achievement standards in all grades assessed and for each subject in the accountability system does not exceed 1 percent of all students at the State and local educational agency levels, separately, in the grades assessed in each subject.''.

Page 34, line 24, strike ''(C)'' and insert ''(D)''.

Page 35, line 5, strike ''(D)'' and insert ''(E)''.

Page 429, line 11, strike ''SIGNIFICANT'' and insert ''THE MOST SIGNIFICANT''.

Page 429, line 13, strike ''aligned to'' and insert ''based on''.

Page 429, lines 17 through 21, strike ''diploma'' and all that follows through ''Education Act'' and insert the following: ''diploma aligned with the State's academic content standards, which has been developed by a team of experts including organizations representing such students and their families''.

Page 429, line 23, insert after ''Act'' the following '', 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 high school diploma under this subparagraph''.

The Acting CHAIR. Pursuant to House Resolution 303, the gentlewoman from Washington (Mrs. MCMORRIS RODGERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Washington.

□ 1630

Mrs. MCMORRIS RODGERS. Mr. Chairman, no one in this Chamber would argue the fact that a strong education system is important to keeping our Nation competitive and a leader in the 21st century and beyond. And no one in this Chamber will argue that a strong, quality education for our children is foundational for their growth, their development, and their success for whatever path they choose.

Yet for a segment of the student population, access to a quality education can sometimes be a struggle. I appreciate Chairman KLINE's leadership as chair of the Education Committee. There are things about this legislation that are positive. The bill maintains requirements that States test all students in reading, math, and science, and report that data, disaggregated by subgroup, so we can begin the process of providing transparency on student performance. I also thank the chairman for working with me to include language in the manager's amendment around universal design for learning to improve the accessibility of assessments.

But I remain concerned that the protections in this bill for students with disabilities are inadequate. I know firsthand the positive impact of including students with special needs into the general curriculum. Further, I know that having access to the right assessments and curriculum drives student progress and achievement. My son, Cole, is a thriving 6-year-old who's learning at grade level. And, yes, he has an extra 21st chromosome, commonly known as Down syndrome.

I am concerned, though, that Cole and other children like him could see access to general curriculum diminished by this bill. The Student Success Act removes a cap that currently exists that limits the percentage of students to whom schools can administer an alternate assessment aligned to alternate standards. My amendment would restore it. Without this cap, I believe schools will abuse their authority and students will suffer. I believe we can return greater flexibility to the States and still maintain key protections for students like Cole. Flexibility for States is not mutually exclusive of accountability.

At this point I yield to the gentleman from Mississippi (Mr. HARPER).

Mr. HARPER. Mr. Chairman, I rise in support of the amendment by the gentlewoman from Washington. Like her, I am the parent of a child with special needs. My 24-year-old son Livingston has Fragile X syndrome, and we know personally the amazing progress we've made within our current educational system to help push our kids into mainstream America. I commend the gentlewoman from her leadership in making this point.

We cannot give kids with developmental disabilities the tools they need to become employed and less dependent on government services without the

most appropriate education possible. And we cannot provide an appropriate education to developmentally disabled children based upon antiquated assumptions of what our kids cannot do. We have to push our special kids and the schools if they are to have a chance to meet their full potential.

There's a lot of good in this bill, and I commend and thank Chairman KLINE for his efforts. I will vote for it. But I do so only because I'm confident that our concerns for special needs children will be addressed in conference.

Mrs. MCMORRIS RODGERS. For these reasons, I'd like to ask the chairman of the committee to work with me, Mr. HARPER, and others who have expressed concerns as this process moves forward.

To that end, would the chairman engage in a colloquy with me concerning the importance of supporting students with disabilities?

Mr. KLINE. I would be happy to do so.

Mrs. MCMORRIS RODGERS. Mr. Chairman, as I said before, there are things about this bill that are positive, and I thank you for your thoughtful approach to this reauthorization. However, I'm very concerned about what I believe to be a lack of sufficient protections for students with disabilities. These students are often our most vulnerable; and as we work to reform our education laws, we should maintain the strong supports these students need to thrive.

Chairman KLINE, would you be willing to work with me and other Members with similar concerns as the reauthorization process continues to ensure that all students, including students with disabilities, have access to a high-quality education?

I yield to the gentleman from Minnesota.

Mr. KLINE. I thank the gentlewoman for yielding. Let me thank my colleague from Washington for her leadership on this important issue and for her remarks today. I understand the passion and knowledge she brings to this topic.

Throughout this reauthorization process, we have sought to recalibrate the Federal role in education, undoing the excesses of the past while maintaining provisions of the law that ensure parents and communities have the information they need to evaluate their schools' and students' performance. As the gentlewoman acknowledged, we do maintain requirements for disaggregated achievement data so special needs students' achievement won't be masked by high averages among all students.

On the topic of the gentlewoman's amendment, we do maintain current requirements that narrowly define the population of students eligible to take an alternate assessment. I believe these are important provisions that will limit the possibility of abuse by schools. That said, I share my colleague's desire to see all students, including those with special needs, succeed in school and beyond. And I'm happy to work with her and other Members on this issue as the reauthorization process continues.

Mrs. MCMORRIS RODGERS. I yield back the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chair, I rise to claim time in opposition, although I am not opposed to the amendment.

The Acting CHAIR. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. GEORGE MILLER of California. I thank the gentlewoman for introducing this amendment. I strongly support this amendment for all of the reasons that she laid out in her remarks in support of her amendment.

I believe that, in its current form, H.R. 5 would undo decades of progress and relegate students with disabilities to a second-class education. That's why the disabilities community stands united in firm opposition to this bill. It astounds me that this body is considering enactment of such draconian policies. I thought that by 2013 bipartisan consensus on natural ability and potential of all children would be commonplace, but I was wrong.

One of the biggest victories we had under No Child Left Behind was the attention to students with disabilities, with the assumption that this population of students can and will achieve. Students with disabilities have thrived under these high expectations. H.R. 5 returns us to the era of soft bigotry and of low expectations with respect to students with disabilities, and that is unacceptable.

This Republican bill completely removes students with disabilities from the accountability system, greenlighting States and districts to assess any student with disabilities to a lower standard by allowing States to develop and assess students based upon a lower set of standards regardless of the severity of the disability. This would return us to a time when students with disabilities are hidden and not given access to quality education. That was the situation when I came to this Congress.

I'm no prouder of any act that I've ever authored than the Children With Handicaps Act, now known as IDEA, the Individuals with Disabilities Education Act. We cannot undermine that legislation and the progress and achievements that those children and their families have made and to see their successes. And now to suggest they will not be in an accountability system so that we hold schools accountable for the achievement and the successes of those children is just unacceptable.

I strongly support the McMorris Rodgers amendment, and I yield such time as he may consume to the gentleman from Colorado.

Mr. POLIS. I thank the ranking member for his time and his staunch advocacy on this. I express my appreciation to Mrs. MCMORRIS RODGERS, as well, for bringing forth this important amendment.

Mr. Chairman, this underlying bill has an accountability hole so huge an entire school bus of children will fall through it.

In many school districts, 12 to 15 percent of kids have some kind of IEP or are receiving some special ed services. Essentially, absent this amendment, there's no accountability assured for those kids. In fact, a disproportionate share of the Federal investment is for kids with IDEA. We've never met the 40 percent promise that we've made. IDEA and, of course, free and reduced lunch are two of our larger funding streams. If anything, we as custodians for the taxpayers should be interested in more accountability, not less accountability, for students with learning disabilities, not to mention the moral dimension and the surety that families across our country want that the learning needs of all children will be met.

Absent this amendment, the underlying bill has a perverse incentive for school districts to do what they used to do for years before the current law was implemented and that is sweep problems under the rug, define success down, and effectively allow schools to have some students that they don't have to account for success for in any way.

This amendment is absolutely critical to restore meaning to an accountability system that otherwise allows for gamesmanship and exclusion of the families that need it the most.

Mr. GEORGE MILLER of California. Mr. Chair, I yield the remaining time to the gentlewoman from Washington (Mrs. MCMORRIS RODGERS), and thank her again for this amendment.

Mrs. MCMORRIS RODGERS. I thank the gentleman for yielding.

I'd like to enter into the RECORD letters from the disability community regarding this amendment.

CONSORTIUM FOR CITIZENS WITH DISABILITIES,

Washington, DC, July 17, 2013.

DEAR REPRESENTATIVE: We write on behalf of the Education Task Force of the Consortium for Citizens with Disabilities (CCD) to urge you to oppose the Student Success Act (H.R. 5) in its current form. While we have many concerns with the bill, we are writing today with regard to five fundamental issues that seriously undermine the progress and academic achievement of students with disabilities. They are: The elimination of more than 70 programs, The lack of subgroup accountability, The creation of and lifting of the cap on the Alternate Assessment on Alternate Achievement Standards (AA–AAS), The rollback on teacher quality, School safety.

ELIMINATION OF EDUCATION PROGRAMS

CCD shares the goal of eliminating barriers that hinder schools from meeting their obligations to all students, including students with disabilities, but CCD believes the elimination of over 70 programs, and replacing the programs with the Local Academic Flexible Grant will not improve educational outcomes for all students. CCD has a long standing policy of opposing any policy change

that takes away resources from one federal education program and redirects those resources to another program. We believe that students with disabilities are general education students first and that any action that would redirect limited education funding away from its intended purpose will ultimately do a disservice to all students in general education.

SUBGROUP ACCOUNTABILITY

As you know, students with disabilities have made considerable gains because of the current focus of the ESEA on all schools and all subgroups. These improvements have come in participation rates, academic achievement on grade level reading and math assessments and more generally in having increased access to the general curriculum and higher expectations for student achievement. CCD believes these gains are due largely to the requirement that the participation and proficiency of all subgroups be measured, reported, and used for the planning of interventions needed for improvement.

Students with disabilities may be most at risk if revisions to the law do not ensure all schools are accountable for student achievement at the subgroup level and receive extra resources and attention when they fail to produce progress. While the reauthorization of ESEA should explore ways to grant appropriate flexibility to ensure schools can best meet local needs and design instructional needs and interventions at the local level, this flexibility should not eliminate the current focus of ESEA's accountability framework on all schools and all subgroups or eliminate targeted help to schools that need it. To do so ignores the real challenge facing our education systems—that too many schools are not providing an educational experience that enables all students with disabilities to make academic gains. Furthermore, we still believe that states and school districts must intervene in all schools in which subgroups of students, including students with disabilities, are not meeting state standards.

ELIMINATION OF THE CAP ON ALTERNATE ASSESSMENT ON ALTERNATE ACHIEVEMENT STANDARDS

The Student Success Act would radically reduce high expectations for all students with disabilities. The bill would allow states to develop alternate academic achievement standards and eliminate the current cap (often referred to as the 1% regulation) which restricts, for accountability purposes, the use of the scores on less challenging assessments being given to students with disabilities. Such assessments are intended for only a small number of students with the most significant cognitive disabilities. The incidence of students with the most significant cognitive disabilities is known to be far less than 1%. To ignore this data by raising or eliminating the cap would violate the rights of students who do not have the most significant cognitive disabilities and who should not be assessed on alternate academic achievement standards.

As data and student/family experience show, the decision to place a student in the alternate assessment on alternate achievement standards can limit or impede access to the general curriculum and take students off track for a regular diploma as early as elementary school. These limitations raise concerns for many students who are currently placed in these assessments. The problem would grow if the cap were eliminated. The alternate assessments were not designed or intended to be applied to a broader population of students. Rather than continuing to support students with disabilities in achieving a high school diploma and pursuing employment and postsecondary education, the lack of a cap on the use of the assessment encourages schools to expect less from students with disabilities. This will jeopardize their true potential to learn and achieve.

TEACHER QUALITY

The Student Success Act also eliminates all baseline preparation standards for teachers, instead focusing solely on measuring teacher effectiveness once teachers are already in the classroom. We believe it is a grave mistake to eliminate requirements that all teachers should be fully certified by their state and have demonstrated competency in their subject matter. All students deserve teachers who are fully-prepared on their first day in the classroom and who prove themselves effective once there.

Additionally, the Student Success Act lacks any significant equity protections, particularly with respect to ensuring equal access to fully-prepared and effective teachers for our nation's most vulnerable students. The bill eliminates the current requirement that low-income and minority students not be disproportionately taught by teachers who are unqualified, inexperienced, or teaching out of field. More generally, by failing to address comparability requirements, the bill fails to ensure that resources—including fully-prepared and effective teachers—are equitably distributed within school districts.

Finally, the bill represents a significant step backwards in the area of transparency, particularly with respect to providing parents with information about their child's teachers. Where current law requires districts to inform parents when their child was taught for four or more weeks by a teacher who lacked full certification and/or subject matter competency, your proposal eliminates this required disclosure. In so doing, it eliminates parents' access to information that is critical to allowing them to hold their schools accountable for providing students with the resources they need to learn.

SCHOOL SAFETY

CCD believes that ESEA must require evidence-based, positive and preventative strategies to promote a positive school culture and climate and keep all students, including students with the most complex and intensive behavioral needs, and school personnel safe. The Student Success Act contains no provisions to ensure that students are free from physical or mental abuse or aversive behavioral interventions that compromise health and safety. The use of restraint and seclusion must only be used in emergencies threatening physical safety and never a substitute for appropriate educational or behavioral support.

We urge you to revise your bill to unequivocally support high achievement for all students, especially students with disabilities.

Sincerely,

LAURA KALOI,
CINDY SMITH,
KATY BEH NEAS.

COLLABORATION TO PROMOTE SELF-DETERMINATION

Hon. JOHN BOEHNER,
Speaker of the House, The Capitol, Washington, DC.

Hon. JOHN KLINE,
Chairman, Education & the Workforce Committee, Washington, DC.

Hon. TODD ROKITA,
Chairman, Subcommittee on Early Childhood, Elementary, and Secondary Education, Washington, DC.

DEAR SPEAKER BOEHNER, CHAIRMAN KLINE AND CHAIRMAN ROKITA: As national partners of the Collaboration to Promote Self-Determination (CPSD), we would like to take this opportunity to express our grave concerns with your proposed reauthorization of the Elementary and Secondary Education Act (ESEA), entitled Student Success Act (H.R. 5), scheduled for markup on June 19th. We cannot support this current proposal and respectfully request that Congress not move forward in considering it until more efforts are made to ensure equitable access to education for all students and stronger accountability measures for states and local education agencies (LEAs) that are inclusive of all students, including students with the most significant cognitive disabilities.

We share Chariman Rokita's view that a quality education is the backbone of our nation and that without a quality education neither democracy nor our economy can survive. Representative Polis's conviction that ''all students should have access to high-quality schools where children can learn, grow, and develop skills that will help them succeed in college and the workforce'' supports our belief that all students with disabilities, including individuals with intellectual and developmental disabilities, must access the grade-level general education curriculum, attain the college and career ready academic standards set forth by states, and participate in fully inclusive educational settings. We applaud Representative Petri's efforts to speed specialized textbooks and other learning materials to sight-impaired children; the current language of the Student Success Act, however, neither supports nor recognizes these efforts. We believe a quality education in the 21st century must be inclusive; diverse in student body, curriculum, and teaching; and accessible to all of our nation's children. The system that has evolved under No Child Left Behind (NCLB) is, indeed, in need of reform; however that reform must sustain the spirit of NCLB: to close the achievement gap so that no child is left behind. We are encouraged that Chairman Kline remains open to working with members on both sides of the aisle through the legislative process; in that spirit, we present the following serious concerns with the current legislation for your careful consideration.

LACK OF ACCOUNTABILITY

The Student Success Act eliminates nearly all federal requirements that were included in NCLB to ensure that states set high academic performance goals for all students, work to close achievement gaps, and help to improve struggling schools. We cannot meet these high expectations for our children and for our nation without holding those managing the funds accountable for producing results.

ELIMINATION OF MAINTENANCE OF EFFORT (MOE)

The Student Success Act eliminates the longstanding ESEA Maintenance of Effort (MOE) requirement that, federal dollars are to be used to supplement state and local activities, not to supplant state and district funding. The district must assume primary fiscal responsibility for its efforts to provide a free public education to all students with supplemental assistance from the federal government. The MOE requirement is in place to ensure that there is adequate funding to meet student needs. We have strong concerns that if MOE is eliminated from ESEA, (1) student needs will no longer be reliably met, and (2) there will be an effort to eliminate MOE from IDEA in its next reauthorization.

HIGHLY QUALIFIED TEACHERS PROVISIONS

The Student Success Act eliminates requirements that teachers meet highly qualified teacher requirements that are currently in NCLB. These requirements determine whether teachers have the necessary credentials and core content knowledge to teach

our nation's students. In addition, these requirements also determine whether regular and special education teachers and other appropriate staff enlisted to administer statewide assessments are trained in how to administer these assessments and in how to make appropriate use of reasonable adaptations and valid and reliable accommodations for such assessments, especially for students with the most significant cognitive disabilities. High expectations for excellence in student achievement must be supported by high expectations of excellence for those entrusted to teach our youth.

ENGLISH LANGUAGE PROFICIENCY STANDARDS

English language proficiency standards developed by states must not merely be derived from the four recognized domains of speaking, listening, reading, and writing; they must ensure proficiency in these four domains. (page 23, line 4)

STATEWIDE ASSESSMENT STANDARDS

The Student Success Act must include requirements for incorporation of principles of universal design for learning as defined in Section 103 of the Higher Education Act of 1965 in development of assessments to maximize equality of access to assessment items for all students.

Statewide assessments must assess students with disabilities using the same unmodified academic content standards used to measure children without disabilities in the same grade level. The Student Success Act omits such necessary language leaving students with disabilities at risk of being held to lower expectations than their peers without disabilities. (page 26, line 3)

ALTERNATE ACADEMIC ACHIEVEMENT STANDARDS

The determination about whether the achievement of an individual student should be measured against alternate academic achievement standards must be made separately for each student and for each subject. (page 22, line 14)

Alternate academic achievement standards must not merely promote access to the general curriculum, they must provide access to the general education curriculum. (page 22, line 19)

Language that prohibits adoption of any other alternate or modified standards other than those alternate standards specifically defined within the legislation must be included in order to protect students with disabilities from further marginalization. The Student Success Act does not include such necessary language.

ALTERNATE ASSESSMENTS BASED ON ALTERNATE ACADEMIC ACHIEVEMENT STANDARDS (AA-AAAS)

We strongly believe that students with disabilities, including those with intellectual disabilities, must have access to grade-level general education curriculum and must be expected to demonstrate achievement on the academic content standards set forth by their state. Additionally, we believe that children with disabilities must be educated in inclusive general education classrooms to ensure equality in access to the curriculum for all children. A number of provisions in the Student Success Act undermine these goals.

Elimination of the Cap. In order to ensure the validity of student achievement data and high academic expectations for all students, there must be a cap on the number of students who take an alternate assessment based on alternate academic achievement standards. The Student Success Act eliminates this cap entirely, opening the door for many more students to be inappropriately removed from the regular state assessment. Currently the proficiency rate for students who take the AA-AAAS is far higher than it is for students with disabilities in other assessments, creating an incentive to place students in an AA-AAAS. Data shows that the incidence of students with the most significant cognitive disabilities, the students who are supposed to take the AA-AAAS, is no more than 0.5%. We believe the cap provision must remain and be lowered to 0.5%, to be aligned with incidence data.

Limits on Access to the General Education Curriculum. States must be required to demonstrate that students who take the AA-AAAS are fully included in the general education curriculum, not merely to the extent practicable as the Student Success Act currently directs. (page 29, line 21) Inclusion to the extent practicable is in conflict with the rights of all students with disabilities under the Individuals with Disabilities Education Act (IDEA). Failure to align this language with existing language in IDEA promotes dissention among families, school districts and state education administrators.

Preclusion from Opportunity to Earn a Diploma. The Student Success Act permits states to preclude students who take the AA-AAAS from the opportunity to earn a regular high school diploma. The only requirement is that schools inform the parents that participation in the AA-AAAS will preclude their child from completing the requirements for a diploma. States must be required to provide students who take the AA-AAAS with the opportunity to try to meet the requirements for a regular high school diploma in order to improve their opportunities to live independently and be gainfully employed in adulthood.

We acknowledge the political difficulties in moving legislation of this magnitude forward, and we applaud you for your efforts and leadership toward this ambitious goal. Our comments are submitted in a spirit of collaboration toward a shared goal: to ensure that all of America's students are afforded the opportunity to learn, grow, and develop the necessary skills to become productive adults contributing to the health of our nation.

CPSD presumes competence on the part of all citizens with significant disabilities to work, accrue savings, and live independently in integrated community settings. CPSD advocates that both education policy and public resources for students with significant disabilities should be focused entirely on helping individuals become self-sufficient, productive members of society. Federal and state policy leaders and implementers of policy, including school administrators, teachers academics who prepare teachers in general and special education should be held accountable for affirming this high expectations for young citizens with significant disabilities.

Sincerely,

Association of People Supporting Employment First (APSE)
Association of University Centers on Disabilities (AUCD)
Autistic Self-Advocacy Network (ASAN)
Autism Society of America (ASA)
Council of Parent Attorneys and Advocates (COPAA)
Institute for Educational Leadership (IEL)
National Down Syndrome Congress (NDSC)
National Down Syndrome Society (NDSS)
National Fragile X Foundation (NFXF)
Physician-Parent Caregivers
TASH
United Cerebral Palsy (UCP).

NATIONAL DISABILITY RIGHTS NETWORK,
Washington, DC, July 17, 2013.

DEAR REPRESENTATIVE: On behalf of the National Disability Rights Network (NDRN) and the 57 Protection and Advocacy agencies we represent, I write to express our concerns with and opposition to the Student Success Act that would reauthorize the Elementary and Secondary Education Act (ESEA). Students with disabilities have significantly benefited from ESEA over the last decade because it requires that schools measure and report the academic achievement of every child, and holds school districts accountable for each student's progress. As a result, more students with disabilities have had the opportunity to learn and master grade-level academic content.

NDRN is the national membership association for the Protection and Advocacy (P&A) system, the nationwide network of congressionally-mandated agencies that advocate on behalf of persons with disabilities in every state, the District of Columbia, Puerto Rico, the U.S. territories of American Samoa, Guam, U.S. Virgin Islands, and the Northern Mariana Islands, and affiliated with the Native American Consortium which includes the Hopi, Navajo and Piute Nations in the Four Corners region of the Southwest. For over thirty years, the P&A system has worked to protect the human and civil rights of individuals with disabilities of any age and in any setting. A central part of the work of the P&As has been to advocate for opportunities for students with disabilities to receive a quality education with their peers. Collectively, the P&A agencies are the largest provider of legally-based advocacy services for persons with disabilities in the United States.

NDRN's concerns are summarized as follows: The elimination of more than 70 programs, The lack of subgroup accountability, Lifting of the cap on the Alternate Assessment on Alternate Achievement Standards (AA-AAS), The elimination of requirements regarding teacher qualification, The lack of significant focus on school safety and climate.

ELIMINATION OF EDUCATION PROGRAMS

NDRN shares the goal of eliminating barriers that hinder schools from meeting their obligations to all students, including students with disabilities, but NDRN believes the elimination of over 70 programs, and replacing the programs with the Local Academic Flexible Grant will not improve educational outcomes for all students. We believe that students with disabilities are general education students first and that any action that would redirect limited education funding away from its intended purpose will ultimately do a disservice to all students in general education.

SUBGROUP ACCOUNTABILITY

As you know, students with disabilities have made considerable gains because of ESEA's current focus on all schools and all subgroups. These improvements have come in participation rates, academic achievement on grade level reading and math assessments and more generally in having increased access to the general curriculum and higher expectations for student achievement. NDRN believes these gains are due largely to the requirement that the participation and proficiency of all subgroups be measured, reported, and used for the planning of interventions needed for improvement.

Students with disabilities may be most at risk if revisions to the law do not ensure all schools are accountable for student achievement at the subgroup level and receive extra resources and attention when they fail to produce progress. While the reauthorization of ESEA should explore ways to grant appropriate flexibility to ensure schools can best meet local needs and design instructional needs and interventions at the local level,

this flexibility should not eliminate the current focus of ESEA's accountability framework on all schools and all subgroups or eliminate targeted help to schools that need it. NDRN believes that states and school districts must intervene in all schools in which subgroups of students, including students with disabilities, are not meeting state standards. To not focus on all schools and subgroups ignores the fact that too many schools are not providing an educational experience that enables all students with disabilities to leave school prepared for college and a career.

ELIMINATION OF THE CAP ON ALTERNATE ASSESSMENT ON ALTERNATE ACHIEVEMENT STANDARDS

The Student Success Act would radically reduce high expectations for all students with disabilities. The bill would allow states to develop alternate academic achievement standards and eliminate the current cap (often referred to as the 1% regulation) which restricts, for accountability purposes, the percentage of scores that states can count as proficient on less challenging assessments being given to students with disabilities. Assessments based on alternative achievement standards are intended for only a small number of students with the most significant cognitive disabilities. The incidence of students with the most significant cognitive disabilities is known to be far less than 1 percent. To ignore this data by raising or eliminating the cap negatively impacts students who do not have the most significant cognitive disabilities and who should not be assessed on alternate academic achievement standards.

As data and student/family experience show, the decision to place a student in the alternate assessment based on alternate achievement standards can limit or impede access to the general curriculum and take students off track for a regular diploma as early as elementary school. The Student Success Act merely promotes that students who will be assessed using Alternate Achievement Standards have access to the general education curriculum by qualifying the statement as to the ''extent practicable'' (p. 30 line 9). This leaves students at risk of being inappropriately excluded from the general education curriculum.

These limitations raise concerns for many students who are currently placed in these assessments. The problem would grow if the cap were eliminated. The alternate assessments were not designed or intended to be applied to a broader population of students. Rather than continuing to support students with disabilities in achieving a high school diploma and pursuing competitive integrated employment and postsecondary education, the lack of a cap on the use of the assessment encourages schools to expect less from students with disabilities. This will jeopardize their true potential to learn and achieve.

TEACHER QUALITY

The Student Success Act also eliminates all baseline preparation standards for teachers, instead focusing solely on measuring teacher effectiveness once teachers are already in the classroom. We believe it is a grave mistake to eliminate requirements that all teachers should be fully certified by their state and have demonstrated competency in their subject matter. All students deserve teachers who are fully-prepared on their first day in the classroom and who prove themselves effective once there.

Additionally, the Student Success Act lacks any significant equity protections, particularly with respect to ensuring equal access to fully-prepared and effective teachers for our nation's most vulnerable students. The bill eliminates the current requirement that low-income and minority students not be disproportionately taught by teachers who are unqualified, inexperienced, or teaching out of field. More generally, by failing to address comparability requirements, the bill fails to ensure that resources—including fully-prepared and effective teachers—are equitably distributed within school districts.

LACK OF SIGNIFICANT FOCUS ON SCHOOL SAFETY AND SCHOOL CLIMATE

NDRN also recognizes the significant importance of creating safe schools. Ensuring that students feel safe in school is the critical foundation to academic achievement. The creation of positive school climates, including the use of Positive Behavior Intervention and Supports (PBIS), access to school-based mental health professionals, prevention of bullying and harassment, and prevention of restraint and seclusion are critical to the success of students with disabilities. PBIS proactively addresses the academic and behavioral needs of students, and has resulted in reductions in disciplinary incidents and reduced inappropriate referrals and placements in special education. By reducing bullying and harassment, schools have been able to decrease dropout rates and absenteeism and increase academic performance of people with disabilities. As NDRN has documented, the abuse of children through the use of restraint and seclusion as discipline is unacceptable. The use of restraint and seclusion in schools should only occur when students pose an imminent danger to themselves or others, and after their use a parent must be notified. NDRN would request the inclusion of bills such as the Keeping All Students Safe Act, Mental Health in Schools Act, and Safe Schools Improvement Act.

We urge you to revise your bill to unequivocally support that all students, especially students with disabilities are safe in school and are all held to high expectations for academic achievement.

NDRN looks forward to working with you to reauthorize the Elementary and Secondary Education Act during this session of Congress. Thank you for considering our views. If you have any questions, please do not hesitate to contact Cindy Smith, Public Policy Counsel at cindy.smith@ndrn.org or 202–408–9514 ext 101.

Sincerely,

CURT DECKER, J.D.,
Executive Director.

EASTER SEALS,
Washington, DC, July 16, 2013.

DEAR REPRESENTATIVE: Easter Seals writes to you today to regarding H.R. 5, the Student Success Act. Easter Seals opposes this legislation in its current form and urges you to vote against it when it comes before the full House this week.

With the implementation of No Child Left Behind, our nation has learned much about students with disabilities and their capacity to learn, thrive and achieve. These students are very successful when they are held to the same high expectations as their peers and provided the instruction, support and accommodations they need. As a result, more students with disabilities have mastered grade-level academic content, fewer are dropping out and more are graduating from high school with a regular diploma.

As currently written, H.R. 5, bill would allow schools to take millions of students with disabilities off track for a regular high school diploma as early as 3rd grade when assessment decisions are made in schools, relegating them to lower career and college expectations—simply because they receive special education services. Now is not the time to lower expectations and create new barriers to success for students with disabilities. We must prepare them for the world of work and independent living.

Thank you for considering our views.

Sincerely,

KATY BEH NEAS,
Senior Vice President, Government Relations.

COUNCIL FOR EXCEPTIONAL CHILDREN,
Arlington, VA, July 12, 2013.

DEAR REPRESENTATIVE: On behalf of the over 30,000 members of the Council for Exceptional Children (CEC), who work on behalf of children and youth with disabilities and/or gifts and talents as teachers, local administrators, higher education faculty, related service personnel and other professionals, we are writing to express our concerns with the Student Success Act (H.R. 5), which would reauthorize the Elementary and Secondary Education Act (ESEA).

CEC commends Congress for engaging in the process to reauthorize ESEA, which has been long overdue. States and local school districts need additional resources and flexibility to provide a quality education to all students, including students with disabilities and/or gifts and talents. We are pleased that H.R. 5 eliminates adequate yearly progress and with it the arbitrary deadline of 2014. Additionally, we support the legislation's focus on disaggregating student achievement data by subgroup and public reporting of such data. However, we are troubled by the overall lack of accountability and great weakening of the federal role this legislation represents for students with disabilities. Specifically, we oppose the following:

Reduction of Accountability for Students with Disabilities: NCLB brought students with disabilities and the educators who serve them to the table in new and important ways. Due to this increased focus and inclusion in the accountability system, students with disabilities increased participation rates, academic achievement on grade level reading and math assessments and more generally in having increased access to the general curriculum and higher expectations for student achievement. We believe these gains are due largely to the requirement that the participation and proficiency of all subgroups be measured, reported, and used for the planning of interventions needed for improvement. H.R. 5 lacks this focus and, if enacted, CEC fears many students with disabilities will be excluded from the accountability system.

Elimination of the 1% Cap: CEC opposes the elimination of the current 1% cap on the use of assessment scores for accountability purposes for students with significant cognitive disabilities. It is important to note that students who take an alternate assessment are removed from the general accountability system and are unable to receive a regular high school diploma. Experts recognize that the 1% amount addresses the proportion of students who may need to take an alternate assessment. Removing this cap may create an incentive to exclude students from the general assessment and place them on an alternate simply to increase the statistical view of achievement in a district. It is not a needed change and as such, we cannot support it.

Elimination of Highly Qualified Teacher Provisions: This legislation eliminates minimum requirements for teachers entering into the education profession thereby lifting a protection for our most vulnerable students, including many students with disabilities, who are often placed in classrooms with new teachers. Under H.R. 5, these students fall into an unprotected loophole and simply are not guaranteed a well-prepared, qualified teacher.

Lack of Focus on Professional Development: Nothing in this legislation requires ongoing professional development, despite evidence that this is needed by the field and leads to gains in student achievement and student growth. Although Title II funds may be used to support professional development, this bill backs away from the federal government's long-standing commitment to support education professionals. This support is needed now, more than ever.

Reduced, Capped and Eliminated Funding: This legislation locks into place post-sequester funding levels which cut over $1.3 billion to ESEA programs last year alone. Should this bill become law, locking in the sequester levels as the authorization levels through FY 2019 would prevent the Congress from increasing funding for ESEA programs even if the sequester were replaced or revised at any time in the next six years. Furthermore, CEC opposes setting caps on Title I funding and eliminating Maintenance of Effort provisions Eliminating safeguards will not ensure accountability and achievement. States and districts need more resources in this environment and are working under ever decreasing budget measures. These waves of cuts have come at a time when enrollments have increased, more children are living in poverty, and schools and students have endured deep state and local budget cuts.

Increased Privatization of Education: CEC opposes using public funding to support private schools. CEC opposes vouchers for children and youth and those with disabilities because they contradict and undermine the central purposes of civil rights laws including these measures. Vouchers deprive students of rights and protections they have while in public schools. This is especially critical for students with disabilities who lose all protections under the Individuals with Disabilities Education Act when they leave public schools and attend a private school.

Fails to include the Keeping All Students Safe Act: CEC is deeply concerned that H.R. 5 does not include the Keeping All Student's Safe Act. CEC has worked for years to ensure that our nation has strong, consistent policies about the use of restraint and seclusion techniques and meaningful access to professional development around their use for all educators. The Keeping All Students Safe Act addresses both of these concerns and would ensure our nation has meaningful data across states about their use. Embedding this important legislation in ESEA is critical.

Ignores the Needs of High-Ability Students: H.R. 5 eliminates the only federal program dedicated to addressing the needs of high-ability students from disadvantaged backgrounds, the Jacob K. Javits Gifted and Talented Students Education Act. Additionally, H.R. 5 eliminates the definition of ''gifted and talented'' and fails to incorporate any of the comprehensive changes proposed by the TALENT Act (H.R. 2338), CEC endorsed legislation which seeks to close achievement gaps at the top performance levels between low-income and/or minority students and their more advantaged peers, known as the ''excellence gap''.

CEC looks forward to continuing to work with you to ensure that our education system raises expectations for students with disabilities and/or gifts and talents and ensures that all educators are prepared to meet their needs. Please feel free to contact me or Kim Hymes to further discuss these issues.

Sincerely,

DEBORAH A. ZIEGLER, ED.D.,
Associate Executive Director.

Mr. Chair, given the chairman of the committee's pledge to work with me as reauthorization moves forward, I withdraw the amendment and support the underlying bill.

Mr. HARPER. Mr. Chair, I submit the following letters for the RECORD:

NATIONAL CENTER FOR LEARNING DISABILITIES
July 15, 2013.

DEAR CHAIRMAN KLINE AND RANKING MEMBER MILLER: The National Center for Learning Disabilities (NCLD) is writing to express our strong opposition to the Student Success Act (H.R. 5). The bill would dramatically alter the academic landscape for students with disabilities, jeopardizing their ability to graduate from high school, go to college and obtain employment. The bill virtually creates a system that reinforces rather than helping students become independent, educated, tax-paying citizens, they will most likely become tax burdens. While movement toward reauthorizing the Elementary and Secondary Education Act (ESEA) is much needed, the cost these bills will have on the educational and employment futures of students with disabilities, especially those with learning disabilities, is too high. Our first and primary area of concern is the lack of a strong and meaningful requirement to close the destructive achievement gaps that impact students with disabilities and other disadvantaged students. While ESEA is in significant need of reform, its provisions have compelled certain schools and districts to focus on increasing the achievement of students with disabilities. Unfortunately, these bills eliminate the provisions of ESEA that have benefited students with disabilities. Most troubling is the lack of academic performance targets and graduation goals for students and the lack of a requirement for targeted instructional supports when students are academically struggling.

The Student Success Act would also dramatically lower expectations for students with learning disabilities in three critical ways:

(1) Allowing computer adaptive assessments that test students off grade level for summative and other purposes. Current practice in states utilizing adaptive testing show that while adaptive testing is a terrific tool to help teachers understand where learning gaps exist for formative purposes, when adaptive testing is allowed for end of year or summative testing, it can result in unacceptable consequences, including locking lower performing students into the simplest content. For example, a poorly engineered adaptive test risks testing lower performing students only on cognitively simpler skills such as recall, recognition and rote applications of mathematics. Furthermore, because the assessment may never test lower performing students on more difficult and/or cognitively complex items, it risks creating a situation that encourages teachers to limit the curriculum and instruction for lower performing students to the simplest tasks. Thus, teachers may avoid focusing on critical skills such as higher level problem solving and analysis. Similarly, a poorly designed adaptive test can deny students an opportunity to demonstrate their knowledge across the grade level content.

(2) Eliminating the current cap (often referred to as the 1 percent regulation) which restricts, for accountability purposes, the use of scores on less challenging assessments being given to students with disabilities. The bill allows schools to give the alternate assessment on alternate academic standards to an unlimited number of students. Under the bill, too many students with disabilities would be forced into an alternate curriculum very early in their educational career, thus jeopardizing their ability to graduate high school with a regular diploma, enter career training or attend college.

(3) Ignoring the literacy needs of millions of poor readers and writers at a time when these skills are integral to ensuring every young person can enter college or career training with the most basic reading and writing skills. Rather than ensure that there is dedicated funding for these critical skills, the bill consolidates numerous Federal education initiatives, endangering literacy and other key focuses designed to help struggling students. These shortcomings set back efforts to ensure disadvantaged students, including students with learning disabilities, receive instruction, intervention and support that will strengthen their opportunity to achieve academically.

In summary, the policies H.R. 5 advances would reverse the progress that has been made for students with learning disabilities over the past decade. For that reason, and on behalf of the 100,000 parents and children for which we advocate, we respectfully, but strongly, urge Members to oppose the bill.

Sincerely,

JAMES H. WENDORF,
Executive Director.

THE ARC,
July 17, 2013.

Hon. Cathy McMorris Rodgers,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE MCMORRIS RODGERS: The Arc of the United States is writing to endorse the position of the Consortium for Citizens with Disabilities (CCD) Education Task Force opposing the Student Success Act (H.R. 5) in its current form. The Arc is concerned that the bill, without significant revisions, will undermine the progress and academic achievement of students with intellectual and developmental disabilities.

While we have numerous concerns about the bill, we are specifically concerned about the proposal to allow states to eliminate the cap on alternative assessment on alternate achievement standards. The use of alternative achievement standards is intended to apply to only a small number of students with the most significant cognitive disabilities. Allowing more students to be assessed in this matter may undermine the accountability of the schools to educate students with disabilities and lowers the expectations of academic achievement for these students.

The Arc of the United States appreciates your advocacy on behalf of children with intellectual and developmental disabilities. If you have questions or would like additional information please contact Maureen Fitzgerald (fitzgerald@thearc.org). Thank you for consideration of our position.

Sincerely,

MARTY FORD,
Senior Executive Officer, Public Policy.

AUTISM NATIONAL COMMITTEE, INC.,
July 17, 2013.

H.R. 5 (Student Success Act) Does Not Protect Students With Disabilities

Hon. Cathy McMorris Rodgers,
House of Representatives,
Washington, DC.

DEAR CONGRESSWOMAN MCMORRIS RODGERS: The Autism National Committee is deeply concerned that the Student Success Act (H.R. 5) will fail to ensure good education for all students, including those with disabilities. H.R. 5 will enable schools take students with disabilities off track to graduate high school and become college and career ready. It will do this by lifting the cap on alternate assessments and by imposing other features that would result in weak educations for students with disabilities. Students with disabilities need more support

and higher expectations from schools; not less. Only 10 percent of jobs in 2018 are expected to be open to high-school dropouts. Yet, high school graduation rates for students with disabilities are 66% or lower in 30 states.

The Student Success Act, H.R. 5, would sharply reduce high expectations for students with disabilities. The bill would allow states to develop alternate academic achievement standards and eliminate the current cap (often referred to as the 1% regulation) which restricts, for accountability purposes, the use of the scores on less challenging assessments being given to students with disabilities. Such assessments are intended for only a small number of students with the most significant cognitive disabilities who can never take the general assessment. The incidence of students with the most significant cognitive disabilities is known to be far less than 1%. To ignore this data by raising or eliminating the cap would violate the legal rights of students who do not have the most significant cognitive disabilities and who should not be assessed on alternate academic achievement standards.

As data and student/family experience show, the decision to place a student in the alternate assessment on alternate achievement standards can limit or impede access to the general curriculum and take students off track for a regular diploma as early as elementary school. These limitations raise concerns for many students who are currently placed in these assessments. The problem would grow if the cap were eliminated. The alternate assessments were not designed or intended to be applied to a broader population of students. Rather than continuing to support students with disabilities in achieving a high school diploma and pursuing employment and postsecondary education, the lack of a cap on the use of the assessment virtually encourages schools to expect less from students with disabilities. Earnings for an adult with a high school diploma are $9,000 greater on average that a dropout; earnings for a person with a bachelor's or associates' degree, even higher.

Participation and proficiency of all subgroups should be measured, reported, and used for the planning of interventions needed for improvement. But H.R. 5 does not do this. It will undo progress that students with disabilities have made as a result of ESEA's current focus on all schools and all subgroups. These improvements have come in participation rates, academic achievement on grade level reading and math assessments and more generally in having increased access to the general curriculum and higher expectations for student achievement.

Students with disabilities may be most at risk if revisions to the law do not ensure all schools are accountable for student achievement at the subgroup level and receive extra resources and attention when they fail to produce progress. While the reauthorization of ESEA should explore ways to grant appropriate flexibility to ensure schools can best meet local needs and design instructional needs and interventions at the local level, this flexibility should not eliminate the ESEA accountability framework of focusing on all schools and all subgroups or eliminate targeted help to schools that need it.

It is important to measure achievement and academic growth for all students to determine whether schools and districts are properly meeting their targets and preparing students to graduate college and career ready. This is particularly important subgroups like students with disabilities who have historically received inadequate educations.

ESEA should require evidence-based, positive and preventative strategies to promote a positive school culture and climate and keep all students, including students with the most complex and intensive behavioral needs, and school personnel safe. The Student Success Act does not ensure that students are free from physical or mental abuse or aversive behavioral interventions that compromise health and safety. The use of restraint and seclusion must only be used in emergencies threatening physical safety and never a substitute for appropriate educational or behavioral support. Parents must be notified promptly if their child is subjected to these practices.

It is important that Congress not pass the Student Success Act in its present form. Children with disabilities deserve an education that will enable them to succeed and to graduate from high school career and college ready. These students have much to offer our society and our economy. We must not fail this generation of students with disabilities, but rather, enable them to climb the ladder of success. We fear that H.R. 5 will do this.

Sincerely,

JESS BUTLER,
Congressional Affairs Coordinator,
Autism National Committee.

TASH,
July 18, 2013.

Hon. JOHN KLINE,
Chairman, House Committee on Education and the Workforce, Washington, DC.

CHAIRMAN KLINE: I am writing on behalf of TASH, an international membership organizations working to promote full participation of children and adults with disabilities in every aspect of life. On behalf of our members, I am writing to you today to ask you to vote 'no' on the Student Success Act (H.R. 5). We should presume competence on the part of all citizens with significant disabilities to work, accrue savings, and live independently in integrated community settings. I am concerned with the following issues in the bill:

1. LACK OF ACCOUNTABILITY

The Student Success Act eliminates nearly all federal requirements that were included in NCLB to ensure that states set high academic performance goals for all students, work to close achievement gaps, and help to improve struggling schools. We cannot meet these high expectations for our children and for our nation without holding those managing the funds accountable for producing results.

2. ELIMINATION OF MAINTENANCE OF EFFORT (MOE)

The Student Success Act eliminates the longstanding ESEA Maintenance of Effort (MOE) requirement that, federal dollars are to be used to supplement state and local activities, not to supplant state and district funding. The district must assume primary fiscal responsibility for its efforts to provide a free public education to all students with supplemental assistance from the federal government. The MOE requirement is in place to ensure that there is adequate funding to meet student needs. We have strong concerns that if MOE is eliminated from ESEA, (1) student needs will no longer be reliably met, and (2) there will be an effort to eliminate MOE from IDEA in its next reauthorization.

3. HIGHLY QUALIFIED TEACHERS PROVISIONS

The Student Success Act eliminates requirements that teachers meet highly qualified teacher requirements that are currently in NCLB. These requirements determine whether teachers have the necessary credentials and core content knowledge to teach our nation's students. In addition, these requirements also determine whether regular and special education teachers and other appropriate staff enlisted to administer statewide assessments are trained in how to administer these assessments and in how to make appropriate use of reasonable adaptations and valid and reliable accommodations for such assessments, especially for students with the most significant cognitive disabilities. High expectations for exellence in student achievement must be supported by high expectations of excellence for those entrusted to teach our youth.

4. ENGLISH LANGUAGE PROFICIENCY STANDARDS

English language proficiency standards developed by states must not merely be derived from the four recognized domains of speaking, listening, reading, and writing; they must ensure proficiency in these four domains. (page 23, line 4)

5. STATEWIDE ASSESSMENT STANDARDS

The Student Success Act must include requirements for incorporation of principles of universal design for learning as defined in Section 103 of the Higher Education Act of 1965 in development of assessments to maximize equality of access to assessment items for all students.

Statewide assessments must assess students with disabilities using the same unmodified academic content standards used to measure children without disabilities in the same grade level. The Student Success Act omits such necessary language leaving students with disabilities at risk of being held to lower expectations than their peers without disabilities. (page 26, line 3).

6. ALTERNATE ACADEMIC ACHIEVEMENT STANDARDS

The determination about whether the achievement of an individual student should be measured against alternate academic achievement standards must be made separately for each student and for each subject. (page 22, line 14)

Alternate academic achievement standards must not merely promote access to the general curriculum, they must provide access to the general education curriculum. (page 22, line 19)

Language that prohibits adoption of any other alternate or modified standards other than those alternate standards specifically defined within the legislation must be included in order to protect students with disabilities from further marginalization. The Student Success Act does not include such necessary language.

7. ALTERNATE ASSESSMENTS BASED ON ALTERNATE ACADEMIC ACHIEVEMENT STANDARDS (AA–AAAS)

Students with disabilities, including those with intellectual disabilities, must have access to grade-level general education curriculum and must be expected to demonstrate achievement on the academic content standards set forth by their state. Additionally, we believe that children with disabilities must be educated in inclusive general education classrooms to ensure equality in access to the curriculum for all children. A number of provisions in the Student Success Act undermine these goals.

Elimination of the Cap. In order to ensure the validity of student achievement data and high academic expectations for all students, there must be a cap on the number of students who take an alternate assessment based on alternate academic achievement standards. The Student Success Act eliminates this cap entirely, opening the door for many more students to be inappropriately removed from the regular state assessment. Currently the proficiency rate for students who take the AA–AAAS is far higher than it

is for students with disabilities in other assessments, creating an incentive to place students in an AA–AAAS. Data shows that the incidence of students with the most significant cognitive disabilities, the students who are supposed to take the AA–AAAS, is no more than 0.5%. We believe the cap provision must remain and be lowered to 0.5%, to be aligned with incidence data.

Limits on Access to the General Education Curriculum. States must be required to demonstrate that students who take the AA–AAAS are fully included in the general education curriculum, not merely to the extent practicable as the Student Success Act currently directs. (page 29, line 21) Inclusion to the extent practicable is in conflict with the rights of all students with disabilities under the Individuals with Disabilities Education Act (IDEA). Failure to align this language with existing language in IDEA promotes dissention among families, school districts and state education administrators.

Preclusion from Opportunity to Earn a Diploma. The Student Success Act permits states to preclude students who take the AA–AAAS from the opportunity to earn a regular high school diploma. The only requirement is that schools inform the parents that participation in the AA–AAAS will preclude their child from completing the requirements for a diploma. States must be required to provide students who take the AA–AAAS with the opportunity to try to meet the requirements for a regular high school diploma in order to improve their opportunities to live independently and be gainfully employed in adulthood.

Thank you for considering these concerns.

Sincerely,

BARBARA TRADER,
Executive Director, TASH.

AMENDMENT NO. 8 OFFERED BY MR. REED

The Acting CHAIR. It is now in order to consider amendment No. 8 printed in House Report 113–158.

Mr. REED. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 33, line 23, strike ''and''.

Page 34, after line 13, insert the following: ''(III) other measures of school success; and''.

The Acting CHAIR. Pursuant to House Resolution 303, the gentleman from New York (Mr. REED) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. REED. Mr. Chairman, I rise today in support of this amendment. I would like to thank the chairman for his support, as well as my colleague from New York (Mr. OWENS) and the gentleman from West Virginia (Mr. MCKINLEY) for their work on this issue.

I am proud to support the underlying legislation, the Student Success Act, that removes the one-size-fits-all Federal Adequate Yearly Progress mandates that are strangling local school districts and forcing teachers to ''teach to the test.'' While testing is an important part of a school's assessment, we can all agree that additional measures such as graduation rates, involvement in advanced classes, or extracurricular activities are also important indicators of where students or a school district stands in their efforts to educate our Nation's children.

A student should not be measured only by their ability to succeed on a test. This amendment would allow State and local education agencies to use multiple measures when it comes to these assessments. State and local educators should be encouraged to base academic achievement systems on these multiple measures. No Child Left Behind's mandate on success has consistently shown that schools are being mislabeled and subsequently punished based on testing scores alone. That's just not fair.

This amendment also gives States further flexibility to include parameters of their choosing in their accountability systems to better measure school success. Together, we can better care for our children and encourage their success in school.

I am pleased to be offering this amendment with bipartisan support and urge my colleagues to vote in favor of this amendment. I would also like to thank the chairman, the National Education Association, the American Federation of Teachers, and the School Superintendents Association for their support on this effort.

I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chair, I rise to claim time in opposition.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. GEORGE MILLER of California. Mr. Chair, I rise in strong opposition to the Reed amendment because it weakens accountability for ensuring that our Nation's students are achieving at high levels. This amendment seems like a good thing—allowing schools to measure in areas besides reading and math—but the amendment is so vague that it will allow almost any measure to be used, and that's not what we need in the system at this time.

Adding measures to this amendment does not fix any of the problems to help students. Too often, we've seen throughout the course of the last many years that adults try to make themselves look good by hiding and masking how well their students are doing academically by trying to seek other systems of measure that will make a school look better, even though the students inside that school are not performing at top level.

For those reasons, I oppose the amendment, and I yield to the gentleman from California (Mr. TAKANO).

Mr. TAKANO. Mr. Chairman, I rise to engage the ranking member of the House Education and Labor Committee, Mr. MILLER, in a colloquy.

As a teacher for more than 20 years, I've seen firsthand the unintended, yet harmful, consequences that the annual assessment requirements included in No Child Left Behind and the States' poor decisions in the implementation of them have had on America's students and teachers alike. I'm concerned that high stakes and low-quality testing have caused a negative shift in our education system from teaching to testing, and our education system is no better off than it was before.

Mr. MILLER, you have spent a considerable time on this issue and have been a leader in the Congress on education. Will you work with me to address the issues regarding our testing in our Nation's schools?

Mr. GEORGE MILLER of California. I thank the gentleman.

I agree with the gentleman that the testing provisions included in No Child Left Behind as well as the implementation of these provisions is imperfect and outdated. Unfortunately, ESEA authorization is 5 years overdue and the majority appears to have no interest in working with us to develop a bill that can pass both the House and the Senate.

However, I'll gladly work with you to address the issue of testing in America's schools to ensure that while we continue to measure whether or not students are achieving at grade level, we will also ensure such assessments be done in a way to improve both teaching and learning.

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Mr. TAKANO. Thank you, Mr. MILLER. I look forward to working with you.

Mr. Chairman, I have submitted an amendment with Representative GIBSON to H.R. 5, which would return annual testing to pre-No Child Left Behind levels. However, H.R. 5 is just so bad of a bill that even this amendment, if it were to pass, I could not support the bill. That is why I decided to withdraw my support for the amendment.

I thank Mr. MILLER for his leadership on this issue.

Mr. GEORGE MILLER of California. I thank the gentleman from California, and I yield back the balance of my time.

Mr. REED. Mr. Chairman, at this time I'd like to yield 1½ minutes to my good friend from West Virginia, (Mr. MCKINLEY).

Mr. MCKINLEY. Mr. Chairman, I rise in support of this amendment.

Whenever I speak with teachers, principals, and parents back in West Virginia, a common theme that emerges from those conversations is that they acknowledge one size doesn't fit all. They want control restored to the State and local levels. The underlying bill makes great strides in returning that control to the people who know best how to educate our children and our grandchildren, not bureaucrats in Washington.

My colleagues, Mr. REED and Mr. OWENS, and I have offered an amendment to go even further in giving States that flexibility they seek. The amendment will allow States and local governments to take multiple measures into consideration.

Currently, No Child Left Behind uses narrow Federal mandates on testing to

measure results. Testing may be just part of the solution, but States should be allowed to look at the ability of other benchmarks like graduation rates and the percentage of students taking advance courses.

This amendment has bipartisan support and is a commonsense way to improve the underlying bill. Local government and flexibility should trump Washington mandates.

Mr. REED. Mr. Chairman, at this point in time I would just ask that my colleagues join me in this commonsense amendment that allows the local communities and local school districts the flexibility to consider multiple measures in determining whether or not a school or student is succeeding or failing in our Nation's school system.

With that, Mr. Chairman, I would ask my colleagues to support this amendment, and I yield back the balance of my time.

Mr. REICHERT. Mr. Chair, each and every one of us is unique, with different talents and strengths. We all know this—our teachers certainly understand this. And yet, when it comes to our children and their education we persist in treating them as if they're all cookie cutter versions of one another, with the same learning styles.

I understand this all too well. Because of my own learning style and challenges (I have dyslexia), having a more interactive, practical exam, in addition to the standardized test, was a far more accurate assessment of my abilities than the standardized test alone. With both being taken into consideration, I became one of the highest scoring applicants, and before too long I was Sheriff of one of the largest counties in the Pacific Northwest.

This is why I urge my colleagues to support Congressman REED's amendment. Our children deserve better than a one-size-fits-all single standardized test to measure their academic achievement. Multiple learning assessments and score indicators more accurately reflect true student and school performance.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. REED).

The amendment was agreed to.

AMENDMENT NO. 9 OFFERED BY MR. BENISHEK

The Acting CHAIR. It is now in order to consider amendment No. 9 printed in House Report 113–158.

Mr. BENISHEK. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 45, line 15, insert before the period, the following: '', such as the number of students enrolled in each public secondary school in the State attaining career and technical proficiencies, as defined in section 113(b)(2)(A) of the Carl D. Perkins Career and Technical Education Act of 2006, and reported by the State in a manner consistent with section 113(c) of such Act''.

The Acting CHAIR. Pursuant to House Resolution 303, the gentleman from Michigan (Mr. BENISHEK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. BENISHEK. Mr. Chairman, I rise today to urge support for amendment No. 9, which encourages States to include the number of students attaining career and technical education proficiencies that are enrolled in public secondary schools in its annual State report card. This information is already required to be collected by current law and would simply streamline access to information for the public.

To preserve the American Dream, we must ensure that our children and grandchildren have the skills needed to land a good-paying job that provides for a family and pays the bills. These jobs require knowledge in science, technology, engineering, and math fields, along with industry-recognized credentials through career and technical education, or CTE.

A 2012 Talent Shortage Survey indicated that one in three job providers finds it hard to fill vacancies because job applicants with the right skills are not easily attainable. Currently, U.S. employers are having difficulty filling positions such as skilled trade workers, IT staff, mechanics, machinists, and machine operators.

Whether a student wants to pursue a college degree or plans to enter the workforce immediately after high school, we have to work to ensure that they have the necessary training, education, and skills to have a successful career in the path of their choosing.

Just this weekend, I spoke with a manufacturing company in my district that told me about their need for job applicants with voc-ed skills. They told me there are jobs waiting to be filled; they just need to have the individuals with the right training.

Moms and dads in northern Michigan have also told me that they weren't even aware of voc-ed programs being offered at local high schools. One of my goals is to be sure that parents and students are aware of these programs and the long-term benefit they can provide to young adults.

Through the outstanding work of our teachers, school administration officials, and partnerships with universities and industry, numerous vocational ed initiatives are already under way in my district. For example, the Delta Tradecraft ISD in Escanaba has an outstanding partnership with Vanaire, a manufacturing company. Throughout high school, students can take career and technical education courses that are aligned with job requirements at Vanaire. From participating in voc-ed courses, numerous students have been offered jobs at Vanaire immediately upon graduation.

My amendment would make career and technical education data more visible for parents and students who are choosing where to enroll and what programs to participate in, as well as for teachers and administrators to understand the impact career readiness has on student performance, graduation, and success in post-secondary ventures.

I urge my colleagues to support this amendment and the passage of the underlying bill.

I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I rise to claim time in opposition to the amendment although I will not be in opposition.

The Acting CHAIR. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. GEORGE MILLER of California. Mr. Chairman, I rise to express appreciation for Mr. BENISHEK for this amendment. The gentleman from Michigan has an admirable goal, which is to improve career and technical education.

Members of the Congress are well aware of the needs in all of our local communities. As new systems of manufacturing are brought online and as new innovations take place, we want to know how well our students are doing and how well our schools are doing in helping to prepare those students for job opportunities that are presented in these many craft areas.

I would urge Members to support this amendment, and I yield back the balance of my time.

Mr. BENISHEK. I thank the gentleman for his support, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Michigan (Mr. BENISHEK).

The amendment was agreed to.

AMENDMENT NO. 10 OFFERED BY MR. HECK OF NEVADA

The Acting CHAIR. It is now in order to consider amendment No. 10 printed in House Report 113–158.

Mr. HECK of Nevada. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 138, line 4, strike ''Funds'' and insert ''(a) IN GENERAL.—Funds''.

Page 139, after line 2, insert the following:

''(b) CONTRACTS AND GRANTS.—A local educational agency may use a grant received under this chapter to carry out the activities described under paragraphs (1) through (5) of subsection (a) directly or through grants, contracts, or cooperative agreements.''.

The Acting CHAIR. Pursuant to House Resolution 303, the gentleman from Nevada (Mr. HECK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Nevada.

Mr. HECK of Nevada. Mr. Chairman, the amendment I'm offering today focuses on helping children that far too often go unnoticed or get left behind by our education system—neglected, delinquent, and other at-risk youth.

As a cosponsor of the Student Success Act, I am pleased that the underlying bill continues to provide for important programs that offer educational opportunities for youth in, or returning from, correctional institutions, as well as other at-risk populations.

Additionally, under the bill, school districts also may coordinate health and social services, operate dropout prevention programs for at-risk children and youth, provide career and technical counseling, or offer other mentoring services.

To help ensure that neglected, delinquent, and at-risk youth are given the care and attention they need, my amendment provides local educational agencies with the option of partnering with organizations that have critical experience and existing resources that would enhance the services provided by school districts to our most vulnerable youth.

Mr. Chairman, there are a number of hardworking organizations that are dedicated to providing a wide range of services and care to vulnerable children that need it most, and partnering with them would help these children.

For example, in my home State of Nevada, Boys Town has worked for more than two decades to provide an integrated continuum of care that assists more than 20,000 children and families in Nevada each year. These are children who have been abused, neglected, or abandoned; children with serious behavioral, academic, social, or emotional problems. Their stories are heartbreaking, but their personal development into independent, productive citizens with help from Boys Town is simply astounding.

Boys Town operates in a number of States throughout the country, and there are many other nonprofits and organizations that offer similar services. They have done the groundwork, they have proven their effectiveness, and they are a vital part of our communities and would be valuable partners.

Additionally, given our current fiscal climate, it is more important than ever to ensure that we are using all available resources effectively.

By allowing local educational agencies and these organizations more flexibility to work together and share expertise, vulnerable youth will benefit from the attention and care they need both at school and at home. Coordinating these efforts provides critical stability that these children deserve.

Children belong in the education system, not the juvenile justice system.

I urge my colleagues to support this important amendment, and I yield back the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I rise in opposition to the amendment, though I am not opposed to the amendment.

The Acting CHAIR. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. GEORGE MILLER of California. I urge support of the Heck amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Nevada (Mr. HECK).

The amendment was agreed to.

AMENDMENT NO. 11 OFFERED BY MR. MEEHAN

The Acting CHAIR. It is now in order to consider amendment No. 11 printed in House Report 113–158.

Mr. MEEHAN. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 245, line 11, insert '', including those representatives and members nominated by local and national stakeholder representatives'' after ''title''.

Page 245, line 15, after ''information.'' insert the following: ''Such regional meetings and electronic exchanges of information shall be public and notice of such meetings and exchanges shall be provided to interested stakeholders.''.

Page 248, beginning on line 6, after ''assessment'' insert the following: ''(which shall include a representative sampling of local educational agencies based on local educational agency enrollment, urban, suburban, or rural character, and other factors impacted by the proposed regulation)''.

Page 248, line 12, strike ''and''.

Page 248, line 15, strike the period and insert ''; and''.

Page 248, after line 15, insert the following new subparagraph:

''(C) the proposed regulation, which thoroughly addresses, based on the comments received during the comment and review period under paragraph (3), whether the rule is financially, operationally, and educationally viable at the local level.''.

Page 475, after line 19, insert the following new section:

''SEC. 5530. LOCAL CONTROL.

''The Secretary shall not—

''(1) impose any requirements or exercise any governance or authority over school administration, including the development and expenditure over school budgets, unless explicitly authorized under this Act;

''(2) issue any regulations or non-regulatory guidance without first consulting with local stakeholders and fairly addressing their concerns; or

''(3) deny any local educational agency the right to object to any administrative requirement, including actions that place additional burdens or cost on the local educational agency.''.

The Acting CHAIR. Pursuant to House Resolution 303, the gentleman from Pennsylvania (Mr. MEEHAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. MEEHAN. Mr. Chairman, I rise in strong support of the Schock-Meehan amendment.

In recent years, the Federal Government has taken more and more control over deciding what goals and curriculum best fit our kids' needs. However, as all Americans know, education policy should be set by those that know the community best—parents, teachers, and local school board members. That's exactly what this amendment does. Our amendment has three main objectives:

It restores flexibility in crafting curriculum and education for our children. The Department of Education would be restricted in promulgating any rules and regulations that contradict or create costly burdens on local school districts without an act of Congress.

Second, it strengthens the process for input by parents.

And, last, it requires that the Department of Education provide an annual report to Congress on how any policies affect local school districts.

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This enables local school boards to have the ability to craft policies in coordination with the communities they serve.

This amendment is vitally important to our communities. From Pennsylvania to Illinois and beyond, the parents, the students, and the school board members that they elect are truly the experts in education, not Washington bureaucrats.

I urge my colleagues to support the Schock-Meehan amendment.

Mr. Chair, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chair, I claim the time in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. GEORGE MILLER of California. Mr. Chair, I yield myself 3 minutes.

I rise in opposition to the Schock-Meehan amendment because it really is a political exercise that fails to fix the problems of H.R. 5, the Letting Students Down Act. The amendment is an ideological attempt to give school districts more control, but actually doesn't do that. It just creates more paperwork, more bureaucracy at the Federal level by consultations and chances to dispute regulations, many of which are already allowed in Federal law, but this would be a separate subset to require that.

I have been here a long time, and I can't think of any administration that gave both States and local school districts more options, more flexibility, more ability to design the systems under which they want to work than the Obama administration, which now there are 37 States who have undertaken Race to the Top, which gave them great flexibility, and there are 40 States that have undertaken waivers, which give them even more flexibility. When you talk to the superintendents and you talk to the Governors in those States, they are delighted to have that flexibility to design the systems that they want to be able to design and to improve the systems and to get better achievement by their students.

Now we are coming along with some continuation of some outdated, very conservative argument that all these problems are at the Federal Government. The fact of the matter is no administration has unleashed the skills and the talents and the desires of local school districts and States than this administration.

This is an ideological bent. It is an ideological fix. It is not going to end. What it doesn't do is it doesn't correct

any of the very real and very big problems that underlie this amendment in the underlying bill, because the underlying bill gets education funding and it locks in the sequestration levels that are going to grind down every school district that has poor students and poor schools in that district, and it lets States dramatically reduce the funding for those districts.

The priority of this Federal spending is to try to equalize the opportunity for those poor minority children, and it diverts funds for teachers away from poor schools and districts toward the wealthier ones. It eliminates the block grant funding for vital programs with no accountability—no accountability—how those funds will be spent. We just saw an amendment offered here earlier today because people recognize all that does is just diminish the resources that are available for those populations with special needs.

I oppose this amendment, as I do the underlying legislation, and I would ask my colleagues to vote against it.

I yield back the balance of my time.

Mr. MEEHAN. Mr. Chair, how much time do I have remaining?

The Acting CHAIR. The gentleman from Pennsylvania has 3½ minutes remaining.

Mr. MEEHAN. Mr. Chair, I would like to yield 2 minutes to the gentleman from Illinois (Mr. SCHOCK).

Mr. SCHOCK. Mr. Chair, I thank my good friend and cosponsor of this amendment, Mr. MEEHAN.

I rise today in support of my amendment to strengthen the process by which local school districts can provide meaningful firsthand input in the development of rules and regulations issued by the Department of Education.

As a former school board member, I can tell you nothing is more frustrating to school board members, 96 percent of whom are directly elected by the voters in their community, than having to redirect limited resources that they have to unfunded mandates contained in rules and regulations issued by the Department of Education.

My amendment here today ensures that rules and regulations are educationally and operationally viable at the local level by ensuring that electronic exchanges of information and any regional meetings that are held by the Department of Education are public and notice of such meetings and exchanges are proactively provided to the interested stakeholders. This outreach is important for all sides and I believe will benefit the overall rulemaking process.

My amendment also prohibits the Department of Education from imposing additional requirements in rules, regulations, and nonregulatory guidance that have not been specifically authorized in the underlying legislation. This is an important step to ensure that education policy is implemented at the local level by leaders who are held accountable by the students, parents, and taxpayers they represent.

Nearly all States have delegated the power and authority to decide the direction of their school districts to the local school boards. My amendment reinforces the notion that local school board members can continue to exercise the power and authority they were given by the communities they represent.

Let's stop further unlegislated, unfunded mandates by the Federal Government and vote ''yes'' on amendment 44.

Mr. MEEHAN. How much time do I have remaining, Mr. Chair?

The Acting CHAIR. The gentleman from Pennsylvania has 1¾ minutes remaining.

Mr. MEEHAN. Mr. Chair, at this point, I would like to yield 1 minute of that time to the gentleman from Oklahoma (Mr. LANKFORD).

Mr. LANKFORD. Mr. Chair, this is all about the local election of a school board, a school board that is elected that is distinct for that district. The parents go to school with the same kids. They're all interconnected, they know each other, and they're making decisions because we don't have a national school board. We should have local school boards.

Why do we do that? Because we want local decisions made on whether they're going to have uniforms, what they're going to serve at lunch, how they're going to interact, what their class schedule is going to be, what their curriculum is going to be. Those are local decisions that should be made because those parents know their kids extremely well and love their kids more than anyone. In central Oklahoma, I can assure you, our parents love their kids and know their kids better than someone 1,300 miles away in Washington, D.C.

So the simple decision should be made that I have personally contacted the superintendents in my district who ask for one simple thing: allow us to make decisions locally. We want to know that the decisions we make are going to stick and we won't spend all of our time and all of our money hiring compliance people to connect with the Federal Government to know what monies go where and what silos go where. And I hear over and over again, Race to the Top didn't give us greater flexibility. It actually said, You have flexibility in the silo that we give you. They want just real flexibility.

I would encourage the passage of this amendment.

Mr. MEEHAN. Mr. Chair, let me just close my time by once again articulating the point that has been so well made by my colleagues as well, that we do not have a Secretary of Education that is a national school board president.

I have spoken to those who have dedicated their time and their professional commitment: school board leaders and local educators themselves who understand how to best create the kinds of curriculum that will most effectively serve the children in our communities.

I ask our colleagues to strongly support the Schock-Meehan amendment.

Mr. Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. MEEHAN).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. GEORGE MILLER of California. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Pennsylvania will be postponed.

AMENDMENT NO. 12 OFFERED BY MR. SCALISE

The Acting CHAIR. It is now in order to consider amendment No. 12 printed in House Report 113–158.

Mr. SCALISE. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 253, line 3, insert before ''develop'' the following: ''if a State educational agency or local educational agency so chooses,''

Page 257, line 21 through page 258, line 2, strike paragraph (5).

Page 258, line 3 through line 14, strike paragraph (6) and insert the following:

''(5) If applicable, a description of how the State educational agency will work with local educational agencies in the State to develop or implement a teacher or school leader evaluation system.''.

Page 258, line 15, strike ''(7)'' and insert ''(6)''.

Page 261, line 2, strike ''to'' and all that follows through ''fulfill'' on line 19, and insert ''to fulfill''.

Page 261, after line 24, insert the following:

''(A) provide training and technical assistance to local educational agencies on—

''(i) in the case of a State educational agency not implementing a statewide teacher evaluation system—

''(I) the development and implementation of a teacher evaluation system; and

''(II) training school leaders in using such evaluation system; or

''(ii) in the case of a State educational agency implementing a statewide teacher evaluation system, implementing such evaluation system;''.

Page 262, line 1, strike ''(A)'' and insert ''(B)''.

Page 262, line 7, strike ''(B)'' and insert ''(C)''.

Page 262, line 9, strike ''2123(2)(D)'' and insert ''2123(6)''.

Page 262, line 10, strike ''(C)'' and insert ''(D)''.

Page 264, line 21 through page 265, line 2, strike subparagraph (C).

Page 265, beginning on line 3, strike ''how,'' and all that follows through ''system'' and insert ''if applicable, how''.

Page 265, line 7, insert before the semicolon the following: ''in developing and implementing a teacher evaluation system''.

Page 265, line 9 through line 12, strike subparagraph (E).

Page 265, beginning on line 13, amend paragraph (2) to read as follows:

''(2) If applicable, a description of how the local educational agency will develop and implement a teacher or school leader evaluation system.''.

Page 265, line 25, strike ''subpart'' and all that follows through ''shall use such funds'' on page 266, line 1, and insert ''subpart may use such funds for''.

Page 266, line 2, strike ''(A) to develop and implement'' and insert ''(1) the development and implementation of''.

Page 266, line 3, insert ''may'' after ''that''.

Page 266, line 4, strike ''(i) uses'' and insert ''(A) use''.

Page 266, line 10, strike ''(ii) uses'' and insert ''(B) use''.

Page 266, line 12, strike ''(iii) has'' and insert ''(C) have''.

Page 266, line 14, strike ''(iv) shall'' and insert ''(D)''.

Page 266, line 17, strike ''(v) is'' and insert ''(E) be''.

Page 266, line 20, strike ''or''.

Page 266, line 21, strike ''(B)'' and insert ''(2)''.

Page 266, line 23, strike ''to implement'' and insert ''implementing''.

Page 266, line 24, strike ''and''.

Page 266, strike line 25.

Page 267, line 1, strike ''(A)'' and insert ''(3)''.

Page 267, line 3, insert ''or school leaders'' before ''under''.

Page 267, line 3, strike ''evaluation system described'' and insert ''or school leader evaluation system,''

Page 267, strike line 4.

Page 267, line 6, strike ''(B)'' and insert ''(4)''.

Page 267, line 10, strike ''(C)'' and insert ''(5)''.

Page 267, line 15, strike ''(D)'' and insert ''(6)''.

Page 267, line 18, strike ''(i)'' and insert ''(A)''.

Page 267, line 20, strike ''(ii)'' and insert ''(B)''.

Page 267, line 22, strike ''(iii)'' and insert ''(C)''.

Page 268, line 3, strike ''(iv)'' and insert ''(D)''.

Page 268, line 9, strike ''(v)'' and insert ''(E)''.

Page 268, line 13, strike ''(vi)'' and insert ''(F)''.

Page 268, line 16, strike ''(vii)'' and insert ''(G)''.

Page 268, line 20, strike ''(viii)'' and insert ''(H)''.

Page 268, line 4, insert ''or school leaders'' before ''identified''.

Page 268, line 6, insert ''or school leader'' before ''evaluation''.

Page 268, beginning on line 6, strike ''described in subparagraph (A) or (B) of paragraph (1)''.

Page 268, line 24, strike ''(E)'' and insert ''(7)''.

Page 269, line 5, strike ''(F)'' and insert ''(8)''.

Page 269, line 7, strike ''(G)'' and insert ''(9)''.

Page 269, beginning line 23, amend paragraph (3) to read as follows:

''(3) in the case of a local educational agency implementing a teacher or school leader evaluation system, the results of such evaluation system, except that such report shall not reveal personally identifiable information about an individual teacher or school leader; and''.

The Acting CHAIR. Pursuant to House Resolution 303, the gentleman from Louisiana (Mr. SCALISE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Louisiana.

Mr. SCALISE. Mr. Chairman, the amendment I bring forward today deals specifically with reforms that many States have made. I will talk specifically about reforms that have been made in my great State of Louisiana, especially as it relates to teacher evaluation.

Specifically, what my amendment would do would be to remove the mandate that is in the legislation that requires States to adopt the Federal rule on teacher evaluation.

The reason I say that is not just because Louisiana has a highly successful teacher evaluation program that is working very well for the people of Louisiana, but in general, when you look at the successes that we've seen across the country as it relates to education reform, it has been State and local governments that have driven those great successes. That is because the States are the incubators, and our States and local governments are the most accountable to the parents who have most at stake in concern for the children's education.

The amendment specifically makes sure that there can be no mandate by the Federal Government, especially one that would override what is being done at the State level. I have seen very closely in my State—in fact, when I was in the State legislature, we passed some dramatic education reforms.

When you look at the city of New Orleans after Hurricane Katrina, before the hurricane, it was probably one of the most failed, corrupt public education systems in the Nation. Because we made reforms—not only at the State, but at the local level—where we created charter schools, we had so much innovation that now other States across the country are looking to what we did as a model for how to transfer or merge urban education.

Parents are actually much more involved in their children's education because they have a real stake, they have real choices to give their children, better educational opportunities, and I don't want to see that interfered with by anything that might come out of the Federal Government.

I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chair, I claim the time in opposition.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. GEORGE MILLER of California. I yield 2 minutes to the gentleman from Colorado (Mr. POLIS).

Mr. POLIS. Thank you, Mr. Chairman.

As I discussed with Mr. SCALISE in the Rules Committee yesterday, I think this amendment is just a terrible, terrible idea. It would remove any and all requirements and proof of teacher effectiveness.

Effectively now, we have a measure called, Highly Qualified Teacher. We agree, most of us, that there are flaws in that, and it is an input-based criteria rather than an output-based criteria.

I cosponsor a bill with SUSAN DAVIS, the STELLAR Act, which would ensure that States have high-quality teacher evaluation systems in place after 3 years. We were worried, frankly, about what would happen during the 3 years. I offered and withdrew an amendment to at least have some basic reporting during this 3-year transition period.

What the Scalise amendment does is it gets rid of the end result of that 3-year period. It says we are going to go through an indefinite period with no reporting, no metrics, no assurance of quality.

Need I remind the gentleman from Louisiana that our U.S. taxpayers are, in part, paying the salaries of many teachers that are partially funded through IDEA special ed funds or through title I free and reduced lunch funds, not to mention the fact that these are the teachers, the most important person, and it is ruining the educational outcome for the child—the most important person in making sure the kids succeed. Here we are not only saying, look, I was worried about this 3-year transition period, but saying, forever, from now on, no reporting, no requirements on whether a teacher is high quality or not, no evaluations.

Look, it is hard to get evaluations right. I was in the private sector and we did employee evaluations every year and decided if some employees should be promoted if some didn't have a place in the organization. Do you know what? It is always hard, and there is no 100 percent right.

But to somehow say you shouldn't do it, you shouldn't evaluate your employees, is completely the wrong answer. Any private company that engages in that strategy is going to go out of business, just as schools that engage in that strategy in districts—and if the Federal Government encourages it and allows it as it does under this amendment—will be to the detriment of kids and do nothing more than actually make it less likely that good quality teachers will be in the classrooms for kids.

So I call upon my colleagues on both sides of the aisle to oppose this amendment.

Mr. SCALISE. Mr. Chairman, at this time, I would like to yield 1 minute to the gentleman from Minnesota (Mr. KLINE), the chairman of the committee.

Mr. KLINE. Mr. Chairman, I thank the gentleman for yielding.

This amendment will eliminate the requirement, the mandate, if you will, for States and school districts to develop teacher evaluations, but does not prevent them from developing these systems if they so choose.

States and local school districts are currently developing impressive and innovative teacher evaluation systems, and I applaud it. The Federal Government can support them in this endeavor, giving them the resources and the

flexibility to design systems to meet their particular local and unique needs.

Ultimately, Mr. Chairman, States and school districts need the flexibility to do the activities that will serve their students and teachers best. I, therefore, support the gentleman's amendment.

Mr. SCALISE. Mr. Chair, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chair, I yield myself 2 minutes.

I rise in opposition to this amendment to remove the requirement that States and school districts implement teacher evaluation systems.

We put $17 billion into this system every year, and we ought to at least see if we can make sure that those who are responsible for implementing it have the opportunity to improve their skills, to improve their talents, to collaborate with one another so that they can improve the teacher and learning environment. That is the goal of the evaluations: to take the skills that teachers bring to the classrooms and see, in consultation with others, with the principals, with their peers in that school district, whether or not we can improve their skills to deliver the education that we know that our children need.

□ 1715

We know that all teachers are not of the same talent, but by having evaluations, you, in fact, have the ability to then raise the skills of those individuals. If you would travel the country, and if you would talk to younger teachers all across the country, they would tell you how excited they are about evaluation systems, how excited they are about the collaboration—about their working with one another. I have visited teachers in the process of doing that, in developing that information—in developing the skills and in watching one another teach and in presenting the various lesson plans and curriculums, and then weighing back and forth what was more effective and what was less effective, what they would change, and how they would do it differently the next time.

Under this legislation, under our legislation, we encourage local districts to do that. We want them to take control of it. We want teachers to be in the design of those systems. Yet now the idea that you would not require some evaluation of the people who are delivering this education is just to go back to a time when it didn't matter, I guess, who dropped out of school or who didn't thrive or who didn't do well—but that's not this economy; that's not our social structure; and that's not the desire and the hopes and aspirations of the parents and of the students in those schools. So I would hope that we would oppose this amendment and that we would defeat this amendment.

I reserve the balance of my time.

Mr. SCALISE. At this point, I yield 1 minute to the gentleman from Utah (Mr. BISHOP).

Mr. BISHOP of Utah. Mr. Chairman, the speaker on the other side on one of the other amendments said that this is not the level at which we should be making these decisions. There are some efforts, no matter how noble the goal may be, where this is not the level at which these decisions ought to be made.

I taught for 28 years and had multiple evaluations. They were all positive, but if I'd had any input that I'd wished to give, I could have easily accessed my school district, and I could have accessed the State, but if it were on the Federal level, I could fly and stand in front of the Johnson Building for weeks on end, and nobody in the Department of Education would care. The best evaluations come from parents, but parents have the same limitations of which I spoke. Their access on the Federal level is almost nonexistent.

The Scalise amendment does not eliminate evaluations. It says you do them in the proper way. You do them, and you clarify that States sometimes can have a better idea than we do. If that happens, States should have every opportunity to implement their better ideas. This eliminates the mandate. It provides flexibility. It promotes a better outcome.

Mr. SCALISE. I reserve the balance of my time.

Mr. GEORGE MILLER of California. I yield back the balance of my time.

Mr. SCALISE. Mr. Chairman, in closing, I want to address a few of the points that were made by my friend from Colorado.

He said, ''It's hard to get evaluations right.''

I actually agree with him on that statement.

If that's the case, then the question we are posed with is: Who is best suited to evaluate teachers? Is it some unelected bureaucrat in Washington or is it a State or a locally elected official who is directly accountable to the parents of those children?

So we're not presented with some false choice of whether or not to evaluate teachers. As I pointed out, in the legislature in my State of Louisiana, they fought it out, and they actually passed a teacher evaluation program a few years ago that's doing well. It's actually getting good results. That's the kind of innovation we should be encouraging. We shouldn't have this idea that there is this ''one size fits all'' in Washington and that Washington knows best and that, if a State can do it better, too bad, that's its fault because the Federal Government wants to tell it how to evaluate its teachers.

I think we ought to trust the people who know best and who are most directly accountable to the parents of the students, and that's our State and local school boards. That's why this amendment says, if they've got a better way to evaluate teachers, they're the ones who are better suited to do it, not some unelected bureaucrat in Washington.

With that, I urge a ''yes'' vote on this amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Louisiana (Mr. SCALISE).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. GEORGE MILLER of California. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Louisiana will be postponed.

AMENDMENT NO. 13 OFFERED BY MS. MOORE

The Acting CHAIR. It is now in order to consider amendment No. 13 printed in House Report 113–158.

Ms. MOORE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 255, after line 7, insert the following:

''(C) APPLICABILITY.—

''(i) IN GENERAL.—Subparagraph (A) shall not apply with respect to a fiscal year unless the Secretary certifies in writing to Congress for that fiscal year that the amount of funds allotted under subparagraph (A) to local educational agencies that serve a high percentage of students from families with incomes below the poverty line is not less than the amount allotted to such local educational agencies for fiscal year 2013.

''(ii) SPECIAL RULE.—For a fiscal year for which subparagraph (A) does not apply, the Secretary shall allocate to each State the funds described in subparagraph (A) according to the formula set forth in subsection (b)(2)(B)(i) of this section as in effect on the day before the date of enactment of the Student Success Act.

The Acting CHAIR. Pursuant to House Resolution 303, the gentlewoman from Wisconsin (Ms. MOORE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Wisconsin.

Ms. MOORE. Mr. Chair, I rise today to offer an amendment, along with my colleagues FREDERICA WILSON from Florida and DANNY DAVIS of Illinois.

This amendment is straightforward. It is protective in nature, and it ensures that high poverty schools are not adversely affected by H.R. 5's proposed change in the funding allocation formula for teacher support and development under title II of the ESEA.

Now, if we don't adopt this amendment, we may inadvertently break a long bipartisan agreement that we've had regarding our fundamental need to ensure that our low-income students are not assigned less qualified teachers than their advantaged peers. The reality is that a school district serving students in poverty faces many challenges in recruiting and in retaining teachers as well as other qualified staff. I believe that the Rules Committee made this in order because it wanted the body to have an opportunity to meet this long bipartisan agreement.

H.R. 5, as current drafted, would totally eliminate the current formula, which focuses on funding students in poverty, and replaces it with a formula that equally weights poverty and population. As written, we have strong reason to fear that H.R. 5 would result in Federal dollars being siphoned from States and schools with the poorest students and awarded to the States and schools without similar levels of poverty.

Our amendment, again, simply requires that this change to the funding formula not be enacted if our fears are realized and if the Secretary of Education determines that such a change would reduce funding to districts serving students in poverty. This amendment would not add a penny to the cost of the bill. Our intention is only to safeguard the very teacher supports to help us close the achievement gaps for low-income students.

The bill we are considering today, H.R. 5, consistently backs away from our longstanding Federal commitment to direct funding to students with the greatest need, including those attending high poverty schools.

There are a lot of factors that affect a child's performance in school, and some of these we just can't control, but this is one thing that we can control—the level of quality of the people standing in front of our children.

I reserve the balance of my time.

Mr. ROKITA. Mr. Chairman, I rise to claim the time in opposition, but I do not intend to oppose the amendment.

The Acting CHAIR. Without objection, the gentleman from Indiana is recognized for 5 minutes.

There was no objection.

Mr. ROKITA. Mr. Chairman, as I read the gentlewoman's amendment, I see that it will protect title II funding to high poverty school districts.

Now, although the Student Success Act, which we are debating here on the House floor right now, funds school districts on an equal playing field—basing the formula on a 50 percent poverty and a 50 percent population ratio—it is important to protect funding to high poverty school districts. The amendment will not allow the new title II formula to go into effect until the Secretary certifies that funding to these school districts is protected at fiscal year 2013 levels and that new money allotted will be allocated on a 65 percent poverty and a 35 percent population formula.

The bottom line is that, in using these funds, the Student Success Act gives States and school districts the flexibility to decide how they want to spend their money. This is not our money. This is the property of the States and the States' residents. Funds flow over to the State and local levels so they can set their own priorities for programs that they want to fund to meet the needs of their students. This ensures superintendents, principals and teachers are the ones making funding decisions—not Washington bureaucrats or even the Secretary of Education—that benefit students. Public and private entities can also apply to the State, in partnership with school districts, for funds to run innovative programs focused on teacher and school leader preparation and development.

Although I disagree with the gentlewoman that the Student Success Act is a retreat—in fact, I think there is a very progressive set of reforms found in the Student Success Act—I do support her amendment, which protects funding for high poverty districts, and the Student Success Act, which gives districts the flexibility to use teacher funds in the way they think is best.

With that, I reserve the balance of my time.

Ms. MOORE. Mr. Chairman, I do want to thank the gentleman for his support.

I now yield to my colleague from Florida, FREDERICA WILSON.

Ms. WILSON of Florida. Mr. Chairman, I thank my friend from Wisconsin (Ms. MOORE) for her leadership and her passion for defending children. I urge my colleagues to support this amendment.

As an educator, as an elementary school principal and as a school board member, I can attest to a simple fact: that there is simply no factor that matters more for children's achievement than teacher quality. Teachers matter. Research consistently upholds this fact. Yet, in urban and rural areas alike, students in low-income areas are constantly assigned less qualified teachers than are their wealthier peers. These young minds are, quite simply, treated as experiments in little educational petri dishes. Let's stop experimenting with our children. Poor schools often face impossible prospects of recruiting teachers, and once teachers are finally recruited, educators often need additional resources and support to do their jobs effectively. The result is that students in poverty fall farther and farther behind, losing hope of ever catching up.

Mr. Chairman, this is a commonsense amendment that would ensure that title II changes under this bill would not be enacted if these changes pull funds away from schools serving students in poverty. This is not a partisan issue. There has been bipartisan consensus on the importance of teacher development in low-income areas for ages. A criterion for teacher development is so important. If it were not, it would hurt children in red States and children in rural areas as much as it would hurt children in blue States and children in urban areas.

I urge my Republican colleagues to take a stand for low-income children. Wherever they live, whoever represents them, please support this amendment.

Ms. MOORE. I yield back the balance of my time.

Mr. ROKITA. Mr. Chairman, in closing, again, I rise in support of this amendment.

I would say to the gentlelady from Florida, who just spoke, that this is not experimenting with our children. We are empowering parents, and we are empowering teachers so that the students can have better success. In my opinion, this is an evolution of our education policy.

In that same vein, the gentlewoman said that teachers matter. In that respect, I want to reiterate for this House those who have shown in writing their strong support for the Student Success Act, including: the American Association of School Administrators, the National School Boards Association, the Council of Chief State School Officers, the Council for American Private Education, the Association of Christian Schools International, Concerned Women for America, the National Association of Independent Schools, the National Alliance for Public Charter Schools, and the National Association of Charter School Authorizers.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Wisconsin (Ms. MOORE).

The amendment was agreed to.

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AMENDMENT NO. 14 OFFERED BY MR. BISHOP OF UTAH

The Acting CHAIR. It is now in order to consider amendment No. 14 printed in House Report 113–158.

Mr. BISHOP of Utah. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 255, line 8 through page 256, line 17, strike subsection (c).

Page 256, line 18, strike ''(d)'' and insert ''(c)''.

The Acting CHAIR. Pursuant to House Resolution 303, the gentleman from Utah (Mr. BISHOP) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Utah.

Mr. BISHOP of Utah. Mr. Chairman, in the Constitution, it established a specific relationship between the Federal Government and the States. It's called a duel sovereignty, and it asked people to be loyal not only to their State, but also to the Federal Government, as well. James Wilson, in talking about what they had done as a balance-of-power experiment, said that this system would work well as long as the two entities maintained a relationship like the solar system, like the planets, always traveling in their sphere and path, complementing each other, but never interfering with one another. His concern was that one of those entities might actually act like a comet and go off on its own path, actually running into any material or object in its way, and chaos and destruction would result from that.

The amendment I am wishing to propose here would eliminate a section that would allow a local school district

to circumvent their State, a school district which is a creation of the State. They would circumvent the State and make a deal with the Federal Government for any kind of grant or loan that they wish to accomplish and actually be required to report not to the State, but to the Federal Government and circumvent the State totally.

If a State, for example, were to want to have some limited involvement in a program, under the provision that is in this particular bill, it would be possible for a rogue district to violate that proposal or that policy of the State, make their own deal with the Federal Government, and enter into that agreement and report directly to them, causing not only to void the policy, but a great deal of confusion in the process, as well.

We have a deal that we can work easily with the States. The local districts, that is not in the purview of what it should be. It is definitely an extra-constitutional approach to it.

With that, Mr. Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. GEORGE MILLER of California. I yield myself 2 minutes.

Mr. Chairman, I rise in opposition to this amendment offered by the gentleman from Utah. I just don't quite understand it.

If a State doesn't make application for various funds that are available under title II, I don't know why you would prohibit a district from doing so. I don't know the rationale for the State's decision not to make application, but that may have very little to do with the needs of a particular school district. In my State, it might be a large district like Los Angeles or it might be a small rural district in the northern corner of the State. If they feel that these funds would help them and they have a need for those, I don't know why and I don't know that we're interfering with any great relationship here between States and the Federal Government.

I don't pretend to be familiar with the exact governance in the State of Utah, but in California the districts are pretty darn autonomous and our county offices of education are very autonomous, and very often a county office will apply for these kinds of funds in an area of smaller school districts to bring them together to utilize those funds in the most efficient way to continue.

Most of title II is about the development of teachers and professional development.

I oppose this amendment. I think it just makes it much more difficult and more bureaucratic for local school districts. We've heard time and again here that these are the people who know best, so apparently they know better than the State officials, but we're going to let the State officials block them from doing what they know is best when they decide what is best is to try to access title II.

So I oppose this amendment, and I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Chairman, I yield myself such time as I may consume.

I appreciate the comments of the gentleman from California, but I have to take issue with them.

There is no State in which a local district or a State or a city or a county is autonomous to the State itself. States create those entities. They can add to them. They can eliminate them. They are responsible for them.

This is not an esoteric philosophical debate. There is a real situation in which this has happened, and in large part the base bill eliminates this from actually happening again in the future.

If I can quote from Education Week, there was a policy in which this Department of Education tried to circumvent the States.

> The Department of Education has responded with the announcement it will begin to offer separate policy terms to individual school districts—circumventing not just Congress, but also the authority of States to direct education.

In response to that, the superintendent from Virginia said that this move undermines the States.

The Commissioner from Colorado said that this would ''bypass'' State authority and result in ''unintended consequences.''

From the Secretary of Education in Pennsylvania:

> To allow districts to go directly to the Feds to get waivers, it would be difficult to see who is exactly responsible for accountability and reforms in their States. Districts are creatures of State government.

From Jennifer Marshall, she said this would create a ''client mentality.''

In fact, one of the publications said that this is a massive overreach by Washington into local school policy and a blatant disregard for State's education decisionmaking authority.

Here is the bottom line: the Federal Government can't change States; States can change local entities. It is an improper relationship for the local entities to be able to bypass a State. We should not have that.

I reserve the balance of my time.

Mr. GEORGE MILLER of California. I didn't say they were autonomous. I said that they operate nearly autonomous. I guess if the State wanted to rein them in in California and Utah, they would rein them in. But they make applications all the time for title II funds, and apparently California and Colorado may want to do something about that. That sounds like a State problem.

Mr. Chairman, I yield back the balance of my time.

Mr. BISHOP of Utah. The State reined them in, but it still should not be a part of the policy in this bill.

I ask for a favorable vote in removing this section that is extra-constitutional from the bill, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Utah (Mr. BISHOP).

The amendment was agreed to.

Mr. GEORGE MILLER of California. Mr. Chairman, I ask unanimous consent that my request for a recorded vote on amendment No. 12 be withdrawn to the end that the Chair put the question on the amendment de novo.

The Acting CHAIR. Is there objection to the request of the gentleman from California?

There was no objection.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Louisiana (Mr. SCALISE).

The amendment was agreed to.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 113–158 on which further proceedings were postponed, in the following order:

Amendment No. 2 by Mr. YOUNG of Alaska.

Amendment No. 4 by Mr. LUETKEMEYER of Missouri.

Amendment No. 11 by Mr. MEEHAN of Pennsylvania.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 2 OFFERED BY MR. YOUNG OF ALASKA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Alaska (Mr. YOUNG) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 263, noes 161, not voting 9, as follows:

[Roll No. 367]

AYES—263

Aderholt	Butterfield	Cooper
Amodei	Calvert	Costa
Andrews	Camp	Courtney
Bachus	Capps	Cramer
Barber	Capuano	Crowley
Barletta	Cárdenas	Cuellar
Barrow (GA)	Carney	Culberson
Bass	Carson (IN)	Cummings
Beatty	Cartwright	Daines
Becerra	Castor (FL)	Davis (CA)
Benishek	Castro (TX)	Davis, Danny
Bera (CA)	Chu	DeFazio
Bishop (GA)	Cicilline	DeGette
Bishop (NY)	Clarke	Delaney
Bishop (UT)	Clay	DeLauro
Blumenauer	Cleaver	DelBene
Bonamici	Clyburn	Denham
Bonner	Cohen	Dent
Brady (PA)	Cole	Deutch
Braley (IA)	Collins (NY)	Diaz-Balart
Brown (FL)	Connolly	Dingell
Brownley (CA)	Conyers	Doggett
Bustos	Cook	Doyle

Duckworth
Duffy
Edwards
Engel
Enyart
Eshoo
Esty
Farr
Fattah
Fitzpatrick
Fortenberry
Foster
Frankel (FL)
Frelinghuysen
Fudge
Gabbard
Gallego
Garamendi
Garcia
Gerlach
Gibson
Gosar
Grayson
Green, Al
Green, Gene
Grijalva
Grimm
Gutiérrez
Hahn
Hanabusa
Hanna
Harper
Hastings (FL)
Heck (NV)
Heck (WA)
Higgins
Himes
Hinojosa
Honda
Hoyer
Hudson
Huffman
Hunter
Israel
Issa
Jackson Lee
Jeffries
Jenkins
Johnson (GA)
Johnson, E. B.
Joyce
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
King (NY)
Kirkpatrick
Kuster
LaMalfa
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis
Lipinski
LoBiondo
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lummis
Lynch
Maffei
Maloney, Carolyn
Maloney, Sean
Marino
Matheson
Matsui
McCollum
McDermott
McGovern
McHenry
McIntyre
McMorris Rodgers
McNerney
Meadows
Meeks
Meng
Mica
Michaud
Miller (MI)
Miller, Gary
Miller, George
Moore
Moran
Mullin
Murphy (FL)
Nadler
Napolitano
Neal
Noem
Nolan
Nunes
Nunnelee
O'Rourke
Owens
Pascrell
Pastor (AZ)
Paulsen
Payne
Pearce
Pelosi
Perlmutter
Peters (CA)
Peters (MI)
Peterson
Pingree (ME)
Pocan
Polis
Price (NC)
Quigley
Rahall
Rangel
Reed
Reichert
Rice (SC)
Richmond
Rooney
Ros-Lehtinen
Roybal-Allard
Ruiz
Runyan
Ruppersberger
Rush
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schneider
Schrader
Schwartz
Schweikert
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Sinema
Sires
Slaughter
Smith (WA)
Southerland
Speier
Stockman
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Tierney
Tipton
Titus
Tonko
Tsongas
Turner
Valadao
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watt
Waxman
Webster (FL)
Welch
Whitfield
Wilson (FL)
Yarmuth
Young (AK)

NOES—161

Alexander
Amash
Bachmann
Barr
Barton
Bentivolio
Bilirakis
Black
Blackburn
Boustany
Brady (TX)
Bridenstine
Brooks (AL)
Brooks (IN)
Broun (GA)
Buchanan
Bucshon
Burgess
Campbell
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman
Collins (GA)
Conaway
Cotton
Crawford
Crenshaw
Davis, Rodney
DeSantis
DesJarlais
Duncan (SC)
Duncan (TN)
Ellmers
Farenthold
Fincher
Fleischmann
Fleming
Flores
Forbes
Foxx
Franks (AZ)
Gardner
Garrett
Gibbs
Gingrey (GA)
Goodlatte
Gowdy
Granger
Graves (MO)
Griffin (AR)
Griffith (VA)
Guthrie
Hall
Harris
Hartzler
Hastings (WA)
Hensarling
Holding
Huelskamp
Huizenga (MI)
Hultgren
Hurt
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly (PA)
King (IA)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Lankford
Latham
Latta
Long
Lucas
Luetkemeyer
Marchant
Massie
McCarthy (CA)
McCaul
McClintock
McKeon
McKinley
Meehan
Messer
Miller (FL)
Mulvaney
Murphy (PA)
Neugebauer
Nugent
Olson
Palazzo
Perry
Petri
Pittenger
Pitts
Poe (TX)
Pompeo
Posey
Price (GA)
Radel
Renacci
Ribble
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Roskam
Ross
Rothfus
Royce
Ryan (OH)
Ryan (WI)
Salmon
Sanford
Scalise
Schock
Scott, Austin
Sensenbrenner
Sessions
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Stewart
Stivers
Stutzman
Terry
Thompson (PA)
Thornberry
Tiberi
Upton
Wagner
Walberg
Walorski
Weber (TX)
Wenstrup
Westmoreland
Williams
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Yoho
Young (FL)
Young (IN)

NOT VOTING—9

Ellison
Gohmert
Graves (GA)
Herrera Beutler
Holt
Horsford
McCarthy (NY)
Negrete McLeod
Pallone

□ 1806

Messrs. GRIFFITH of Virginia, HOLDING, DUNCAN of Tennessee, CASSIDY, KELLY of Pennsylvania, and GUTHRIE changed their vote from ''aye'' to ''no.''

Mr. STOCKMAN, Ms. SCHAKOWSKY, Ms. WASSERMAN SCHULTZ, Messrs. HUFFMAN, RUSH, RICE of South Carolina, SIRES, LIPINSKI, DANNY K. DAVIS of Illinois, DEFAZIO, AMODEI, HECK of Nevada, Mrs. LUMMIS, Messrs. BISHOP of Georgia, NUNNELEE, REED, TURNER, LOEBSACK, BRALEY of Iowa, HANNA, Ms. SPEIER, and Mr. BONNER changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 4 OFFERED BY MR. LUETKEMEYER

The Acting CHAIR (Mr. HULTGREN). The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Missouri (Mr. LUETKEMEYER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 241, noes 182, not voting 10, as follows:

[Roll No. 368]

AYES—241

Aderholt
Alexander
Amash
Amodei
Bachmann
Bachus
Barletta
Barr
Barrow (GA)
Barton
Benishek
Bentivolio
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Boustany
Brady (TX)
Bridenstine
Brooks (AL)
Brooks (IN)
Broun (GA)
Buchanan
Bucshon
Burgess
Calvert
Camp
Campbell
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman
Cole
Collins (GA)
Collins (NY)
Conaway
Cook
Cotton
Cramer
Crawford
Crenshaw
Cuellar
Culberson
Daines
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gabbard
Gallego
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Heck (NV)
Hensarling
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jones
Jordan
Joyce
Kelly (PA)
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
LaMalfa
Lamborn
Lance
Lankford
Latham
Latta
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lynch
Maffei
Marchant
Marino
Massie
Matheson
McCarthy (CA)
McCaul
McClintock
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mullin
Mulvaney
Murphy (FL)
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Perry
Peters (CA)
Petri
Pittenger
Pitts
Poe (TX)
Pompeo
Posey
Price (GA)
Radel
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross
Rothfus
Royce
Runyan
Ryan (WI)
Salmon
Sanford
Scalise
Schock
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stewart
Stivers
Stockman
Stutzman
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walorski
Weber (TX)
Webster (FL)
Wenstrup
Westmoreland
Whitfield
Williams
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (FL)
Young (IN)

NOES—182

Andrews
Barber
Bass
Beatty
Becerra
Bera (CA)
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Brady (PA)
Braley (IA)
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu
Cicilline
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Costa
Courtney
Crowley
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Deutch
Dingell
Doggett
Doyle
Duckworth
Edwards
Engel
Enyart
Eshoo
Esty
Farr
Fattah
Foster
Frankel (FL)
Fudge
Garamendi
Garcia
Grayson
Green, Al
Grijalva
Hahn
Hanabusa
Hastings (FL)
Heck (WA)
Higgins
Himes
Hinojosa
Honda
Hoyer
Huffman

Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kirkpatrick
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Maloney, Carolyn
Maloney, Sean
Matsui
McCollum
McDermott
McGovern
McNerney
Meeks
Meng
Michaud
Miller, George
Moore
Moran
Nadler
Napolitano
Neal
Nolan
O'Rourke
Owens
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peterson
Pingree (ME)
Pocan
Polis
Price (NC)
Quigley
Rahall
Rangel
Reed
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schneider
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Yarmuth

NOT VOTING—10

Diaz-Balart
Ellison
Gutiérrez
Herrera Beutler
Holt
Horsford
McCarthy (NY)
Negrete McLeod
Pallone
Peters (MI)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1811

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 11 OFFERED BY MR. MEEHAN

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Pennsylvania (Mr. MEEHAN) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 239, noes 187, not voting 7, as follows:

[Roll No. 369]

AYES—239

Aderholt
Alexander
Amash
Amodei
Bachmann
Bachus
Barletta
Barr
Barton
Benishek
Bentivolio
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Boustany
Brady (TX)
Bridenstine
Brooks (AL)
Brooks (IN)
Broun (GA)
Buchanan
Bucshon
Burgess
Calvert
Camp
Campbell
Cantor
Capito
Carney
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman
Cole
Collins (GA)
Collins (NY)
Conaway
Cook
Cotton
Cramer
Crawford
Crenshaw
Culberson
Daines
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gabbard
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Heck (NV)
Hensarling
Holding
Hudson
Huelskamp
Huffman
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Johnson (OH)
Johnson, Sam
Jones
Jordan
Joyce
Kelly (PA)
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
LaMalfa
Lamborn
Lance
Lankford
Latham
Latta
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Marchant
Marino
Massie
Matheson
McCarthy (CA)
McCaul
McClintock
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mullin
Mulvaney
Murphy (FL)
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Perry
Petri
Pittenger
Pitts
Poe (TX)
Pompeo
Posey
Price (GA)
Radel
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross
Rothfus
Royce
Ruiz
Runyan
Ryan (WI)
Salmon
Sanford
Scalise
Schock
Schrader
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stewart
Stivers
Stockman
Stutzman
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walorski
Weber (TX)
Webster (FL)
Wenstrup
Westmoreland
Whitfield
Williams
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (FL)
Young (IN)

NOES—187

Andrews
Barber
Barrow (GA)
Bass
Beatty
Becerra
Bera (CA)
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Brady (PA)
Braley (IA)
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu
Cicilline
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Costa
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Deutch
Dingell
Doggett
Doyle
Duckworth
Edwards
Engel
Enyart
Eshoo
Esty
Farr
Fattah
Foster
Frankel (FL)
Fudge
Gallego
Garamendi
Garcia
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hanabusa
Hastings (FL)
Heck (WA)
Higgins
Himes
Hinojosa
Honda
Hoyer
Israel
Jackson Lee
Jeffries
Jenkins
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kirkpatrick
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maffei
Maloney, Carolyn
Maloney, Sean
Matsui
McCollum
McDermott
McGovern
McNerney
Meeks
Meng
Michaud
Miller, George
Moore
Moran
Nadler
Napolitano
Neal
Nolan
O'Rourke
Owens
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters (CA)
Peters (MI)
Peterson
Pingree (ME)
Pocan
Polis
Price (NC)
Quigley
Rahall
Rangel
Richmond
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schneider
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takano
Terry
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Yarmuth

NOT VOTING—7

Ellison
Herrera Beutler
Holt
Horsford
McCarthy (NY)
Negrete McLeod
Pallone

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1816

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. ELLISON. Mr. Chair, on rollcall Nos. 367, 368, 369, I would have voted "yes" on 367; "yes" on 368; and "no" on 369.

AMENDMENT NO. 15 OFFERED BY MR. TONKO

The Acting CHAIR. It is now in order to consider amendment No. 15 printed in House Report 113–158.

Mr. TONKO. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 260, line 15, strike ''95'' and insert ''85''.

Page 260, line 17, strike ''and''.

Page 260, after line 17, insert the following new paragraph:

''(2) reserve 10 percent of the grant funds to make subgrants in accordance with subsection (c); and''.

Page 260, line 18, strike ''(2)'' and insert ''(3)''.

Page 262, after line 20, insert the following new subsection:

''(c) STEM PROFESSIONAL DEVELOPMENT AND INSTRUCTIONAL MATERIALS GRANTS.—A State receiving a grant under section 2111 shall use the funds described in subsection (a)(2) to award grants, on a competitive basis, to nonprofit organizations, and other entities, with expertise and a demonstrated record of success in science, technology, engineering, and mathematics fields to enable such organizations and entities to develop and provide professional development and instructional materials to support elementary and secondary education for science, technology, engineering, and mathematics in the State.''.

The Acting CHAIR. Pursuant to House Resolution 303, the gentleman

from New York (Mr. TONKO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. TONKO. Mr. Chairman, I thank the ranking member of the committee for the opportunity to have time to explain my amendment.

I was planning to offer an amendment today to strengthen the Federal commitment to STEM education, but I intend to withdraw my amendment and offer my robust support for the Democratic substitute which addresses many of my concerns and contains dedicated funding streams for STEM programs.

That being said, many schools already face shortages of science, technology, engineering, and math teachers; and these teachers often have inadequate opportunities for subject-specific professional development. Further, there is rarely an extensive curriculum available to support the teaching of these subjects, especially engineering education.

My amendment would have addressed these issues by committing existing funds under ESEA to support professional development of STEM education. I know firsthand the importance and value of a STEM education, having graduated from Clarkson University with a degree in mechanical and industrial engineering. I'm proud to represent New York's capital region, which serves as a shining example of what a robust investment in STEM education can produce.

In my district, companies like GE and GlobalFoundries, in addition to research centers like the Center for Nano Science and Engineering and RPI, lead the way in STEM jobs and education. These are well-paying, growth-oriented, cutting-edge occupations that ensure America remains competitive in the global marketplace.

As we work to speed up our economic recovery, we know that jobs in the future are going to rely heavily on professionals with a STEM education background. STEM education opportunities for students will spur American innovation through research and development. America has a proven track record of leading in new, innovative technologies, from the implementation of the car assembly line to the creation of the Internet. In order to remain a competitive global economic power of the 21st century, we must preserve a robust national commitment to STEM education.

The United States will have more than 1.75 million job openings in STEM-related occupations by 2018. Yet without a robust investment in the type of education and training these jobs require, there will be a significant shortage of qualified college graduates to fill these careers. The time to invest is now.

With that, Mr. Chair, I yield 2 minutes to my good friend and colleague from Massachusetts (Mr. KENNEDY), a very strong leader in promoting this issue.

Mr. KENNEDY. I thank my colleague from New York for yielding. I want to thank the ranking member for his work on the bill and for the continued leadership my colleague from New York has shown in STEM education, an issue that is particularly important for my district and the local workforce back home.

Mr. Chairman, I rise today in support of this bipartisan amendment and of the continued work that we need to do here in Congress to support and expand engineering education. This amendment would simply have taken advantage of existing title II funding to bring industry expertise from the STEM fields into the professional development we provide for our teachers. It reflects the goals of bipartisan legislation my colleague and I have introduced together, the Educating Tomorrow's Engineers Act, and reflects the underlying principle at the heart of the Elementary and Secondary Education Act, which we consider for reauthorization today—the fundamental equity and equality of opportunity in American education.

Engineering and technical skills across the STEM fields are going to be anchors of the 21st-century economy. The most rapidly growing sectors of our economy and our country's growth right now are the innovation sectors: advanced manufacturing, life sciences, information technology, and clean energy. Economists continue to predict expansive growth in these areas over the next decade—a very bright spot for our economic future.

It is the job of our schools to make sure that every child from every ZIP code has access to an education that prepares them to fully engage in this economy and become a productive member of our workforce. The more kids we educate in these fields and the better the education, the wider and deeper our prosperity will be.

While we withdraw this amendment today, we will continue to work with our colleagues on both sides of the aisle to strengthen our commitment to engineering education and to revitalize the workforces in our local communities by preparing today's students and tomorrow's workers for good jobs in the innovation sectors.

Mr. TONKO. Mr. Chair, I withdraw my amendment.

AMENDMENT NO. 16 OFFERED BY MRS. BROOKS OF INDIANA

The Acting CHAIR. It is now in order to consider amendment No. 16 printed in House Report 113–158.

Mrs. BROOKS of Indiana. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 267, line 19, insert '', including for teachers of computer science and other science, technology, engineering, and mathematics subjects'' after ''teachers''.

Page 268, line 19, insert ''and teachers of computer science and other science, technology, engineering, and mathematics subjects'' after ''teachers''.

Page 276, line 16, insert ''computer science and other'' after ''including''.

Page 284, line 23, insert ''computer science and other'' after ''from''.

Page 366, line 5, strike ''academic subject specific programs'' and insert ''academic subject specific programs (including computer science and other science, technology, engineering, and mathematics programs)''.

The Acting CHAIR. Pursuant to House Resolution 303, the gentlewoman from Indiana (Mrs. BROOKS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Indiana.

Mrs. BROOKS of Indiana. Mr. Chairman, the Student Success Act is a good bill that creates necessary flexibility for States and local school boards to best serve their students. Mr. POLIS and I have an amendment that would simply make clarifying changes to H.R. 5. Our amendment adds computer science in title II, the teacher preparation title, and title III, the parental engagement title. This clarifies that Federal funds may be used to support the training and teaching of teachers of computer science and STEM subjects in K–12 education. Simply put, it allows Federal funds to be use for much-needed teacher professional development in computer science.

It doesn't cost taxpayers one additional penny, and it wouldn't impose any new mandates on States or localities. Instead, it simply provides the additional flexibility to educators as they choose how to spend their Federal education dollars. Even with the 7.6 percent national unemployment rate, thousands of jobs remain unfilled because our K–12 classrooms haven't provided ample opportunities to learn computer science.

The situation will become even more serious over the next few years. By 2020, it's expected that half of the 9.2 million U.S. STEM jobs, as we've heard just previously, will be in computing or IT-related. If we don't increase access to computer science education now, these jobs will either remain unfilled or employers will find workers overseas by exporting those jobs or importing the labor to fill them.

This amendment is supported by Computing in the Core, whose members include companies like Google, Microsoft, and Oracle, as well as the Information Technology Industry Council. This amendment will also help more women and minorities choose computer science as a career. In 2011, only 19 percent of Advanced Placement computer science test-takers were women, even though women represented 56 percent of AP test-takers overall. Only 25 percent of the computer science workforce was female, with just 3 percent of those being African American and 1 percent Latino.

Today, only nine States maintain computer science requirements to graduate from high school. One of the reasons more do not is because we

don't encourage our schools to use Federal funding to support teacher professional development specifically in computer science. This amendment remedies that fact.

Training a new generation of innovators requires a keen focus on the skills that will drive our 21st-century workforce. Computer science is one of those skills. Empowering our superintendents, principals, and educators to provide that robust, relevant, and effective computer science curriculum will ensure more students enter the workforce with the tools they need to succeed. It will help us close the gender and race gaps that have existed in this field for far too long.

Let's do everything we can to prepare our kids for success in tomorrow's technical-driven and information-driven economy. I ask my colleagues to stand with us and pass this amendment, and I reserve the balance of my time.

□ 1830

Mr. POLIS. Mr. Chairman, I claim time in opposition to the amendment, even though I'm not opposed.

The Acting CHAIR. Without objection, the gentleman from Colorado is recognized for 5 minutes.

There was no objection.

Mr. POLIS. Mr. Chairman, I rise today to support this amendment that I was pleased to work on with Representative BROOKS, which would clarify that Federal funds can be used for computer science education, particularly when it comes to teacher preparation and professional development to make sure that teachers have the skills and knowledge that they need to make sure that their students can receive the instruction they need to have jobs in the 21st century. This amendment is based on the Computer Science Education Act, which Representative BROOKS and I introduced earlier this year.

In today's knowledge-based economy, it's more important than ever to ensure our education system meets the demands of the 21st-century workforce. However, there's a fundamental mismatch between the jobs of the future and the skills that are available in many schools today. One of the places that we haven't kept up is computing and computer science.

There will be an estimated 1.4 million computing jobs by 2020, and it's one of the top 10 fastest growing major occupational groups. We will have even more jobs than we have computer science students to fill them. Without high-quality teachers to introduce students to computer science, our Nation's students won't even have the opportunity to have some of these jobs and explore this emerging and exciting field; and many of these jobs, frankly, will go overseas.

I'm pleased that Ranking Member MILLER has included computer science in the definition of STEM subjects in the Democratic substitute, which I strongly support. This amendment would make a corresponding change to the underlying bill to ensure that computer science will be treated similarly to other important academic areas. I think it highlights a commonsense adaptation of the way that we structure our professional development and expenditures to better align with the real need for making sure that kids have more exposure to computer science.

I urge my colleagues to support this amendment, which would provide flexibility and help prepare our Nation's students for the jobs of the future.

I yield back the balance of my time.

Mrs. BROOKS of Indiana. Mr. Chairman, may I inquire as to how much time I have remaining.

The Acting CHAIR. The gentlewoman has 2 minutes remaining.

Mrs. BROOKS of Indiana. I yield 1¾ minutes to the gentlewoman from Washington (Mrs. MCMORRIS RODGERS).

Mrs. MCMORRIS RODGERS. Mr. Chairman, I rise to applaud my colleague's amendment, as well as the committee's work on this important issue.

The availability and mastery of STEM subjects really hold the key to a competitive future for America. Especially with our younger children, the opportunities that a STEM education hold are vast, no matter what the field.

So I was surprised to learn, as someone that's been working on increasing awareness for STEM education, that computer science is not recognized as a STEM subject. This is true, despite the fact that computer science is the highest paid college degree today, with the number of jobs available growing at twice the rate of the national average. In fact, by 2020, it is predicted that there will be more than 1.4 million jobs in the computing field. Yet only 2 percent of math and science students will graduate with a computer science degree—fewer students than a decade ago.

I am proud to say that Washington State has been at the forefront of this initiative, recently passing legislation to recognize coding as a core academic subject. We should be encouraging students and teachers in this area. It holds the key to our technological success as a Nation.

I urge my colleagues to adopt this amendment.

Mrs. BROOKS of Indiana. Mr. Chairman, I want to thank my friend, the gentleman from Colorado, for working with me on this amendment, as well as my colleague, Mrs. MCMORRIS RODGERS, for her thoughtful comments, particularly with respect to her State, and for their support on this issue. I believe this will go a long way towards guaranteeing our students are ready and that our teachers are ready to teach our students so they can be ready for that 21st-century job market.

I encourage all Members to support this bipartisan amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Indiana (Mrs. BROOKS).

The amendment was agreed to.

AMENDMENT NO. 17 OFFERED BY MR. POLIS

The Acting CHAIR. It is now in order to consider amendment No. 17 printed in House Report 113–158.

Mr. POLIS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 311, line 4, strike ''and'' at the end.

Page 311, line 15, strike the period at the end and insert a semicolon.

Page 315, after line 15, insert the following:

''(H) the entity will ensure that each charter school provides substantive outreach to students from low-income families and other underserved populations in its plans to open new charter schools, replicate high-quality charter school models, or expand existing high-quality charter schools; and

''(I) the entity willl allow per pupil revenues to shared between local educational agencies to reflect split student enrollment in 2 or more part-time educational programs operated or authorized by different local educational agencies.''.

Page 315, line 22, strike ''schools.'' and insert the following:

''schools, which may include (1) paying costs associated with preparing teachers to ensure strong school starts; (2) purchasing instructional materials and implementing teacher and principal professional development programs; and (3) providing the necessary renovations and minor facilities repairs, excluding construction, to ensure a strong school opening or to meet the needs of increased student enrollment.''.

The Acting CHAIR. Pursuant to House Resolution 303, the gentleman from Colorado (Mr. POLIS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

Mr. POLIS. Mr. Chairman, this amendment, as well as the underlying components of both the base bill as well as the Democratic substitute, is an opportunity to highlight the many successes that charter school and public school choice have brought to average students across the country.

Before I came to Congress, I founded two charter schools, and I served as superintendent of a charter school that serves English language learners and has four campuses across Colorado and New Mexico.

I am pleased to offer this amendment, which would ensure that charter schools are able to use Federal funds in a more flexible manner to ensure strong school foundations.

The Charter Schools Program is a critical lifeline in supporting public charter schools across the country. I want to thank Ranking Member MILLER and Chairman KLINE for working with me to support the replication and expansion of the very best charter schools and the emergence of new, transformational public charter school models that we can all learn from across public education.

As a recent Stanford CREDO study found, charter schools that are successful in producing strong academic

progress from the start tend to remain strong and successful schools over time, proving that this is a durable phenomenon. Unfortunately, we have heard from countless school principals that they don't have the flexibility to spend these startup grants on the areas that would actually help them the most, the areas that are most impactful for their students and faculty.

My amendment, which I am offering with Congressman PETRI, would allow charter schools that receive Federal funding through the Charter Schools Program to use their grant dollars for more vital and important startup costs, like professional development, teacher training, instructional materials, and minor facilities costs.

I remember when we were starting a charter school and we weren't able to use some of the charter startup funds on things like chairs and tables because they were considered capital equipment, and yet those were a real cost. And before the official enrollees start, you have to have chairs on that first day when kids arrive. This amendment will help make that happen.

This amendment also allows per-pupil revenue to be more portable in following the child by providing an assurance that when students are enrolled part time in one school and part time in another, the districts are able to share per-pupil revenue. This is important because, increasingly, kids are taking advantage of online programs offered by school districts as well as charter schools. This kind of hybrid education—sometimes entirely within a public school, sometimes within a charter school and a public school—and empowering the parents to be able to share and have a kid involved with both programs can, for many families, mean the best of both worlds, being able to have the social environment of the school along with the advantages of online learning at home.

This assurance will provide States with an incentive to provide more innovative funding models that expand learning opportunities and encourage hybrid education and the personalization of education for every child, including competency-based education.

Finally, this amendment would provide an assurance that charter schools are doing substantial outreach to low-income and underserved populations. We know that some high-performing charter schools are already leading on this issue, but we want to ensure that they continue to lead the way in providing access and choice for more families, and that all charter schools can do more to serve those who need the most help.

I want to thank Chairman KLINE and Ranking Member MILLER for working with me on this issue, and I urge my colleagues to support the amendment.

Mr. GEORGE MILLER of California. Will the gentleman yield?

Mr. POLIS. I yield to the gentleman.

Mr. GEORGE MILLER of California. Mr. Chairman, I want to commend the gentleman for his amendment and thank him for all of his work and leadership that he has brought to the committee on charter schools.

And I will vote for the amendment if the gentleman can say again five times ''starter charter startup funds.'' If you can say that really quickly five times, then I will vote for the amendment.

Mr. POLIS. I certainly enjoy talking about charter startup funds and chart school programs on the floor of the House at every opportunity to educate my colleagues on both sides of the aisle with what Ranking Member MILLER and Chairman KLINE already know about the important contributions that public charter schools have made to serve at-risk kids across the country.

I reserve the balance of my time.

Mr. ROKITA. Mr. Chairman, I rise to claim time in opposition, but I certainly do not intend to oppose.

The Acting CHAIR. Without objection, the gentleman from Indiana is recognized for 5 minutes.

There was no objection.

Mr. ROKITA. Mr. Chairman, I thank the gentleman from Colorado for offering this amendment, along with Mr. PETRI for his work on this amendment. It's another example of the fact that as we work through this process in committee and here on the House floor, there's a lot of opportunity for the bill to get better and for the language to get better. And I say that as just one of the authors.

I rise in support of this amendment, which clarifies some of the uses for charter school startup grants and ensures charter schools are reaching out to underserved populations so they may have an opportunity to attend a charter school.

Recently, I had the opportunity to visit the SENSE Charter School in my home State of Indiana. What I saw in the students there was, again, nothing short of young people who are reaching and exceeding their potential.

What that visit also showed—and I have seen it in other schools as well, including one right here in Washington, D.C. this week—is that when given the choice, parents will put their children in the school that best fits their educational needs. Choice works, and funding shouldn't be tied to any kind of cookie-cutter standards or programs. It should be about what works and what doesn't.

Parents know their children. As we've heard on the House floor all afternoon and into the evening, I dare anyone here in Washington to say, Mr. Chairman, that they know our children better than we do. They are the best to make the evaluation, not bureaucrats.

Charter schools level the playing field for children of all different socioeconomic backgrounds. They allow parents, regardless of their means, to get their children out of a school not meeting their needs and find an educational environment that fits their unique learning style.

The charter school startup grants are a critical resource to help open more charter schools to provide greater choice for students. So instead of throwing good money after bad on failed education bureaucracy, let's devote these funds to good programs to help prepare charter school teachers and classrooms to make a lasting difference in the lives of our children.

So once again, I appreciate both gentlemen's support for charter schools. I would urge the House to support the amendment and also to support the Student Success Act.

I yield back the balance of my time.

Mr. POLIS. Mr. Chairman, I yield myself such time as I may consume.

I want to be clear: while this amendment helps empower social entrepreneurs and charter school founders and charter school management organizations to serve more kids, it in no way addresses the major underlying flaws of this piece of legislation.

The piece of legislation and the underlying bill as a whole are an enormous step backward for accountability and transparency and, as amended on the floor, have taken an even further step back. For instance, with the Scalise amendment, which takes away all reporting requirements with regard to teacher quality, not only removing a Highly Qualified Teacher concept, not only abolishing any intervening accountability measures, but actually gets rid of the ultimate accountability of performance-based measures which are included in the initial Kline bill after 3 years, but have now been stripped out entirely. I have a bill, along with SUSAN DAVIS, the STELLAR Act, that would implement a similar concept of providing accountability for teachers.

In addition, the watering down of standards—I believe a better name for this underlying bill, in fact, would be A Race to the Bottom, because that's exactly what it risks producing in terms of districts not accounting for kids with disabilities, in terms of districts adopting standards that are not college and career ready.

I deeply appreciate working with Representative PETRI from the majority on this amendment, and I urge a ''yes'' vote on the amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Colorado (Mr. POLIS).

The amendment was agreed to.

AMENDMENT NO. 18 OFFERED BY MS. VELÁZQUEZ

The Acting CHAIR. It is now in order to consider amendment No. 18 printed in House Report 113–158.

Ms. VELÁZQUEZ. Mr. Chairman, I have an amendment at the desk made in order under the rule.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 351, after line 12, insert the following:

''(5) A description of the steps the applicant will take to target services to low-income students and parents.''.

Page 351, line 12, redesignate paragraph (5) as paragraph (6).

Page 353, line 23, strike ''and'' after the semicolon.

Page 354, line 2, strike the period and insert ''; and''.

Page 354, after line 2, insert the following:

''(K) conduct outreach to low-income students and parents, including low-income students and parents who are not proficient in English.''.

The Acting CHAIR. Pursuant to House Resolution 303, the gentlewoman from New York (Ms. VELÁZQUEZ) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New York.

Ms. VELÁZQUEZ. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, millions of children in our country are falling through the cracks. Every day, children sit in classrooms more worried about the emptiness in their stomachs, the dangers of their walk home, or the broken radiator in their freezing apartment than the lessons on the board.

Every afternoon, these children return home to families who do not know how to support their education. And every year these kids drop out of school, don't pass on to the next grade, or pass on without having been properly prepared.

The Family Engagement Centers established by this legislation will work to bring community-based organizations, school districts, educators, school administrators, and parents together to meet children's educational needs. This holistic approach focuses on preparing children for a bright future.

Family Engagement Centers face serious obstacles in reaching many parents, however. There is the single mother working two jobs, the parents who feel intimidated by algebra or literature because they were never taught those subjects, and millions of immigrant families who work hard every day but have trouble deciphering the notices schools send home.

□ 1845

My amendment ensures that Family Engagement Centers work on reaching these low-income students and parents and that they reach out to students and parents that lack the resources that other families have, especially those that might have difficulty communicating with educators and school administrators.

The blame for our failing schools cannot be placed on our students. They are too preoccupied with the violence that might meet them on the street corner or thoughts of meals that never come to focus on letters and numbers. The blame lies with the system, a system too overwhelmed to worry about our children. That is unacceptable.

When parents don't have the resources to engage, don't feel comfortable engaging, or cannot engage without the help of a translator, it is difficult to encourage them to participate in their child's education. You can walk into virtually any community and find families in this situation. These families want to see their children live the American Dream, but they feel they cannot help or they have trouble communicating in a system that doesn't speak their language.

My amendment helps bring these families into the mix so that education becomes a 24/7 goal. When parents and schools work together, education is no longer something a child does for a few hours during weekdays. It is a constant process reinforced by everyone around them.

We all know it takes a village to raise a child. Family Engagement Centers help to bring that together and focus on the needs of the child. My amendment ensures that villagers and children aren't left out because they do not have the same resources or speak the same language as the rest of the village.

I reserve the balance of my time.

Mr. ROKITA. Mr. Chairman, I rise to claim time in opposition, but I do not intend to oppose the amendment.

The Acting CHAIR. Without objection, the gentleman from Indiana is recognized for 5 minutes.

There was no objection.

Mr. ROKITA. Mr. Chair, I am supportive of this amendment, which merely adds a requirement for grantees under the Family Engagement Centers to conduct outreach to low-income families, as I understand the gentlelady's presentation.

The intent of this program is to help parents better engage with their students to increase their academic achievement. I certainly support these centers reaching out to low-income families to help them.

I appreciate my colleague's effort on this provision, and I urge support of the amendment, as well as the entire Student Success Act.

I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, I yield the remainder of my time to the ranking member.

Mr. GEORGE MILLER of California. I want to commend you so much for offering this amendment. In touring schools my entire time in Congress and talking to parents and talking to school officials where we have these kinds of resources available to engage parents, the outcomes of the students are very often dramatically improved. The participation by the parents is dramatically improved. The participation by the parents at home with the students is changed in a very dramatic fashion.

Just recently, in the North Bay in the San Francisco area up in Napa County, the participation of the parents with English learning students who are in kindergarten with the use of an iPad and getting the parents to come together and understand this technology, how it could help their children learn English, how it could help them learn English, and then imparting with the parents that they could also use it for job search, the engagement was just phenomenal, and these students continue to soar as they now are in the third grade.

So these kinds of possibilities where you bring parents and get that kind of involvement, it changes it so much. Helms Middle School in my district, we not only tore it down and rebuilt it, but we made it a community school with family engagement, and there are parents on that campus all of the time engaged with their kid's education, with their neighbor's kid's education, and their own education.

I really commend you. I think this is a very important amendment as we seek to have parents involved in schools, and thank you so much.

Mr. ROKITA. Mr. Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from New York (Ms. VELÁZQUEZ).

The amendment was agreed to.

AMENDMENT NO. 19 OFFERED BY MR. MULLIN

The Acting CHAIR. It is now in order to consider amendment No. 19 printed in House Report 113–158.

Mr. MULLIN. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 373, lines 11 through 22, strike paragraph (1), and redesignate the succeeding paragraphs accordingly.

Page 391, beginning on line 12, strike ''agencies'' and all that follows through page 392, line 20, and insert ''agencies).''

Page 394, beginning on line 17, amend section 406 to read as follows:

SEC. 406. CONSTRUCTION.

Section 8007 (20 U.S.C. 7707) is amended to read as follows:

''SEC. 8007. CONSTRUCTION.

''(a) SCHOOL FACILITY EMERGENCY AND MODERNIZATION GRANTS AUTHORIZED.—

''(1) IN GENERAL.—From 100 percent of the amount appropriated for each fiscal year under section 8014(e), the Secretary—

''(A) shall award emergency grants in accordance with this subsection to eligible local educational agencies to enable the agencies to carry out emergency repairs of school facilities; and

''(B) shall award modernization grants in accordance with this subsection to eligible local educational agencies to enable the agencies to carry out the modernization of school facilities.

''(2) PRIORITY.—In approving applications from local educational agencies for emergency grants and modernization grants under this subsection, the Secretary shall give priority to applications in accordance with the following:

''(A) The Secretary shall first give priority to applications for emergency grants from local educational agencies that meet the requirements of paragraph (3)(A) and, among such applications for emergency grants, shall give priority to those applications from local educational agencies based on the severity of the emergency, as determined by the Secretary.

''(B) The Secretary shall next give priority to applications for modernization grants from local educational agencies that meet the requirements of paragraph (3)(B) and,

among such applications for modernization grants, shall give priority to those applications from local educational agencies based on the severity of the need for modernization, as determined by the Secretary.

''(3) ELIGIBILITY REQUIREMENTS.—

''(A) EMERGENCY GRANTS.—A local educational agency is eligible to receive an emergency grant under paragraph (2)(A) if—

''(i) the agency (or in the case of a local educational agency that does not have the authority to tax or issue bonds, the agency's fiscal agent)—

''(I) has no practical capacity to issue bonds; or

''(II) has minimal capacity to issue bonds and is at not less than 75 percent of the agency's limit of bonded indebtedness; or

''(ii) the agency is eligible to receive assistance under subsection (a) for the fiscal year and has a school facility emergency, as determined by the Secretary, that poses a health or safety hazard to the students and school personnel assigned to the school facility.

''(B) MODERNIZATION GRANTS.—A local educational agency is eligible to receive a modernization grant under paragraph (2)(B) if—

''(i) the agency receives a basic support payment under section 8003(b) for the fiscal year; or

''(ii) the agency receives a Federal properties payment under section 8002 for the fiscal year.

''(C) RULE OF CONSTRUCTION.—For purposes of subparagraph (A)(i), a local educational agency—

''(i) has no practical capacity to issue bonds if the total assessed value of real property that may be taxed for school purposes is less than $25,000,000; and

''(ii) has minimal capacity to issue bonds if the total assessed value of real property that may be taxed for school purposes is at least $25,000,000 but not more than $50,000,000.

''(4) AWARD CRITERIA.—In awarding emergency grants and modernization grants under this subsection, the Secretary shall consider the following factors:

''(A) The ability of the local educational agency to respond to the emergency, or to pay for the modernization project, as the case may be, as measured by—

''(i) the agency's level of bonded indebtedness;

''(ii) the assessed value of real property per student that may be taxed for school purposes compared to the average of the assessed value of real property per student that may be taxed for school purposes in the State in which the agency is located;

''(iii) the agency's total tax rate for school purposes (or for capital expenditures, if applicable) compared to the average total tax rate for school purposes (or the average capital expenditure tax rate, if applicable) in the State in which the agency is located; and

''(iv) funds that are available to the agency, from any other source, including subsection (a), that may be used for capital expenditures.

''(B) The percentage of property in the agency that is nontaxable due to the presence of the Federal Government.

''(C) The number and percentages of children described in subparagraphs (A), (B), (C), and (D) of section 8003(a)(1) served in the school facility with the emergency or served in the school facility proposed for modernization, as the case may be.

''(D) In the case of an emergency grant, the severity of the emergency, as measured by the threat that the condition of the school facility poses to the health, safety, and well-being of students.

''(E) In the case of a modernization grant—

''(i) the severity of the need for modernization, as measured by such factors as—

''(I) overcrowding, as evidenced by the use of portable classrooms, or the potential for future overcrowding because of increased enrollment; or

''(II) the agency's inability to utilize technology or offer a curriculum in accordance with contemporary State standards due to the physical limitations of the current school facility; and

''(ii) the age of the school facility proposed for modernization.

''(5) OTHER AWARD PROVISIONS.—

''(A) GENERAL PROVISIONS.—

''(i) LIMITATIONS ON AMOUNT OF FUNDS.—

''(I) IN GENERAL.—The amount of funds provided under an emergency grant or a modernization grant awarded under this subsection to a local educational agency that meets the requirements of subclause (II) of paragraph (3)(A)(i) for purposes of eligibility under subparagraph (A) or (B) of paragraph (3)—

''(aa) shall not exceed 50 percent of the total cost of the project to be assisted under this subsection; and

''(bb) shall not exceed $4,000,000 during any 4-year period.

''(II) IN-KIND CONTRIBUTIONS.—A local educational agency may use in-kind contributions to meet the matching requirement of subclause (I)(aa).

''(ii) PROHIBITIONS ON USE OF FUNDS.—A local educational agency may not use funds provided under an emergency grant or modernization grant awarded under this subsection for—

''(I) a project for a school facility for which the agency does not have full title or other interest;

''(II) stadiums or other school facilities that are primarily used for athletic contests, exhibitions, or other events for which admission is charged to the general public; or

''(III) the acquisition of real property.

''(iii) SUPPLEMENT, NOT SUPPLANT.—A local educational agency shall use funds provided under an emergency grant or modernization grant awarded under this subsection only to supplement the amount of funds that would, in the absence of the Federal funds provided under the grant, be made available from non-Federal sources to carry out emergency repairs of school facilities or to carry out the modernization of school facilities, as the case may be, and not to supplant such funds.

''(iv) MAINTENANCE COSTS.—Nothing in this subsection shall be construed to authorize the payment of maintenance costs in connection with any school facility modernized in whole or in part with Federal funds provided under this subsection.

''(v) ENVIRONMENTAL SAFEGUARDS.—All projects carried out with Federal funds provided under this subsection shall comply with all relevant Federal, State, and local environmental laws and regulations.

''(vi) CARRY-OVER OF CERTAIN APPLICATIONS.—A local educational agency that applies for an emergency grant or a modernization grant under this subsection for a fiscal year and does not receive the grant for the fiscal year shall have the application for the grant considered for the following fiscal year, subject to the priority requirements of paragraph (2) and the award criteria requirements of paragraph (4).

''(B) EMERGENCY GRANTS; PROHIBITION ON USE OF FUNDS.—A local educational agency that is awarded an emergency grant under this subsection may not use amounts under the grant for the complete or partial replacement of an existing school facility unless such replacement is less expensive or more cost-effective than correcting the identified emergency.

''(6) APPLICATION.—A local educational agency that desires to receive an emergency grant or a modernization 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 require. Each application shall contain the following:

''(A) A description of how the local educational agency meets the award criteria under paragraph (4), including the information described in clauses (i) through (iv) of paragraph (4)(A) and subparagraphs (B) and (C) of paragraph (4).

''(B) In the case of an application for an emergency grant—

''(i) a description of the school facility deficiency that poses a health or safety hazard to the occupants of the facility and a description of how the deficiency will be repaired; and

''(ii) a signed statement from an appropriate local official certifying that a deficiency in the school facility threatens the health or safety of the occupants of the facility or that prevents the use of all or a portion of the building.

''(C) In the case of an application for a modernization grant—

''(i) an explanation of the need for the school facility modernization project;

''(ii) the date on which original construction of the facility to be modernized was completed;

''(iii) a listing of the school facilities to be modernized, including the number and percentage of children determined under section 8003(a)(1) in average daily attendance in each school facility; and

''(iv) a description of the ownership of the property on which the current school facility is located or on which the planned school facility will be located.

''(D) A description of the project for which a grant under this subsection will be used, including a cost estimate for the project.

''(E) A description of the interest in, or authority over, the school facility involved, such as an ownership interest or a lease arrangement.

''(F) Such other information and assurances as the Secretary may reasonably require.

''(7) REPORT.—

''(A) IN GENERAL.—Not later than January 1 of each year, the Secretary shall prepare and submit to the appropriate congressional committees a report that contains a justification for each grant awarded under this subsection for the prior fiscal year.

''(B) DEFINITION.—In this paragraph, the term 'appropriate congressional committees' means—

''(i) the Committee on Appropriations and the Committee on Education and the Workforce of the House of Representatives; and

''(ii) the Committee on Appropriations and the Committee on Health, Education, Labor, and Pensions of the Senate.''.

The Acting CHAIR. Pursuant to House Resolution 303, the gentleman from Oklahoma (Mr. MULLIN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oklahoma.

Mr. MULLIN. Mr. Chair, first of all, I would like to thank Chairman KLINE for his work on this bill and for working with my office on several provisions that affected the Impact Aid Program. I believe this bill goes a long way to improving the Impact Aid Program. I would like to thank the chairman for including the provisions related to the destruction of records in a manager's amendment and working with my office on a provision related to heavily impacted school districts.

My amendment would strike the language in the bill that would make payment to a school district if two districts consolidated and one or both were eligible for payments as an individual local education agency but not when consolidated. Basically, this provision would make the ineligible consolidated schools and the districts be eligible to receive funding. This requires already limited funds to stretch even farther.

Additionally, this amendment would remove the text allowing school districts to adjust their student accounts midyear. By allowing midyear adjustments, it puts a strain on those administrating the funds which could lead to delay in the payments to our school districts. Currently, schools are allowed to adjust their student accounts only annually.

Finally, this amendment would take the current construction program and make it solely a competitive grant program. Currently, the program fluctuates between an apportion fund to school districts and a competitive grant program. While making the program completely a competitive grant program, we would be allowing school districts to be awarded based on needs versus just giving them funds on an annual basis.

However, I am willing to withdraw my amendment and would just simply ask the chairman to continue to work with me in the future on this issue.

Mr. Chair, I withdraw my amendment.

AMENDMENT NO. 20 OFFERED BY MR. GARRETT

The Acting CHAIR. It is now in order to consider amendment No. 20 printed in House Report 113–158.

Mr. GARRETT. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 475, after line 19, insert the following new section:

"SEC. 5530. PROHIBITION ON REQUIRING STATE PARTICIPATION.

''Any State that opts out of receiving funds, or that has not been awarded funds, under one or more programs under this Act shall not be required to carry out any of the requirements of such program or programs, and nothing in this Act shall be construed to require a State to participate in any program under this Act.''.

The Acting CHAIR. Pursuant to House Resolution 303, the gentleman from New Jersey (Mr. GARRETT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. GARRETT. Mr. Chair, I wish to thank Chairman KLINE for his leadership on the legislation today and on the entire issue that he brings before Congress now.

Chairman KLINE has three notable goals when drafting the Student Success Act: restoring local control, reducing the Federal footprint, and empowering parents as well. He has succeeded in crafting a bill that works towards all these goals.

For too long now, all across this Nation, parents, teachers, and administrators, the people that are closest and most directly responsible for our students, have spent their time fighting Federal education mandates rather than doing what we want them to do, which is focusing exclusively on teaching our students. Growing Federal intrusion into the American education system has been an unmitigated failure which has not improved students' achievement.

To that end, I have now worked with the chairman to include language in the manager's amendment that clarifies that States are not required to accept Federal funds and the Federal mandates that are tied to them, so they are free to engage in the activity they need to.

Additionally, the language clarifies that States are not required to participate in any of the Federal education programs. This language and the Student Success Act, as a whole, recognizes the American commitment to the principles of federalism, which allows for competition and innovation.

I thank Chairman KLINE for his leadership and for helping stem the Federal intrusion into our American education system.

At this time, I would like to yield 30 seconds to Mr. ROKITA.

Mr. ROKITA. Mr. Chairman, I thank the gentleman from New Jersey for his language. I think this is a good amendment and was pleased to incorporate it into the manager's amendment.

Too often we hear concerns that States have to participate in these programs or have to comply with unfair rules. This amendment will clearly establish the rights of States to opt out of the programs and further clarify that States cannot be forced to participate in any program.

Mr. GARRETT. Mr. Chair, at this time, I would like to withdraw my amendment and urge my colleagues to support the underlying Student Success Act.

AMENDMENT NO. 21 OFFERED BY MR. BROUN OF GEORGIA

The Acting CHAIR. It is now in order to consider amendment No. 21 printed in House Report 113–158.

Mr. BROUN of Georgia. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 481, line 19, strike ''and''.

Page 481, line 22, strike the period and insert ''; and''.

Page 481, after line 22, insert the following:

''(D) the average salary of the employees described in subparagraph (B) whose positions were eliminated; and

''(E) the average salary of the full-time equivalent employees who work on or administer a program or project authorized under this Act by the Department, disaggregated by employee function with each such program or project.''.

The Acting CHAIR. Pursuant to House Resolution 303, the gentleman from Georgia (Mr. BROUN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. BROUN of Georgia. Mr. Chairman, as my colleagues know, I believe in the Constitution as our Founding Fathers meant it to be: limited government, with enumerated powers of all branches of government, the Congress and every branch.

As a result, I don't believe there is a Federal role in education at all. These powers ought to belong to the States and to the people. Parents and teachers should direct the education of the children, not the Federal Government.

Since 1965, the Federal Government has spent a total of $2 trillion. Unfortunately, this big Federal role in education has resulted in mandate after mandate and regulation after regulation being forced upon school superintendents, principals, teachers, parents, and students with little measurable gain in quality of education.

The underlying bill reduces the burden which came out of No Child Left Behind. I call it No Teacher Left Unshackled. I don't believe that it goes far enough, but I can appreciate the movement away from total Federal control, slight though it may be.

That being said, the final say on many education issues will remain in the hands of what I like to call ''fat cat bureaucrats'' here in Washington, D.C., men and women within the Department of Education who pull in an average salary of over $101,000 a year despite the fact that many of them have never taught a child how to read. That is twice the average salary of teachers in my home State of Georgia.

Why is this a problem? I am sure that many of these bureaucrats are considered to be experts, so-called experts in the field of education, but they don't know the individual needs of each community, school, or student. The parents, teachers, and students who are subject to their requirements don't know much about them either.

My amendment would change all that. It would require the Secretary of Education to include in the reporting that is requested by the underlying bill the average salaries of employees whose positions are eliminated due to program consolidation, as well as the average salaries of the remaining employees in the Department according to their job function.

My amendment would simply bring needed transparency to the Department. Hopefully, it will begin the discussion about how scarce education dollars ought to be spent.

I urge my colleagues to support this simple amendment, an amendment of transparency, and I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chair, I claim time in opposition to this amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. GEORGE MILLER of California. Mr. Chair, I rise in opposition to this amendment.

This is some kind of political exercise. I don't know what the value of this is to the public. It is to take Federal officials in the Department of Education, including the Secretary, and somehow going to create a lot of makework for them. I think it is unnecessary. I don't quite understand the theory behind it.

There is program consolidation going on, so we are going to learn the average wage of the people whose jobs were unfortunately, I guess because of sequestration at the moment, eliminated, and I don't know how that will help the education of the young children. Then we are going to figure out the average salary.

All this information is available to the Appropriations Committee. It is a matter of public record. It is available to the public. But we will go through some kind of computation then, those who are left making more than $100,000. I really don't know, again, what this has to do with the education of young children across this Nation.

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Again, I know we had to pass an amendment to say this, but it's already the law. There is nothing that requires any State, any school district to accept these programs. You have to sign up. You have to make applications for programs. If you don't make applications, you don't get them. This isn't forced down your throat. It's very hard to make sense out of this amendment.

Mr. BROUN of Georgia. Will the gentleman yield?

Mr. GEORGE MILLER of California. I would be happy to yield to the gentleman.

Mr. BROUN of Georgia. I appreciate it.

The purpose of this is just transparency so that American citizens can know exactly what's going on.

Mr. GEORGE MILLER of California. In reclaiming my time, I understand transparency when it's of value. I understand transparency when it's directed to a specific purpose. This is transparency in the sense that the general knowledge of these wages is a matter of public record, as your salary and my salary are a matter of public record.

When you get it all compiled, then what are you going to do—send out notices to everybody in the United States as to where this resides and how they can get ahold of it? Put it online? That's what you're going to spend your money doing? It's already available. They can look up somebody in the Department of Education at any time.

Mr. BROUN of Georgia. Will the gentleman yield?

Mr. GEORGE MILLER of California. I would be happy to yield to the gentleman.

Mr. BROUN of Georgia. Thank you. I appreciate it.

The purpose is, as we consolidate programs, we have all of these employees in the Department of Education who are going to lose a lot of their function. As we do so, particularly with sequestration and with the scarce dollars in the Federal Government across the board, we need to know who is doing what and what they're being paid and what they're being paid for.

Mr. GEORGE MILLER of California. In reclaiming my time, why doesn't the Appropriations just tell the Congress the results of sequestration? They're involved in sequestration every day. Why don't they just file a report and tell the Congress and tell the public and put out a press release and tell the people, ''This is what happened''? Why do you have to mandate all of this sort of ''make work''? I thought the purpose was to try to eliminate unnecessary work for people.

Mr. BROUN of Georgia. Will the gentleman yield?

Mr. GEORGE MILLER of California. The gentleman has time remaining, and I don't have much time.

I would just say that, again, this really doesn't address the major concerns underlying this bill, and that is that this bill continues to let students down and that this amendment does nothing to ensure that students graduate from high school.

If you want to talk about serious transparency in this bill, students with disabilities become invisible in terms of the accountability by school districts as to how they're doing with their education and if education has been offered to them and if they've had a chance at assessment so they can demonstrate what they've learned. This legislation doesn't do that, and this amendment doesn't help that in terms of transparency.

It's some mindless transparency about the wages of government officials that's already transparent and all a matter of public record. It doesn't do anything about what the impact is of sequestration on the poorest schools in some of the poorest districts in the country—in trying to educate some of the poorest kids in this country, kids who need those additional resources. This bill grinds away on those, and this amendment doesn't change it.

This amendment doesn't change the block grants that now allow money to leave the public sector, to leave public schools that are in desperate need of these resources—taking care of the title I students and schools—and then send that off to the private sector.

So the transparency here is all wrong. The real transparency is what this legislation does, and the American people ought to understand how damaging this is to our local schools all across this country and how exceptionally damaging this legislation is to the poorest schools in our country and in our States and to the students who are going to those schools and who are trying to achieve a first-class education. That opportunity is being denied to them under this legislation.

I yield back the balance of my time.

Mr. BROUN of Georgia. Mr. Chairman, I inquire as to how much time I have left.

The Acting CHAIR. The gentleman has 2 minutes remaining.

Mr. BROUN of Georgia. I yield 1 minute to my friend from Indiana (Mr. ROKITA).

Mr. ROKITA. I thank the gentleman for his amendment, and I rise in strong support of this amendment.

Mr. Chairman, this is an authorizing bill. This is the appropriate place to have this language and this discussion. In fact, it builds on language that is already in the bill. Of course, during the appropriations process, it is also a good time to have this discussion.

It strikes me that, if those entrusted to manage our Federal Government had effectively managed their resources, maybe something like sequestration, itself, wouldn't have alarmed so many of them. This amendment certainly wouldn't be necessary if there were responsible management of the bureaucracy. Manage your resources responsibly or Congress will have to. That's simply what this amendment does.

Mr. BROUN of Georgia. Mr. Chairman, I was interested in my good friend from California's comments.

He just very openly displayed the difference in philosophies between my friends on the other side and of many of us on this side, and that's a difference of opinion. My friends on the other side seem to think that the Federal Government needs to direct and be involved in everything with regard to human endeavor, though, constitutionally, we don't have the authority to do that.

This is an amendment that just asks for transparency so that, hopefully, we, the people across this country, can see who is doing what within the Department of Education. It just opens up the opportunity so that, as we do consolidate the various programs within the Department, we can see what the bureaucrats within the Department are being paid and what they're doing for that amount of money that they're receiving out of the Federal Treasury. We all need to be held accountable, we all need to be held responsible, and this is just a means of just—not adding work.

The gentleman said it's a ''do nothing'' amendment. He should support it then if it's a ''do nothing'' amendment. I don't understand why he so objects to it, and I hope that he will change his mind and support it. I have tremendous respect for my friend. I consider him a good friend. He has been a great Member of Congress, and he has fought very hard for his philosophy. Our philosophies just seem to be a little bit different.

I encourage all Members to support this transparency amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. BROUN).

The amendment was agreed to.

Mr. ROKITA. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. AMODEI) having assumed the chair, Mr. HULTGREN, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 5) to support State and local accountability for public education, protect State and local authority, inform parents of the performance of their children's schools, and for other purposes, had come to no resolution thereon.

APPOINTMENT OF MEMBERS TO MEXICO-UNITED STATES INTERPARLIAMENTARY GROUP

The SPEAKER pro tempore. The Chair announces the Speaker's appointment, pursuant to 22 U.S.C. 276h, and the order of the House of January 3, 2013, of the following Members on the part of the House to the Mexico-United States Interparliamentary Group:

Mr. MCCAUL, Texas, Chairman

Mr. DUFFY, Wisconsin

APPOINTMENT OF MEMBERS TO CANADA-UNITED STATES INTERPARLIAMENTARY GROUP

The SPEAKER pro tempore. The Chair announces the Speaker's appointment, pursuant to 22 U.S.C. 276d and the order of the House of January 3, 2013, of the following Members on the part of the House to the Canada-United States Interparliamentary Group:

Mr. HUIZENGA, Michigan, Chairman

Mrs. MILLER, Michigan

ADJOURNMENT

Mr. ROKITA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 9 minutes p.m.), the House adjourned until tomorrow, Friday, July 19, 2013, at 9 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for Official Foreign Travel during the second quarter of 2013 pursuant to Public Law 95–384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO IRELAND, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 30 AND JUNE 2, 2013

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Mario Diaz-Balart	5/30	6/2	Ireland		1,299.00		7,801.00				9,100.00
Hon. Henry Cuellar	5/30	6/2	Ireland		1,299.00		4,545.00				5,744.00
Hon. William Keating	5/30	6/1	Ireland		866.00		2,918.00				3,784.00
Janice Robinson	5/30	6/2	Ireland		1,299.00		1,354.00				2,653.00
Sarah Blocher	5/30	6/2	Ireland		1,299.00		1,354.00				2,653.00
Ed Rice	5/30	6/2	Ireland		1,299.00		1,354.00				2,653.00
Committee total					7,361.00		19,326.00				26,687.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. MARIO DIAZ-BALART, June 28, 2013.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ETHICS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2013

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]

HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return.☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. K. MICHAEL CONAWAY, Chairman, July 9, 2013.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON HOMELAND SECURITY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2013

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]

HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate, and return.☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. MICHAEL T. McCAUL, Chairman, June 25, 2013.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON HOUSE ADMINISTRATION, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2013

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]

HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate, and return.☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. CANDICE S. MILLER, Chairman, July 3, 2013.