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House of Representatives

The House met at 9 a.m. and was called to order by the Speaker.

PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer:

Compassionate and merciful God, we give You thanks for giving us another day.

As this House comes together at the end of the week, bless the work of its Members.

Give them strength, fortitude, and patience. Fill their hearts with charity, their minds with understanding, their wills with courage to do the right thing for all of America.

The work that they have is difficult work. May they rise together to accomplish what is best for our great Nation and, indeed, for all the world, for You have blessed us with many graces and given us the responsibility of being a light shining on a hill.

May all that is done this day be for Your greater honor and glory.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. WILSON of South Carolina. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

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

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. WILSON of South Carolina. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Vermont (Mr. WELCH) come forward and lead the House in the Pledge of Allegiance.

Mr. WELCH led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to five requests for 1-minute speeches on each side of the aisle.

DEPARTMENT OF DEFENSE FURLOUGHS

(Mr. WITTMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WITTMAN. Mr. Speaker, this week, our civilian defense employees are at their desks, working fervently, after staying home for their first furlough day last week. Now they're having to take a furlough day each week for the next 11 weeks.

I have talked with folks in my district who are, to say the least, frustrated as our Nation and they are deeply, deeply affected by these furloughs. As one constituent said, they are ''being held hostage.''

The United States is the greatest Nation in the world and has the greatest military the world has ever known because we have citizens dedicated to serve—dedicated in spite of a lack of true leadership in Washington.

While the administration had other choices rather than to furlough these essential employees, they chose instead to make a political statement on the backs of our fellow citizens to spread the pain far and wide. Our Nation's defense will undoubtedly suffer.

I continue to urge the administration to utilize the flexibility it has, and I urge Congress to get to work on our Nation's defense legislation.

BRANDON WEBB

(Mr. BARROW of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARROW of Georgia. Mr. Speaker, I rise today to thank a longtime staff member in my office, Brandon Webb.

After more than 6 years of service to the people of Georgia's 12th District, Brandon left my office to serve as legislative director for Congresswoman ROBIN KELLY of Illinois.

Brandon joined my staff in 2007 as a staff assistant, and climbed through the ranks to serve as senior legislative assistant. Brandon played an important role in crafting legislation, including a bill to cut the Federal vehicle fleet, saving the Federal Government over $500 million; and he helped our communities by organizing free health fairs for families in the 12th District so they could get the care they need.

I would like to congratulate Brandon on his promotion with Congresswoman KELLY. I also congratulate him and his new bride, Sabrina, on their recent marriage.

I am honored to have had the privilege to work with Brandon, and on behalf of the people in Georgia he served for over 6 years, I would like to thank him for his hard work and dedication.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

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CHILDREN DESERVE QUALITY EDUCATION

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, our education system needs reform for America's children.

For far too long, we have watched as government red tape and regulations have robbed our youth from learning the skills necessary to succeed. Children deserve better than ineffective, status quo education practices. We must empower those who know what's best for our children rather than continue the tradition of Big Government mandates.

House Republicans, led by Education Chairman JOHN KLINE, have a plan to reform our education system with commonsense solutions. By removing the power of government bureaucracy and by empowering locally elected school boards, our teachers, parents, and local leaders, we will have the opportunity to develop a working educational plan to help our children succeed.

As the House votes on the Student Success Act today, it is my hope that Members from both sides of the aisle will join together and support this legislation for the sake of our children's future.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

THE REALITY OF CLIMATE CHANGE

(Mr. WELCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELCH. Mr. Speaker, climate change is real. The future damage that will be done if we fail to address it is foreseeable and predictable.

We are living through an extended period of radical weather. The weather systems of 2012 produced the secondmost damaging infliction to the economy in the history of our country—$115 billion—much of it from Hurricane Sandy, much of it from an extended drought. Sea levels are rising. This is measurable. This is not debatable. It is fact.

What we are doing in this Congress is arguing about energy policy, but we are having that argument in the context of denying that the failure to address climate change won't have serious economic and social implications. Sea levels are rising. The damage to our Treasury is rising. The suffering of our people is real. So it is absolutely essential that the House of Representatives acknowledge the reality of climate change and include that in its debate on energy policy.

LANCASTER HEROES

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, today, I come to the floor to recognize two young heroes from Lancaster, Pennsylvania.

Last week, a young 5-year-old girl, Jocelyn Rojas, was abducted from her front yard by a stranger, an older man, who turned out to be a previously convicted sex offender.

The police and folks across the neighborhood quickly organized a search. Temar Boggs and Chris Garcia set out on their bikes with other friends, and when the boys spotted a suspicious car wandering through their development, they checked it out and saw the young girl inside. They relentlessly chased the driver on their bikes for 15 furious minutes. In recognizing that the boys wouldn't give up, the man let Jocelyn out of the car and drove away. She immediately ran to the boys, asking for her mother, and they safely took her back home.

While they may not think of themselves as heroes, they certainly are. Thanks to Temar and Chris, Jocelyn is home, and the suspect is now in custody.

PROPHETSTOWN FIRE

(Mrs. BUSTOS asked and was given permission to address the House for 1 minute.)

Mrs. BUSTOS. Mr. Speaker, I rise today to speak about the terrible fire earlier this week that destroyed much of Prophetstown, Illinois—a small town in Whiteside County, Illinois, that I have the honor of representing.

The blaze destroyed nearly all of downtown and disrupted the lives of so many people living and working in this northwestern Illinois town full of caring people. Several families of this town of more than 2,000 people lost all of their possessions, not to mention their livelihoods.

Angie Stegmiller lost everything she owned in the fire, including precious knicknacks that were handed down from her grandparents. Her cats are still missing. As Angie said, ''It's not the stuff. It's the memories behind the stuff.'' She is still holding out hope that her cats will return.

The community's response to the fire should serve as an inspiration to all. Residents are coming together to help one another through this. The Methodist church has received so many food donations that its freezers are overfilled. Neighbors are helping neighbors clean up the rubble and are turning over spare bedrooms and bathrooms to those who are temporarily homeless. Residents have begun the slogan ''Prophetstown Strong'' to refer to the resiliency of this community.

I have no doubt that, due to the spirit and resolve of the citizens of Prophetstown, this town will recover and be stronger.

FOR HARDWORKING AMERICANS

(Mr. BENTIVOLIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BENTIVOLIO. Mr. Speaker, we've had a few acrimonious weeks over the last month, but, today, I want to talk about something that crosses the partisan divide, something that makes this country go. Whether you're a Republican or a Democrat, it's undeniable that the ethic of hard work is the glue that binds our Nation together, and when we go back and forth, yelling at each other, we in Congress tend to forget that.

Our task is to promote legislation that leads our country into the 21st century.

As Congress prepares to take up some major issues, we must keep in mind that the people of this Nation want solutions, solutions that empower them to achieve their American Dream. We must remember what keeps this country together. We must strive valiantly and dare greatly, and we must develop solutions that promote hard work and an honest wage.

LET'S GET AMERICA BACK TO WORK

(Mr. CICILLINE asked and was given permission to address the House for 1 minute.)

Mr. CICILLINE. Mr. Speaker, since taking control of the House of Representatives, House Republicans have held 39 separate votes that would undermine all or part of the Affordable Care Act. What is most unfortunate is that, in those 2½ years, the House Republican leadership has refused to work across the aisle with Democrats to put people back to work and pass a comprehensive jobs bill, a bill that would help middle class families.

It's time for the House Republican leadership to put away political slogans and partisan gamesmanship and to get serious about governing.

Let's focus on rebuilding the crumbling infrastructure of our country so we can move goods, services, and information to compete in a 21st century economy. Let's harness American innovation and support the resurgence of American manufacturing by taking up the Make It In America agenda of the Democratic Caucus. Let's also protect young people and families from rising interest rates on student loans.

Mr. Speaker, let's stop wasting time, and let's get America back to work.

IN HONOR OF THE SERVICE OF TOM PRICE

(Mr. GOSAR asked and was given permission to address the House for 1 minute.)

Mr. GOSAR. Mr. Speaker, I rise today to recognize a distinguished leader who has earned the respect of everyone who knows him, Mr. Tom

Price. Tom has lived in the Kingman area for almost 30 years and is married to Ada Calderon Mora. Together, they have six children and four grandsons.

Tom is a successful attorney who is happy to advise anyone on one's legal situation. He is a critical thinker—the kind of man who is able to take a complex situation, simplify it and put it into a context that is usable, workable, and solvable. Tom has that gift. He serves on several boards in the community, but, today, I honor him for his service to the Kingman Chamber of Commerce.

He has served in each of the executive officer positions within the Kingman Chamber of Commerce, and is serving in his last year as immediate past chairman. He is the chairman of the Business and Government Committee, which concentrates on educating the community on political issues and candidates.

Tom, thank you for your work and for your dedication to our community. I truly believe that the entire Kingman area is a better place to live in because of you.

For a life that has included more than 30 years of service, I am pleased to recognize Tom Price, in this great body, as a true American and a leader for the businessmen and -women of Kingman, Arizona.

SUPPORTING FEDERAL FUNDING FOR SCIENTIFIC RESEARCH

(Mr. MCNERNEY asked and was given permission to address the House for 1 minute.)

Mr. MCNERNEY. Mr. Speaker, I rise today to bring your attention to the development of an exciting new fabric that was recently created by biomedical engineers at the University of California at Davis—a fabric that drives moisture away.

Two graduate students, Siyuan Xing and Jia Jiang, at the Micro-Nano Innovations Laboratory, led by Professor Tingrui Pan, with the financial support of the National Science Foundation, developed a textile that stays dry by forming moisture into droplets that drain away by attaching a network of water-attracting threads to water-repellent fabric.

Now, discoveries like these have led to significant advances in a variety of applications. This project could be used to develop and improve active gear; but, more significantly, it is likely to be developed in the materials that will help our firefighters and our troops stay cool while in the field or that will help astronauts conserve precious liquids while in space.

I am proud to support Federal funding for scientific research, and I urge my colleagues to do the same.

□ 0915

STUDENT SUCCESS ACT

The SPEAKER pro tempore (Mr. RODNEY DAVIS of Illinois). 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 further consideration of the bill, H.R. 5.

Will the gentleman from Georgia (Mr. COLLINS) kindly take the chair.

□ 0915

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 further 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. COLLINS of Georgia (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose on Thursday, July 18, 2013, amendment No. 21 printed in House Report 113–158 offered by the gentleman from Georgia (Mr. BROUN), had been disposed of.

AMENDMENT NO. 22 OFFERED BY MR. CULBERSON

The Acting CHAIR. It is now in order to consider amendment No. 22 printed in House Report 113–158.

Mr. CULBERSON. 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 481, after line 22, insert the following new subpart:

"Subpart 4—Restoration of State Sovereignty Over Public Education and Parental Rights Over the Education of Their Children

"SEC. 5561. STATES TO RETAIN RIGHTS AND AUTHORITIES THEY DO NOT EXPRESSLY WAIVE.

''(a) RETENTION OF RIGHTS AND AUTHORITIES.—No officer, employee, or other authority of the Secretary shall enforce against an authority of a State, nor shall any authority of a State have any obligation to obey, any requirement imposed as a condition of receiving assistance under a grant program established under this Act, nor shall such program operate within a State, unless the legislature of that State shall have by law expressly approved that program and, in doing so, have waived the State's rights and authorities to act inconsistently with any requirement that might be imposed by the Secretary as a condition of receiving that assistance.

''(b) AMENDMENT OF TERMS OF RECEIPT OF FEDERAL FINANCIAL ASSISTANCE.—An officer, employee, or other authority of the Secretary may release assistance under a grant program established under this Act to a State only after the legislature of the State has by law expressly approved the program (as described in subsection (a)). This approval may be accomplished by a vote to affirm a State budget that includes the use of such Federal funds and any such State budget must expressly include any requirement imposed as a condition of receiving assistance under a grant program established under this Act so that by approving the budget, the State legislature is expressly approving the grant program and, in doing so, waiving the State's rights and authorities to act inconsistently with any requirement that might be imposed by the Secretary as a condition of receiving that assistance.

''(c) SPECIAL RULE FOR STATES WITH BIENNIAL LEGISLATURES.—In the case of a State with a biennial legislature—

''(1) during a year in which the State legislature does not meet, subsections (a) and (b) shall not apply; and

''(2) during a year in which the State legislature meets, subsections (a) and (b) shall apply, and, with respect to any grant program established under this Act during the most recent year in which the State legislature did not meet, the State may by law expressly disapprove the grant program, and, if such disapproval occurs, an officer, employee, or other authority of the Secretary may not release any additional assistance to the State under that grant program.

''(d) DEFINITION OF STATE AUTHORITY.—As used in this section, the term 'authority of a State' includes any administering agency of the State, any officer or employee of the State, and any local government authority of the State.

''(e) EFFECTIVE DATE.—This section applies in each State beginning on the 90th day after the end of the first regular session of the legislature of that State that begins 5 years after the date of the enactment of the Student Success Act and shall continue to apply in subsequent years until otherwise provided by law.

"SEC. 5562. DEDICATION OF SAVINGS TO DEFICIT REDUCTION.

''Notwithstanding any formula reallocations stipulated under the Student Success Act, any funds under such Act not allocated to a State because a State did not affirmatively agree to the receipt of such funds shall not be reallocated among the States.

"SEC. 5563. DEFINITION OF STATE WITH BIENNIAL LEGISLATURE.

''In this Act, the term 'State with a biennial legislature' means a State the legislature of which meets every other year.

"SEC. 5564. INTENT OF CONGRESS.

''It is the intent of Congress that other than the terms and conditions expressly approved by State law under the terms of this subpart, control over public education and parental rights to control the education of their children are vested exclusively within the autonomous zone of independent authority reserved to the States and individual Americans by the United States Constitution, other than the Federal Government's undiminishable obligation to enforce minimum Federal standards of equal protection and due process.''.

The Acting CHAIR. Pursuant to House Resolution 303, the gentleman from Texas (Mr. CULBERSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. CULBERSON. Mr. Chairman, I yield myself such time as I may consume.

My amendment will restore state sovereignty over public education and restore parental rights over the education of their children by restoring the State legislature's power to accept or reject Federal education grant dollars.

I've worked closely with the committee to ensure that this amendment supports the goals of local control and flexibility as promoted by H.R. 5, and I sincerely appreciate Chairman KLINE's support of this important amendment, as well as his continued leadership to improve our Nation's education system.

State legislatures, Mr. Chairman, should have the ability to make an informed decision regarding Federal grant dollars just as a patient consents to a medical procedure after a doctor explains the risks and benefits.

I'm grateful for RSC Tenth Amendment Task Force Chairman ROB BISHOP's support and co-authorship of legislation we filed in this regard and the support of the National Taxpayers Union and the Council for Citizens Against Government Waste because my amendment will actually ensure that if State legislatures reject the grant dollars, they will be dedicated to reducing the deficit and paying off our outstanding national debt.

Finally, it should be noted that the Congressional Budget Office indicates that my amendment will have no impact on directed spending.

I want to thank Chairman KLINE again for his support and urge my colleagues to support both my amendment and the underlying bill, and I reserve the balance of my time.

Mr. TIERNEY. Mr. Chair, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. TIERNEY. Mr. Chair, I yield myself such time as I may consume.

I oppose this amendment because it endangers education funding for sort of a political exercise here.

This amendment would actually require State legislatures to approve every single grant program from the Department of Education before States receive the money. So taking the authority from the local communities, local education agencies, putting it back into the State malaise of legislative process is overly burdensome on States, creates a mountain of unnecessary paperwork, and delays students and schools from receiving the much-needed funding. And when the short-sighted State legislatures may refuse that funding, this amendment would take the money and send it back, returning it to the deficit, as opposed to its intended use, which is the education of disadvantaged students.

I sometimes wonder if my colleagues remember why the Federal Government is involved in education K–12 at all, and that is the mandated addressing of a shortage of attention to disadvantaged students.

This is just another attempt by the majority to slash education funding. Mr. Chair, it's not the time to play politics now. Now is the time to increase our investment in education and in our children so that we can be competitive and so that they can have an opportunity moving forward.

This amendment is simply a distraction to the very real and very big problems that this entire bill, H.R. 5, has, and it lets students down. H.R. 5 guts education funding because it locks in that automatic cut of sequestration. It does nothing to ensure students improve learning, and it does nothing to ensure that they graduate from school. It lets students with disabilities be taught to a different, lower standard, and H.R. 5 block grants funds and forces States to give the money to private schools and for-profit companies instead of students.

For these reasons, Mr. Chairman, I urge that my colleagues vote ''no'' on this amendment, and I reserve the balance of my time.

Mr. CULBERSON. I yield myself such time as I may consume.

Mr. Chairman, I'd point out that the amendment, in fact, upholds our system of dual sovereignty and ensures local control over local dollars, and the legislatures will actually be able to conduct this vote as a part of their regular legislative proceedings during their annual budget vote.

As it says in the language itself, the vote will be taken by the State legislatures as a part of their budget vote. This is a vote they take as a part of their regular legislative session. It's no additional burden on the States. We are simply ensuring transparency and ensuring that the legislatures fully understand the implications of accepting the Federal dollars. Those dollars, for example, that Texas rejects, we want to make sure go toward deficit reduction and paying down the national debt.

It will be no additional burden on the states. In fact, this amendment will reaffirm and restore our Constitution system of dual sovereignty where the States retain a residuary and viable sovereignty over those issues that deal exclusively with the citizens of their own State.

I want to thank Chairman KLINE again for his support and urge Members to adopt this amendment and the underlying bill.

With that, I reserve the balance of my time.

Mr. TIERNEY. Mr. Chair, I yield myself such time as I may consume.

Look, I just want to give a little historical perspective to this again. The whole reason that the Federal Government is involved in K–12 education is because States weren't doing the job when it came to addressing disadvantaged students. There was a judicial mandate that said that States had to step up and do that. They, the States, then had a problem with the fact of how much that was going to cost, so the Federal Government stepped forward and said you can have some Federal moneys if you do the job. So we've had that tension between how they'll do the job and how we'll hold them accountable for years.

But this notion of saying that the State government will now decide whether or not local communities will accept the grant—and if they don't, we're not going to apply that money to actually educating those children that are disadvantaged, we're going to toss it back into the Treasury—is no other than a way of cutting education funding. We don't need education cuts at this point in time. We need an investment in education.

With that, I reserve the balance of my time.

Mr. CULBERSON. Mr. Chairman, I yield myself such time as I may consume.

Actually, the money will continue to flow to the States as it does today. The State law already sets up a mechanism for the money to flow through the States to local school districts. So that money will continue to flow. Also, under the language of my amendment, the Federal Government has an unshakeable obligation to ensure equal protection and due process.

So that 14th Amendment obligation on the Federal Government is undiminished and is expressly reaffirmed in my amendment so that there will be no discrimination nor imposition on every American's right to equal protection and due process.

I reserve the balance of my time.

Mr. TIERNEY. I yield myself such time as I may consume.

Mr. Chair, I don't want to beat a dead horse here, but simply the notion is that States that were already at fault for not doing the job, now get to not do the job again as long as their State legislatures are the ones that make the decision. The language doesn't make it quite as simple as to how they'll vote in the State legislature. There will be a delay, if it's done at all. And if a State should make the unwise decision, as they have done historically, which gave the reason for us being involved at all in the first place at the Federal level, then you're cutting education money; you're not applying it to the use of educating disadvantaged students.

I yield back the balance of my time.

Mr. CULBERSON. Mr. Chairman, I urge the House to adopt the amendment and support Chairman KLINE's underlying bill and move for passage.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. CULBERSON).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. TIERNEY. 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 Texas will be postponed.

AMENDMENT NO. 23 OFFERED BY MR. FITZPATRICK.

The Acting CHAIR. It is now in order to consider amendment No. 23 printed in House Report 113–158.

Mr. FITZPATRICK. 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:

At the end of subpart 3 of part E of title V of the Elementary and Secondary Education Act of 1965, as proposed to be amended by

section 501 of the bill, add the following new section:

"SEC. 5552. CRIMINAL BACKGROUND CHECKS.

''(a) CONDITION OF RECEIPT OF FUNDS.—A local educational agency or State educational agency shall be ineligible for funds under this Act if such agency—

''(1) employs an individual who—

''(A) refuses to consent to a criminal background check that includes—

''(i) a search of the State criminal registry or repository in the State where the individual resides and each State where such individual previously resided;

''(ii) a search of State-based child abuse and neglect registries and databases in the State where the individual resides and each State where such individual previously resided;

''(iii) a search of the National Crime Information Center;

''(iv) a Federal Bureau of Investigation fingerprint check using the Integrated Automated Fingerprint Identification System; and

''(v) a search of the National Sex Offender Registry established under the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16901 et seq.);

''(B) makes a false statement in connection with such criminal background check;

''(C) is registered or is required to be registered on a State sex offender registry or the National Sex Offender Registry established under the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16901 et seq.); or

''(D) has been convicted of a felony consisting of—

''(i) homicide;

''(ii) child abuse or neglect;

''(iii) a crime against children, including child pornography;

''(iv) domestic violence;

''(v) a crime involving rape or sexual assault;

''(vi) kidnapping;

''(vii) arson; or

''(viii) physical assault, battery, or a drug-related offense, committed on or after the date that is 5 years before the date of the individual's criminal background check under this section; or

''(2) knowingly facilitates the transfer of an employee if the agency knows, or has probable cause to believe, that the employee engaged in sexual misconduct with a student.

''(b) FEES FOR BACKGROUND CHECKS.—The Attorney General or a State may charge any applicable fees for conducting a criminal background check under this section.''.

At the end of the bill add the following:

TITLE VIII—MISCELLANEOUS PROVISIONS

SEC. 801. FINDINGS; SENSE OF THE CONGRESS.

(a) FINDINGS.—The Congress finds as follows:

(1) To avoid negative attention and litigation, some local educational agencies have entered into agreements with employees who are suspected of abusing or are known to have abused students.

(2) Instead of reporting sexual misconduct with minors to the proper authorities such as the police or child welfare services, under such agreements the local educational agencies, schools, and employees keep the information private and facilitate the employee's transfer to another local educational agency.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) confidentiality agreements between local educational agencies or schools and suspected child sex abusers should be prohibited;

(2) the practice of employee transfers after suspected or proven sexual misconduct should be stopped, and States should require local educational agencies and schools to provide law enforcement with all information regarding sexual conduct between an employee and a minor; and

(3) Congress should help protect children and help stop this unacceptable practice in our schools.

The Acting CHAIR. Pursuant to House Resolution 303, the gentleman from Pennsylvania (Mr. FITZPATRICK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. FITZPATRICK. I yield myself such time as I may consume.

Mr. Chairman, I would like to thank the chairman of our committee, Mr. KLINE, for his important work on the Student Success Act.

This amendment, Mr. Chairman, is designed to stop the abhorrent practice in America's schools known as ''passing the trash.''

''Passing the trash'' is a term used to describe those cases where school administrators deceitfully move to other school districts teachers who are known or suspected of being sexual predators.

The predator is allowed to resign their employment—often keep their teaching certificate—and move on to a new, unsuspecting school to continue their deplorable crimes. Sometimes they are moved with a recommendation of their previous employer.

The matter of passing the trash was first brought to my attention in 2006 when I learned of the story of 12-year-old Jeremy Bell, who was drugged, abused, and then murdered by his elementary school principal. Jeremy Bell's principal had been passed between schools and school districts despite multiple allegations of sexual misconduct brought to the attention of school administrators and school boards.

Sadly, Jeremy's story is not the only one of its kind. Reports show that nearly 10 percent of students are targets of educator sexual misconduct sometime during their school career.

These predators must be stopped.

This amendment would block State or local education agencies from receiving funds if they facilitate the transfer of an employee and they know or have probable cause to believe that the employee has engaged in sexual misconduct with a minor. Furthermore, the amendment would require the hiring of employees to be compliant with the Adam Walsh Child Protection and Safety Act background check requirements.

Teachers play an important part in the development of our children, and in doing so they shape the future of our Nation. Many of us are here today thanks to the devotion of a teacher or teachers who saw the potential in us and took it upon themselves to go above and beyond in our education.

We know that the overwhelming majority of educators are committed, caring individuals who are deeply invested in the development of their students. Because of this, we owe it to them to rid our schools of the bad actors. This amendment ensures that the days of sweeping child predators under the rug are over. By holding all educators to the very high standards set by their peers, we can ensure that quality education for all children will be a reality, while also doing everything we can to protect their innocence.

I urge my colleagues to vote ''yes'' on this amendment and on the underlying bill, and I reserve the balance of my time.

Mr. TIERNEY. Mr. Chairman, I rise in support of amendment No. 8 offered by the gentleman from Pennsylvania.

The Acting CHAIR. Without objection, the gentleman from Massachusetts is recognized for 5 minutes.

There was no objection.

Mr. TIERNEY. I yield myself such time as I may consume.

Mr. Chairman, the essence of this provision is included in the Democratic substitute amendment that Mr. MILLER is offering with the intent of protecting children's safety in all the schools throughout the country. Mr. MILLER wants to thank the gentleman for joining the Democrats in this effort.

Congressman FITZPATRICK's amendment would require all schools to conduct comprehensive background checks for all of their employees, including FBI fingerprint checks, State criminal records, child abuse registries, and the National Sex Offender Registry.

The amendment also includes a critical provision that denies Federal funds to schools from employing any individual who is found by these checks to be a potential danger to children. Schools would also lose Federal funds if they transfer such employee to another school, which unfortunately happens too many times.

Tragically, the abuse of students by trusted adults has become a regular occurrence. We read about students being abused in the headlines. Every child deserves a safe and abuse-free learning environment. That's why we include a similar provision in the Democratic substitute and why earlier this session Mr. MILLER introduced a similar bill, the Protecting Students From Sexual and Violent Predators Act, H.R. 2083. That bill overwhelmingly passed the House in a bipartisan fashion just 2½ years ago.

Mr. MILLER's bill and his amendment are stronger versions of Mr. FITZPATRICK's amendment because his provisions also cover school contractors, and the checks also include any crime against a child, even if it's a misdemeanor. But this amendment is a step in the right direction.

This amendment and these provisions are needed in Federal law, Mr. Chairman, because according to a recent General Accountability Office study conducted by Mr. MILLER's office, State laws are inconsistent in their coverage of the types of checks, types of crimes covered, and the individuals

who must be checked. Some States only check licensed employees, and some States don't check contractors, leading to some school districts unknowingly hiring offenders.

Children in school need to be safe from any adult who has access to them, regardless of their position.

The GAO investigations also highlighted a wide range of cases in numerous States where convicted sex offenders working in schools had previously targeted children. In other cases, the GAO found that districts knowingly passed a potential predator to another school district, allowing the offender to resign instead of reporting him. The inconsistencies and glaring holes in the way schools screen prospective employees lead to gaps in student protection and all too often to abuse.

A child's safety in school is too important to leave to chance. We must ensure all children, regardless of where they live, are free from the abuse of violent sexual predators. There is no place for this in our Nation's schools.

The vast majority of school staff is trustworthy and work hard every day to support students' learning needs. We honor and respect their work, which is so central to the success of the Nation. These criminal background checks are essential, however, to ensure that schools and school districts are doing everything they possibly can to protect children's safety. That is the most fundamental of our priorities.

Mr. Chairman, again we want to thank Mr. FITZPATRICK and Mr. MEEHAN for offering this amendment and urge a ''yes'' vote.

I yield back the balance of my time.

□ 0930

Mr. FITZPATRICK. Mr. Chairman, I thank the gentleman for his support of the amendment and for his comments here this morning. I urge my colleagues to support this amendment and to support 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 Pennsylvania (Mr. FITZPATRICK).

The amendment was agreed to.

AMENDMENT NO. 24 OFFERED BY MS. JACKSON LEE

The Acting CHAIR. It is now in order to consider amendment No. 24 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:

At the end of the bill add the following:

TITLE VIII—MISCELLANEOUS PROVISIONS

SEC. 801. STUDY AND REPORT.

(a) STUDY.—The Secretary shall conduct a study on—

(1) the use of State educational agencies to monitor, supervise, or control underperforming local educational agencies; and

(2) whether equal educational opportunities are being provided to students in the local educational agencies described in paragraph (1), and the impact the use of State educational agencies as described in such paragraph would have on such opportunities.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall report to Congress the results of the study conducted under subsection (a). Such report shall include recommendations regarding—

(1) the advisability of authorizing a State educational agency to close a local educational agency over the opposition of a locally elected school board; and

(2) best practices governing the exercise of authority by a State educational agency in monitoring, supervising, and controlling underperforming local educational agencies, with particular emphasis on rural local educational agencies and urban local educational agencies that are disproportionately minority.

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 am pleased to be on the floor with Mr. TIERNEY and the gentleman from California, and their commitment and their comments on the question of the equality of education for at-risk children. I think if there is anything that comes out of this important discussion, and from the chairman's presence on the floor, it should be that we should be focused with tunnel vision on the concern about at-risk children.

My amendment is a straightforward amendment. It is an amendment that gives information. Specifically, it calls for a study and a report containing recommendations regarding the advisability of authorizing a State education authority to close a school district over the opposition of the locally elected school board, families, students, teachers, and calls for best practices governing the exercise of authority by a State education agency in monitoring, supervising, and controlling underperforming school districts, with particular emphasis on rural and underserved districts and underserved communities.

Our children are our precious resource, and I have been in schools and school districts where children loved the atmosphere in which they are in. They clamor for the teachers. There is a mutual respect and coming together, and all they need is a focus of resources and improvement. But rather than getting that, authority is used to either undermine the funding of those school districts or in essence say to those school teachers and all of those who have been working—and taxpayers—that, in fact, this school will not be given dollars to improve.

The Center on Reinventing Public Education assessed a number of States, and the interesting determination was that States spent less on improving school districts and schools, less on improving, but more on shutting them down or not allowing them to go forward in at-risk areas. This chart gives you the balance of distribution of performance and improvement; and many States, such as Texas, spend less than 5 percent on performance.

So what does my amendment do? It provides balance between local control over schools and our State educational agencies by providing a report. It makes sure that taxpayers and locally elected officials are not ignored by the State. It also has a way of preventing communities from being blamed as the problem and engaging the community. It prevents poorly prepared State-elected officials who've been placed in positions to run schools from taking money from those schools as opposed to investing in those schools.

It makes sure that minor problems are fixed before you go to drastic concerns. It allows a determination of a structure of appeal so that the appeal is allowed broadly by those who are impacted, taxpayers, for example, who are very important. And it allows a determination whether the State authorities are given the effective oversight of a rural district, an at-risk district; and then it provides the opportunity to ensure that there is fair play and that we are interested in the quality of education.

I ask my colleagues to support the amendment.

I reserve the balance of my time.

Mr. Chair, I thank Chairman KLINE and Ranking Member MILLER for their work to improve education for our Nation's children. I thank the Rules Committee for making in order Jackson Lee Amendment #24 for full consideration by the House of Representatives.

My amendment to H.R. 5, the "Student Success Act," is simple and is an important addition to this bill. I believe that my amendment to H.R. 5 can be supported by every member of the House.

JACKSON LEE AMENDMENT #24

This amendment directs the Secretary of Education to conduct a study and produce a report to Congress with recommendations regarding the advisability of authorizing a state education authority to close a school district over the opposition of a locally elected school board, and regarding best practices governing the exercise of authority by a state education agency in monitoring, supervising and controlling underperforming school districts with particular emphasis on rural and underrepresented school districts.

The purpose of the amendment is to create an opportunity for states to receive information guidance on what is happening around the Nation regarding forced school district mergers or closures.

Forced school district mergers and closures by a state without careful consideration of the sensitivity of the communities impacted can result in unintended consequences.

A report can provide recommendations regarding the advisability of an authorized state education authority to close a school district over the opposition of a locally elected school board.

Having access to the knowledge and experience of other state education agencies to factor into the decision to close or merge a

school board can be of benefit to the 24 states with laws that allow these types of actions.

A report is not intended to suggest that there are no circumstances when a state may need to exercise its authority to intervene and act in the best interest of children or communities if the school district is unable to do so.

The report can provide easy access to lessons learned and a list of voluntary best practices that may be of great benefit to states that have the authority to close a locally elected school board.

The 24 states with the authority to close or merge a school district include: Alabama, Mississippi, Kentucky, Tennessee, Texas, South Carolina, North Carolina, Missouri, Arkansas, California, and New Mexico.

There are important reasons why states need to have the report proposed by this amendment as resources they can reference when making a difficult decision regarding a school district's future.

Much of the reason for such a report flow from the same arguments many of my colleagues make regarding the power of the federal government.

When states close or merge local school districts their actions: reduce local control over schools and increases state authority over school districts; imply that the community has the problem and the states have the answers, and assumes that states have the ability to effectively run school districts; routinely place poorly prepared state-selected officials in positions to run school districts, which means there is little possibility of any meaningful change occurring in the classroom; usually focus on cleaning up minor problems and incompetent administration but do not go to the root of the social problems facing disadvantaged students in urban and rural school districts; foster negative connotations and impressions that hinder self-esteem of school board members, administrators, teachers, students and parents; and produce unnecessary showdowns between state and local officials which slow the overhaul of management practices, drain resources from educational reforms and reinforce division between impacted citizens and state government.

Another damaging impact of forced school district closures are the foreseeable hardened negative feelings toward state government that result.

The parents, students or elected school boards have no voice in the decision by the state to close or merge a school district.

This amendment does not assume that there is no role or circumstance under which the 24 state governments with laws that allow intervention and closure of school districts should not be able to act. The amendment seeks to provide information to these states on the experience of other states with the power to close a school district. The benefit of the report can be accessed by all states who may want to weigh the pros and cons of pursuing action against school districts as well as provide guidance on best practices.

Due process that is transparent and supports the principle that all school districts within a state will be treated the same would be a strong step forward in raising public confidence in the decisions of state government. It would be very prudent to be sure that when a state decides to act to help a failing school they can recruit the best experts in the field. Finally, local engagement in the decision making process removes tension and raises the possibility of a successful outcome.

My Congressional district once included the North Forest Independent School District, which was closed by the Texas Education Agency on July 1, 2013.

The decision to close North Forest Independent School District by the Texas Education Association displayed a reckless disregard for the children, parents, teachers, and administrators of the North Forest Independent School District.

There was no reason to close the school district and many reasons to work with the elected school board and engaged community to address the issues raised by the Texas Education Association.

The decision to deprive the community served by the school district did not give parents any say or control over the decision to dissolve the locally elected 7-member North Forest Independent School District board and was not in the interest of the education of the students served by the schools in that district. All of the members of the former North Forest Independent School board were African American. The North Forest School District was 70% African American and 29% Hispanic.

In making the decision to close the district, the Texas Education Agency took a ''guillotine'' approach to resolving the problems associated with the North Forest Independent School District—an approach that was wholly unnecessary given the progress the district has made as well as the availability of viable and less disruptive alternatives, including a proposed partnership between North Forest Independent School District and local public charter schools that was announced on March 8, 2013.

There must be a remedy to prevent this from happening to any other school districts. Jackson Lee Amendment #24 is designed to prevent this from happening by providing Congress with much needed information on the impact to school districts that face closure or merging.

The practice of closing and merging school districts is disproportionally happening to school districts serving rural and underserved students. This amendment is intended to provide Congress with more information about what happens to these school districts and discover better remedies when there are goals that are established by States that can mean the closing or merging of a school district.

A study conducted by S.L. Bowen in 2007, titled ''Is bigger that much better? School district size, high school completion, and post-secondary enrollment rates in Maine,'' published in the Maine View suggests the best interest of students are not being served. This study supported by the Maine Heritage Policy Center compared high school completion rates of the 15 largest and 15 smallest school districts in Maine and found that the graduation rate for smaller districts was six percent higher than for larger districts.

Another study, by A. Howle & C. Howley conducted in 2006 on the subject of small schools and the pressure to consolidate is available in the Educational Policy Analysis Archives, 14(10), 1–23.

This report on school size reviewed the research on the effects of small schools. The report states that children from economically disadvantaged families have higher achievement in small schools and small districts; the relationship between aggregate student achievement and socioeconomic status is consistently weaker in smaller schools and districts (equity effects of size); dropout rates are lower in smaller schools; students' school activity participation is higher in smaller schools; and smaller high schools can offer adequate curriculum.

There is research to indicate that this would be a worthwhile amendment that the full House can support.

I urge all members to vote in favor of Jackson Lee Amendment #24.

SEVEN REASONS WHY THE JACKSON LEE AMENDMENT IS NEEDED

The Jackson Lee Amendment would: Balance local control over schools with state authority over school districts; make sure that taxpayers and locally elected officials are not ignored by the State; prevent communities from being blamed as the problem and the states as having all of the answers; prevent poorly prepared state-selected officials from being placed in positions to run school districts; make sure that minor problems and incompetent administration issues can be dealt with without merging or closing school districts; make sure that state appointed heads of school districts have effective oversight to be sure that a fair and impartial process for decision making is established and maintained; and prevent unnecessary showdowns between state and local officials which slow the overhaul of management practices, drain resources from educational reforms and reinforce division between impacted citizens and state government.

IN SUPPORT OF JACKSON LEE AMENDMENT #24—NORTH FOREST INDEPENDENT SCHOOL DISTRICT

The facts about NFISD:

The closure of North Forest Independent School District was unnecessary given the progress the district had made as well as the availability of viable and less disruptive alternatives, including a proposed partnership between North Forest Independent School District and local public charter schools that was announced on March 8, 2013.

The North Forest Independent School District electoral district had 50,000 registered voters whose voting power was diluted because they will be absorbed into the Houston Independent School District but no additional seats will be added to the Houston Independent School District board.

There was no reason to close the North Forest Independent School District since it was solvent; had received awards for excellence and had received significant outside funding to continue.

The North Forest Independent School District proposed a sound alternative plan to the Texas Education Agency that was applauded by the U.S. Department of Education and supported by experts like Dr. Rod Paige, former Secretary of the Department of Education.

The North Forest Independent School District was the victim of an unfair process since there was no provision for an appeal of an adverse decision by the Governor, who appears to have unfettered discretion.

The State appointed official that made the decision to close North Forest was the only person to hear opposition to their plan. There was no appeals process to check the discretion of the state appointed official.

WHEN STATES CLOSE OR MERGE LOCAL SCHOOL DISTRICTS, THEIR ACTIONS:

Reduce local control over schools and increase state authority over school districts; imply that the community has the problem and the states have the answers, and assumes that states have the ability to effectively run school districts; routinely place

poorly prepared state-selected officials in positions to run school districts, which means there is little possibility of any meaningful change occurring in the classroom; usually focus on cleaning up minor problems and incompetent administration but do not go to the root of the social problems facing disadvantaged students in urban and rural school districts; foster negative connotations and impressions that hinder self-esteem of school board members, administrators, teachers, students and parents; and produce unnecessary showdowns between state and local officials which slow the overhaul of management practices, drain resources from educational reforms and reinforce division between impacted citizens and state government.

Mr. KLINE. Mr. Chairman, I claim the time in opposition to the amendment.

The Acting CHAIR. The gentleman from Minnesota is recognized for 5 minutes.

Mr. KLINE. Mr. Chairman, this amendment requires the Secretary of Education to conduct a study to examine underperforming school districts, whether equal educational opportunities are being afforded to students in those school districts, and the impact of closing these school districts.

Mr. Chairman, as the amendment clearly states, this is a State activity in which the Federal Government has no role and should not be involved. We do not need recommendations from the U.S. Department of Education on how States are to protect the constitutional rights of students. This is the law of the land today.

I urge my colleagues to oppose this amendment and support the Student Success Act.

I yield back the balance of my time.

Ms. JACKSON LEE. Mr. Chairman, well, as we started, the reason why the Federal Government got engaged in education is because I remember times in the South and across America when there was unequal education and we needed the U.S. Department of Education. More importantly, we needed the courts. Today I stand here and ask for a simple inquiry made by the U.S. Department of Education: Are State agencies effectively closing school districts and not seeking to improve them?

A very fine example is the closure of the North Forest Independent School District in Houston, Texas. It's solvent, 50,000 registered voters, 7,000 students, had received awards, and what did the State agency do, the State agency came in, to the opposition of the community, teachers, supporters of a combined effort between a public school and charter school, proposed coming together to put forward the best proposal to keep this school teaching our children, support by Republicans and Democrats, and an autocratic State agency closed the school district.

So this is a simple inquiry. It is an inquiry as to whether or not you want to boost up the taxpayers and boost up the parents who have no standing. It is a question of whether or not you want to make sure that there is a basis of a fair appeal as opposed to an autocratic process, a dictatorial process. I ask my colleagues, all of them have faced this. No one wants to interfere with the running of a school district or interfere with the administrators or educators; but what you do want to interfere with is business decisions closing rural school districts and closing urban school districts and not allowing the people, the teachers to be able to understand and to give input into the best process, Mr. Chairman.

I would like to refer to the Center on Reinventing Public Education, and I would argue in closing, Mr. Chairman, that this amendment gives opportunity. I ask you to support the Jackson Lee amendment.

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 question was taken; and the Acting Chair announced that the noes appeared to have it.

Ms. JACKSON LEE. 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 gentlewoman from Texas will be postponed.

AMENDMENT NO. 25 OFFERED BY MR. CANTOR

The Acting CHAIR. It is now in order to consider amendment No. 25 printed in House Report 113–158.

Mr. CANTOR. 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:

Insert after section 128, the following new section:

SEC. 129. TITLE I PORTABILITY.

Chapter B of subpart 1 of part A of title I (20 U.S.C. 6331 et seq.) is amended by adding at the end the following new section:

"SEC. 1128. TITLE I FUNDS FOLLOW THE LOW-INCOME CHILD STATE OPTION.

''(a) IN GENERAL.—Notwithstanding any other provision of law and to the extent permitted under State law, a State educational agency may allocate grant funds under this chapter among the local educational agencies in the State based on the number of eligible children enrolled in the public schools served by each local educational agency.

''(b) ELIGIBLE CHILD.—

''(1) DEFINITION.—In this section, the term 'eligible child' means a child aged 5 to 17, inclusive, from a family with an income below the poverty level on the basis of the most recent satisfactory data published by the Department of Commerce.

''(2) CRITERIA OF POVERTY.—In determining the families with incomes below the poverty level for the purposes of this section, a State educational agency shall use the criteria of poverty used by the Census Bureau in compiling the most recent decennial census, as the criteria have been updated by increases in the Consumer Price Index for All Urban Consumers, published by the Bureau of Labor Statistics.

''(c) STUDENT ENROLLMENT IN PUBLIC SCHOOLS.—

''(1) IDENTIFICATION OF ELIGIBLE CHILDREN.—On an annual basis, on a date to be determined by the State educational agency, each local educational agency that receives grant funding in accordance with subsection (a) shall inform the State educational agency of the number of eligible children enrolled in public schools served by the local educational agency.

''(2) ALLOCATION TO LOCAL EDUCATIONAL AGENCIES.—Based on the identification of eligible children in paragraph (1), the State educational agency shall provide to a local educational agency an amount equal to the sum of the amount available for each eligible child in the State multiplied by the number of eligible children identified by the local educational agency under paragraph (1).

''(3) DISTRIBUTION TO SCHOOLS.—Each local educational agency that receives funds under paragraph (2) shall distribute such funds to the public schools served by the local educational agency—

''(A) based on the number of eligible children enrolled in such schools; and

''(B) in a manner that would, in the absence of such Federal funds, supplement the funds made available from non-Federal resources for the education of pupils participating in programs under this subpart, and not to supplant such funds.''.

The Acting CHAIR. Pursuant to House Resolution 303, the gentleman from Virginia (Mr. CANTOR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. CANTOR. Mr. Chairman, a good education is the first step in the long walk to living the American Dream. That is what this amendment is about, Mr. Chairman.

I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, 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, this amendment is not about a good education. This is an amendment suggesting an approach that in fact the amendment doesn't enable to happen, and that is the idea that a student can choose the school under the guise of portability, when in fact it doesn't set up any mechanisms for the students to do that.

The suggestion here somehow is that, in fact, the students will make this choice or the parents will make this choice. We've had the right under No Child Left Behind for students to make the choice to elect to go to any schools in the district in which they sought to do that. Of course, what we found out, in many instances, it's less than 2 to 3 percent of the parents who make that decision. There are many reasons why they don't do that. In fact, it's a decision that it doesn't work for them because of lack of transportation in poor neighbors, lack of issues of personal safety of the students.

The difference in my district, in some parts of my district of going to the school that's next to your home or walking the six or eight or 10 blocks to where the next school is, it's a matter of personal safety for those children. We have children, unfortunately, who are harmed every day on our streets, in

some cases killed on those streets. So for parents, this isn't just a choice; that it's a better school.

Also under the Cantor amendment, you would be requiring school districts to engage in an entirely complex accounting system, and I don't know why we'd burden them with that. We currently have in many, many districts open enrollment. And as I say, parents can choose that if they want, but in many cases they can't because of barriers to that enrollment. So this is a suggestion somehow that you can just pick up and move your child.

What we see in survey after survey after survey is what parents want, and they want their neighborhood school, the school next to them, they want that school to be functioning at a high level so that their child, their children, can get an education at that school.

I know that maybe the author of this amendment isn't familiar with these parents, that these parents are struggling between their jobs, their work, holding their families together. Very often it's individual working women supporting these families. This is a difficult task. And the idea that the burden won't be on the district to improve that local school, but we'll just leave it be under the guise that parents can opt to send their children somewhere else when, in fact, that's not a real option for them.

This amendment doesn't address the concern about open enrollment, it doesn't address the systems that the States have set up, and it clearly doesn't address the needs of the parents. And it fails to recognize that in many school districts, there's only one school, there's only one middle school, there's only two elementary schools. That's not the issue here. This isn't like a panoply of wide choices that are made available. That's why many of us have encouraged charter schools inside these districts so parents will have that choice that is within reach of them.

With that, I reserve the balance of my time.

Mr. CANTOR. Mr. Chairman, I yield 2 minutes to the gentlewoman from Alabama (Mrs. ROBY).

Mrs. ROBY. Mr. Chairman, I rise today in support of Leader CANTOR's amendment to H.R. 5. It's an amendment that would allow title I dollars to actually follow the student to the school of their choice. I thank the leader for recognizing me.

We all agree that every child deserves equal access to quality education—one that challenges them, builds critical-thinking skills, and enhances their opportunity for success. But all too often, the system fails those who need it most. For too long, we have perpetuated failure by not demanding accountability for results.

This amendment would allow title I dollars to follow the child to the school that their parent deems best.

As a mother of a child in public school, I understand firsthand how important it is for parents to be able to choose the school that best fits their child's needs. School choice can help drive innovation, healthy competition and, most importantly, accountability.

If a low-income parent makes the brave and noble decision to seek a better opportunity for their child, the last thing we should do here is make it more difficult by withholding funding meant to help educate that child.

Mr. Chairman, we can't afford to do the same old thing expecting different results. I urge my colleagues to adopt this amendment and pass the Student Success Act. Let's get Washington out of the way to ensure a brighter future for our children.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1 minute to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Chairman, I rise in support of the Miller substitute amendment and in strong opposition to the underlying bill which, as it is, drastically underfunds our education system and sets up our children and our Nation to fail.

Right now, the majority's bill freezes education funding through the end of the decade at just above the sequestration level in 2013. Compared to last year's level, this means a $570 million cut to education funding—one of our fundamental priorities as a Nation—for each of the next 5 years.

Nor does the majority's bill allow for annual increases due to inflation or enrollment growth. In effect, the majority is trying to lock in Federal education spending at a level far below what is needed and then simply walking away from our schools and our kids. And keep in mind, all of these cuts come on top of several earlier rounds of deep cuts by the majority to education spending.

□ 0945

Mr. Chairman, without access to quality education, there is no middle class. The compact is broken that allows hard work to pay off and allows future generations to do better. We cannot allow this to happen.

I urge my colleagues to support the Miller substitute to this flawed bill.

Mr. CANTOR. Mr. Chairman, I yield 1 minute to the gentleman from Utah (Mr. BISHOP).

Mr. BISHOP of Utah. Mr. Chairman, my home State has been one of the leaders in the area of equitable funding for kids, so that whether you come from a wealthy mountain resort or the inner city of Salt Lake City or a west desert rural ranching family, the same amount of money follows the kid to their schools in any situation. And we did that simply because we care about kids, and we established a fair system of disbursing the money.

When we did a GI bill, the money followed the GI.

Only in Washington, here, with these particular funds, where the Department of Education does not have an equitable disposal mechanism, do we find this situation in which we treat kids differently.

It appears to me that some of the outside groups that may be opposed to this are simply saying they like this antiquated disposal system, which means that some title I schools get a whole lot of money, and other title I schools don't get very much money, if any at all, because we don't have an equitable system for disbursing our funds.

We need to do what many States are doing right now and make sure that we have an equitable distribution system. This amendment moves us in that direction.

Mr. GEORGE MILLER of California. Mr. Chairman, how much time do I have?

The Acting CHAIR. The gentleman has 30 seconds remaining.

Mr. GEORGE MILLER of California. I yield myself the balance of my time.

Mr. Chairman, this amendment just doesn't address the realities of the current law. First of all, the underlying bill takes away the choice that parents have today. This amendment wants to pretend like it's a choice.

When the gentleman from Utah says the money follows the child, no, in Utah they have State equalization. It's the same amount of money wherever you go. No money follows you.

The suggestion in the Cantor amendment is that somehow this money will follow you, except that it requires States and districts to set up an entirely new bookkeeping system. These are people who say they don't want to burden those districts.

The fact of the matter is, under current law, parents can choose to send their children to another school. Whether all of the money will follow them or not, under the Cantor amendment, there's no mechanism and there's no money. There is no full entitlement to the money.

I know the gentleman wanted to have vouchers, and this is an imitation voucher, but it doesn't work. It simply doesn't work for the child, for the parents, or for the school districts.

I yield back the balance of my time.

Mr. CANTOR. Mr. Chairman, I yield myself the remaining time.

Mr. Chairman, what I'd say to the gentleman from California, first of all, this is an amendment which provides States the option, if they want, to allow this type of funding or flow of Federal dollars. No one's forcing any State to do anything or any local school district.

I'd also point out, Mr. Chairman, that I believe there are several cities—I think one in the gentleman's State, in San Francisco—which actually have allowed for State dollars to follow the kids. So I think to the point that it's a bookkeeping difficulty, certainly there are localities, school districts who've figured out that this can be easily done.

And I want to follow up on the point that the gentleman from Utah has

made. This is about how Federal dollars currently are allocated under title I. And in the school districts, once the school districts have the money, the way the Federal requirement is now, there are some schools that receive a lot of title I money, and there are others that could receive none, if very little title I money. But, in fact, what the amendment is about is trying to provide all title I kids with the resources that I think all of us want them to have.

Mr. GEORGE MILLER of California. Will the gentleman yield?

Mr. CANTOR. I yield to the gentleman.

Mr. GEORGE MILLER of California. The reason some schools don't have a lot of title I money, or some title I money, is they don't have title I students. It follows the students to those schools.

Mr. CANTOR. Reclaiming my time, Mr. Chairman, the state of the law is such that there is a requirement now that title I moneys at the local level go to schools with 75 percent or higher of population. It is the overpopulated, poorest schools that are, in the law, said to get the moneys first.

The problem is: What if your school doesn't quite make that cutoff? What if that population isn't quite at that benchmark? What about the title I kids in those schools?

That's what this is trying to address, Mr. Chairman.

And so, again, too many of our underprivileged children today are finding themselves in schools that cannot address the problem, and this amendment is aimed at trying to restore those children and those parents' ability to have the quality of education that all of us want. Again, this amendment does so by granting the States the power, if they so choose, to allow title I funds to follow the students.

I believe the current system clearly is leaving some kids behind that exist in these schools that aren't getting any money. And the lack of access to quality schools and quality teachers will and can hold children back, and, most especially, those children living in poverty and those often with special needs who do require help.

Many States are reforming their system to address these inequities and these shortcomings and, in fact, as I indicated earlier, there were some major school systems, and I know of one in the gentleman's State, that have actually tried to redirect State and local moneys according to this spirit, which is: allow every child to have equal access to funds and resources. But, unfortunately, those States don't have the flexibility to match up Federal funds with these type of reform efforts that are ongoing at the local and State level.

Federal title I funding was created to help the most vulnerable of our students—foster children, the homeless, those living below the poverty line—and this amendment will give States the option to allow title I funds to follow each student to the public school—including charter school—of their choice.

Again, right now, Federal dollars do not follow all of the students that they are supposed to help. This amendment will make certain that, no matter what school a low-income student attends, he or she will benefit from these dollars.

Mr. Chairman, improving our education system is a bipartisan issue, and this amendment builds on the bipartisan work being done at the State level.

Mr. Chairman, I'd like to, at this time, just thank the leadership of the gentleman from Minnesota, the Chairman of the Education and the Workforce Committee, for his commitment to responding to the desires of all of our constituents who believe that education is the fundamental building block for all to achieve the American Dream. I salute him and his work and his tenacity to try and get things right in the reforms that are necessary to allow for that promise to be realized by all of our kids.

I urge my colleagues to support this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Virginia (Mr. CANTOR).

The amendment was agreed to.

AMENDMENT NO. 26 OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

The Acting CHAIR. It is now in order to consider amendment No. 26 printed in House Report 113–158.

Mr. GEORGE MILLER of California. Mr. Chairman, I have an amendment in the nature of a substitute at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Strike the text and insert the following:

SECTION 1. SHORT TITLE.

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

SEC. 2. 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. 3. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. References.
Sec. 3. Table of contents.

TITLE I—IMPROVING THE ACADEMIC ACHIEVEMENT OF THE DISADVANTAGED

Sec. 101. Statement of purpose.
Sec. 102. Authorization of appropriations.
Sec. 103. State plans.
Sec. 104. Eligible school attendance areas.
Sec. 105. Academic assessment and local educational agency and school improvement; school support and recognition.
Sec. 106. Parental involvement.
Sec. 107. Comparable allocation of expenditures.
Sec. 108. Coordination requirements.
Sec. 109. Reservation of funds for the outlying areas and Bureau of Indian Education schools.
Sec. 110. Support for high-quality assessments.

TITLE II—TEACHERS AND LEADERS

Sec. 201. Great teachers and leaders.
Sec. 202. HEA conforming amendments.

TITLE III—LANGUAGE INSTRUCTION FOR LIMITED ENGLISH PROFICIENT AND IMMIGRANT STUDENTS

Sec. 301. Language instruction.

TITLE IV—21ST CENTURY SCHOOLS

Sec. 401. 21st Century schools.

TITLE V—WELL-ROUNDED STUDENTS AND ENGAGED FAMILIES

Subtitle A—Public Charter Schools

Sec. 501. Purpose.
Sec. 502. Program authorized.
Sec. 503. Grants to support high-quality charter schools.
Sec. 504. Facilities Financing Assistance.
Sec. 505. National activities.
Sec. 506. Records transfer.
Sec. 507. Definitions.
Sec. 508. Authorization of appropriations.
Sec. 509. Conforming amendments.

Subtitle B—Fund for the Improvement of Education

Sec. 511. Fund for the Improvement of Education.

Subtitle C—Family Engagement in Education Programs

Sec. 521. Family engagement in education programs.

TITLE VI—FLEXIBILITY AND ACCOUNTABILITY

Sec. 601. Flexibility and accountability.

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

Sec. 701. In general.

Subtitle A—Indian Education

Sec. 711. Purpose.

PART 1—FORMULA GRANTS TO LOCAL EDUCATIONAL AGENCIES

Sec. 721. Formula grant purpose.
Sec. 722. Grants to local educational agencies, tribes, and indian organizations.
Sec. 723. Amount of grants.
Sec. 724. Applications.
Sec. 725. Authorized services and activities.
Sec. 726. Student eligibility forms.
Sec. 727. Technical assistance.

PART 2—SPECIAL PROGRAMS AND PROJECTS TO IMPROVE EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN

Sec. 731. Professional development for teachers and education professionals.

PART 3—NATIONAL ACTIVITIES

Sec. 741. National activities.
Sec. 742. Improvement of academic success for students through Native American language.

Subtitle B—Native Hawaiian Education; Alaska Native Education

Sec. 751. Native Hawaiian education and Alaska Native education.
Sec. 752. Findings.
Sec. 753. Purposes.
Sec. 754. Native Hawaiian Education Council grant.
Sec. 755. Grant program authorized.
Sec. 756. Administrative provisions; authorization of appropriations.
Sec. 757. Definitions.

TITLE VIII—IMPACT AID

Sec. 801. Purpose.

Sec. 802. Payments relating to Federal acquisition of real property.
Sec. 803. Payments for eligible federally connected children.
Sec. 804. Policies and procedures relating to children residing on Indian lands.
Sec. 805. Application for payments under sections 8002 and 8003.
Sec. 806. Construction.
Sec. 807. Facilities.
Sec. 808. State consideration of payments providing State aid.
Sec. 809. Administrative hearings and judicial review.
Sec. 810. Definitions.
Sec. 811. Authorization of appropriations.
Sec. 812. Conforming amendments.

TITLE IX—GENERAL PROVISIONS

Sec. 900. General amendments.

Subtitle A—Protecting Students From Sexual and Violent Predators

Sec. 901. Background checks.
Sec. 902. Conforming amendment.

Subtitle B—Evaluation Authority

Sec. 911. Evaluation authority.

Subtitle C—Keeping All Students Safe

Sec. 911. Keeping All Students Safe.

Subtitle D—Protecting Student Athletes From Concussions

Sec. 931. Protecting Student Athletes from Concussions.

TITLE X—EDUCATION FOR HOMELESS CHILDREN AND YOUTHS

Sec. 1001. Education for Homeless Children and Youths.

TITLE I—IMPROVING THE ACADEMIC ACHIEVEMENT OF THE DISADVANTAGED

SEC. 101. 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 ensure that all children have a fair, equal, and significant opportunity to obtain a high-quality education and to graduate ready to succeed in college and the workforce by—

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

''(2) ensuring high-quality college and career ready standards, academic assessments, accountability systems, teacher preparation and training, curriculum, and instructional materials are developed and implemented to prepare students to compete in the global economy;

''(3) closing the achievement gap between high- and low-performing children, especially between minority and nonminority students and between disadvantaged children and their more advantaged peers;

''(4) holding schools, local educational agencies, and States accountable for improving the academic achievement for all students including the mastery of content knowledge and the ability to think critically, solve problems, and communicate effectively, ensuring all students graduate ready to succeed in college and the workforce;

''(5) distributing and targeting resources to support local educational agencies and schools with the greatest need;

''(6) improving and maintaining accountability for student achievement and graduation rates, and increasing local flexibility and authority to improve schools; and

''(7) ensuring parents have substantial and meaningful opportunities to participate in the education of their children.''.

SEC. 102. AUTHORIZATION OF APPROPRIATIONS.

Section 1002 (20 U.S.C. 6302) is amended—

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

''(a) LOCAL EDUCATIONAL AGENCY GRANTS.—For the purpose of carrying out part A, there are authorized to be appropriated $30,000,000,000 for fiscal year 2014 and such sums as may be necessary for each of the 5 succeeding fiscal years.'';

(2) in subsection (c)—

(A) by striking ''$410,000,000'' and inserting ''$500,000,000''; and

(B) by striking ''2002'' and inserting ''2014''; and

(3) in subsection (d)—

(A) by striking ''$50,000,000'' and inserting ''$55,000,000''; and

(B) by striking ''2002'' and inserting ''2014''.

SEC. 103. STATE PLANS.

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

"SEC. 1111. STATE PLAN.

''(a) PLANS REQUIRED.—

''(1) IN GENERAL.—For any State desiring to receive a grant under this part, the State educational agency shall submit to the Secretary a plan, developed by the State educational agency, in consultation with representatives of local educational agencies, teachers, school leaders, specialized instructional support personnel, early childhood education providers, parents, community organizations, communities representing underserved populations, and Indian tribes, that satisfies the requirements of this section, and that is coordinated with other programs of 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 a part of a consolidated plan under section 9302.

''(b) COLLEGE AND CAREER READY CONTENT STANDARDS, ASSESSMENTS, AND ACHIEVEMENT STANDARDS.—

''(1) GENERAL REQUIREMENTS.—Each State plan shall include evidence that the State's college and career ready content standards, assessments, and achievement standards under this subsection are—

''(A) vertically aligned from kindergarten through grade 12; and

''(B) developed and implemented to ensure that proficiency in the content standards will signify that a student is on-track to graduate prepared for—

''(i) according to written affirmation from the State's public institutions of higher education, placement in credit-bearing, nonremedial courses at the 2-and 4-year public institutions of higher education in the State; and

''(ii) success on relevant State career and technical education standards.

''(2) COLLEGE AND CAREER READY CONTENT STANDARDS.—

''(A) IN GENERAL.—Each State plan shall demonstrate that, not later than the 2013–2014 school year the State educational agency will adopt and implement high-quality, college and career ready content standards that comply with this paragraph.

''(B) SUBJECTS.—The State educational agency shall have such high-quality, academic content standards for students in kindergarten through grade 12 for, at a minimum, English language arts, math, and science.

''(C) ELEMENTS.—College and career ready content standards under this paragraph shall—

''(i) be developed through participation in a State-led process that engages—

''(I) kindergarten through-grade-12 education experts (including teachers and educational leaders); and

''(II) representatives of institutions of higher education, the business community, and the early learning community;

''(ii) be rigorous, internationally benchmarked, and evidence-based, requiring students to demonstrate the ability to think critically, solve problems, and communicate effectively;

''(iii) be either—

''(I) validated, including through written affirmation from the State's public institutions of higher education, to ensure that proficiency in the content standards will signify that a student is on-track to graduate prepared for—

''(aa) placement in credit-bearing, nonremedial courses at the 2-and 4-year public institutions of higher education in the State; and

''(bb) success on relevant State career and technical education standards; or

''(II) State-developed and voluntarily adopted by a significant number of States;

''(iv) for standards from kindergarten through grade 3, reflect progression in how children develop and learn the requisite skills and content from earlier grades (including preschool) to later grades; and

''(v) apply to all schools and students in the State.

''(D) ENGLISH LANGUAGE PROFICIENCY STANDARDS.—Each State educational agency shall develop and implement statewide, high-quality English language proficiency standards that—

''(i) are aligned with the State's academic content standards;

''(ii) reflect the academic language that is required for success on the State educational agency's academic content assessments;

''(iii) predict success on the applicable grade level English language arts content assessment;

''(iv) ensure proficiency in each of the domains of speaking, listening, reading, and writing in the appropriate amount of time; and

''(v) address the different proficiency levels of English learners.

''(E) EARLY LEARNING STANDARDS.—The State educational agency shall, in collaboration with the State agencies responsible for overseeing early care and education programs and the State early care and education advisory council, develop and implement early learning standards across all major domains of development for preschoolers that—

''(i) demonstrate alignment with the State academic content standards;

''(ii) are implemented through dissemination, training, and other means to applicable early care and education programs;

''(iii) reflect research and evidence-based developmental and learning expectations;

''(iv) inform teaching practices and professional development and services; and

''(v) for preschool age children, appropriately assist in the transition to kindergarten.

''(F) ASSURANCE.—Each State plan shall include an assurance that the State has implemented the same content standards for all students in the same grade and does not have a policy of using different content standards for any student subgroup.

''(3) HIGH-QUALITY ASSESSMENTS.—

''(A) IN GENERAL.—Each State plan shall demonstrate that the State educational agency will adopt and implement high-quality assessments in English language arts, math, and science not later than the 2014–2015 school year that comply with this paragraph.

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

''(i) be valid, reliable, appropriate, and of adequate technical quality for each purpose required under this Act, and be consistent with relevant, nationally recognized professional and technical standards;

''(ii) measure the knowledge and skills necessary to demonstrate proficiency in the academic content standards under paragraph (2) for the grade in which the student is enrolled;

''(iii) be developed as part of a system of assessments providing data (including individual student achievement data and individual student growth data), that shall be used to—

''(I) improve teaching, learning, and program outcomes; and

''(II) make determinations of individual principal and teacher effectiveness for the purposes of evaluation and professional development under title II;

''(iv) be used in determining the performance of each local educational agency and school in the State in accordance with the State's accountability system under subsection (c);

''(v) provide an accurate measure of—

''(I) student achievement at all levels of student performance; and

''(II) student academic growth;

''(vi) allow for complex demonstrations or applications of knowledge and skills including the ability to think critically, solve problems, and communicate effectively;

''(vii) be accessible for all students, including students with disabilities and English learners, by—

''(I) incorporating principles of universal design as defined by section 3(a) of the Assistive Technology Act of 1998 (29 U.S.C. 3002(a)); and

''(II) being interoperable when using any digital assessment, such as computer-based and online assessments.

''(viii) provide for accommodations, including for computer-based and online assessments, for students with disabilities and English learners to provide a valid and reliable measure of such students' achievement;

''(ix) produce individual student interpretive, descriptive, and diagnostic reports that allow parents, teachers, and school leaders to understand and address the specific academic needs of students, and include information regarding achievement on academic assessments, 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; and

''(x) may be partially delivered in the form of portfolios, projects, or extended performance tasks as long as such assessments meet the requirements of this subsection.

''(C) ADMINISTRATION.—Such assessments shall—

''(i) be administered to all students, including all subgroups described in subsection (c)(3)(A), in the same grade level for each content area assessed, except as provided under subparagraph (E), through—

''(I) a single summative assessment each school year; or

''(II) multiple statewide assessments over the course of the school year that result in a single summative score that provides valid, reliable, and transparent information on student achievement for each tested content area in each grade level;

''(ii) for English language arts and math—

''(I) be administered annually, at a minimum, for students in grade 3 through grade 8; and

''(II) be administered at least once, but not earlier than 11th grade for students in grades 9 through grade 12; and

''(iii) for science, be administered at least once during grades 3 through 5, grades 6 through 8, and grades 9 through 12.

''(D) NATIVE LANGUAGE ASSESSMENTS.—Each State educational agency with at least 10,000 English learners, at least 25 percent of which speak the same language that is not English, shall adopt and implement native language assessments for that language consistent with State law. Such assessments shall be for students—

''(i) for whom the academic assessment in the student's native language would likely yield more accurate and reliable information about such student's content knowledge;

''(ii) who are literate in the native language and have received formal education in such language; or

''(iii) who are enrolled in a bilingual or dual language program and the native language assessment is consistent with such program's language of instruction.

''(E) ALTERNATE ASSESSMENTS FOR STUDENTS WITH THE MOST SIGNIFICANT COGNITIVE DISABILITIES.—In the case of a State educational agency that adopts alternate achievement standards for students with the most significant cognitive disabilities described in paragraph (4)(D), the State shall adopt and implement high-quality statewide alternate assessments aligned to such alternate achievement standards that meet the requirements of subparagraphs (B) and (C), so long as the State ensures that in the State the total number of students in each grade level assessed in each subject does not exceed the cap established under subsection (c)(3)(E)(iii)(II).

''(F) ENGLISH LANGUAGE PROFICIENCY ASSESSMENTS.—Each State educational agency shall adopt and implement statewide English language proficiency assessments that—

''(i) are administered annually and aligned with the State's English language proficiency standards and academic content standards;

''(ii) are accessible, valid, and reliable;

''(iii) measure proficiency in reading, listening, speaking, and writing in English both individually and collectively;

''(iv) assess progress and growth on language and content acquisition; and

''(v) allow for the local educational agency to retest a student in the individual domain areas that the student did not pass, unless the student is newly entering a school in the State, or is in the third, fifth, or eighth grades.

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

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

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

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

''(H) ASSURANCE.—Each State plan shall include an assurance that the State educational agency will conduct an inventory of statewide and local educational agency-wide student assessments, including an analysis of assessment purposes, practices, and use, and a description of the actions the State will take to reduce duplicative assessments.

''(I) ACCOMMODATIONS.—Each State plan shall describe the accommodations for English learners and students with disabilities on the assessments used by the State and include evidence of their effectiveness in maintaining valid results for the appropriate population.

''(J) ADAPTIVE ASSESSMENTS.—In the case of a State educational agency that develops and administers computer adaptive assessments, such assessments shall meet the requirements of this paragraph, and must measure, at a minimum, each student's academic proficiency against the State's content standards as described in paragraph (2) for the grade in which the student is enrolled.

''(4) COLLEGE AND CAREER READY ACHIEVEMENT AND GROWTH STANDARDS.—

''(A) IN GENERAL.—Each State plan shall demonstrate that the State will adopt and implement college and career ready achievement standards in English language arts, math, and science by the 2013–2014 school year that comply with this paragraph.

''(B) ELEMENTS.—Such academic achievement standards shall establish at a minimum, 3 levels of student achievement that describe how well a student is demonstrating proficiency in the State's academic content standards that differentiate levels of performance to—

''(i) describe 2 levels of high achievement (on-target and advanced) that indicate, at a minimum, that a student is proficient in the academic content standards under paragraph (2) as measured by the performance on assessments under paragraph (3); and

''(ii) describe a third level of achievement (catch-up) that provides information about the progress of a student toward becoming proficient in the academic content standards under paragraph (2) as measured by the performance on assessments under paragraph (3).

''(C) VERTICAL ALIGNMENT.—Such achievement standards are vertically aligned to ensure a student who achieves at the on-target or advanced levels under subparagraph (B)(i) signifies that student is on-track to graduate prepared for—

''(i) placement in credit-bearing, nonremedial courses at the 2- and 4-year public institutions of higher education in the State; and

''(ii) success on relevant State career and technical education standards.

''(D) ALTERNATE ACHIEVEMENT STANDARDS.—If a State educational agency adopts alternate achievement standards for students with the most significant cognitive disabilities, such academic achievement standards shall establish, at a minimum, 3 levels of student achievement that describe how well a student is demonstrating proficiency in the State's academic content standards that—

''(i) are aligned to the State's college and career ready content standards under paragraph (2);

''(ii) are vertically aligned to ensure that a student who achieves at the on-target or advanced level under clause (v)(I) signifies that the student is on-track to access a postsecondary education or career;

''(ii) reflect concepts and skills that students should know and understand for each grade;

''(iv) are supported by evidence-based learning progressions to age and grade-level performance; and

''(v) establish, at a minimum—

''(I) 2 levels of high achievement (on-target and advanced) that indicate, at a minimum, that a student with the most significant cognitive disabilities is proficient in the academic content standards under paragraph (2) as measured by the performance on assessments under paragraph (3)(E); and

''(II) a third level of achievement (catch-up) that provides information about the progress of a student with the most significant cognitive disabilities toward becoming proficient in the academic content standards under paragraph (2) as measured by the performance on assessments under paragraph (3)(E).

''(E) STUDENT GROWTH STANDARDS.—Each State plan shall demonstrate that the State will adopt and implement student growth standards for students in the assessed grades that comply with this subparagraph, as follows:

''(i) ON-TARGET AND ADVANCED LEVELS.—For a student who is achieving at the on-target or advanced level of achievement, the student growth standard is not less than the rate of academic growth necessary for the student to remain at that level of student achievement for not less than 3 years.

''(ii) CATCH-UP LEVEL.—For a student who is achieving at the catch-up level of achievement, the student growth standard is not less than the rate of academic growth necessary for the student to achieve an on-target level of achievement by the end of the student's current grade span or within 3 years, whichever occurs first.

''(F) MODIFIED ACHIEVEMENT STANDARDS.—If a State educational agency has modified achievement standards in accordance with section 200.1(e) of title 34, Code of Federal Regulations, prior to the date of the enactment the Student Success Act, the State educational agency may continue to use such modified achievement standards for the purposes established as of the day before the date of enactment of such Act through not later than the implementation of the assessments under paragraph (3).

''(5) RULE OF CONSTRUCTION.—Nothing in paragraph (3) shall be construed to prescribe the use of the academic assessments established pursuant to such paragraph for student promotion or graduation purposes.

''(c) ACCOUNTABILITY AND SCHOOL IMPROVEMENT SYSTEM.—The State plan shall demonstrate that not later than the 2013–2014 school year, the State educational agency, in consultation with representatives of local educational agencies, teachers, school leaders, parents, community organizations, communities representing underserved populations, and Indian tribes, has developed a single statewide accountability and school improvement system (in this subsection known as the 'accountability system') that ensures all students have the knowledge and skills to successfully enter the workforce or postsecondary education without the need for remediation by complying with this subsection as follows:

''(1) ELEMENTS.—Each State accountability system shall, at a minimum—

''(A) annually measure academic achievement for of all students, including each subgroup described in paragraph (3)(A), in each public school, including each charter school, in the State, including—

''(i) student academic achievement in accordance with the academic achievement standards described in subsection (b)(4);

''(ii) student growth in accordance with the student growth standards described in subsection (b)(4)(E); and

''(iii) graduation rates in diploma granting schools;

''(B) set clear performance and growth targets in accordance with paragraph (2) to improve the academic achievement of all students as measured under subparagraph (A) of this paragraph and to close achievement gaps so that all students graduate ready for postsecondary education and the workforce;

''(C) annually differentiate performance of schools based on the achievement measured under subparagraph (A) and whether the schools meet the performance and growth targets set under paragraph (2), and identify for the purposes under section 1116, at a minimum—

''(i) persistently low-achieving schools that—

''(I) have the lowest performance in the local educational agency and the State using current and prior year academic achievement, growth, and graduation rate data;

''(II) have a 4-year adjusted cohort graduation rate at or below 60 percent; or

''(III) as of the date of enactment of the Student Success Act, have been identified under section 1003(g);

''(ii) schools in need of improvement that have not met one or more of the performance targets set under paragraph (2) for any subgroup described in paragraph (3)(A) in the same grade level and subject, for two consecutive years; and

''(iii) reward schools that have—

''(I) the highest performance in the State for all students and student subgroups described in paragraph (3)(A); or

''(II) made the most progress over at least the most recent 2-year period in the State in increasing student academic achievement and graduation rates for all students and student subgroups described in paragraph (3)(A);

''(D) establish improvement indicators to diagnose school challenges and measure school progress within the improvement system described in section 1116, including factors to measure—

''(i) student engagement, including student attendance rates, student discipline data including suspension and expulsion rates, incidents of bullying and harassment, and surveys of student engagement;

''(ii) student advancement, such as student on-time promotion rates, on-time credit accumulation rates, course failure rates, postsecondary entry rates, and workforce entry rates;

''(iii) educator quality, such as teacher attendance, vacancies, turnover, and rates of qualified or effective teachers; and

''(iv) academic learning, such as the percentage of students taking a college-preparatory curriculum, and student success on State or local educational agency end-of-course examinations; and

''(E) may establish multiple measures for all students described in paragraph (3)(A), including as an index, to further differentiate among the categories of schools described in subparagraph (C) and as part of the improvement system described in section 1116, which may include indicators that measure—

''(i) college and career readiness, such as—

''(I) credit accumulation in and completion of a college and career ready course of study aligned with admissions requirements set by institutions of higher education in the State;

''(II) participation and success on Advanced Placement (AP), International Baccalaureate (IB), SAT, WorkKeys, ASVAB, or State-developed college readiness or career readiness assessments; or

''(III) college enrollment and persistence rates;

''(ii) evidence of academic learning, such as—

''(I) valid and reliable academic assessments that meet the requirements of subsection (3) in subjects other than reading and math, such as science, social studies, or writing;

''(II) percentage of students successfully completing rigorous coursework that aligns with State college and career ready standards described under subsection (b)(2) such as dual enrollment, Advanced Placement (AP), or International Baccalaureate (IB) courses;

''(III) assessments developed by local educational agencies that meet the requirements of subsection (3)(b), are aligned with State college and career ready standards, and are comparable across all schools within the local educational agency; or

''(IV) student performance-based assessments that are valid, reliable, and comparable across a local educational agency and meet the requirements of subsection (3)(b);

''(iii) Evidence of successful learning conditions, such as the improvement indicators described in subparagraph (D); or

''(iv) Evidence of parent and family engagement.

''(2) GOALS AND TARGETS.—

''(A) IN GENERAL.—Each State educational agency shall establish goals and targets for the State accountability and school improvement system that comply with this paragraph. Such targets shall be established separately for all elementary school and secondary school students, economically disadvantaged students, students from major racial and ethnic groups, students with disabilities, and English learners.

''(B) ACHIEVEMENT GOALS.—Each State educational agency shall set goals that are consistent with the academic and growth achievement standards under subsection (b)(4) to ensure that all students graduate prepared to enter the workforce or postsecondary education without the need for remediation.

''(C) PERFORMANCE TARGETS.—Each State educational agency shall set ambitious, but achievable annual performance targets separately for each subgroup of students described in paragraph (3)(A), for each grade level and in English language arts and math, to assist the State educational agency in achieving its academic achievement goals established under subparagraph (B) that either—

''(i) within 6 years of setting such performance targets, reduce by half the percentage of all students and each subgroup described in paragraph (3)(A), who are not, according to student performance as of the year such targets are set, at the on-target or advanced level of achievement; or

''(ii) result in ambitious, but achievable annual targets for local educational agencies and schools for all students and each subgroup of students described in paragraph (3)(A) within a specified period of time, approved by the Secretary, such that—

''(I) the targets are equally rigorous as those in subsection (i); and

''(II) the targets reflect the progress required for all students and each subgroup of students described in paragraph (3)(A) to reach the on-target or advanced level of achievement within the specified period of time.

''(D) GROWTH TARGETS.—Each State educational agency shall set ambitious but achievable growth targets that—

''(i) assist the State in achieving the academic achievement goals described in subparagraph (B); and

''(ii) include targets that ensure all students, including the subgroups of students described in paragraph (3)(A), meet the growth standards described in subsection (b)(4)(E).

''(E) GRADUATION RATE GOALS AND TARGETS.—

''(i) GRADUATION GOALS.—Each State educational agency shall set a graduation goal of not less than 90 percent.

''(ii) GRADUATION RATE TARGETS.—Each State educational agency shall establish graduation rate targets which shall not be less rigorous than the targets approved under section 200.19 of title 34, Code of Federal Regulations (or a successor regulation).

''(iii) EXTENDED-YEAR GRADUATION RATE TARGETS.—In the case of a State that chooses to use an extended-year graduation rate in the accountability and school improvement system described under this subsection, the State shall set extended-year graduation rate targets that are more rigorous than the targets set under clause (ii) and, if applicable, are not less rigorous than the targets approved under section 200.19 of title 34, Code of Federal Regulations (or a successor regulation).

''(3) FAIR ACCOUNTABILITY.—Each State educational agency shall establish fair and appropriate policies and practices, as a component of the accountability system established under this subsection, to measure school, local educational agency, and State performance under the accountability system that, at a minimum, comply with this paragraph as follows:

''(A) DISAGGREGATE.—Each State educational agency shall disaggregate student achievement data in a manner that complies with the State's group size requirements under subparagraph (B) for the school's, local educational agency's, and the State's performance on its goals and performance targets established under paragraph (2), by each content area and each grade level for which such goals and targets are established, and, if applicable, by improvement indicators described in paragraph (1)(D) for each of the following groups:

''(i) All public elementary and secondary school students.

''(ii) Economically disadvantaged students.

''(iii) Students from major racial and ethnic groups.

''(iv) Students with disabilities.

''(v) English learners.

''(B) SUBGROUP SIZE.—Each State educational agency shall establish group size requirements for performance measurement and reporting under the accountability system that—

''(i) is the same for all subgroups described in subparagraph (A);

''(ii) does not exceed 15 students;

''(iii) yields statistically reliable information; and

''(iv) does not reveal personally identifiable information about an individual student.

''(C) PARTICIPATION.—Each State educational agency shall ensure that—

''(i) not less than 95 percent of the students in each subgroup described subparagraph (A) take the State's assessments under subsection (b)(2); and

''(ii) any school or local educational agency that does not comply with the requirement described in clause (i) of this subparagraph may not be considered to have met its goals or performance targets under paragraph (2).

''(D) AVERAGING.—Each State educational agency may average achievement data with the year immediately preceding that school year for the purpose of determining whether schools, local educational agencies, and the State have met their performance targets under paragraph (2).

''(E) STUDENTS WITH THE MOST SIGNIFICANT COGNITIVE DISABILITIES.—

''(i) IN GENERAL.—In calculating the percentage of students scoring at the on-target levels of achievement and the graduation rate for the purpose of determining whether schools, local educational agencies, and the State have met their performance targets under paragraph (2), a State shall include all students with disabilities, even those students with the most significant cognitive disabilities, and—

''(I) may include the on-target and advanced scores of students with the most significant cognitive disabilities taking alternate assessments under subsection (b)(3)(E) provided that the number and percentage of such students who score at the on-target or advanced level on such alternate assessments at the local educational agency and the State levels, respectively, does not exceed the cap established by the Secretary under clause (iii) in the grades assessed and subjects used under the accountability system established under this subsection; and

''(II) may include students with the most significant cognitive disabilities, who are assessed using alternate assessments described in subsection (b)(3)(E) and who receive a State-defined standards-based alternate diploma aligned with alternate achievement standards described in subparagraph (4)(D) and with completion of the student's right to a free and appropriate public education under the Individuals with Disabilities Education Act, as graduating with a regular secondary school diploma, provided that the number and percentage of those students who receive a State-defined standards-based alternate diploma at the local educational agency and the State levels, respectively, does not exceed the cap established by the Secretary under clause (iii).

''(ii) STATE REQUIREMENTS.—If the number and percentage of students taking alternate assessments or receiving a State-defined standards-based alternate diploma exceeds the cap under clause (iii) at the local educational agency or State level, the State educational agency, in determining whether the local educational agency or State, respectively, has met its performance targets under paragraph (2), shall—

''(I) include all students with the most significant cognitive disabilities;

''(II) count at the catch-up level of achievement or as not graduating such students who exceed the cap;

''(III) include such students at the catch-up level of achievement or as not graduating in each applicable subgroup at the school, local educational agency, and State level; and

''(IV) ensure that parents are informed of the actual academic achievement levels and graduation status of their children with the most significant cognitive disabilities.

''(iii) SECRETARIAL DUTIES.—The Secretary shall establish a cap for the purposes of this subparagraph which—

''(I) shall be based on the most recently available data on—

''(aa) the incidence of students with the most significant cognitive disabilities;

''(bb) the participation rates, including by disability category, on alternate assessments using alternate achievement standards pursuant to subsection (b)(3)(E);

''(cc) the percentage of students, including by disability category, scoring at each achievement level on such alternate assessments; and

''(dd) other factors the Secretary deems necessary; and

''(II) may not exceed 1 percent of all students in the combined grades assessed.

''(4) TRANSITION PROVISIONS.—

''(A) IN GENERAL.—The Secretary shall take such steps as necessary to provide for the orderly transition to the new accountability and school improvement systems required under this subsection from prior accountability and school improvement systems in existence on the day before the date of enactment of the Student Success Act.

''(B) TRANSITION.—To enable the successful transition described in this paragraph, each State educational agency receiving funds under this part shall—

''(i) administer assessments that were in existence on the day before the date of enactment of the Student Success Act and beginning not later than the 2014–2015 school year, administer high-quality assessments described in subsection (b)(3);

''(ii) report student performance on the assessments described in subparagraph (I), consistent with the requirements under this title;

''(iii) set a new baseline for performance targets, as described in paragraph (2)(C) and (2)(D), once new high-quality assessments described in subsection (b)(3) are implemented;

''(iv) implement the accountability and school improvement requirements of sections 1111 and 1116, except—

''(I) the State shall not be required to identify new persistently low achieving schools or schools in need of improvement under section 1116 for 1 year after high-quality assessments described in subsection (b)(3) have been implemented; and

''(II) shall continue to implement school improvement requirements of section 1116 in persistently low achieving schools and schools in need of improvement that were identified as such in the year prior to implementation of new high-quality assessments; and

''(v) assist local educational agencies in providing training and professional development on the implementation of new college and career ready standards and high-quality assessments.

''(C) END OF TRANSITION.—The transition described in this paragraph shall be completed by no later than 2 years from the date of enactment of the Student Success Act.

''(d) OTHER PROVISIONS TO SUPPORT TEACHING AND LEARNING.—Each State plan shall contain the following:

''(1) DESCRIPTIONS.—A description of—

''(A) how the State educational agency will carry out the responsibilities of the State under section 1116;

''(B) a plan to identify and reduce inequities in the allocation of State and local resources, including personnel and nonpersonnel resources, between schools that are receiving funds under this title and schools that are not receiving such funds under this title, consistent with the requirements in section 1120A, including—

''(i) a description of how the State will support local educational agencies in meeting the requirements of section 1120A; and

''(ii) a description of how the State will support local educational agencies to align plans under subparagraph (A), efforts to improve educator supports and working conditions described in section 2112(b)(3), and efforts to improve the equitable distribution of teachers and principals described in section 2112(b)(5), with efforts to improve the equitable allocation of resources as described in this subsection;

''(C) how the State educational agency will ensure that the results of the State assessments described in subsection (b)(3) and the school evaluations described in subsection (c)(1), respectively, will be provided to local educational agencies, schools, teachers, and parents promptly, 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, and in a manner that is clear and easy to understand;

''(D) how the State educational agency will meet the diverse learning needs of students by—

''(i) identifying and addressing State-level barriers to implementation of universal design for learning, as described in section

5429(b)(21), and multi-tier system of supports; and

''(ii) developing and making available to local educational agencies technical assistance for implementing universal design for learning, as described in section 5429(b)(21), and multi-tier system of supports;

''(E) for a State educational agency that adopts alternate achievement standards for students with the most significant cognitive disabilities under subsection (b)(4)(D)—

''(i) the clear and appropriate guidelines for individualized education program teams to apply in determining when a student's significant cognitive disability justifies alternate assessment based on alternate achievement standards, which shall include guidelines to ensure—

''(I) students with the most significant cognitive disabilities have access to the general education curriculum for the grade in which the student is enrolled;

''(II) participation in an alternate assessment does not influence a student's placement in the least restrictive environment;

''(III) determinations are made separately for each subject and are re-determined each year during the annual individualized education program team meeting;

''(IV) the student's mode of communication has been identified and accommodated to the extent possible; and

''(V) parents of such students are informed of and understand that their child's achievement will be based on alternate achievement standards and whether participation in such assessments precludes the student from completing the requirements for a regular high school diploma; and

''(ii) the procedures the State educational agency will use to ensure and monitor that individualized education program teams implement the requirements of clause (i); and

''(iii) the plan to disseminate information on and promote use of appropriate accommodations to increase the number of students with the most significant cognitive disabilities who are assessed using achievement standards described in subparagraphs (B) and (C) of subsection (b)(4);

''(F) how the State educational agency will meet the needs of English learners, including—

''(i) the method for identifying an English learner that shall be used by all local educational agencies in the State;

''(ii) the entrance and exit requirements for students enrolled in limited English proficient classes, which shall—

''(I) be based on rigorous English language standards; and

''(II) prepare such students to successfully complete the State's assessments; and

''(iii) timelines and targets for moving students from the lowest levels of English language proficiency to the State-defined English proficient level, including an assurance that—

''(I) such targets will be based on student's initial language proficiency level when first identified as limited English proficient and grade; and

''(II) such timelines will ensure students achieve English proficiency by 18 years of age, unless the State has obtained prior approval by the Secretary;

''(G) how the State educational agency will assist local educational agencies in improving instruction in all core academic subjects;

''(H) how the State educational agency will develop and improve the capacity of local educational agencies to use technology to improve instruction; and

''(I) how any State educational agency with a charter school law will support high-quality public charter schools that receive funds under this title by—

''(i) ensuring the quality of the authorized public chartering agencies in the State by establishing—

''(I) a system of periodic evaluation and certification of public chartering agencies using nationally-recognized professional standards; or

''(II) a statewide, independent chartering agency that meets nationally-recognized professional standards;

''(ii) including in the procedure established pursuant to clause (i) requirements for—

''(I) the annual filing and public reporting of independently audited financial statements including disclosure of amount and duration of any nonpublic financial and in-kind contributions of support, by each public chartering agency, for each school authorized by such agency, and by each local educational agency and the State; and

''(II) a legally binding charter or performance contract between each charter school and the school's authorized public chartering agency that—

''(aa) describes the rights, duties, and remedies of the school and the public chartering agency; and

''(bb) bases charter renewal and revocation decisions on an agreed-to school accountability plan which includes financial and organizational indicators, with significant weight given to the student achievement on the achievement goals, performance targets, and growth targets established pursuant to subparagraphs (B), (C), and (D) of subsection (c)(2), respectively, for each student subgroup described in subsection (c)(3)(A), as well as

''(iii) developing and implementing, in consultation and coordination with local educational agencies, a system of intervention, revocation, or closure for charter schools and public chartering agencies failing to meet the requirements and standards described in clauses (i) and (ii), which, at a minimum provides for—

''(I) initial and regular review, no less than once every 3 years, of each public chartering agency; and

''(II) intervention, revocation, or closure of any charter school identified for school improvement under section 1116.

''(2) ASSURANCES.—Assurances that—

''(A) the State educational agency will participate in biennial State academic assessments of 4th, 8th, and 12th grade reading, mathematics, and science 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;

''(B) the State educational agency will—

''(i) notify local educational agencies and the public of the content and student academic achievement standards and academic assessments developed under this section, and of the authority to operate schoolwide programs; and

''(ii) fulfill the State educational agency's responsibilities regarding local educational agency and school improvement under section 1116;

''(C) the State educational agency will encourage local educational agencies to consolidate funds from other Federal, State, and local sources for school improvement activities under 1116 and for schoolwide programs under section 1114;

''(D) the State educational agency has modified or eliminated 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;

''(E) that State educational agency will coordinate data collection efforts to fulfill the requirements of this Act and reduce the duplication of data collection to the extent practicable;

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

''(G) the State educational agency will inform local educational agencies in the State of the local educational agency's authority—

''(i) to transfer funds under title VI;

''(ii) to obtain waivers under part D of title IX; and

''(iii) if the State is an Ed-Flex Partnership State, to obtain waivers under the Education Flexibility Partnership Act of 1999;

''(H) the State educational agency will work with other agencies, including educational service agencies or other local consortia and comprehensive centers established under the Educational Technical Assistance Act of 2002, and institutions to provide professional development and technical assistance to local educational agencies and schools;

''(I) the State educational agency will ensure that local educational agencies in the State comply with the requirements of subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11117); and

''(J) the State educational agency has engaged in timely and meaningful consultation with representatives of Indian tribes located in the State in the development of the State plan to serve local educational agencies under its jurisdiction in order to—

''(i) improve the coordination of activities under this Act;

''(ii) meet the purpose of this title; and

''(iii) meet the unique cultural, language, and educational needs of Indian students.

''(e) FAMILY ENGAGEMENT.—Each State plan shall include a plan for strengthening family engagement in education. Each such plan shall, at a minimum, include—

''(1) a description of the State's criteria and schedule for review and approval of local educational agency engagement policies and practices pursuant to section 1112(e)(3);

''(2) a description of the State's system and process for assessing local educational agency implementation of section 1118 responsibilities;

''(3) a description of the State's criteria for identifying local educational agencies that would benefit from training and support related to family engagement in education;

''(4) a description of the State's statewide system of capacity-building and technical assistance for local educational agencies and schools on effectively implementing family engagement in education practices and policies to increase student achievement;

''(5) an assurance that the State will refer to Statewide Family Engagement Centers, as described in section 5702, those local educational agencies that would benefit from training and support related to family engagement in education; and

''(6) a description of the relationship between the State educational agency and Statewide Family Engagement Centers, parent training and information centers, and community parent resource centers in the State established under sections 671 and 672 of the Individuals with Disabilities Education Act.

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

''(1) SECRETARIAL DUTIES.—The Secretary shall—

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

''(B) appoint individuals to the peer-review process who are representative of parents, teachers, State educational agencies, local educational agencies, and experts and who

are familiar with educational standards, assessments, accountability, the needs of low-performing schools, and other educational needs of students;

''(C) approve a State plan within 120 days of its submission unless the Secretary determines that the plan does not meet the requirements of this section;

''(D) if the Secretary determines that the State plan does not meet the requirements of this section immediately notify the State of such determination and the reasons for such determination;

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

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

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

''(iii) providing a hearing; and

''(F) have the authority to disapprove a State plan for not meeting the requirements of this part, but shall not have the authority to require a State, as a condition of approval of the State plan, to include in, or delete from, such plan one or more specific elements of the State's academic content standards or to use specific academic assessment instruments or items.

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

''(3) PUBLIC REVIEW.—Notifications under this subsection shall be made available to the public through the website of the Department, including—

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

''(B) peer review comments;

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

''(D) amendments or changes to State plans; and

''(E) hearings.

''(g) DURATION OF THE PLAN.—

''(1) IN GENERAL.—Each State plan shall—

''(A) remain in effect for the duration of the State's participation under this part or 4 years, whichever is shorter; and

''(B) be periodically reviewed and revised as necessary by the State educational agency to reflect changes in the State's strategies and programs under this part, including information on progress the State has made in—

''(2) RENEWAL.—A State educational agency that desires to continue participation under this part shall submit a renewed plan every 4 years, including information on progress the State has made in—

''(A) implementing college- and career-ready content and achievement standards and high-quality assessments described in paragraph (b);

''(B) meeting its goals and performance targets described in subsection (c)(2); and

''(C) improving the capacity and skills of teachers and principals as described in section 2112.

''(2) ADDITIONAL INFORMATION.—If significant changes are made to a State's plan, such as the adoption of new State academic content standards and State student achievement standards, new academic assessments, or new performance goals or target, growth goals or targets, or graduation goals or targets, such information shall be submitted to the Secretary for approval.

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

''(i) REPORTS.—

''(1) ANNUAL STATE REPORT CARD.—

''(A) IN GENERAL.—A State that receives assistance under this part 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 and, to the extent practicable, provided in a language that the parents can understand.

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

''(i) information, in the aggregate, and disaggregated and cross-tabulated by race, ethnicity, gender, disability status, migrant status, English proficiency, and status as economically disadvantaged, except that such disaggregation and cross-tabulation 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—

''(I) student achievement at each achievement level on the State academic assessments described in subsection (b)(3), including the most recent 2-year trend;

''(II) student growth on the State academic assessments described in subsection (b)(3), including the most-recent 2-year trend;

''(III) the four-year adjusted cohort rate, the extended-year graduation rate (where applicable), and the graduation rate by type of diploma, including the most recent 2-year trend;

''(IV) the State established improvement indicators under subsection (c)(1)(D);

''(V) the percentage of students who did not take the State assessments; and

''(VI) the most recent 2-year trend in student achievement and student growth in each subject area and for each grade level, for which assessments under this section are required;

''(ii) information that provides a comparison between the actual achievement levels and growth of each group of students described in subsection (c)(3)(A) and the performance targets and growth targets in subsection (c)(2) for each such group of students on each of the academic assessments and for graduation rates required under this part;

''(iii) if a State adopts alternate achievement standards for students with the most significant cognitive disabilities, the number and percentage of students taking the alternate assessments and information on student achievement at each achievement level and student growth, by grade and subject;

''(iv) the number of students who are English learners, and the performance of such students, on the State's English language proficiency assessments, including the students' attainment of, and progress toward, higher levels of English language proficiency;

''(v) information on the performance of local educational agencies in the State regarding school improvement, including the number and names of each school identified for school improvement under section 1116 and information on the outcomes of the improvement indicators outlined in section 1111(c)(1)(D);

''(vi) the professional qualifications of teachers in the State, the percentage of such teachers teaching with emergency or provisional credentials, and the percentage of classes in the State not taught by qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty schools which, for the purpose of this clause, means schools in the top quartile of poverty and the bottom quartile of poverty in the State;

''(vii) information on teacher effectiveness, as described in section 2112(b)(1)(C), in the aggregate and disaggregated by high-poverty compared to low-poverty schools which, for the purpose of this clause, means schools in the top quartile of poverty and the bottom quartile of poverty in the State;

''(viii) a clear and concise description of the State's accountability system, including a description of the criteria by which the State educational agency evaluates school performance, and the criteria that the State educational agency has established, consistent with subsection (c), to determine the status of schools with respect to school improvement; and

''(ix) outcomes related to quality charter authorizing standards as described in subsection (d)(1)(I), including, at a minimum, annual filing as described in subsection (d)(1)(I)(ii)(I).

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

''(A) REPORT CARDS.—A local educational agency that receives assistance under this part 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—

''(I) the number and percentage of schools identified for school improvement under section 1116 and how long the schools have been so identified; and

''(II) information that shows how students served by the local educational agency achieved on the statewide academic assessment compared to students in the State as a whole;

''(III) per-pupil expenditures from Federal, State, and local sources, including personnel and nonpersonnel resources, for each school in the local educational agency, consistent with the requirements under section 1120A;

''(IV) the number and percentage of secondary school students who have been removed from the 4-year adjusted cohort by leaver code, and the number and percentage of students from each adjusted cohort that have been enrolled in high school for more than 4 years but have not graduated with a regular diploma; and

''(V) information on the number of military-connected students (students who are a dependent of a member of the Armed Forces, including reserve components thereof) served by the local educational agency and how such military-dependent students achieved on the statewide academic assessment compared to all students served by the local educational agency; and

''(ii) in the case of a school—

''(I) whether the school has been identified for school improvement; and

''(II) information that shows how the school's students achievement on the statewide academic assessments and other improvement indicators compared to students in the local educational agency and the State as a whole.

''(C) OTHER INFORMATION.—A local educational agency may include in its annual local educational agency report card any other appropriate information, whether or not such information is included in the annual State report card.

''(D) DATA.—A local educational agency or school shall only include in its annual local educational agency report card data that are sufficient to yield statistically reliable information, as determined by the State, and that do not reveal personally identifiable information about an individual student.

''(E) PUBLIC DISSEMINATION.—The local educational agency shall publicly disseminate the report cards described in this paragraph to all schools in the school district served by the local educational agency and to all parents of students attending those schools in an accessible, understandable, and uniform format and, to the extent practicable, provided in a language that the parents can understand, and make the information widely available through public means, such as posting on the Internet, distribution to the media, and distribution through public agencies.

''(3) PREEXISTING REPORT CARDS.—A State educational agency or local educational agency that was providing public report cards on the performance of students, schools, local educational agencies, or the State prior to the date of enactment of the Student Success Act may use those report cards for the purpose of this subsection, so long as any such report card is modified, as may be needed, to contain the information required by this subsection.

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

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

''(A) information on the State's progress in developing and implementing

''(i) the college and career ready standards described in subsection (b)(2);

''(ii) the academic assessments described in subsection (b)(3);

''(iii) the accountability and school improvement system described in subsection (c); and

''(iv) teacher and principal evaluation systems described in section 2112(b)(1); and

''(B) the annual State report card under paragraph (1).

''(6) REPORT TO CONGRESS.—The Secretary shall transmit annually to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report that provides national and State-level data on the information collected under paragraph (4).

''(7) 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—

''(i) information on the level of achievement and growth of the parent's child on each of the State academic assessments and, as appropriate, other improvement indicators adopted in accordance with this subpart; and

''(ii) timely notice that the parent's child has been assigned, or has been taught for four or more consecutive weeks by, a teacher who is not qualified or has been found to be ineffective consistent with the local educational agency evaluation, as described in section 2112(b)(1).

''(B) QUALIFICATIONS.—At the beginning of each school year, a local educational agency that receives funds under this part shall notify the parents of each student attending any school receiving funds under this part, information regarding the professional qualifications of the student's classroom teachers, including, at a minimum, the following:

''(i) Whether the teacher has met State qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction.

''(ii) Whether the teacher is teaching under emergency or other provisional status through which State qualification or licensing criteria have been waived.

''(iii) Whether the teacher is currently enrolled in an alternative certification program.

''(iv) Whether the child is provided services by paraprofessionals or specialized instructional support personnel and, if so, their qualifications.

''(C) FORMAT.—The notice and information provided to parents under this paragraph shall be in an understandable and uniform format and, to the extent practicable, provided in a language that the parents can understand.

''(j) PRIVACY.—Information collected under this section shall be collected and disseminated in a manner that protects the privacy of individuals.

''(k) TECHNICAL ASSISTANCE.—The Secretary shall provide a State educational agency, at the State educational agency's request, technical assistance in meeting the requirements of this section, including the provision of advice by experts in the development of college and career ready standards, high-quality academic assessments, and goals and targets that are valid and reliable, and other relevant areas.

''(l) VOLUNTARY PARTNERSHIPS.—A State may enter into a voluntary partnership with another State to develop and implement the academic assessments and standards required under this section.

''(m) DEFINITIONS.—In this section:

''(1) ADJUSTED COHORT; EXTENDED-YEAR; ENTERING COHORT; TRANSFERRED INTO; TRANSFERRED OUT.—

''(A) ADJUSTED COHORT.—Subject to subparagraph (D)(ii) through (G), the term 'adjusted cohort' means the difference of—

''(i) the sum of—

''(I) the entering cohort; plus

''(II) any students that transferred into the cohort in any of grades 9 through 12; minus

''(ii) any students that are removed from the cohort as described in subparagraph (E).

''(B) EXTENDED YEAR.—The term 'extended year' when used with respect to a graduation rate, means the fifth or sixth year after the school year in which the entering cohort, as described in subparagraph (C), is established for the purpose of calculating the adjusted cohort.

''(C) ENTERING COHORT.—The term 'entering cohort' means the number of first-time 9th graders enrolled in a secondary school 1 month after the start of the secondary school's academic year.

''(D) TRANSFERRED INTO.—The term 'transferred into' when used with respect to a secondary school student, means a student who—

''(i) was a first-time 9th grader during the same school year as the entering cohort; and

''(ii) enrolls after the entering cohort is calculated as described in subparagraph (B).

''(E) TRANSFERRED OUT.—

''(i) IN GENERAL.—The term 'transferred out' when used with respect to a secondary school student, means a student who the secondary school or local educational agency has confirmed has transferred to another—

''(I) school from which the student is expected to receive a regular secondary school diploma; or

''(II) educational program from which the student is expected to receive a regular secondary school diploma.

''(ii) CONFIRMATION REQUIREMENTS.—

''(I) DOCUMENTATION REQUIRED.—The confirmation of a student's transfer to another school or educational program described in clause (i) requires documentation from the receiving school or program that the student enrolled in the receiving school or program.

''(II) LACK OF CONFIRMATION.—A student who was enrolled, but for whom there is no confirmation of the student having transferred out, shall remain in the cohort as a non-graduate for reporting and accountability purposes under this section.

''(iii) PROGRAMS NOT PROVIDING CREDIT.—A student enrolled in a GED or other alternative educational program that does not issue or provide credit toward the issuance of a regular secondary school diploma shall not be considered transferred out.

''(F) COHORT REMOVAL.—To remove a student from a cohort, a school or local educational agency shall require documentation to confirm that the student has transferred out, emigrated to another country, or is deceased.

''(G) TREATMENT OF OTHER LEAVERS AND WITHDRAWALS.—A student who was retained in a grade, enrolled in a GED program, aged-out of a secondary school or secondary school program, or left secondary school for any other reason, including expulsion, shall not be considered transferred out, and shall remain in the adjusted cohort.

''(H) SPECIAL RULE.—For those secondary schools that start after grade 9, the entering cohort shall be calculated 1 month after the start of the secondary school's academic year in the earliest secondary school grade at the secondary school.

''(2) 4-YEAR ADJUSTED COHORT GRADUATION RATE.—The term '4-year adjusted cohort graduation rate' means the percent obtained by calculating the product of—

''(A) the result of—

''(i) the number of students who—

''(I) formed the adjusted cohort 4 years earlier; and

''(II) graduate in 4 years or less with a regular secondary school diploma; divided by

''(ii) the number of students who formed the adjusted cohort for that year's graduating class 4 years earlier; multiplied by

''(B) 100.

''(3) EXTENDED-YEAR GRADUATION RATE.—The term 'extended-year graduation rate' for a school year is defined as the percent obtained by calculating the product of the result of—

''(A) the sum of—

''(i) the number of students who—

''(I) form the adjusted cohort for that year's graduating class; and

''(II) graduate in an extended year with a regular secondary school diploma; or

''(III) graduate before exceeding the age for eligibility for a free appropriate public education (as defined in section 602 of the Individuals with Disabilities Education Act) under State law; divided by

''(ii) the result of—

''(I) the number of students who form the adjusted cohort for that year's graduating class; plus

''(II) the number of students who transferred in during the extended year defined in paragraph (1)(B), minus

''(III) students who transferred out, emigrated, or died during the extended year defined in paragraph (1)(B); multiplied by

''(B) 100.

''(4) LEAVER CODE.—The term 'leaver code' means a number or series of numbers and letters assigned to a categorical reason for why a student left the high school from which she or he is enrolled without having

earned a regular high school diploma, except that—

''(A) an individual student with either a duplicative code or whom has not been assigned a leaver code shall not be removed from the cohort assigned for the purpose of calculating the adjusted cohort graduation rate; and

''(B) the number of students with either a duplicative leaver code or who have not been assigned a leaver code shall be included in reporting requirements for the leaver code.

''(5) MULTI-TIER SYSTEM OF SUPPORTS.—The term 'multi-tier system of supports' means a comprehensive system of differentiated supports that includes evidence-based instruction, universal screening, progress monitoring, formative assessment, and research-based interventions matched to student needs, and educational decision-making using student outcome data.

''(6) GRADUATION RATE.—The term 'graduation rate' means a 4-year adjusted cohort graduation rate and the extended-year graduation rate.

''(7) REGULAR SECONDARY SCHOOL DIPLOMA.—The term 'regular secondary school diploma' means the standard secondary school diploma awarded to the preponderance of students in the State that is fully aligned with State standards, or a higher diploma. Such term shall not include GED's, certificates of attendance, or any lesser diploma award.''.

SEC. 104. ELIGIBLE SCHOOL ATTENDANCE AREAS.

Section 1113(c)(3) (20 U.S.C. 6313(c)(3)) is amended to read as follows:

''(3) RESERVATION.—

''(A) IN GENERAL.—A local educational agency shall reserve such funds as are necessary under this part to provide services comparable to those provided to children in schools funded under this part to serve—

''(i) homeless children who are attending any public school served by the local educational agency, including providing educationally related support services to children in shelters and other locations where children may live;

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

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

''(B) RESERVATION OF FUNDS.—Notwithstanding the requirements of subsections (b) and (c) of section 1120A, funds reserved under subparagraph (A) may be used to provide homeless children and youths with services not ordinarily provided to other students under this part, including providing transportation pursuant to section 722(g)(1)(J)(iii) of such Act.

''(C) AMOUNT RESERVED.—The amount of funds reserved under subparagraph (A)(i) shall be determined by an assessment of the numbers and the needs of homeless children and youths in the local educational agency.''.

SEC. 105. ACADEMIC ASSESSMENT AND LOCAL EDUCATIONAL AGENCY AND SCHOOL IMPROVEMENT; SCHOOL SUPPORT AND RECOGNITION.

Section 1116 (20 U.S.C. 6316) is amended to read as follows:

''SEC. 1116. SCHOOL IMPROVEMENT.

''(a) LOCAL REVIEW.—

''(1) IN GENERAL.—Each local educational agency receiving funds under this part shall—

''(A) use the State academic assessments, including measures of student growth, and graduation rates to review, annually, the progress of each school served under this part to determine whether the school is meeting the performance targets, growth targets, and graduation targets established under section 1111(c)(2);

''(B) based on the review conducted under subparagraph (A), determine whether a school served under this part is—

''(i) in need of improvement as described under section 1111(c)(1)(C)(ii); or

''(ii) a persistently low-achieving school that meets the State parameters established under paragraph (2);

''(C) publicize and disseminate the results of the local annual review described in subparagraph (A) to parents, teachers, principals, schools, and the community so that the teachers, principals, other staff, and schools can continually refine, in an instructionally useful manner, the program of instruction to help all children served under this part meet the college and career ready achievement standards established under section 1111(b); and

''(D) use the school improvement indicators established under section 1111(c)(1)(D), and may include the multiple measures described under section 1111(c)(1)(E), to diagnose school challenges and measure school progress in carrying out the school improvement activities under this section.

''(2) PERSISTENTLY LOW-ACHIEVING SCHOOLS.—The State educational agency shall establish parameters, consistent with section 1111(c)(1)(C)(i), to assist local educational agencies in identifying persistently low-achieving schools within the local educational agency that—

''(A) shall use student achievement on the assessments under section 1111(b)(3), including prior year data;

''(B) shall use student growth data on the assessments under section 1111(b)(3), including prior year data;

''(C) shall use graduation rate data, including prior year data;

''(D) shall include schools with 4-year adjusted cohort graduation rates below 60 percent as persistently low-achieving schools; and

''(E) may use data on the improvement indicators established under section 1111(c)(1)(D) and the multiple measures described under section 1111(c)(1)(E), except that the local educational agency may not use such indicators to change the schools identified based on the parameters established under subparagraphs (A) through (D).

''(3) OPPORTUNITY TO REVIEW AND PRESENT EVIDENCE; TIME LIMIT.—

''(A) IDENTIFICATION.—Before identifying an elementary school or a secondary school as a school in need of improvement or a persistently low-achieving school under paragraph (1), a local educational agency shall provide the school with an opportunity to review the school-level data, including academic assessment data, on which the proposed identification is based.

''(B) EVIDENCE.—If the principal of a school proposed as a school in need of improvement or a persistently low-achieving school believes, or a majority of the parents of the students enrolled in such school believe, that the proposed identification is in error for statistical or other substantive reasons, the principal may provide supporting evidence to the local educational agency, which shall consider that evidence before making a final determination.

''(C) FINAL DETERMINATION.—Not later than 30 days after a local educational agency provides the school with the opportunity to review such school-level data, the local educational agency shall make public a final determination on the status of the school with respect to identification as a school in need of improvement or a persistently low-achieving school.

''(b) SCHOOL IMPROVEMENT.—

''(1) IN GENERAL.—Each school served under this part determined to be a school in need of improvement pursuant to section 1111(c)(1)(C)(ii) or a persistently low-achieving school pursuant to 1111(c)(1)(C)(i), shall form a school improvement team described in paragraph (2) to develop and implement a school improvement plan described in paragraph (3) to improve educational outcomes for all students.

''(2) SCHOOL IMPROVEMENT TEAM.—

''(A) IN GENERAL.—Each school described in paragraph (1) shall form a school improvement team, which shall include school leaders, teachers, parents, community members, and specialized instructional support personnel.

''(B) SCHOOLS IN NEED OF IMPROVEMENT.—Each school improvement team for a school in need of improvement may include an external partner and representatives of the local educational agency and the State educational agency.

''(C) PERSISTENTLY LOW-ACHIEVING SCHOOLS.—Each school improvement team for a persistently low-achieving school shall include an external partner and representatives of the local educational agency and the State educational agency.

''(3) SCHOOL IMPROVEMENT PLAN.—

''(A) IN GENERAL.—A school improvement team shall develop, implement, and make publicly available a school improvement plan that uses information available under the accountability and school improvement system established under section 1111(c), data available under the early warning indicator system established under subsection (c)(5), and other relevant data to identify—

''(i) each area in which the school needs support for improvement;

''(ii) the type of support required;

''(iii) how the school plans to use comprehensive, evidence-based strategies to address such needs;

''(iv) how the school will measure progress in addressing such needs using the goals and targets and improvement indicators established under paragraphs (2) and (1)(D) of section 1111(c), respectively, and identify which of the goals and targets are not currently being met by the school; and

''(v) how the school will review its progress and make adjustments and corrections to ensure continuous improvement.

''(B) PLANNING PERIOD.—The school improvement team may use a planning period, which shall not be longer than one school year to develop and prepare to implement the school improvement plan.

''(C) PLAN REQUIREMENTS.—Each school improvement plan shall describe the following:

''(i) PLANNING AND PREPARATION.—The activities during the planning period, including—

''(I) the preparation activities conducted to effectively implement the budgeting, staffing, curriculum, and instruction changes described in the plan; and

''(II) how the school improvement team engaged parents and community organizations.

''(ii) TARGETS.—The performance, growth, and graduation targets that contributed to the school's status as a school in need of improvement or persistently low-achieving school, and the school challenges identified by the school improvement indicators under section 1111(c)(1)(D).

''(iii) EVIDENCE-BASED, SCHOOL IMPROVEMENT STRATEGIES.—Evidence-based, school improvement strategies to address the factors and challenges described in clause (ii), to improve instruction, including in all core academic subjects, to improve the achievement of all students and address the needs of students identified at the catch-up level of achievement.

''(iv) NEEDS AND CAPACITY ANALYSIS.—A description and analysis of the school's ability and the resources necessary to implement the evidence-based, school improvement strategies identified under clause (iii), including an analysis of—

''(I) staffing resources, such as the number, experience, training level, effectiveness, responsibilities, and stability of existing administrative, instructional, and non-instructional staff;

''(II) budget resources, including how Federal, State, and local funds are being spent for instruction and operations to determine how existing resources can be aligned and used to support improvement;

''(III) the school curriculum;

''(IV) the use of time, such as the school's schedule and use of additional learning time; and

''(V) any additional resources and staff necessary to effectively implement the school improvement activities identified in the school improvement plan.

''(v) IDENTIFYING ROLES.—The roles and responsibilities of the State educational agency, the local educational agency, the school and, if applicable, the external partner in the school improvement activities, including providing interventions, support, and resources necessary to implement improvements.

''(vi) PLAN FOR EVALUATION.—The plan for continuous evaluation of the evidence-based, school improvement strategies, including implementation of and fidelity to the school improvement plan, that includes at least quarterly reviews of the effectiveness of such activities.

''(D) ADDITIONAL REQUIREMENTS FOR PERSISTENTLY LOW-ACHIEVING SCHOOLS.—For a persistently-low achieving school, the school improvement plan shall, in addition to the requirements described in subparagraph (B), describe how the school will—

''(i) address school-wide factors to improve student achievement, including—

''(I) establishing high expectations for all students, which at a minimum, align with the achievement standards and growth standards under section 1111(b)(4);

''(II) improving school climate, including student attendance and school discipline, through the use of school-wide positive behavioral supports and interventions and other evidence based approaches to improving school climate;

''(III) ensuring that the staff charged with implementing the school improvement plan are engaged in the plan and the school turnaround effort;

''(IV) establishing clear—

''(aa) benchmarks for implementation of the plan; and

''(bb) targets for improvement on the indicators under section 1111(c)(1)(D);

''(ii) organize the school to improve teaching and learning, including through—

''(I) strategic use of time, such as—

''(aa) establishing common planning time for teachers and interdisciplinary teams who share common groups of students;

''(bb) redesigning the school calendar year or day, such as through block scheduling, summer learning programs, or increasing the number of hours or days, in order to create additional learning time; or

''(cc) creating a flexible school period to address specific student academic needs and interests such as credit recovery, electives, enrichment activities, or service learning; and

''(II) alignment of resources to improvement goals, such as through ensuring that students in transition grades are taught by teachers prepared to meet their specific learning needs;

''(iii) increase teacher and school leader effectiveness, as described in section 2112(b)(1), including through—

''(I) replacing the principal, or demonstrating the principal has the skills, capacity, and record of success to significantly improve student achievement and lead a school turnaround;

''(II) screening all existing staff at the school, with the leadership team, through a process that ensures a rigorous and fair review of their applications that shall include—

''(aa) the results of teacher and principal evaluations and determinations of effectiveness, as described in section 2112(b)(1); and

''(bb) a review of individual staff member's engagement in the school improvement for the school;

''(III) improving the recruitment and retention of effective teachers and principals to work in the school;

''(IV) professional development activities that respond to student and school-wide needs aligned with the school improvement plan, such as—

''(aa) training teachers, leaders, and administrators together with staff from schools making achievement goals and performance targets under the accountability system under section 1111(c) that serve similar populations and in such schools;

''(bb) establishing peer learning and coaching among teachers; or

''(cc) facilitating collaboration, including through professional communities across subject area and interdisciplinary groups and similar schools;

''(V) appropriately identifying teachers for each grade and course; and

''(VI) the development of effective leadership structures, supports, and clear decision making processes, such as through developing distributive leadership and leadership teams;

''(iv) improve curriculum and instruction, including through—

''(I) demonstrating the relevance of the curriculum and learning for all students, including instruction in all core academic subjects, and may include the use of online course-work as long as such course-work meets standards of quality and best practices for online education;

''(II) increasing access to rigorous and advanced course-work, including adoption and implementation of a college- and career-ready curriculum, and evidence-based, engaging instructional materials aligned with such a curriculum, for all students;

''(III) increasing access to contextualized learning opportunities aligned with readiness for postsecondary education and the workforce, such as providing—

''(aa) work-based, project-based, and service-learning opportunities; or

''(bb) a high-quality, college preparatory curriculum in the context of a rigorous career and technical education core;

''(IV) regularly collecting and using data to inform instruction, such as—

''(aa) through use of formative assessments;

''(bb) creating and using common grading rubrics; or

''(cc) identifying effective instructional approaches to meet student needs; and

''(V) emphasizing core skills instruction, such as literacy, across content areas;

''(v) provide students with academic and social support to address individual student learning needs, including through—

''(I) ensuring access to services and expertise of specialized instructional support personnel;

''(II) supporting students at the catch-up level of achievement who need intensive intervention;

''(III) increasing personalization of the school experience through learning structures that facilitate the development of student and staff relationships such as—

''(aa) implementing grade 9 academies or thematic smaller learning communities;

''(bb) establishing teams of teachers who work exclusively with small groups of students; or

''(cc) creating advisor positions to provide students with study, organizational, and social supports;

''(IV) offering extended-learning, credit recovery, mentoring, or tutoring options of sufficient scale to meet student needs;

''(V) providing evidence-based, accelerated learning for students with academic skill levels below grade level;

''(VI) coordinating and increasing access to integrated services, such as providing special instructional support personnel;

''(VII) providing transitional support between grade-spans, including postsecondary planning; and

''(VIII) meeting the diverse learning needs of all students through strategies such as multi-tier system of supports and universal design for learning, as described in section 5429(b)(21);

''(IX) engage families and community partners, including community-based organizations, organizations representing underserved populations, Indian tribes (as appropriate), organizations assisting parent involvement, institutions of higher education, and businesses, in school improvement activities through evidence-based strategies; and

''(X) be provided control over governance policies, including flexibility regarding staffing and compensation, budgeting, student credit attainment, or use of school time, that support the implementation of effective school improvement activities and educational options.

''(E) SUBMISSION AND APPROVAL.—The school improvement team shall submit the school improvement plan to the local educational agency or the State educational agency, as determined by the State educational agency based on the local educational agency's ability to effectively monitor the school improvement activities. Upon receiving the plan, the local educational agency or the State educational agency, as appropriate, shall—

''(i) establish a peer review process to assist with review of the school improvement plan; and

''(ii) promptly review the plan, work with the school improvement team as necessary, and approve the plan if the plan meets the requirements of this paragraph.

''(F) REVISION OF PLAN.—A school improvement team may revise the school improvement plan as additional information and data is available.

''(G) IMPLEMENTATION.—A school with the support and assistance of the local educational agency shall implement the school improvement plan expeditiously, but not later than the beginning of the next full school year after identification for improvement.

''(4) EVALUATION OF SCHOOL IMPROVEMENT.—

''(A) IN GENERAL.—

''(i) REVIEW.—The State educational agency or local educational agency, as determined by the State in accordance with paragraph (3)(D) shall, annually, review data with respect to each school in need of improvement and each persistently low-achieving school to set clear benchmarks for progress, to guide adjustments and corrections, to evaluate whether the school supports and interventions for the school are effective and the school is meeting the targets for improvement established under its school

improvement plan, and to specify what actions ensue for schools not making progress.

''(ii) DATA.—In carrying out the annual review under clause (i), the school, the local educational agency, or State educational agency shall measure progress on—

''(I) student achievement, student growth, and graduation rates against the goals and targets established under section 1111(c)(2); and

''(II) improvement indicators as established under section 1111(c)(1)(D).

''(B) SCHOOLS IN NEED OF IMPROVEMENT.—If, after 3 years of implementing its school improvement plan, a school in need of improvement does not meet the goals and targets under section 1111(c)(2) that were identified under the school improvement plan as not being met by the school and the improvement indicators established under section 1111(c)(1)(D), then—

''(i) the local educational agency shall evaluate school performance and other data, and provide intensive assistance to that school in order to improve the effectiveness of the interventions; and

''(ii) the State educational agency or the local educational agency, as determined by the State, shall determine whether school shall partner with an external partner—

''(I) to revise the school improvement plan; and

''(II) to improve, and as appropriate, revise, school improvement strategies that meet the requirements of paragraph (3)(B)(iii).

''(C) PERSISTENTLY LOW-ACHIEVING SCHOOLS.—If, after 3 years of implementing its school improvement plan, a persistently low-achieving school does not demonstrate progress on the goals and targets under section 1111(c)(2) that were identified under the school improvement plan as not being met by the school or the improvement indicators established under section 1111(c)(1)(D), then—

''(i) the local educational agency, in collaboration with the State educational agency, shall determine whether to implement school closure, replacement, or State takeover of such school;

''(ii) the local educational agency, and as appropriate the State educational agency, shall develop and implement a plan to assist with the transition of the school under clause (i) that—

''(I) is developed in consultation with parents and the community;

''(II) addresses the needs of the students at the school by considering strategies such as—

''(aa) opening a new school;

''(bb) graduating out current students and closing the school in stages; and

''(cc) enrolling the students who attended the school in other schools in the local educational agency that are higher achieving, provided the other schools are within reasonable proximity to the closed school and ensures receiving schools have the capacity to enroll incoming students; and

''(III) provides information about high-quality educational options and transition and support services to students who attended that school and their parents.

''(D) PERSISTENTLY LOW ACHIEVING SCHOOL.—If, after 5 years of implementing its school improvement plan, a persistently low achieving school does not demonstrate progress on the goals and targets under section 1111(c)(2) that were identified under the school improvement plan, then the local educational agency, in collaboration with the State educational agency, shall determine whether to implement school closure, replacement, or State take-over of such school as required under subparagraph ''(C).

''(c) LOCAL EDUCATIONAL AGENCY RESPONSIBILITIES.—A local educational agency served by this part, in supporting the schools identified as a school in need of improvement or a persistently low-achieving school served by the agency, shall—

''(1) address local educational agency-wide factors to improve student achievement by—

''(A) supporting the use of data to improve teaching and learning through—

''(i) improving longitudinal data systems;

''(ii) regularly analyzing and disseminating usable data to educators, parents, and students;

''(iii) building the data and assessment literacy of teachers and principals; and

''(iv) evaluating at kindergarten entry the kindergarten readiness of children and addressing the educational and development needs determined by such evaluation;

''(B) addressing school transition needs of the local educational agency by—

''(i) using kindergarten readiness data to consider improving access to high-quality early education opportunities; and

''(ii) providing targeted research-based interventions to middle schools that feed into high schools identified for school improvement under this section;

''(C) developing human capital systems that ensure there is a sufficient pool of effective teachers and school leaders to work in schools served by the local educational agency;

''(D) developing support for school improvement plans among key stakeholders such as parents and families, community groups representing underserved populations, Indian tribes, educators, and teachers;

''(E) carrying out administrative duties under this section, including evaluation for school improvement and technical assistance for schools; and

''(F) coordinating activities under this section with other relevant State and local agencies, as appropriate;

''(2) address time and resources factors to improve student achievement by—

''(A) ensuring the local educational agency budget calendar is aligned with school staff and budgeting needs; and

''(B) targeting resources and support to those schools identified as persistently low-performing or as in need of improvement;

''(3) address teacher and school leader effectiveness by supporting professional development activities aligned to school improvement activities;

''(4) address curriculum and instruction factors to improve student achievement by—

''(A) ensuring curriculum alignment with the State's early learning standards and postsecondary education programs;

''(B) providing academically rigorous education options such as—

''(i) effective dropout prevention, credit and dropout recovery and recuperative education programs for disconnected youth and students who are not making sufficient progress to graduate high school in the standard number of years or who have dropped out of high school;

''(ii) providing students with postsecondary learning opportunities, such as through access to a relevant curriculum or course of study that enables a student to earn a secondary school diploma and—

''(I) an associate's degree; or

''(II) not more than 2 years of transferable credit toward a postsecondary degree or credential;

''(iii) integrating rigorous academic education with career training, including training that leads to postsecondary credentials for students;

''(iv) increasing access to Advanced Placement or International Baccalaureate courses and examinations; or

''(v) developing and utilizing innovative, high quality distance learning strategies to improve student academic achievement; and

''(C) considering how technology can be used to support school improvement activities;

''(5) address student support factors to improve student achievement by—

''(A) establishing an early warning indicator system to identify students who are at risk of dropping out of high school and to guide preventive and recuperative school improvement strategies, including—

''(i) identifying and analyzing the academic risk factors that most reliably predict dropouts by using longitudinal data of past cohorts of students;

''(ii) identifying specific indicators of student progress and performance, such as attendance, academic performance in core courses, and credit accumulation, to guide decision making;

''(iii) identifying or developing a mechanism for regularly collecting and analyzing data about the impact of interventions on the indicators of student progress and performance; and

''(iv) analyzing academic indicators to determine whether students are on track to graduate secondary school in the standard numbers of years; and

''(B) identifying and implementing strategies for pairing academic support with integrated student services and case-managed interventions for students requiring intensive supports which may include partnerships with other external partners;

''(6) promote family outreach and engagement in school improvement activities to improve student achievement;

''(7) for each school identified for school improvement, ensure the provision of technical assistance as the school develops and implements the school improvement plan throughout the plan's duration; and

''(8) identify school improvement strategies that are consistently improving student outcomes and disseminate those strategies so that all schools can implement them.

''(d) STATE EDUCATIONAL AGENCY RESPONSIBILITIES.—A State educational agency served by this part, in supporting schools identified as a school in need of improvement or a persistently low-achieving school and the local educational agencies serving such schools, shall—

''(1) assess and address local capacity constraints to ensure that its local educational agencies can meet the requirements of this section;

''(2) provide support and technical assistance, including assistance to school leaders, teachers, and other staff, to assist local educational agencies and schools in using data to support school improvement and in addressing the improvement indicators described in section 1111(c)(1)(D) and multiple measures described in section 1111(c)(1)(E), where applicable;

''(3) identify school improvement strategies that are consistently improving student outcomes and disseminate those strategies so that all schools can implement them;

''(4) target resources and support to those schools in the State that are identified as a school in need of improvement or a persistently low-achieving school and to local educational agencies serving such schools;

''(5) leverage resources from other funding sources, such as school improvement funds, technology funds, and professional development funds to support school improvement activities;

''(6) provide a statewide system of support, including regional support services, to improve teaching, learning, and student outcomes;

''(7) assist local educational agencies in developing early warning indicator systems;

''(8) with respect to schools that will work with external partners to improve student achievement—

''(A) develop and apply objective criteria to potential external partners that are based on a demonstrated record of effectiveness in school improvement;

''(B) maintain an updated list of approved external partners across the State;

''(C) develop, implement, and publicly report on standards and techniques for monitoring the quality and effectiveness of the services offered by approved external partners, and for withdrawing approval from external partners that fail to improve persistently low-achieving schools; and

''(D) may identify external partners as approved, consistent with the requirements under paragraph (7), who agree to provide services on the basis of receiving payments only when student achievement has increased at an appropriate level as determined by the State educational agency and school improvement team under subsection (b)(2); and

''(9) carry out administrative duties under this section, including providing monitoring and technical assistance to local educational agencies and schools.

''(e) RULES OF CONSTRUCTION.—Nothing in this section shall be construed—

''(1) to alter or otherwise affect the rights, remedies, and procedures afforded school or local educational agency employees under Federal, State, or local laws (including applicable regulations or court orders) or under the terms of collective bargaining agreements, memoranda of understanding, or other agreements between such employees and their employers;

''(2) to require a child to participate in an early learning program; or

''(3) to deny entry to kindergarten for any individual if the individual is legally eligible, as defined by State or local law.

''(f) DEFINITION.—In this section, the term 'external partner' means an entity—

''(1) that is an organization such as a nonprofit organization, community-based organization, local education fund, service organization, educational service agency, or institution of higher education; and

''(2) that has demonstrated expertise, effectiveness, and a record of success in providing evidence-based strategies and targeted support such as data analysis, professional development, or provision of nonacademic support and integrated student services to local educational agencies, schools, or students that leads to improved teaching, learning, and outcomes for students.''.

SEC. 106. PARENTAL INVOLVEMENT.

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

(1) by redesignating subsections (a) through (h) as subsections (b) through (i), respectively; and

(2) by inserting before subsection (b), as redesignated by paragraph (1), the following:

''(a) IN GENERAL.—Each local educational agency and each school receiving funds under this part shall develop policies and practices for family engagement in education that meet the following principles and standards for family-school partnerships:

''(1) Welcome all families to be active participants in the life of the school, so that they feel valued and connected to each other, school staff, and student learning.

''(2) Communicate effectively by ensuring regular two-way, meaningful communication between family members and local educational agency and school staff in a manner, language, and with technology that family members can understand and access.

''(3) Support student success by fostering continuous collaboration between family members and local educational agency and school staff to support student learning and healthy student development at school and at home.

''(4) Speak up for every child and empower family members to be advocates for all students within the school.

''(5) Ensure that family members, local educational agencies, and school staff are equal partners in family engagement in education decisionmaking.

''(6) Collaborate with community organizations and groups to turn the school into a hub of community life.

''(7) Create a continuum of family engagement in education in student learning and development from birth to young adulthood.

''(8) Train and support superintendents, principals, teachers, and specialized instructional support personnel to fully engage families in the education of their children.''.

(b) WRITTEN POLICY.—Section 1118(b)(2), as redesignated by subsection (a), is amended—

(1) in subparagraph (C), by striking ''subsection (e)'' and inserting ''subsection (f)'';

(2) in subparagraph (E), by striking ''and'' after the semicolon;

(3) in subparagraph (F), by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

''(G) participate in evaluations of the effectiveness of family engagement in education strategies and policies; and

''(H) participate in developing recommendations for creating a positive school climate and safe and healthy schools.''.

(c) RESERVATION.—Section 1118(b)(3)(A), as redesignated by subsection (a), is amended to read as follows:

''(A) IN GENERAL.—Each local educational agency shall reserve not less than 2 percent of its allocation under subpart 2 to carry out this section, except that this subparagraph shall not apply if 2 percent is such agency's allocation under subpart 2 for the fiscal year for which the determination is made is $10,000 or less.''.

(d) DISTRIBUTION.—Section 1118(b)(3)(C), as redesignated by subsection (a), is amended to read as follows:

''(C) DISTRIBUTION.—Not more than 20 percent of the funds reserved under subparagraph (A) shall be available for local educational agency programming and technical assistance to schools served under this part.''.

(e) RESERVED FUNDS.—Section 1118(b)(3), as redesignated by subsection (a), is amended—

(1) by redesignating subparagraphs (B) and (c) as subparagraphs (C) and (D), respectively; and

(2) by inserting after subparagraph (A) the following:

''(B) USE OF FUNDS.—Funds reserved under subparagraph (A) may be used for the following:

''(i) Increasing capacity through establishment of a dedicated office or dedicated office or dedicated personnel within the local educational agency or at the school level for family engagement in education.

''(ii) Supporting schools and nonprofit organizations in providing professional development on family engagement in education for school staff, parent leadership training, family literacy and numeracy programs, home visitation programs, family volunteerism programs, and other innovative programs that meaningfully engage families.

''(iii) Providing technical assistance and training to schools on the implementation and assessment of family engagement in education policies and practices.

''(iv) Providing additional support to schools that have been identified for improvement under section 1116(b) to assist in the implementation of family engagement in education coordinators.

''(v) Partnering with the Statewide Family Engagement Center and local community-based organizations to identify community resources, services, and supports to remove economic obstacles to family engagement in education by meeting families' needs.

''(vi) Supporting schools and eligible entities in the development and implementation of research-based practices and programs that emphasize the importance of family engagement in academic success and positive development by addressing factors such as—

''(I) successful transitions from early learning to kindergarten through grade 12 settings;

''(II) improved understanding of and shared responsibility for student success;

''(III) improved understanding and use of student and school data;

''(IV) open, effective communication between schools and families;

''(V) early warning indicators that a student is at risk of not graduating on time;

''(VI) improved understanding of State and local accountability systems, academic standards and student assessments;

''(VII) parent and community advocacy to increase parent participation;

''(VIII) improved understanding of the parents' role in academic, social, and financial preparation for postsecondary education, including career and technical education.

''(vii) Assisting schools in the development, implementation, and assessment of family engagement in education plans.

''(viii) Monitoring and evaluating the family engagement in education in education policies and practices funded under this section.

''(ix) Supporting other activities approved in the local educational agency's plan for improving family engagement in education.''.

(f) SCHOOL PARENTAL INVOLVEMENT POLICY.—Section 1118(c)(1), as redesignated by subsection (a), is amended in the first sentence by striking ''subsections (c) through (f)'' and inserting ''subsections (d) through (g)''.

(g) SHARED RESPONSIBILITY FOR HIGH STUDENT ACHIEVEMENT.—Section 1118(e), as redesignated by subsection (a), is amended—

(1) in the matter preceding paragraph (1), by striking ''subsection (b)'' and inserting ''subsection (c)''; and

(2) by striking paragraph (1) and inserting the following:

''(1) describe the school's responsibility to—

''(A) provide high-quality curriculum and instruction in a supportive and effective learning environment that enables the children served under this part to meet the State's student academic achievement standards, and the ways in which parents and families will support their children's learning, such as—

''(i) monitoring attendance and homework completion;

''(ii) volunteering in their child's classroom or school; and

''(iii) participating, as appropriate, in decisions relating to the education of their children and positive use of extracurricular time; and

''(B) engage families in the development of recommendations for student attendance, expectations, behavior, and school safety, including the development of reasonable disciplinary policies and interventions, such as the implementation of school-wide positive

behavior interventions and supports and the phase-out of out-of-school suspension and expulsion and to address bullying and harassment; and''.

SEC. 107. COMPARABLE ALLOCATION OF EXPENDITURES.

(a) AMENDMENT.—Section 1120A(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6321(c)) is amended to read as follows:

''(c) COMPARABLE ALLOCATION OF EXPENDITURES.—

''(1) IN GENERAL.—

''(A) COMPARABLE FUNDING.—Not later than 5 full school years after the date of enactment the Student Success Act, except as provided in paragraphs (5), (6), and (7), a local educational agency may receive funds under this part for a fiscal year only if, for the preceding fiscal year, the combined expenditure per pupil of State and local funds, including personnel and nonpersonnel costs, in each school served under this part was at least comparable to the average combined expenditure per pupil of State and local funds, including personnel and nonpersonnel costs, across all schools served by the local educational agency that are not receiving funds under this part.

''(B) COMPARABLE FUNDING AMONG TITLE I SCHOOLS.—In any case where all of the schools served by a local educational agency receive support under this part, such agency may receive funds under this part only if, for the preceding fiscal year, the combined expenditure per pupil of State and local funds in each higher poverty school is at least comparable to the average combined expenditure per pupil of State and local funds across all lower poverty schools.

''(2) EQUIVALENCE.—A local educational agency shall be considered to have met the requirements of paragraph (1), and to be eligible to receive funds under this part, if—

''(A) such agency has filed annually with the State educational agency a school-by-school listing of per-pupil expenditures of State and local funds, as described in paragraph (1), for each school served by the agency for the preceding fiscal year; and

''(B) the listing described in subparagraph (A) demonstrates comparable allocation of per-pupil expenditures across schools as required by subparagraph (A) or (B) of paragraph (1).

''(3) BASIS.—A local educational agency may meet the requirements of paragraphs (1) or (2) across all schools or among schools serving a particular grade span, if the local educational agency compares schools within not more than three grade spans.

''(4) REQUIREMENTS.—

''(A) REQUIREMENTS OF THE SECRETARY.—The Secretary shall issue regulations concerning the responsibilities of State educational agencies and local educational agencies for meeting the requirements of this subsection.

''(B) REQUIREMENTS OF STATES.—Each State educational agency receiving funds under this part shall—

''(i) create and distribute to local educational agencies, and make available to the public, regulations on the responsibilities of local educational agencies for meeting the requirements of this subsection; and

''(ii) submit a plan to the Secretary, required under section 1111(d)(1)(B).

''(C) REQUIREMENTS OF LOCAL EDUCATIONAL AGENCIES.—Not later than 18 months after the date of enactment of the Student Success Act, each local educational agency receiving funds under this part shall develop and submit to the State educational agency a plan, which shall be made available to the public, that will ensure comparable allocation of resources as described in paragraph (1) not later than 5 full school years after the date of enactment of the Student Success Act, including information on—

''(i) a timeline and annual benchmarks for making progress toward achieving comparable allocation of resources; and

''(ii) how the local educational agency is aligning school improvement efforts described under section 1116(b) and (c), efforts to improve educator supports and working conditions described in section 2112(b)(3), and efforts to improve the equitable distribution of teachers and principals described in section 2112(b)(5), with efforts to improve the comparable allocation of resources as described in this subsection;

''(5) INAPPLICABILITY.—This subsection shall not apply to a local educational agency that does not have more than one building for each grade span.

''(6) COMPLIANCE.—For the purpose of determining compliance with paragraph (1), a local educational agency—

''(A) shall exclude State and local funds expended for the excess costs of providing English language instruction for Limited English Proficient students as determined by the local educational agency;

''(B) shall exclude State and local funds expended for the excess costs of providing services to children with disabilities as determined by the local educational agency;

''(C) may exclude capital expenditures; and

''(D) may exclude supplemental State or local funds expended in any school attendance area or school for programs that meet the intent and purpose of this part.

''(7) EXCLUSIONS.—A local educational agency need not include unpredictable or significant changes in student enrollment or personnel assignments that occur after the beginning of a school year in determining the comparable allocation of expenditures under this subsection.

''(8) TRANSITIONAL COMPLIANCE.—Beginning on the date of enactment of Student Success Act, for no more than 5 full school years a local educational agency shall be deemed to be in compliance with paragraph (1) and paragraph (4)(C)(i) for any school year, if the teachers hired to fill vacancies for individual schools served under this part, and for the schools not served under this part, improve the comparable allocation of combined State and local per pupil expenditures compared to the preceding school year.

''(9) WAIVER.—A local educational agency may apply to the Secretary to waive the requirement of paragraph (1), 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.

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

''(11) NO FORCED TRANSFERS.—Nothing in this subsection shall be construed to require a local educational agency to transfer school personnel in order to comply with the requirements of this subsection.''.

SEC. 108. COORDINATION REQUIREMENTS.

Section 1120B of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6321(c)) is amended to read as follows:

''SEC. 1120B. COORDINATION REQUIREMENTS.

''(a) IN GENERAL.—Each local educational agency receiving assistance under this part shall—

''(1) coordinate, as feasible, with early childhood programs to carry out the activities described in subsection (b); and

''(2) develop agreements with Head Start agencies to carry out the activities described in subsection (b).

''(b) ACTIVITIES.—The activities referred to in subsection (a) are activities that increase coordination between the local educational agency and a Head Start agency and, if feasible, other entities carrying out early childhood development programs serving children who will attend the schools of the local educational agency, including—

''(1) developing and implementing a systematic procedure for receiving records regarding such children, transferred with parental consent from a Head Start program or, where applicable, another early childhood development program;

''(2) establishing channels of communication between school staff and in such Head Start agencies or other entities carrying out early their counterparts (including teachers, social workers, and health staff) childhood development programs, as appropriate, to facilitate coordination of programs;

''(3) conducting meetings involving parents, kindergarten or elementary school teachers, and Head Start teachers or, if appropriate, teachers from other early childhood development programs, to discuss the developmental and other needs of individual children;

''(4) organizing and participating in joint transition-related training of school staff, Head Start program staff, and, where appropriate, other early childhood development program staff; and

''(5) linking the educational services provided by such local educational agency with the services provided by local Head Start agencies.

''(c) COORDINATION OF REGULATIONS.—The Secretary shall work with the Secretary of Health and Human Services to coordinate regulations promulgated under this part with regulations promulgated under the Head Start Act.''.

SEC. 109. RESERVATION OF FUNDS FOR THE OUTLYING AREAS AND BUREAU OF INDIAN EDUCATION SCHOOLS.

Section 1121(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6331(a)) is amended to read as follows:

''(a) RESERVATION OF FUNDS.—

''(1) IN GENERAL.—From the amount appropriated for payments to States for any fiscal year under section 1002(a) and 1125A(f), the Secretary shall reserve—

''(A) for each fiscal year until the fiscal year described in paragraph (2), a total of 1 percent to provide assistance to—

''(i) the outlying areas in the amount determined in accordance with subsection (b); and

''(ii) the Secretary of the Interior in the amount necessary to make payments pursuant to subsection (d); and

''(B) for the fiscal year described in paragraph (2) and each succeeding fiscal year—

''(i) 0.50 percent to provide assistance to the outlying areas in the amount determined in accordance with subsection (b); and

''(ii) 0.75 percent to provide assistance to the Secretary of the Interior in the amount necessary to make payments pursuant to subsection (d).

''(2) DESCRIPTION OF FISCAL YEAR.—A fiscal year described in this paragraph is a fiscal year for which the total amount allocated under this part for each State, after reserving funds in accordance with paragraph (1)(B), would be an amount that is not less than the total amount allocated under this part for such State for fiscal year 2014.''.

SEC. 110. SUPPORT FOR HIGH-QUALITY ASSESSMENTS.

(a) AMENDMENT.—Part A of title I (20 U.S.C. 6311 et seq.) is amended by adding at the end the following new subpart:

"Subpart 3—Support for High-Quality Assessments

"SEC. 1131. SUPPORTING COLLEGE AND CAREER READY ASSESSMENTS.

''From funds made available to carry out this subpart, the Secretary shall make grants to States to enable a State—

''(1) to pay the costs of the development of college and career ready assessments and standards required by section 1111(b), including—

''(A) the costs of working in voluntary partnerships with other States, where applicable;

''(B) developing high-quality science assessments in accordance with section 1111(b)(3);

''(C) if a State uses alternate assessments aligned with alternate achievement standards for students with the most significant cognitive disabilities, improving the quality and rigor of such assessments to meet the requirements of section 1111(b)(3)(E);

''(D) in accordance with section 1111(b)(3)(D), developing native language assessments; and

''(E) improving assessments of English language proficiency necessary to comply with section 1111(b)(3)(F); and

''(2) if a State has developed the assessments and standards required by section 1111(b), to administer those assessments or to carry out other activities described in this subpart and other activities related to ensuring that the State's schools and local educational agencies are held accountable for results, such as—

''(A) developing college and career ready academic content and student achievement standards and aligned assessments that meet the requirements of section 1111(b)(3) in academic subjects for which standards and assessments are not required by section 1111(b);

''(B) ensuring the continued validity and reliability of State assessments, including through evaluating and addressing the predictability of assessment components;

''(C) refining State assessments to ensure their continued alignment with the State's college and career ready content standards and to improve the alignment of curricula and instructional materials;

''(D) developing and implementing formative assessments aligned to the college and career ready standards to support teaching and learning;

''(E) strengthening the capacity of local educational agencies and schools to provide all students the opportunity to increase educational achievement, including carrying out professional development activities to support assessment literacy and help teachers and school leaders effectively use data to improve instruction;

''(F) supporting the accessibility of State assessment systems for all students, including students with disabilities and English learners, by incorporating principles of universal design for learning, as described in section 5429(b)(21);

''(G) expanding the range of accommodations available to English learners and students with disabilities, including professional development activities to increase effective use of accommodations; and

''(H) improving the dissemination of information on student achievement and school performance to parents and the community.

"SEC. 1132. GRANTS FOR HIGH-QUALITY ASSESSMENTS.

''(a) GRANT PROGRAM AUTHORIZED.—From funds made available to carry out this subpart, the Secretary shall award, on a competitive basis, grants to State educational agencies that have submitted an application at such time, in such manner, and containing such information as the Secretary may require, which demonstrate to the satisfaction of the Secretary, that the requirements of this section will be met, for the following:

''(1) To enable States or consortia of States to collaborate with institutions of higher education, other research institutions, or other organizations to improve the quality, accessibility, validity, and reliability of college and career ready assessments described in section 1111(b)(3).

''(2) To measure student academic achievement including the ability to think critically, solve problems, and communicate effectively, for, at a minimum, the grade in which the student is enrolled using multiple measures of student academic achievement from multiple sources.

''(3) To measure student growth over time.

''(4) To evaluate student academic achievement through the development of comprehensive academic assessment instruments, such as performance and technology-based academic assessments.

''(b) APPLICATION.—Each State educational agency wishing to apply for funds under this section shall include in its State plan under this part such information as the Secretary may require.

''(c) ANNUAL REPORT.—Each State educational agency receiving a grant under this section shall submit an annual report to the Secretary describing its activities, and the result of those activities, under the grant.

"SEC. 1133. COMPETENCY-BASED ASSESSMENT AND ACCOUNTABILITY DEMONSTRATION AUTHORITY.

''(a) DEFINITIONS.—In this part:

''(1) COLLEGE AND CAREER READY STANDARDS.—The term 'college and career ready standards' means the academic content and student academic achievement standards adopted by a State under section 1111(b).

''(2) COMPETENCY.—The term 'competency' means a target for student learning representing key content-specific concepts and higher order skills, such as critical thinking, problem solving, and self directed learning that is—

''(A) applied within or across content domains; and

''(B) aligned with college and career ready content standards as described in section 1111(b).

''(3) CORE INDICATORS.—The term 'core indicators' means—

''(A) State academic assessments that meet the requirements of section 1111(b)(3) and that provide data that can be compared with data regarding the State academic assessments required under section 1111(b)(3); and

''(B) graduation rates.

''(4) ELIGIBLE ENTITY.—The term 'eligible entity' means a State educational agency or consortium of State educational agencies.

''(5) MASTERY.—The term 'mastery' means a level of knowledge or skill development demonstrated by a student signifying that the student has met a standard and is prepared to progress to a subsequent standard.

''(6) PERFORMANCE ASSESSMENT.—The term 'performance assessment' means a multi-step assessment that—

''(A) includes complex activities with clear criteria, expectations, and processes that enable students to interact with meaningful content; and

''(B) measures the depth at which students learn content and apply complex skills to create or refine an original product or solution.

''(b) DEMONSTRATION AUTHORITY.—

''(1) IN GENERAL.—The Secretary may provide eligible entities, in accordance with paragraph (3), with the authority to incorporate competency-based accountability into the State accountability system required under section 1111(c) in accordance with an application approved under subsection (c).

''(2) DEMONSTRATION PERIOD.—Each award of demonstration authority under this part shall be for a period of 3 years.

''(3) INITIAL DEMONSTRATION AUTHORITY; EXPANSION; RENEWAL.—

''(A) INITIAL LIMIT.—During the initial 3-year period of demonstration authority under this section, the Secretary may not provide more than 3 eligible entities with the authority described in paragraph (1).

''(B) EXPANSION OF DEMONSTRATION AUTHORITY.—After the end of the initial demonstration period described in subparagraph (A), the Secretary may provide additional eligible entities with demonstration authority described in paragraph (1), subject to each of the requirements of this part as applicable, if the Secretary determines that the demonstration authority provided under this part during the initial demonstration period has effectively supported student progress on core indicators among students served by the eligible entities, including subgroups of students described in section 1111(c)(3)(A).

''(C) RENEWAL REQUIREMENTS.—The Secretary may renew an award of demonstration authority under this part for additional 2-year periods if the eligible entity demonstrates progress on core indicators.

''(c) APPLICATIONS.—To be eligible to participate in the demonstration under this part, an eligible entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, that describes the competency-based accountability system that will be used by the eligible entity, including—

''(1) an assurance that the competency-based accountability system will only utilize summative assessments for accountability purposes that—

''(A) are determined by the Secretary to provide comparable data across the eligible entity, demonstrate inter-rater reliability, and meet the requirements for assessments described in section 1111(b)(3);

''(B) have been field-tested;

''(C) are aligned to college and career ready standards and State-approved competencies;

''(D) have been developed in collaboration with stakeholders representing the interests of students with disabilities, English learners, and civil rights organizations in the State, as demonstrated through modifications made to the assessments resulting from such collaboration; and

''(E) incorporate the principles of universal design as defined in section 3(a) of the Assistive Technology Act of 1998 (29 U.S.C. 3002(a));

''(2) how the competency-based accountability system will—

''(A) incorporate a system of formative, interim, and summative assessments, including the use of performance assessments and other sources of evidence of student learning that determine mastery of State-approved competencies aligned to college and career ready standards and competencies;

''(B) allow students to demonstrate progress toward mastery of such standards and State-approved competencies;

''(C) assess mastery of State-approved competencies when students are ready to demonstrate mastery of such standards and competencies;

''(D) provide students with multiple opportunities to demonstrate mastery of such standards and competencies;

''(E) ensure that summative assessments comply with the requirements for academic assessments, as described in section 1111(b)(3), while engaging and supporting teachers in scoring assessments, including the use of high quality professional development, standardized and calibrated scoring rubrics, and other strategies to ensure inter-rater reliability and comparability of determinations of mastery across the State;

''(F) provide educators, students, and parents with real-time data to inform instructional practice and continuously improve student performance;

''(G) be used in conjunction with the accountability requirements described in section 1111(c) and section 1116 to improve the academic outcomes of persistently low-achieving schools and schools in need of improvement identified under section 1116, and all other schools that fail to meet the school performance targets, established in accordance with section 1111(c)(2), for any subgroup described in section 1111(c)(3)(A);

''(H) require not less than 1 year of academic growth within a school year for each student and assure instructional support and targeted intervention are in place for those students performing below their peers; and

''(I) only utilize a student's individualized education program, as defined in section 602 of the Individuals with Disabilities Education Act, for purposes specifically allowed under such Act;

''(3) the eligible entity's plan to—

''(A) ensure that all students, including each student subgroup described in section 1111(c)(3)(A)—

''(i) are held to the same high standard;

''(ii) demonstrate annually, at a minimum, at least 1 year of academic growth consistent with the requirement in section1111(b)(4)(E); and

''(iii) receive the instructional support needed to attain mastery of college and career ready standards and State-approved competencies;

''(B) train local educational agency and school staff to implement the assessments described in paragraph (2)(A);

''(C) acclimate students to the new assessment and accountability systems; and

''(D) ensure that each local educational agency has the technological infrastructure to operate the competency-based accountability system described in this section; and

''(4) a description of how instruction and professional development will be enhanced within the competency-based system to personalize the educational experience for each student to ensure all students graduate college and career ready, as determined in accordance with State academic achievement standards under section 1111(b).

''(d) PEER REVIEW.—The Secretary shall—

''(1) implement a peer review process, which shall include a review team comprised of practitioners and experts who are knowledgeable about competency-based learning systems, to inform the awarding of the demonstration authority under this part; and

''(2) make publicly available the applications submitted under subsection (c) and the peer comments and recommendations on such applications.

''(e) DEMONSTRATION AUTHORITY WITHDRAWN.—The Secretary may withdraw the demonstration authority provided to an eligible entity under this part if—

''(1) at any point after the first 2 years of the 3-year demonstration period described in subsection (b)(2), the Secretary determines that student performance for all students served by the eligible entity or any student subgroup described under section 1111(c)(3)(A) has declined on core indicators; or

''(2) after providing a State with a renewal of demonstration authority under subsection (b)(3), the Secretary makes a determination that student performance has declined on core indicators for all students or any student subgroup described under section 1111(c)(3)(A) for 2 consecutive years during the State's participation in the demonstration under this part.

''(f) DISSEMINATION OF BEST PRACTICES.—The Secretary shall disseminate best practices on the implementation of competency-based accountability systems, including on—

''(1) the effective use of formative, interim, and summative assessments to inform instruction;

''(2) the development of summative assessments that meet the requirements of section 1111(b)(3), can be compared with the State assessments required under section 1111(b)(3), and include assessment tasks that determine mastery of State-approved competencies aligned to college and career ready standards; and

''(3) the development of standardized and calibrated scoring rubrics, and other strategies to ensure inter-rater reliability and comparability of determinations of mastery across the State.

''SEC. 1134. FUNDING.

''(a) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subpart, there are authorized to be appropriated $500,000,000 for fiscal year 2014, and such sums as may be necessary for each of the 5 succeeding fiscal years.

''(b) ALLOTMENT OF APPROPRIATED FUNDS.—

''(1) IN GENERAL.—From amounts made available for each fiscal year under subsection (a), the Secretary shall—

''(A) reserve one-half of 1 percent for the Bureau of Indian Affairs;

''(B) reserve one-half of 1 percent for the outlying areas; and

''(C) from the remainder, allocate to each State an amount equal to—

''(i) $3,000,000; and

''(ii) with respect to any amounts remaining after the allocation is made under clause (i), an amount that bears the same relationship to such total remaining amounts as the number of students ages 5 through 17 in the State (as determined by the Secretary on the basis of the most recent satisfactory data) bears to the total number of such students in all States.

''(2) REMAINDER.—Any amounts remaining for a fiscal year after the Secretary carries out paragraph (1) shall be made available as follows:

''(A)(i) To award funds under sections 1132 and 1133 to States according to the quality, needs, and scope of the State application under that section.

''(ii) In determining the grant amount under clause (i), the Secretary shall ensure that a State's grant shall include an amount that bears the same relationship to the total funds available under this paragraph for the fiscal year as the number of students ages 5 through 17 in the State (as determined by the Secretary on the basis of the most recent satisfactory data) bears to the total number of such students in all States.

''(B) Any amounts remaining after the Secretary awards funds under subparagraph (A) shall be allocated to each State that did not receive a grant under such subparagraph, in an amount that bears the same relationship to the total funds available under this subparagraph as the number of students ages 5 through 17 in the State (as determined by the Secretary on the basis of the most recent satisfactory data) bears to the total number of such students in all States.

''SEC. 1135. STATE DEFINED.

''In this section, the term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.''.

(b) CONFORMING AMENDMENT.—Subpart 1 of part A of title VI (20 U.S.C. 7301 et seq.) is repealed.

TITLE II—TEACHERS AND LEADERS

SEC. 201. GREAT TEACHERS AND LEADERS.

Title II (20 U.S.C. 6601 et seq.) is amended to read as follows:

''TITLE II—GREAT TEACHERS AND LEADERS

''SEC. 2001. PURPOSE.

''The purpose of this title is to help States and local educational agencies support teachers and school leaders to improve student achievement for all students, including English learners and students with disabilities, by—

''(1) promoting and enhancing the teaching profession;

''(2) supporting the development of effective of teachers and school leaders;

''(3) recruiting, rewarding, and retaining effective teachers and other school leaders and fostering excellent instructional teams, especially in high-need local educational agencies, schools, fields, and subjects;

''(4) providing teachers with the knowledge, skills, data, support, and collaborative opportunities needed to be effective in the classroom and to the meet the diverse learning needs of their students;

''(5) providing all students with access to effective teachers and school leaders; and

''(6) improving the management of the education workforce in States and local educational agencies.

''SEC. 2002. DEFINITIONS.

''In this title:

''(1) CAREER LADDERS.—The term 'career ladders' means promotion and professional growth opportunities, beyond moving into administration, for teachers who have been rated as at least effective by a teacher evaluation system that meets the requirements of section 2112(b)(1), including teacher leaders, instructional or curriculum specialists, and teacher mentors, who help improve teaching and learning in a school or local educational agency.

''(2) HIGH-NEED FIELD.—The term 'high-need field' refers to the fields of special education, bilingual education, and English language acquisition.

''(3) HIGH-NEED SUBJECT.—The term 'high-need subject' means mathematics, science, and any other content area—

''(A) that is designated by a State educational agency or the Secretary as a teacher shortage area; or

''(B) with respect to which a local educational agency determines, based on the needs assessment required under section 2122(a)(2), that, in the schools or a subset of schools of the agency, there is a shortage of teachers who have been rated by a State-approved teacher and principal evaluation that meets the requirements of section 2112(b)(1) as at least effective.

''(4) HIGH-NEED LOCAL EDUCATIONAL AGENCY.—The term 'high-need local educational agency' means a local educational agency—

''(A)(i) that serves not fewer than 10,000 children from families with incomes below the poverty line; or

''(ii) for which not less than 20 percent of the children served by the agency are from families with incomes below the poverty line; and

''(B)(i) for which there is a high percentage of teachers not teaching in the academic subjects or grade levels that the teachers were trained to teach; or

''(ii) for which there is a high percentage of teachers with emergency, provisional, or temporary certification or licensing.

''(5) QUALIFIED TEACHER.—The term 'qualified teacher' means a teacher who meets the minimum qualifications to teach in a State and—

''(A) when used with respect to a middle school or high school teacher who is entering the profession in a State for the first time, means that the teacher—

''(i) holds at least a bachelor's degree;

''(ii) has demonstrated to the State, content knowledge in the content area that the teacher will teach as determined—

''(I) by passing a rigorous State assessment; or

''(II) by successful completion of an academic major, a graduate degree, or coursework equivalent to an undergraduate academic major in the content area that the teacher will teach;

''(iii) if required by the State to demonstrate teaching skills by passing a State teacher performance assessment, has passed such assessment;

''(iv) has successfully completed a traditional or alternative teacher preparation program; and

''(v) at the State's discretion, may be enrolled in an alternative teacher preparation program, and—

''(I) be on track to successful completion of such program; and

''(II) be supervised by a mentor teacher who has been consistently rated in the highest rating categories by a teacher evaluation system that meets the requirements of section 2112(b)(1);

''(B) when used with respect to an elementary school teacher who is entering the profession in a State for the first time, means that the teacher—

''(i) holds at least a bachelor's degree;

''(ii) has demonstrated to the State, content knowledge and teaching skills in reading, writing, mathematics, science, and other areas of the elementary school curriculum—

''(I) by passing a rigorous passing a rigorous State assessment or State-required test in reading, writing, mathematics, science, and other areas of the basic elementary school curriculum; or

''(II) by successful completion of an academic major, a graduate degree, or coursework equivalent to an undergraduate academic major in the content areas that the teacher will teach;

''(iii) if required by the State to demonstrate teaching skills by passing a State teacher performance assessment, has passed such assessment;

''(iv) has successfully completed a traditional or alternative teacher preparation program;

''(v) at the State's discretion, may be enrolled in an alternative teacher preparation program; and

''(I) be on track to successful completion of such program; and

''(II) be supervised by a mentor teacher who has been consistently rated in the highest rating categories by a teacher evaluation system that meets the requirements of section 2112(b)(1); and

''(C) means any teacher who is highly qualified as defined in section 9101(23) or section 602(10) of the Individuals with Disabilities Education Act, as such section was in effect on the day before the date of enactment of the Student Success Act.

''(6) INDUCTION.—The term 'induction' means a program for new teachers and new principals, as appropriate, during at least their first 2 years of practice, that is designed to increase effectiveness and retention of new teachers and new principals, and that includes—

''(A) high-quality mentoring;

''(B) development of skills and knowledge in areas needed for new teachers, including, content knowledge and pedagogy, instructional strategies for teaching students with diverse learning needs, classroom management (including strategies that improve the school-wide climate for learning, which may include positive behavioral interventions and supports), formative assessment of student learning, and the analysis and use of student assessment data to improve instruction;

''(C) frequent, structured time for collaboration and professional development with teachers and principals in the same field, grade, or subject area, and opportunities to draw directly on the expertise of other school and local educational agency staff, staff of high-performing pathways, and other organizations that provide high-quality induction supports;

''(D) regular and structured observation and feedback by mentors, school leaders, or teachers who have been consistently rated in the highest rating categories by a teacher evaluation system that meets the requirements of section 2112(b)(1); and

''(E) where feasible, team teaching, reduced teaching load and activities designed to ensure that teachers have appropriate teaching tools and instructional materials for their classroom.

''(7) MENTORING.—The term 'mentoring' means the mentoring of new teachers and principals, as appropriate, so as to increase the effectiveness and retention of those teachers and principals through a program tat—

''(A) includes clear criteria for the selection of teacher and principal mentors that take into account a candidate's effectiveness as a teacher or principals and that individuals ability to facilitate adult learning;

''(B) provides high-quality training for the mentors on how to support new teachers and principals effectively;

''(C) provides regularly scheduled time for collaboration and for examination of student work and achievement data, and on-going opportunities for mentors and mentees to observe each other's practice; and

''(D) matches, when possible, each mentee with a mentor who is in the same field, grade, or subject area as the mentee.

''(8) PROFESSIONAL DEVELOPMENT.—The term 'professional development' means coordinated and aligned activities with evidence of increasing effectiveness of educators, which may include teachers, principals, other school leaders, specialized instructional support personnel, paraprofessionals, early childhood educators, and other school staff that—

''(A) fosters collective responsibility for improved student performance;

''(B) is comprised of professional learning that—

''(i) aligns with State academic content and achievement standards and early learning standards, as appropriate, with local educational agency and school improvement goals and plans, including those identified under section 1116, and with school instructional materials;

''(ii) is aligned to a State-approved teacher and principal evaluation system the meets the requirements of section 2112(b)(1) ;

''(iii) is conducted among educators at the school and facilitated by trained school principals and school-based professional development coaches, mentors, master teachers, or other teacher leaders;

''(iv) supports family engagement in their children's education;

''(v) primarily occurs frequently and during significant blocks of time among established teams of teachers, principals, and other instructional staff members where the teams of educators engage in a continuous cycle of improvement that—

''(I) defines a clear set of educator learning goals based on the rigorous analysis of data and individual evaluations under section 2112(b)(1) and improves content knowledge, pedagogical skills, and the ability to analyze and use data;

''(II) achieves the educator learning goals based identified under subclause (I) by implementing coherent, sustained, and evidence-based learning strategies, such as lesson study and the development of formative assessments, that improve instructional effectiveness and student achievement;

''(III) provides job-embedded coaching or other forms of assistance to support the transfer of new knowledge and skills to the classroom;

''(IV) regularly assesses the effectiveness of the professional development in achieving identified learning goals, improving teaching, and assisting all students in meeting challenging State academic achievement standards;

''(V) informs ongoing improvements in teaching and student learning;

''(VI) may support joint professional development activities for school staff and early childhood educators that address the transition to elementary school, including issues related to school readiness across all major domains of early learning; and

''(VII) may be supported by external assistance with relevant expertise, including content expertise; and

''(C) may be supplemented by activities such as courses, workshops, institutes, networks, and conferences that—

''(i) address the learning goals and objectives established for professional development by educators at the school level;

''(ii) advance the ongoing school-based professional development; and

''(iii) are provided for by for-profit and non-profit entities outside the school such as universities, education service agencies, technical assistance providers, networks of content-area specialists, and other education organizations and associations.

''(9) SCHOOL LEADER.—The term 'school leader' means a principal, an assistant principal, or an individual who is—

''(A) is and employee or officer of a school; and

''(B) is responsible for the managerial operations and instructional leadership of that school.

''(10) SCHOOL LEADERSHIP TEAM.—The term 'school leadership team' means a group that includes the principal, other school leaders, and teachers at a school who work together to develop school plans or goals for the school.

''(11) STATE TEACHER PERFORMANCE ASSESSMENT.—The term 'State-teacher performance assessment' means a rigorous assessment used to measure teacher performance that is developed and approved in collaboration with teachers, and administered by the State and—

''(A) is based on professional teaching standards;

''(B) are aligned to State academic content and achievement and early learning standards;

''(C) is used to document the effectiveness of a teacher's—

''(i) curriculum planning;

''(ii) instruction of students, including appropriate supports for students who are English learners and students who are children with disabilities; and

''(iii) assessment of students, including analysis of evidence of student learning;

''(D) is validated based on professional assessment standards;

''(E) is regularly monitored to ensure the quality, reliability, validity, fairness, consistency, and objectivity of the evaluators' determinations;

''(F) is reliably scored by trained evaluators with appropriate oversight of the process to ensure consistency; and

''(G) the results of which are used to support continuous improvement of educator practice.

''(12) TEACHING RESIDENCY PROGRAM.—The term 'teaching residency program' means a school-based teacher preparation program in which a prospective teacher—

''(A) teaches alongside a mentor teacher, who is the teacher of record, for at least one year;

''(B) receives concurrent instruction in the teaching of the content area in which the teacher will become certified or licensed;

''(C) receives concurrent instruction in effective teaching skills; and

''(D) attains full State teacher certification or licensure, and becomes qualified prior to, or upon, completion of the program.

''(13) EVIDENCE OF CLASSROOM PRACTICE.—The term 'evidence of classroom practice' means evidence gathered through multiple formats and from multiple sources that demonstrate effective teaching skills and—

''(A) shall include—

''(i) multiple classroom observations based on rigorous teacher performance standards or rubrics and conducted by trained personnel consistent with section 2112(b)(1);

''(ii) information on the teacher's successful use of data to improve instruction and raise student achievement;

''(iii) student work, lesson plans, feedback provided to students and teacher developed classroom assessments;

''(iv) demonstration of professional responsibility; and

''(B) may include, but which shall have a weight that is less than the weight assigned to the requirements described in subparagraph (A)—

''(i) videos of teacher practice;

''(ii) teacher portfolios; and

''(iii) parent, student, and peer feedback.

''(14) EVIDENCE OF SCHOOL LEADERSHIP.—The term 'evidence of school leadership' means evidence gathered through multiple formats and from multiple sources that shall include an evaluation of—

''(A) data on student learning gains, including evidence of student learning;

''(B) gains in student achievement, including passage of required exams for course progression, credit accumulation, completion of promotion standards, and graduation rates;

''(C) increases in student attendance rates;

''(D) percentage of effective teachers on staff;

''(E) retention rates of effective teachers rated by a teacher evaluation that meets the requirements of section 2112(b)(1) to those teachers rated below effective by such an evaluation;

''(F) evidence of successful use of teacher evaluation and alignment to effective professional development, including support for teachers to improve effectiveness status;

''(G) demonstration of instructional leadership, including use of data and assessment to inform decision-making;

''(H) improvement of teacher effectiveness of teachers in the school;

''(I) demonstration of effective fiscal management, where applicable;

''(J) evidence of effective community and parent engagement;

''(K) improved teacher attendance rates;

''(L) establishment of learning communities where principals and teachers—

''(i) share a school mission and goals with an explicit vision of quality teaching and learning that guides all instructional decisions;

''(ii) commit to improving student outcomes and performances;

''(iii) set a continuous cycle of collective inquiry and improvement;

''(iv) foster a culture of collaboration where teachers and principals work together on a regular basis to analyze and improve teaching and learning; and

''(v) support and share leadership; and

''(M) develop and maintain a positive school culture where students, teachers and other staff are motivated to collaborate and work together to achieve goals.

''(15) EVIDENCE OF STUDENT LEARNING.—The term 'evidence of student learning' means data that shall be based on multiple, valid and reliable indicators of student academic growth towards State content and achievement standards, which shall be based significantly on—

''(A) student learning gains on the State student academic assessments under section 1111(c) and, for grades and subjects not covered by the State's student academic assessments, another valid and reliable assessment of student academic achievement, as long as the assessment is used consistently by the local educational agency for the grade or class for which the assessment is administered; and

''(B) other evidence of student learning that is comparable across schools within an local educational agency such as—

''(i) formative and summative assessments;

''(ii) objective performance-based assessments; and

''(iii) representative samples of student work, including progress towards performance standards and evidence of student growth.

''(16) MENTOR PRINCIPAL.—The term 'mentor principal' means an individual with—

''(A) Strong instructional leadership skills in an elementary school or secondary school setting;

''(B) Strong verbal and written communication skills, which may be demonstrated by performance on appropriate assessments; and

''(C) Knowledge and skills to—

''(i) establish and maintain a professional learning community that effectively utilizes data to improve the school culture and personalize instruction to increase student achievement;

''(ii) create and maintain a learning culture within the school that provides a climate conducive to the development of all members of the school community, including one of continuous learning for adults tied to student learning and other school goals;

''(iii) engage in continuous professional development, utilizing a combination of academic study, developmental simulation exercises, self-reflection, mentorship and internship;

''(iv) understand youth development appropriate to the age level served by the school and from this knowledge sets high expectations and standards for the academic, social, emotional and physical development of all students; and

''(v) actively engage the community to create shared responsibility for student academic performance and successful development.

''PART A—EFFECTIVE TEACHER AND LEADER STATE GRANTS

''SEC. 2101. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated $3,500,000,000 for fiscal year 2014, and such sums as may be necessary for each of the 5 succeeding fiscal years, to carry out this part.

''Subpart 1—Grants to States

''SEC. 2111. ALLOCATIONS TO STATES.

''(a) RESERVATIONS.—From the amounts made available under section 2101 for this subpart for each fiscal year, the Secretary shall reserve—

''(1) one-half of one percent for the outlying areas, to be distributed among the outlying areas on the basis of their relative need, as determined by the Secretary, for activities consistent with the purposes of this title;

''(2) one-half of one percent for the Secretary of the Interior, for activities, consistent with the purposes of this title described in section 2001, in schools operated by or funded by the Bureau of Indian Education; and

''(3) one-half of one percent for a competitive grant program to encourage consortia of States to develop instructional supports aligned to new college- and career-ready standards that are made widely available to all States and local educational agencies.

''(b) ALLOTMENTS TO STATES, REDUCTIONS.—

''(1) IN GENERAL.—From the amounts made available under section 2101 for this subpart for each fiscal year that remain after the Secretary reserves funds under subsection (a) of this section, the Secretary shall allot to each State with an approved application under section 2112 the sum of—

''(A) an amount that bears the same relationship to 35 percent of the remaining amount as the number of individuals age five through 17 in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all such States, as so determined; and

''(B) an amount that bears the same relationship to 65 percent of the remaining amount as the number of individuals age five 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.

''(2) FISCAL YEAR 2014.—Notwithstanding paragraph (1), for fiscal year 2014, no State shall receive less than 90 percent of the State's allocation under this part for fiscal year 2013, as such part was in effect on the day before the date of enactment of the Student Success Act.

''(3) SUCCEEDING FISCAL YEARS.—Notwithstanding paragraph (1), for fiscal year 2014 and each succeeding fiscal year, no State shall receive an allotment under paragraph (1) that is less than 90 percent of the State's allotment under such paragraph for the preceding fiscal year.

''(c) RATABLE REDUCTIONS.—If the funds made available to carry out paragraph (1) of subsection (b) are insufficient to pay the full amounts that all States are eligible to receive under subparagraph (2) or (3) of such subsection for any fiscal year, the Secretary shall ratably reduce each such amount for such fiscal year.

''(d) REALLOTMENTS.—If any State does not apply for an allotment under this section, or has its application disapproved by the Secretary, the Secretary shall reallot the amount of that State's allotment to the remaining States that have approved applications in accordance with this subpart.

''SEC. 2112. STATE APPLICATIONS.

''(a) IN GENERAL.—For a State to be eligible to receive a grant under this part, the State educational agency shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. The Secretary shall provide the State

educational agency with the opportunity to apply for funds under this part and part B through a consolidated application.

''(b) CONTENTS.—Each application submitted under this section shall include the following—

''(1) a description of how, within 3 years of the date of enactment of the Student Success Act, each local educational agency in the State that receives a subgrant under subpart 2 shall implement either a State model teacher and principal evaluation system or a State-approved teacher and principal evaluation system that, at a minimum—

''(A) is designed primarily to—

''(i) increase student learning and improve instruction for students;

''(ii) inform professional development for teachers and principals and support interventions for students; and

''(iii) using the results of a teacher's or principal's evaluation, provide on-going and timely, individual and meaningful feedback, and substantive support to the teacher or principal;

''(B) is developed, implemented, and adopted in collaboration with teachers, principals, and other education stakeholders and through the State or local process for determining terms and conditions of employment in the State or local educational agency;

''(C) includes—

''(i) meaningful weight on multiple measures of teacher and principal performance, including—

''(I) in the case of teachers, evidence of classroom practice; and

''(II) in the case of principals, evidence of school leadership;

''(ii) meaningful weight on evidence of student learning;

''(iii) meaningful weight on contributions to student growth including higher order thinking skills, citizenship, and social and emotional development; and

''(iv) differentiated levels of teacher and principal performance that are clearly articulated using not less than 3 rating categories, which are aligned with the State's standards and criteria for defining each of the rating categories required;

''(D) provides results that are comparable and consistent across all teachers and principals within a local educational agency consistent with section 2301, including using standards and rubrics for conducting evaluations (including for the information in described in subparagraph (C)) that reflect the ages and grades being taught and consistent within individual grade levels and subject areas in each local educational agency;

''(E) evaluates, annually, each teacher and principal in the local educational agency and takes into consideration the experience and performance level of the teacher or principal;

''(F) uses evaluation results to inform—

''(i) professional improvement plans for teachers and principals, which shall be developed in collaboration with teachers and principals, that are appropriate to the level of the individual being evaluated, including support and timelines to carry out each plan;

''(ii) comprehensive support, mentoring, interventions and timelines to carry out each plan; and

''(iii) personnel decisions; and

''(G) establishes appropriate training for evaluators and staff being evaluated including—

''(i) a clear articulation of the evaluation system and the process, systems, ratings, and the implications of the results provided to teachers and principals;

''(ii) how the system provides teachers and principals the opportunity and assistance to improve consistent with subparagraph (F)(i); and

''(iii) how to identify working conditions that affect teaching and learning, such as facilities and resources, and school climate and safety, and isolating educator impact on student outcomes from these factors;

''(2) a description of how the State educational agency will ensure that within 4 years of the date of enactment of the Student Success Act, each local educational agency in the State that receives a subgrant under subpart 2 makes public the results of the evaluation system described in paragraph (1), in accordance with the accountability requirements of subpart 4;

''(3) a description of how, within 2 years of the date of enactment of the Student Success Act, each local educational agency in the State that receives a subgrant under subpart 2 shall conduct an annual assessment of educator support and working conditions that—

''(A) evaluates supports for teachers, leaders, and other school personnel, such as—

''(i) teacher and principal perceptions of availability of high-quality professional development and instructional materials and opportunities for collaboration;

''(ii) timely availability of data on student academic achievement and growth;

''(iii) the presence of high-quality instructional leadership; and

''(iv) opportunities for professional growth such as career ladders and mentoring and induction programs;

''(B) evaluates working conditions for teachers, leaders and other school personnel, such as—

''(i) school climate;

''(ii) school safety;

''(iii) class size;

''(iv) availability and use of common planning time and opportunities to collaborate; and

''(v) community engagement;

''(C) is developed with for teachers, leaders and other school personnel, parents, students, and the community;

''(D) develops and implements an plan with the groups described in subparagraph (C) and with, at a minimum, annual benchmarks to address the results of the assessment carried described in this paragraph; and

''(E) publicly reports on the results of the evaluations described in subparagraph (A) and (B) and the plan described in subparagraph (C);

''(4) a description of the educator supports the State has developed to assist in the implementation of new college- and career-ready standards, including the State's plan for making those supports available to its local educational agencies and for prioritizing the introduction of those supports, in conjunction with the appropriate local educational agency, into the State's lowest performing schools;

''(5) a description of how a State will develop and implement a plan for the equitable distribution of teachers and principals that—

''(A) ensures teachers and principals who have been rated in the lowest rating categories, as such categories are defined by the State under the State-approved teacher and principal evaluation system under paragraph (1)(C)(iii), within each local educational agency and among the local educational agencies within the State, so that low-income and minority students are not taught at higher rates than are other students by teachers not deemed qualified and who are rated in the lowest evaluation rating categories or assigned to schools administered by principals who have been rated in the lowest evaluation rating categories at higher rates than other students;

''(B) includes—

''(i) percentage of teachers by evaluation rating category for schools in the top quartile of poverty against the schools in the bottom quartile of poverty;

''(ii) percentage of teachers by evaluation rating category for schools in the top quartile in percentage of minority students against the bottom quartile of percentage of minority students;

''(iii) specific and measurable goals and strategies to close gaps identified in the plan; and

''(C) before the teacher and principal evaluation system is established under this part, uses a combined measure of indicators such as a composite to carry out the plan described in this paragraph—

''(i) shall include—

''(I) the percentage of first year teachers; and

''(II) the percentage of qualified teachers; and

''(ii) may include—

''(I) with respect middle schools and high schools, the percentage of core academic courses taught by teachers who have met State licensure requirements for such courses;

''(II) the percentage of teachers whose licensure exam scores fall one standard deviation above passing score of teachers within the State;

''(III) the percent of teachers with more than 10 absences over the course of the school year; and

''(IV) the percentage of teachers hired after the first day of school;

''(6) the State definition of teacher-of-record, how local educational agencies report to the State on the teacher-of-record, and how the definition is used, including for evaluation, compensation, teacher preparation evaluation, and to ensure equitable distribution of effective and highly effective teachers;

''(7) a description of how the State will establish and maintain a data system that within 3 years after the date of enactment of the Student Success Act—

''(A) supports data sharing among local educational agencies and a teacher and leader preparation program described in section 200(6)(A)(IV) of the Higher Education Act of 1965, as amended by section 202 of the Student Success Act, on the program's graduates' students' achievement and growth, including on the information provided in the evidence of student learning definition; and

''(B) publically reports the percentage of teachers and leaders in each rating category, as defined by the State in paragraph (1)(C)(iii), by preparation program;

''(8) a description of the State's plan to—

''(A) implement the plan within the required timelines, including annual benchmarks for implementation; and

''(B) report annually to the Secretary on its progress implementing the plan and meeting annual benchmarks outlined under subparagraph (A);

''(9) the State's definition of, or standards and criteria for—

''(A) a qualified teacher;

''(B) each rating category under paragraph (1)(C)(iii); and

''(C) additional definitions related to the requirements under the teacher and principal evaluation system under paragraph (1);

''(10) a description of how the State will, on a regular basis, evaluate how well the results of local educational agency's teacher and principal evaluation systems align with the results produced by the state's statewide measure of evidence of student learning;

''(11) a description of any performance measures in addition to those described in subpart 4 that the State will use to measure the performance of the State and of each local educational agency that receives a subgrant under subpart 2; and

''(12) a description of how the State will carry out the activities outlined in section 2113.

''(c) COMPLIANCE AND DISAPPROVAL.—If the Secretary finds that a State's application does not comply in whole or in part with the requirements of this subpart, the Secretary shall—

''(1) notify the State regarding the specific provisions in the application that do not comply with the requirements of this subpart;

''(2) request any additional information needed to determine whether the application will comply with the requirements of this subpart; and

''(3) before disapproving the application, give the State notice and an opportunity for a hearing.

''SEC. 2113. STATE USES OF FUNDS.

''(a) IN GENERAL.—A State that receives a grant under this subpart shall use—

''(1) 90 percent of the grant funds to award subgrants under subpart 2 to local educational agencies with approved applications under section 2122;

''(2) not more than 5 percent of the grant funds, to plan and administer the activities of the State under this subpart, including the awarding of the subgrants under subpart 2 and the monitoring and enforcement of the requirements for the subgrants, including—

''(A) developing model teacher and principal evaluation systems that local educational agencies could adopt at their discretion;

''(B) implementing the plan for equitable distribution described in section 2112(b)(5);

''(C) reviewing the teacher and principal evaluation system that meets the requirements of section 2112(b)(1) used by each local educational agency in the State, including—

''(i) providing technical assistance to local educational agencies on the development and implementation of such system;

''(ii) the role of teachers, school leaders, and other school personnel in the development and implementation of such system;

''(iii) opportunities for teachers and principals to provide feedback on the quality and usefulness of such system; and

''(iv) evaluating the reliability of such systems; and

''(D) reviewing the assessment of educator support and working conditions described in section 2112(b)(3), including—

''(i) how the assessment was conducted;

''(ii) how the plan was developed; and

''(iii) implementation of the associated improvement plan described in subparagraph (D) of section 2112(b)(3);

''(3) developing, based on the assessment described in section 2112(b)(3), educator supports to assist with the implementation of new college- and career-ready standards, particularly in the State's lowest performing schools;

''(4) at least 2 percent of the grant funds to—

''(A) develop, with appropriate stakeholders, a State plan, based on an analysis of relevant data (including data on projected workforce needs), to—

''(i) improve the effectiveness principals and, at the State's discretion, other school leaders; and

''(ii) ensure the equitable distribution of principals consistent with section 2112(b)(5);

''(B) implement activities to carry out the State plan, which may include such activities as—

''(i) developing, periodically reviewing, and revising State policies and standards related to principals and, at the State's discretion, other school leaders so that those policies and standards—

''(I) reflect the best practices identified in schools with effective principals;

''(II) focus on raising student achievement in subjects that contribute to a well-rounded education, especially in high-need and low-performing schools and among the lowest-performing subgroups in the State, and on improving teacher effectiveness; and

''(III) are designed to improve preparation, certification or licensure, and evaluation for all principals, including those in high-need and low-performing schools; and

''(C) activities designed to recruit, support, and retain effective and highly effective principals for high-need and low-performing schools, such as—

''(i) strengthening principal preparation programs to ensure that they are highly selective include in-depth residency for at least one-year or field-based experience in a high-need or low-performing school, and provide induction or other support for at least the first year of a principal's service, including coaching from a mentor principal in instructional leadership and organizational management;

''(ii) provide training in school and personnel management, including management of the organization, staff and resources, developing a school climate and instructional program, developing effective relationships with community and parents, and using student-level and school level-data to inform decision-making;

''(iii) training on child development, improving instruction and closing achievement gaps;

''(iv) providing compensation incentives to attract, retain, and reward effective principals and other school leaders for high-need and low-performing schools;

''(v) developing teacher career ladders with a performance-based selection process that distribute school leadership responsibilities and develop a pipeline of individuals who gain the experience necessary to become an effective principal; and

''(vi) activities to improve the effectiveness of school superintendents, principal supervisors, human resources directors, and other local educational agency managers; and

''(5) use any remaining funds reserved at the State level to—

''(A) carry out any other activities designed to help the State make progress toward carrying out the purposes of this title and showing improvement on the performance measures described in subpart 4 and any additional measures described in the State's application, including activities designed to—

''(i) align the State's professional teaching standards, teacher and principal certification or licensure requirements, teacher-preparation programs, and professional-development requirements with kindergarten-through-grade-12 academic content and achievement standards that build toward college-and-career-readiness;

''(ii) reform teacher and school leader compensation, including by modifying policies and practices and providing technical assistance to local educational agencies, in order to enable those agencies to recruit, reward, and retain effective teachers and school leaders in high-need schools, fields, subjects, and areas;

''(iii) support the training of teachers, principals, and other school leaders in meeting the diverse learning needs of their students, including through universal design for learning, as described in section 5429(b)(21), and multi-tiered system of supports and language acquisition instruction;

''(iv) support the training of teachers, principals, and other school leaders in effectively integrating technology (including technology for students with disabilities) into curricula and instruction and in how to use technology for on-line communication and for collaboration and data analysis;

''(v) strengthen human resource systems in local educational agencies to recruit, train, hire, and place individuals who are or are most likely to be highly effective teachers and principals, provide highly effective teachers and principals with support and development opportunities focused on increasing student achievement, and retain highly effective teachers and principals over time by creating school environments that enable excellent teaching including through strategies such as distributed leadership, time for collaboration and use of student data for job-embedded professional development;

''(vi) develop and provide professional development, including through joint professional development opportunities, for early-childhood educators, teachers, principals, specialized instructional support personnel, and other school leaders;

''(vii) develop and implement policies and practices that position the State to be a competitive applicant for grants under part B of this title;

''(viii) support the training of teachers, principals, and other school leaders on how to accelerate the learning of students who are performing below grade level; and

''(ix) provide professional development for teachers, principals and other school administrators in early elementary grades that includes specialized knowledge about child development and learning, developmentally-appropriate curricula and teaching practices, meaningful family engagement and collaboration with early care and education programs;

''(B) provide technical assistance, as necessary, to each local educational agency that receives a subgrant under subpart 2, in order to help the local educational agency improve performance on the measures described in subpart 4;

''(C) establish policies and practices to ensure the quality of the data reported under this part and the effectiveness of the methods used to analyze those data; and

''(D) develop and disseminate the State report card required under subpart 4, and use the information in the report card to guide efforts under this title.

''(b) SUPPLEMENT, NOT SUPPLANT.—Funds received under this subpart shall be used to supplement, and not supplant, non-Federal funds that would otherwise be used for activities authorized under this subpart.

''Subpart 2—Subgrants to Local Educational Agencies

''SEC. 2121. SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.

''(a) IN GENERAL.—Each State educational agency that receives an allocation under subpart 1 shall allocate to each local educational agency in the State that has an application approved by the State under section 2122 the sum of—

''(1) the amount that bears the same relationship to 20 percent of the amount allocated to the State educational agency as the number of individuals age 5 through 17 in the geographic area served by the agency, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in the geographic areas served by all such local educational agencies in the State, as so determined; and

''(2) the amount that bears the same relationship to 80 percent of the amount allocated to the State educational agency as the number of individuals age 5 through 17 from families with incomes below the poverty line in the geographic area served by the agency, as determined by the Secretary on the basis of the most recent satisfactory data, bears to

the number of those individuals in the geographic areas served by all such local educational agencies in the State, as so determined.

''(b) MINIMUM ALLOTMENTS.—

''(1) FISCAL YEAR 2014.—For fiscal year 2014, no local educational agency shall receive an allocation under subsection (a) that is less than 90 percent of the allocation the local educational agency received under this part for fiscal year 2013, as this part was in effect on the day before the date of enactment of the Student Success Act.

''(2) SUBSEQUENT FISCAL YEARS.—For fiscal year 2015 and each succeeding fiscal year, no local educational agency receiving an allotment under subsection (a) shall receive less than 90 percent of the allotment the local educational agency received under this subpart for the preceding fiscal year.

''(c) RATABLE REDUCTION.—If the funds described in subsection (a) are insufficient to pay the full amounts that all local educational agencies are eligible to receive under subsection (b) for any fiscal year, the State shall ratably reduce such amounts for such fiscal year.

''SEC. 2122. LOCAL EDUCATIONAL AGENCY NEEDS ASSESSMENT AND APPLICATIONS.

''(a) IN GENERAL.—To receive a subgrant under this subpart a local educational agency shall—

''(1) submit an application to the State educational agency involved at such time, in such manner, and containing such information and assurances as the State educational agency may reasonably require; and

''(2) conduct, in developing its application, and with the involvement of teachers, principals, and other stakeholders, as applicable, an assessment of educator support and working conditions consistent with section 2112(b)(3), in the areas set forth under the performance measures described in subpart 4, identified under the school improvement plans under section 1116, as applicable, and the needs of schools receiving funds under title I.

''(b) CONTENTS.—Each application submitted under this section shall include—

''(1) a description of—

''(A) the results of the needs assessment conducted under subsection (a)(2);

''(B) the performance measures and activities the local education agency will use to address the needs identified under the assessment;

''(C) the local educational agency's current system for evaluating teachers and principals, and whether that system is consistent with the definitions the State has developed in the State's application under section 2112(b)(1);

''(D) the local educational agency's plan for using the subgrant under this subpart, and other local, State, and Federal funds, to ensure the equitable distribution of teachers and principals, within the local educational agency so that low-income and minority students are not taught at higher rates than are other students by teachers not deemed qualified and who are rated in the lowest teacher evaluation rating categories or assigned to schools administered by principals who have been rated in the lowest principal evaluation rating categories at higher rates than other students within the local educational agency;

''(E) the local educational agency's plan for using the subgrant under this subpart to support teachers in meeting the diverse learning needs of all their students, including through universal design for learning, as described in section 5429(b)(21), and multi-tiered system of supports and language acquisition; and

''(F) a description of the educator supports the local educational agency will provide to assist with the implementation of new college- and career-ready standards and early learning standards, including the local educational agency's plan for prioritizing the introduction of those supports in its lowest performing schools;

''(G) a description of how the local education agency will, as appropriate, involve in the delivery of activities and services under this part, external providers that have demonstrated expertise and experience in using evidence-based strategies and programs to deliver evidence-based professional development and to raise the quality of teaching and school leadership; and

''(2) an assurance that, within 5 years of receiving a subgrant under this subpart, the local educational agency will—

''(A) conduct a second needs assessment, with the involvement of teachers, principals, and other stakeholders, as applicable, in the areas set forth in subpart 4 and identified in plans under section 1116, as applicable, particularly the needs of schools receiving funds under title I; and

''(B) submit a revised application to the State, consistent with the requirements of this section.

''SEC. 2123. LOCAL EDUCATIONAL AGENCY USES OF FUNDS.

''(a) USE OF FUNDS.—Subject to the requirements of the State consistent with section 2112(a), a local educational agency that receives a subgrant under this subpart shall, directly, or with other local educational agencies or the State educational agency, use the subgrant funds for activities designed to increase academic achievement for all students, including English learners and students with disabilities, by increasing the number and percentage of its teachers and principals who have been rated by the local educational agency's teacher and principal evaluation system as at least effective, and to ensure the equitable distribution of those teachers and principals who have been rated at least effective, through activities that—

''(1) develop and implement, or improve, a teacher and principal evaluation system that, at a minimum, meets the requirements described in section 2112(b)(1);

''(2) provide meaningful feedback to teachers and principals on evaluation results, and use those results in making decisions about professional development and retention;

''(3) recruit teachers who are qualified and teachers and principals who have been rated, or are likely to be rated, by the evaluation system as at least effective, especially teachers and principals who are needed for high-need and low-performing schools and high-need fields and subjects, including teachers and principals who come from underrepresented backgrounds;

''(4) implement the assessment of educator support and working conditions in accordance with section 2112(b)(3);

''(5) implement the local educational agency's plan for ensuring the equitable distribution of teachers and principals who have been rated by the teacher and principal evaluation system as at least effective;

''(6) develop and implement an induction program that is designed to increase the effectiveness of new teachers and retain effective teachers, especially in high-need and low-performing schools, such as a program that provides reduced teaching assignments for new teachers, training for instructional coaches or mentors who will participate in induction activities, access to on-line support systems, and frequent feedback to promote continuous learning and instructional improvement;

''(7) reduce class size for kindergarten through third grade by an amount and to a level consistent with what research has found to improve student academic achievement at a minimum in the schools in the lowest quartile of poverty in the local educational agency;

''(8) improve within-school equity in the distribution of teachers who have been rated at least effective so that low-income and minority students are not taught at higher rates than are other students by teachers rated in one of the two lowest evaluation rating categories;

''(9) plan and administer activities carried out under this subpart, including other activities to improve effectiveness and the equity of distribution as required in accordance with the local educational agency's needs assessments under subsection (a)(2);

''(10) develop a plan of action for providing additional academic supports, opportunities, or resources that ensure an appropriate opportunity to learn to any student assigned in any subject, for two consecutive years, to teachers rated in the lowest category under the local educational agency's teacher evaluation system; and

''(11) develop a plan of action to ensure that no student in a school in either the bottom quartile of poverty in the local educational agency or a low-performing school is assigned in any subject, for two consecutive years, to a teacher rated in the lowest category under the local educational agency's teacher evaluation system.

''(b) SUPPLEMENT, NOT SUPPLANT.—Funds received under this subpart shall be used to supplement, and not supplant, non-Federal funds that would otherwise be used for activities authorized under this subpart.

''(c) RULE OF CONSTRUCTION.—Nothing in this subpart shall be construed to require a local educational agency to transfer school personnel in order to comply with the requirements of this part.

''Subpart 3—National Leadership Activities

''SEC. 2131. NATIONAL LEADERSHIP ACTIVITIES.

''From the funds made available under section 2101 for this subpart for any fiscal year, the Secretary may to reserve up to 3 percent for research, development, technical assistance, outreach, and dissemination activities, carried out either directly or through grants, contracts, or cooperative agreements. Such activities may include—

''(1) activities to strengthen teacher and principal evaluation, including establishing a national center to gather, provide benchmarks on, and disseminate best practices and provide technical assistance on teacher and principal evaluation so as to support States and local educational agencies in developing robust and reliable evaluation systems that take student growth into account;

''(2) development and dissemination of model surveys on the quality of educator support and working conditions consistent with section 2112(b)(3);

''(3) direct assistance to nonprofit organizations to enhance their support for local educational agencies and schools, including to community-based organizations that can support multiple local educational agencies in strengthening their teacher and principal pipelines and human-resource practices and provide high-quality, sustained professional development targeted to low-performing schools;

''(4) activities to support development of a leadership academy to train school leaders in effective school management and instructional leadership, with a primary focus on turning around low-performing schools, including—

''(A) effective management of the organization, staff, and resources;

''(B) developing a school climate and instructional program and related evidence-based professional development aligned to the needs of the students and school;

''(C) effective relationships with community and parents; and

''(D) using student-level and school level-data to inform decision-making; and

''(5) activities to strengthen evaluation of superintendents including developing model evaluations.

''Subpart 4—Accountability

''SEC. 2141. EQUITY ACCOUNTABILITY.

''(a) STATE REQUIREMENTS.—

''(1) IN GENERAL.—Each State that receives a grant under subpart 1 shall—

''(A) in a case in which the comparisons conducted under section 2112(b)(5) of the State plan indicate the inequalities described in paragraph (2) with respect to high-poverty and high-minority local educational agencies—

''(i) in consultation with the local educational agencies in the State, established 2, 4 and 5 year improvement goals that will substantially reduce or eliminate the inequities in the schools of such high-poverty and high-minority local educational agencies; and

''(ii) establish a support plan to assist such high-poverty and high-minority local educational agencies meet such improvement goals; and

''(B) in a case in which a high-poverty and high-minority local educational agency has not achieved the 2-year improvement goals established under subparagraph (A)(i), use 2.5 percent of the grant funds received under subpart 2 to carry out the activities described in subparagraph (A).

''(2) INEQUALITIES.—The inequalities described in this paragraph are as follows:

''(A) Before the teacher and principal evaluation systems that meets the requirements of section 2112(b)(1) is established under this part by the local educational agencies in the State, students in high poverty and high minority local educational agencies in the State were being taught at higher rates by teachers rated in the lowest two quartiles based on the combined measure established under section 2112(b)(5)(C) compared to students in low poverty and low minority local educational agencies in the State.

''(B) Once the evaluation systems are established, students in high poverty and high minority local educational agencies are being taught at higher rates by teachers rated in one of the two lowest rating categories under such evaluation systems, as compared to students in low poverty and low minority local educational agencies.

''(b) LOCAL EDUCATIONAL AGENCY REQUIREMENTS.—

''(1) IN GENERAL.—Subject to paragraph (3), a high-poverty or high-minority local educational agency described in paragraph (2) and with respect to which a State established improvement goals under subsection (a)(1)(A)(i), shall—

''(A) in a case in which the local educational agency fails to meet its 2 year improvement goals established under such subsection, use all funds made available through the subgrant to carry out the activities described in section 2112(b)(5);

''(B) in a case in which the local educational agency fails to meet its 4 year improvement goals established under such subsection—

''(i) receive a subgrant from the State under subpart 2 equal to not more than 50 percent of the subgrant received by the local educational agency in the preceding year under such subpart; and

''(ii) make non-Federal contributions in an amount equal to not less than the Federal funds provided under the subgrant; and

''(C) in a case in which the local educational agency fails to meet its 5 year improvement goals established under such subsection, the local educational agency shall be prohibited from receiving a subgrant subpart 2.

''(2) DESCRIPTION OF LOCAL EDUCATIONAL AGENCIES.—A local educational agency described in this paragraph is a local educational agency that—

''(A) before the evaluation system is established under this part, students in high poverty and high minority schools are being taught at higher rates by teachers rated in the lowest two quartiles based on the combined measure established under section 2112(b)(5)(C) compared to students in low poverty and low minority schools; and

''(B) once the evaluation system is established, that students in high poverty and high minority schools are being taught at higher rates by teachers rated in one of the two lowest rating categories under the local educational agency's evaluation system comparable to students in low poverty and low minority schools.

''(3) EXCEPTION.—Paragraph (1) shall not apply to high poverty and high minority schools where students are being taught at higher rates by teachers rated in one of the two lowest rating categories under the local educational agency's evaluations system compared to students in low poverty and low minority schools in the local educational agency if the performance of the high poverty or high minority school's students, including each group of students described in section 1111(b)(2)(C)(v)(II), on the State's annual student academic assessments has exceeded the statewide average performance for students overall in that subject for at least the previous 2 years.

''(4) INAPPLICABILITY.—This section shall not apply to a local education agency that does not have more than one building for each grade span.

''(5) TRANSITIONAL COMPLIANCE.—Beginning on the date of enactment of the Student Success Act, for no more than 4 full school years a local educational agency shall be deemed to be in compliance with this section for any school year, if the teachers hired to fill vacancies in local education agencies served under this part, improve the equity in distribution of teachers rated in the highest rating categories between students served by high poverty or high minority schools and students served by low poverty or low minority schools as described in paragraph (2).

''(6) WAIVER.—A local education agency may apply to the Secretary for a temporary waiver of the requirements of this section in the case of a natural disaster or unpredictable or significant personnel assignments that occur after the beginning of a school year that would affect determination of compliance with this section.

''(7) RULES OF CONSTRUCTION.—Nothing in this section shall be construed to require a local education agency to transfer school personnel in order to comply with this section.

''Subpart 5—Public Reporting

''SEC. 2151. PUBLIC REPORTING.

''(a) IN GENERAL.—

''(1) STATE REPORT CARD.—Each State that receives a grant under subpart 1 shall annually submit to the Secretary, and make public, a State report card on program performance and results under the grant, in a manner prescribed by the Secretary and containing, analyzing, and updating the information required under subsection (b).

''(2) LOCAL EDUCATIONAL AGENCY REPORT.—Each local educational agency that receives a subgrant under subpart 2 shall annually submit to the State, and make public—

''(A) a report on the local educational agency's program performance and results under the subgrant, in a manner prescribed by the State or the Secretary, containing, analyzing, and updating the information required under subsection (c); and

''(B) the notifications to parents described in subsection (d).

''(3) PRIVACY.—Information required under this subpart shall be collected, reported, and disseminated in a manner that protects the privacy of individuals.

''(b) STATE REPORT CARD REQUIREMENTS.—Each State described in subsection (a)(1) shall report the following information in accordance with such subsection:

''(1) With respect to the State overall and for each local educational agency State, disaggregated by poverty quartile and minority quartile—

''(A) the number and percentage of teachers and principals, for each grant year, who—

''(i) are classified as qualified;

''(ii) are rated at each level under a local educational agency's evaluation system consistent with the requirements of section 2112(b)(1);

''(iii) have taught for less than one full school year; and

''(iv) have demonstrated content knowledge in the subject or subjects the teachers are assigned to teach;

''(B) with respect to middle and high schools, the percentage of core academic courses taught by teachers who have met State licensure requirements for that course;

''(C) information required under equitable distribution plans for the State and each local educational agency under sections 2112(b)(5) and 2123(a), respectively;

''(D) staff retention rates differentiated by performance levels as rated under the local educational agency's evaluation system; and

''(E) any other performance measures the State is using to measure the performance of local educational agencies that receive a subgrant under subpart 2.

''(2) Results of the data collection reporting under section 2112(b)(7).

''(3) Progress towards meeting the equitable distribution requirements under section 2112(b)(5).

''(4) Results of the assessment of educator support and working conditions described in section 2112(b)(3).

''(5) Results of the needs assessment required under subpart 2 by each school in the State and compared to the rubric which was used to conduct the needs assessment.

''(c) LOCAL EDUCATIONAL AGENCY REPORT CARD REQUIREMENTS.—Each local educational described in subsection (a)(2) shall report the following information, for each grant year, in accordance with such subsection:

''(1) With respect to the local educational agency overall and for schools in the agency by poverty quartile and minority quartile—

''(A) the number and percentage of teachers and principals, for each grant year, who—

''(i) are classified as qualified;

''(ii) are rated at each level under a local educational agency's evaluation system consistent with the requirements of section 2112(b)(1);

''(iii) have taught for less than one full school year; and

''(iv) have demonstrated content knowledge in the subject or subjects the teachers are assigned to teach; and

''(B) with respect to middle school and high school, the percentage of core academic courses taught by teachers who have met State licensure requirements for that course.

''(d) PARENTS' RIGHT TO KNOW.—Each local educational agency that receives a subgrant under subpart 2 shall ensure that each school served by the local educational agency provides, on an annual basis and at the beginning of the school year—

''(1) written notification to the parent of each student who has, for 2 consecutive years, been assigned a teacher rated in the lowest rating category on the local educational agency's evaluation system, that such student has been so assigned; and

''(2) a description of—

''(A) the supports the school and local educational agency will offer the student to compensate for the teacher assignment;

''(B) the local educational agency's plan for ensuring this assignment pattern does not continue; and

''(C) the teacher's qualified status based on the definition under section 2002(5), including whether the teacher meets the status based on the requirement in subparagraph (A)(v) of such section.

''PART B—TEACHER AND LEADER INNOVATION FUND

''SEC. 2201. TEACHER AND LEADER INNOVATION FUND.

''The purpose of this part is to support States and local educational agencies in improving the effectiveness of their teachers and school leaders, especially those teachers and school leaders working in high-need schools, by creating the conditions needed to identify, recruit, prepare, retain, reward, and advance effective teachers, principals, and school leadership teams in such schools.

''SEC. 2202. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There are authorized to be appropriated $950,000,000 for fiscal year 2014 and such sums as may be necessary for each of the 5 succeeding fiscal years to carry out this part.

''(b) CONTINUATION.—From the funds made available under subsection (a), the Secretary may reserve funds to continue funding the Teacher Incentive Fund authorized under the fourth, fifth, and sixth provisos of the 'Innovation and Improvement Account' under title III of Public Law 109–149, in accordance with the terms and conditions of such Fund that were in effect on the day before the enactment of the Student Success Act.

''SEC. 2203. GRANTS.

''(a) IN GENERAL.—From the funds made available under section 2202 and not reserved under subsection (b) of such section, for each fiscal year, the Secretary shall award grants, on a competitive basis, to eligible entities to carry out the purpose of this part.

''(b) ELIGIBLE ENTITY.—In this part, the term 'eligible entity' means—

''(1) a State educational agency or a consortium of such agencies;

''(2) a high-need local educational agency or a consortium of such agencies;

''(3) one or more of the entities described in paragraphs (1) and (2) in partnership with one or more institutions of higher education, nonprofit organization,; or educational service agencies; or

''(4) an entity described in paragraph (1) in partnership with 1or more local educational agencies at least one of which is a high-need local educational agency.

''(c) DURATION.—The Secretary shall award a grant under this part to an eligible entity for an initial period of not more than 3 years, and may renew the grant for up to an additional 2 years if the Secretary finds that the eligible entity is achieving the objectives of the grant and has shown improvement against baseline measures on performance indicators.

''SEC. 2204. APPLICATIONS.

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

''(b) CONTENTS.—Each application submitted under this section shall contain—

''(1) a description of—

''(A) how the eligible entity will differentiate levels of teacher and principal performance by effectiveness, and the criteria it will use to determine that differentiation, which shall include the use of evidence of student learning as a significant factor, as well as other measures; and

''(B) how that differentiation will be—

''(i) consistent with the teacher and principal evaluation system that meets the requirements of section 2112(b)(1); and

''(ii) used by the local educational agency served by the eligible entity to make decisions about professional development and retention;

''(2) a description of the rigorous performance standards that the eligible entity has established, or will establish, within 2 years of the date of enactment of Student Success Act, that will be used to evaluate performance;

''(3) a plan, developed with appropriate stakeholders, setting forth the activities to be implemented under the grant and how those activities will be aligned with the results of—

''(A) an analysis of workforce data (including teacher and principal surveys) that identifies strengths and weaknesses in the working conditions provided to teachers, school leaders, and other school personnel and the current and future staffing needs within the State or local educational agency;

''(B) a public review of any State or local educational agency statutes, policies, and practices, including employment policies and practices that pose a barrier to staffing schools, particularly high-need schools, with teachers and principals who have been rated in the highest rating categories;

''(C) an analysis of the effectiveness and the cost-effectiveness of applicable State or local educational agency policies and practices related to increasing teacher and principal effectiveness;

''(D) an analysis of the alignment of the policies and practices reviewed and analyzed under subparagraphs (B) and (C) with the goal of ensuring that educators are prepared to help all students achieve to college-and-career-ready standards; and

''(E) as applicable, an analysis of the extent to which the local educational agency's human capital strategies, including career advancement opportunities, salary schedules (including incentives for graduate credit and advanced degrees), and incentives, reward actions, and strategies that improve instruction and student learning; and

''(4) evidence of involvement and support for the proposed grant activities from—

''(A) in the case of an application from an eligible entity that includes a local educational agency or a consortium of such agencies, a local school board, teachers union (where there is a designated exclusive representative for the purpose of collective bargaining), teachers, principals, and other stakeholders; and

''(B) in the case of an application from a State educational agency or consortium of such agencies, the State board of education, State agency for higher education, any participating local educational agency, and other stakeholders.

''(c) SELECTION CRITERION.—In making grants under this part, the Secretary shall consider the extent to which the eligible entity's activities that are carried out through a grant under part A or through State and local funds are aligned with the entity's plan under subsection (b)(3) and the purpose of this part.

''(d) PRIORITY.—The Secretary shall give priority to applications that address particular needs in improving the effectiveness of the education workforce in high-need schools or the needs of local educational agencies to fill positions in high-need fields and subjects.

''SEC. 2205. USE OF FUNDS.

''(a) IN GENERAL.—A eligible entity under this part—

''(1) shall use its grant funds for activities to—

''(A) improve the use of teacher and principal effectiveness information, which shall include, once a local educational agency has adopted an evaluation system as described in section 2112(b)(1), using such evaluation results in consequential decisionmaking, including in—

''(i) paying bonuses and increased salaries, if the eligible entity uses an increasing share of non-Federal funds to pay the bonuses and increased salaries each year of the grant, to highly effective teachers or principals who work in high-need schools;

''(ii) activities under sections 2112 and 2122;

''(iii) reforming the local educational agency's system of compensating teachers and principals; and

''(iv) developing and implementing a human capital system; and

''(B) improve teacher and school-leader compensation and career-development systems, which may include instituting performance pay, career advancement systems (such as career ladders or incentives for assuming additional roles and responsibilities intended to improve student academic achievement), or market-based compensation for a high-need school; and

''(2) may use its grant funds for activities to—

''(A) help ensure that high-need and low-performing schools are staffed more effectively and efficiently, such as through—

''(i) the implementation or use of earlier hiring timelines;

''(ii) more effective recruitment strategies (including strategies for recruiting candidates from underrepresented groups);

''(iii) more selective screening; and

''(iv) data systems for tracking attendance, teacher and principal evaluation results, tenure decisions, participation in professional development, and the results of that participation;

''(B) recruit, prepare, support, and evaluate principals who serve in high-need or low-performing schools; and

''(C) recruit and retain teachers and leaders in rural and remote areas.

''(b) STATE GRANTEES.—A State educational agency that is a grantee under this part shall use its grant funds for activities to—

''(1) modify State policies and practices, as needed, to enable local educational agencies to carry out their activities under subsection (a);

''(2) develop and implement improvements to the State's certification or licensure requirements, which shall include using teacher and principal evaluation results in certification or licensure decisions (such as by making them a significant factor in the granting of a full certification or license); and

''(3) implement a human capital system, including pre-service programs providing teachers and principals to schools within the State, that increases the numbers of highly effective teachers and principals, particularly in high-need schools by—

''(A) identifying, recruiting, training, hiring, and placing individuals who are or are most likely to be highly effective teachers and principals;

''(B) distributing highly effective teachers and principals strategically to high need schools;

''(C) providing highly effective teachers and principals with support and development

opportunities focused on increasing student achievement; and

''(D) retaining highly effective teachers and principals over time by creating school environments that enable excellent teaching including through strategies such as distributed leadership, time for collaboration and use of student data for internal professional development.

''PART C—GENERAL PROVISIONS

''SEC. 2301. PROHIBITION AGAINST INTERFERENCE WITH STATE AND LOCAL LAWS AND AGREEMENTS.

''Nothing in this title shall be construed to alter or otherwise affect the rights, remedies, and procedures afforded to school or local educational agency employees under Federal, State, or local laws (including applicable regulations or court orders as well as requirements that local educational agencies negotiate and or meet and confer in good faith) or under the terms of collective bargaining agreements, memoranda of understanding, or other agreements between such employers and their employees.

''SEC. 2302. PROTECTING THE INTEGRITY OF EVALUATION SYSTEMS.

''No State or local educational agency receiving funding under this title shall publicly report personally identifiable information included in an individual teacher or principal evaluation, including information that can be used to distinguish an individual's identity when combined with other personal or identifying information.''.

SEC. 202. HEA CONFORMING AMENDMENTS.

(a) QUALIFIED TEACHER.—The Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) is amended—

(1) in section 200 (20 U.S.C. 1021)—

(A) by amending paragraph (13) to read as follows:

''(13) QUALIFIED.—The term 'qualified' has the meaning given the term 'qualified teacher' in section 2002(5), as amended by section 201 of the Student Success Act.

''(B) in paragraph (17)(B)(ii), by striking 'highly qualified' and inserting 'qualified'; and

''(C) in paragraph (22)(D)(i), by striking 'highly qualified' and inserting 'qualified'.'';

(2) in section 201(3) (20 U.S.C. 1022(3)), by striking ''highly qualified teachers'' and inserting ''qualified teachers'';

(3) in section 202 (20 U.S.C. 1022)—

(A) in subsection (b)(6)(H), by striking ''highly qualified teachers'' and inserting ''qualified teachers'';

(B) in subsection (d)—

(i) in paragraph (1)—

(I) in subparagraph (A)(i)(I), by striking ''highly qualified'' and inserting ''qualified''; and

(II) in subparagraph (B)(iii), by striking ''highly qualified'' and inserting ''qualified''; and

(ii) in paragraph (5), by striking ''highly qualified teachers'' and inserting ''qualified teachers''; and

(C) in subsection (e)(2)(C)(iii)(IV), by striking ''highly qualified teacher, as defined in section 9101,'' and inserting ''qualified teacher, as defined in section 2002(5), as amended by section 201 of the Student Success Act'';

(4) in section 204(a)(4) (20 U.S.C. 1022c) by striking ''highly qualified teachers'' each place it appears and inserting ''qualified teachers'';

(5) in section 205(b)(1)(I) (20 U.S.C. 1022d(b)(1)(I)), by striking ''highly qualified teachers'' and inserting ''qualified teachers'';

(6) in section 207(a)(1) (20 U.S.C. 1022f(a)(1)), by striking ''highly qualified teachers'' and inserting ''qualified teachers'';

(7) in section 208(b) (20 U.S.C. 1022g(b)), by striking ''highly qualified'' each place it appears and inserting ''qualified'';

(8) in section 242(b) (20 U.S.C. 1033a), by striking ''highly qualified'' each place it appears and inserting ''qualified'';

(9) in section 251(b) (20 U.S.C. 1034(b)), by striking ''highly qualified'' each place it appears and inserting ''qualified''; and

(10) in section 258(d)(1) (20 U.S.C. 1036(d)(1)), by striking ''highly qualified'' and inserting ''qualified''.such partner institution.

(c) DEFINITIONS.—Section 200 of the Higher Education Act of 1965 (20 U.S.C. 1021) is amended—

(1) by amending paragraph (6) to read as follows:

''(6) ELIGIBLE PARTNERSHIP.—Except as otherwise provided in section 251, the term 'eligible partnership' means an entity that—

''(A) shall include—

''(i) a high-need local educational agency;

''(ii)(I) a high-need school or a consortium of high-need schools served by the high-need local educational agency; or

''(II) as applicable, a high-need early childhood education program; or

''(iii)(I) the following entities—

''(aa) a partner institution.

''(bb) a school, department, or program of education within such partner institution, which may include an existing teacher professional development program with proven outcomes within a 4-year institution of higher education that provides intensive and sustained collaboration between faculty and local educational agencies consistent with the requirements of this title; and

''(cc) a school or department of arts and sciences within such partner institution; or

''(II) an entity operating a program that provides alternative routes to State certification of teachers that has a teacher preparation program—

''(aa) whose graduates exhibit strong performance on State-determined qualifying assessments for new teachers through demonstrating that 80 percent or more of the graduates of the program who intend to enter the field of teaching have passed all of the applicable State qualification assessments for new teachers, which shall include an assessment of each prospective teacher's subject matter knowledge in the content area in which the teacher intends to teach; and

''(bb) that requires each student in the program to meet high academic standards or demonstrate a record of success, as determined by the institution (including prior to entering and being accepted into a program), and participate in intensive clinical experience, and each student in the program is preparing to become a qualified teacher; and

''(B) may include any of the following:

''(i) The Governor of the State.

''(ii) The State educational agency.

''(iii) The State board of education.

''(iv) The State agency for higher education.

''(v) A business.

''(vi) A public or private nonprofit educational organization.

''(vii) An educational service agency.

''(viii) A teacher organization.

''(ix) A high-performing local educational agency, or a consortium of such local educational agencies, that can serve as a resource to the partnership.

''(x) A charter school (as defined in section 5210).

''(xi) A school or department within a partner institution that focuses on psychology and human development.

''(xii) A school or department within a partner institution with comparable expertise in the disciplines of teaching, learning, and child and adolescent development.

''(xiii) An entity operating a program that provides alternative routes to State certification of teachers.

''(xiv) A school, department, or program of education within a partner institution.

''(xv) A school or department of arts and sciences within a partner institution.'';

(2) by amending paragraph (10) to read as follows:

''(10) HIGH-NEED LOCAL EDUCATIONAL AGENCY.—The term ″high-need local educational agency has the meaning given such term in section 2002(4), as amended by section 201 of the Student Success Act.'';

(3) by amending paragraph (14) to read as follows:

''(14) INDUCTION PROGRAM.—The term 'induction program' has the meaning given the term 'induction' in section 2002(6), as amended by section 201 of the Student Success Act.''; and

(4) by amending paragraph (21) to read as follows:

''(21) TEACHER MENTORING.—The term 'teacher mentoring' has the meaning given the term 'mentoring' in section 2002(7), as amended by section 201 of the Student Success Act.''.

(d) PURPOSE.—Section 201 of the Higher Education Act of 1965 (20 U.S.C. 1022) is amended—

(1) by striking ''and'' at the end of paragraph (3);

(2) by striking the period and inserting ''; and'' at the end of paragraph (4); and

(3) by inserting at the end the following:

''(5) improve teacher effectiveness.''.

(e) PARTNERSHIP GRANTS.—Section 202 of the Higher Education Act of 1965 (20 U.S.C. 1022a) is amended—

(1) in subsection (b)(6)—

(A) in subparagraph (E)(ii), by striking ''student academic'' and inserting ''college-and-career ready student academic'';

(B) in subparagraph (H)—

(i) in the matter preceding clause (i), by inserting ''or alternative route entity'' after ''partner institution'';

(ii) in clause (i), by striking ''that incorporate'' and all that follows through ''instruction'' and inserting ''consistent with part A of title IV of the Elementary and Secondary Education Act of 1965'';

(iii) in clause (i), insert ''and other educators, including mutli-tiered systems of support and universal design for learning, as described in section 5429(b)(21)'' after ''secondary school teachers'';

(iv) in clause (ii), insert '' and writing instruction'' after ''reading''; and

(v) after clause (ii) insert the following:

''(iii) provide high-quality professional development activities to strengthen the instructional and leadership skills of elementary school and secondary school principals and district superintendents, if the partner institution has a principal preparation program;'';

(C) by redesignating subparagraphs (I) through (K) as subparagraphs (J) through (L), respectively; and

(D) by inserting after subparagraph (H), the following:

''(I) how the partnership will prepare teachers to use data to analyze student performance and adjust teaching practices to improve student achievement;''; and

(2) in subsection (d)(6)(A), by striking ''that incorporate the essential components of literacy instruction'' and inserting ''aligned with part A of title IV of the Elementary and Secondary Education Act of 1965''.

(f) ADMINISTRATIVE PROVISIONS.—Section 203(b)(2)(A) of the Higher Education Act of 1965 (20 U.S.C. 1022b(b)(2)(A)) is amended by inserting ''or alternative route entity'' after ″institution of higher education

(g) ACCOUNTABILITY AND EVALUATION.—Section 204(a) of the Higher Education Act of 1965 (20 U.S.C. 1022c) is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(2) by inserting after paragraph (2), the following:

''(3) teachers rated as at least effective by a teacher evaluation system that meets the requirements of section 2112(b)(1), as amended by section 201 of the Student Success Act;''.

(h) INFORMATION ON PREPARATION PROGRAMS.—Section 205(b)(1) of the Higher Education Act of 1965 (20 U.S.C. 1022d(b)) is amended—

(1) in the matter preceding subparagraph (A), by striking ''teacher preparation program'' and inserting ''teacher and school leader preparation program''; and

(2) by adding at the end the following:

''(M) Within 3 years of the date of enactment of the Student Success Act, information on the impact of each program's graduates on the student achievement of the students that such graduates teach, if that information is available.

''(N) The percentage of each program's graduates who teach in a high-need school.

''(O) The percentage of each program's graduates who are prepared to teach a high-need subject.

''(P) The percentage of each program's graduates who become effective and highly effective teachers or principals according to such graduates' ratings by the local educational agency's teacher evaluation system that meets the requirements of section 2112(b)(1) of the Elementary and Secondary Education Act of 1965, as amended by section 201 of the Student Success Act.

''(Q) The 3-year retention rate of each program's graduates who become effective and highly effective teachers or principals according to such graduates' ratings by such system.''.

TITLE III—LANGUAGE INSTRUCTION FOR LIMITED ENGLISH PROFICIENT AND IMMIGRANT STUDENTS

SEC. 301. LANGUAGE INSTRUCTION.

Title III (20 U.S.C. 6801 et seq.) is amended—

(1) in section 3001, by striking ''fiscal year 2002'' and inserting ''fiscal year 2014'' each place it appears;

(2) by striking ''No Child Left Behind Act of 2001'' and inserting ''Student Success Act'' each place it appears;

(3) in section 3244, by striking ''2002 through 2008'' and inserting ''2014 through 2020'';

(4) by striking ''adequate yearly progress'' and inserting ''progress'' each place it appears;

(5) in sections 3102(8)(B), 3113(b)(5)(B), and 3116(b)(3)(B), by striking '', as described in section 1111(b)(2)(B)'';

(6) in section 3122(a)(3)(A)(iii), by striking ''as described in section 1111(b)(2)(B)'';

(7) by repealing section 3122;

(8) in section 3111(b)(2)(D), by striking ''annual measurable achievement objectives pursuant to section 3122'' and inserting ''performance targets described in section 1111(c)'';

(9) in sections 3113(b), 3116(b), 3121(d)(3), and 3302(b), by striking ''annual measurable achievement objectives described in section 3122'' and inserting ''performance targets described in section 1111(c)'' each place it appears;

(10) in section 3122, by striking ''annual measurable achievement objectives'' and inserting ''performance targets'' each place it appears;

(11) by striking ''section 1111(b)(7)'' and inserting ''section 1111(b)(3)(F)'' each place it appears; and

(12) by striking ''section 1111(b)(1)'' and inserting ''section 1111(b)(4)'' each place it appears.

TITLE IV—21ST CENTURY SCHOOLS

SEC. 401. 21ST CENTURY SCHOOLS.

Title IV (20 U.S.C. 7101 et seq.) is amended to read as follows:

''TITLE IV—21ST CENTURY SCHOOLS

''PART A—21ST CENTURY LEARNING PARTNERSHIPS

''SEC. 4001. PURPOSE.

''The purpose of this part is to provide opportunities for communities to establish or expand activities through learning partnerships that—

''(1) provide opportunities for academic enrichment, increased academic achievement, and student success in schools by providing students with additional learning time for more expansive, relevant and rigorous learning opportunities, including opportunities to catch students up in their coursework, and help students accelerate their learning;

''(2) provide a broad array of additional services, programs and activities for a well-rounded education, including youth development activities, art, music, outdoor and recreation programs, technology education programs, and character education programs that are designed to reinforce and compliment the regular academic program for participating students;

''(3) provide teachers and staff in learning partnerships with increased opportunities to work collaboratively, and to participate in professional planning and professional development, within and across grades and subjects to improve teaching and learning;

''(4) provide students with safe learning environments and additional resources to increase student engagement in school; and

''(5) offer families of students served by partnerships opportunities for literacy development and related educational development.

''SEC. 4002. ALLOTMENT TO STATES.

''(a) RESERVATION.—From the funds appropriated under section 4009 for any fiscal year, the Secretary shall reserve not more than 1 percent for payments to the outlying areas and the Bureau of Indian Affairs, 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 4009 for any fiscal year and remaining after the Secretary makes reservations under subsection (a), the Secretary shall allot to each State for the fiscal year an amount that bears the same relationship to the remainder as the amount the State received under subpart 2 of part A of title I for the preceding fiscal year bears to the amount all States received under that subpart for the preceding fiscal year, except that no State shall receive less than an amount equal to one-half of 1 percent of the total amount made available to all States under this subsection.

''(2) REALLOTMENT OF UNUSED FUNDS.—If a State does not receive an allotment under this part for a fiscal year, the Secretary shall reallot the amount of the State's allotment to the remaining States in accordance with this subsection.

''SEC. 4003. STATE ACTIVITIES.

''(a) IN GENERAL.—A State educational agency may use not more than 5 percent of the amount made available to the State under section 4002(b) for—

''(1) the administrative costs of carrying out its responsibilities under this part; and

''(2) providing technical assistance as described in subsection (b) to learning partnerships;

''(b) TECHNICAL ASSISTANCE.—

''(1) IN GENERAL.—The technical assistance described in this paragraph includes the following:

''(A) Assisting learning partnerships who are prioritized in section 4005(g) including rural and urban schools by—

''(i) informing those learning partnerships that are prioritized in section 4005(g) that they have a priority for competing for grants under section 4005;

''(ii) providing technical assistance to the learning partnership for the development of the applications described in section 4005(b), including assisting the learning partnership in identifying which elementary schools and secondary schools to serve;

''(iii) providing technical assistance to the learning partnership if they do not receive a grant under section 4005 so that they may recompete in following competitions;

''(B) Assisting each learning partnership that receives an award under section 4005 to plan and implement additional learning time with such funds, including assisting the learning partnership in—

''(i) determining how to implement additional learning time in the schools the learning partnership intends to serve based on the results of the needs assessment described in section 4005(b)(2)(C)(i);

''(ii) identifying additional community partners, which may include multicounty public entities, and resources that may be utilized to implement the additional learning time;

''(iii) strengthening the existing partnerships of the learning partnership, identifying appropriate roles for each of the partners in the implementation of additional learning time in schools served by the learning partnership, and ensuring that the partnership is effective in maintaining strong communication, information sharing, and joint planning and implementation;

''(C) Identifying best practices for professional development for teachers and staff in learning partnerships receiving funding under this part to implement the authorized activities described in section 4006.

''(D) Identifying best practices for using additional learning time to improve academic enrichment, and student academic achievement in schools, and providing technical assistance to the learning partnership in using such best practices to implement and improve additional learning time initiatives.

''(E) Providing guidance on how to provide programs that are age appropriate and address the varying needs of students in elementary (including preschool), middle, and diploma granting schools.

''(2) SUBGRANTS FOR TECHNICAL ASSISTANCE.—A State educational agency may use a portion of the funds described in paragraph (1) to award subgrants to entities including intermediaries, educational service agencies or other public entities with demonstrated expertise in additional learning time capacity building, or evaluation to carry out the technical assistance described in subparagraph (A).

''SEC. 4004. STATE APPLICATION.

''(a) IN GENERAL.—In order to receive an allotment under section 4002(b) for any fiscal year, a State educational agency shall submit to the Secretary, at such time and in such manner as the Secretary may require, an application that—

''(1) designates the State educational agency as the agency responsible for the administration and supervision of programs assisted under this part;

''(2) describes how the State educational agency will use funds received under this part, including funds reserved for State-level activities;

''(3) contains an assurance that the State educational agency, in making awards under section 4005, will give priority to learning partnerships that propose to serve—

''(A) students attending schools in need of improvement and persistently low-achieving schools;

''(B) schools with a high number or percentage of students that are eligible for free or reduced price lunch under the Richard B. Russell School Lunch Act (42 U.S.C. 1751 et seq.);

''(4) describes the peer review process as described in section 4005(e) and the selection criteria the State educational agency will use to evaluate applications from, and select, learning partnerships to receive awards under section 4005;

''(5) describes the steps the State educational agency will take to ensure that activities and programs carried out by learning partnerships using such awards—

''(A) implement evidence-based strategies; and

''(B) ensure learning partnerships have the capacity to implement high-quality additional learning time activities that are different from methods which have been proven ineffective during the regular school day;

''(6) describes how the State educational agency will use the indicators under section 4007(a)(3) to measure the performance, on an annual basis, of learning partnerships, and

''(A) use outcomes from multiple indicators and not rely on one indicator in isolation; and

''(B) provide ongoing technical assistance and training and dissemination of promising practices;

''(7) provides an assurance that the State educational agency will set up a process to allow learning partnerships who receive an award under section 4005 and who operate a proven and effective program based on the measures of performance described in paragraph (6) to recompete in their last year of funding for an additional 5-year cycle;

''(8) describes how the State educational agency will, to the extent practicable, distribute funds under this part equitably among geographic areas within the State, including urban and rural areas;

''(9) includes information identifying the per-pupil funding amount range the State educational agency will use to ensure that awards made under section 4005 are of sufficient size and scope to carry out the purposes of the award,

''(10) includes an assurance that in determining award amounts in accordance with paragraph (9), the State educational agency shall take into consideration—

''(A) diverse geographical areas; and

''(B) the quality of activities and programs proposed by learning partnerships applying for such awards;

''(11) provides an assurance that the application will be developed in consultation and coordination with appropriate State officials, including the chief State school officer, and other State agencies administering additional learning time, the heads of the State health and mental health agencies or their designees, teachers, parents, students, the business community, and community-based organizations;

''(12) describes how activities and programs carried out by the learning partnerships under this part will be coordinated with programs under this Act, and other programs as appropriate;

''(13) describes how the State educational agency will provide a fair and transparent competition for learning partnerships that apply for grant funds under section 4005(b);

''(14) provides an assurance that the State educational agency in determining grant awards to learning partnerships will award grants based solely on the quality of the application in relationship to the needs identified by the learning partnership through the needs assessment described in section 4005(b)(2)(C)(i); and

''(15) provides for timely public notice of intent to file an application and an assurance that the application will be available for public review after submission.

''(b) DEEMED APPROVAL.—An application submitted by a State educational agency pursuant to subsection (a) shall be deemed to be approved by the Secretary unless the Secretary makes a written determination, prior to the expiration of the 120-day period beginning on the date on which the Secretary received the application, that the application is not in compliance with this part.

''(c) DISAPPROVAL.—The Secretary shall not finally disapprove the application, except after giving the State educational agency notice and 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.

''SEC. 4005. LOCAL COMPETITIVE GRANT PROGRAM.

''(a) IN GENERAL.—Each State that receives an allotment under this part shall reserve not less than 95 percent of the amount allotted to such State under section 4002(b), for each fiscal year for awards to learning partnerships under this section.

''(b) APPLICATION.—

''(1) IN GENERAL.—To be eligible to receive an award under this part, a learning partnership 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 the following:

''(A) IMPLEMENTATION PLAN.—A description of the planning activities that will be conducted during the planning phase, if applicable, that shall include a budget for the planning activities;

''(B) ROLES AND RESPONSIBILITIES.—A description of the learning partnership and the roles and responsibilities of each of the partners of the learning partnership.

''(C) ADDITIONAL LEARNING TIME ACTIVITIES.—A description of—

''(i) the activities that will be carried out by the learning partnership during the additional learning time based solely on the learning partnership's determination of the results of a needs assessment that considers—

''(I) school-wide needs, including planning time and instructional time for teachers and staff in the learning partnership;

''(II) individual student learning needs;

''(III) school and student safety; and

''(IV) the number of additional hours (during the regular school day or outside of the regular school day, as applicable) needed for supervised student enrichment, determined through school, family, and community input;

''(ii) a description of how the learning partnership will align the activities described in this subparagraph with—

''(I) school improvement plans developed and implemented pursuant to section 1116, if applicable;

''(II) academic instruction that occurs during the regular school day at the school proposed to be served by the learning partnership; and

''(III) in the case of a learning partnership implementing additional learning time as described in section 4008(2)(B), school improvement efforts supported by other programs under this Act and other relevant State and local programs;

''(iii) the anticipated number of hours of additional learning time the average student will receive and how the number of hours are appropriate based on the needs assessment described in clause (i) and the requirements of (ii);

''(iv) the grade or grade spans (including preschool) to be served by the learning partnerships using award funds;

''(v) how students participating in the activities will travel safely to and from the additional learning time center and home, as applicable; and

''(vi) a description of how the learning partnership will ensure that staff employed by the learning partnership will coordinate to develop and implement activities described in this subparagraph using, in part, the data described in subparagraph (F).

''(D) SELECTION OF SCHOOLS.—A description of the process, considerations, and criteria the learning partnership will use to select schools to implement additional learning time programs and activities that shall take into account the priorities described in section 4005(g);

''(E) FACILITY ASSURANCE.—An assurance that the activities described in subparagraph (C) will take place in a safe and easily accessible facility and a description of how the learning partnership will disseminate information about the facility to the parents and community in a manner that is understandable and accessible;

''(F) DATA SHARING.—An assurance that relevant student level data will be shared within the learning partnership consistent with the requirements of section 444 of the General Education Provisions Act so that the activities described in subparagraph (C)(i) are aligned according to subparagraph (C)(ii).

''(G) PROFESSIONAL DEVELOPMENT ACTIVITIES.—A description of how the learning partnership will provide professional development to the staff employed by the learning partnership.

''(H) PUBLIC RESOURCES.—An identification of Federal, State, and local programs that will be combined or coordinated with the additional learning time program to make the most effective use of public resources.

''(I) SUPPLEMENT, NOT SUPPLANT.—An assurance that funds under this section will be used to increase the level of State, local, and other non-Federal funds that would, in the absence of funds under this part, be made

available for programs and activities authorized under this part, and in no case supplant Federal, State, local, or non-Federal funds;

''(J) EXPERIENCE.—A description of past performance and record of effectiveness of the community based organization within the partnership in providing the activities described in subparagraph (C).

''(K) CONTINUATION AFTER FEDERAL FUNDING.—A description of a preliminary plan for how the additional learning time will continue when funding under this part ends.

''(L) CAPACITY.—An assurance that the learning partnership has the capacity to collect the data relevant to the indicators described under section 4007(a)(3).

''(M) NOTICE OF INTENT.—An assurance that the community of the learning partnership will be given notice of an intent to submit an application and that the application and any waiver request will be available for public review after submission of the application.

''(N) OTHER INFORMATION AND ASSURANCES.—Such other information and assurances as the State educational agency may reasonably require.

''(c) APPROVAL OF CERTAIN APPLICATIONS.—The State educational agency may approve an application under this section for a program to be located in a facility other than an elementary school or secondary school only if the program will be at least as available and accessible to the students to be served as if the program were located in an elementary school or secondary school.

''(d) NON-FEDERAL MATCH.—

''(1) IN GENERAL.—A State educational agency shall require a learning partnership to match funds awarded under this part, except that such match may not exceed the amount of the grant award and may not be derived from other Federal funds.

''(2) SLIDING SCALE.—The amount of a match under paragraph (1) shall be established based on a sliding fee scale that takes into account—

''(A) the relative poverty of the population to be targeted by the learning partnership; and

''(B) the ability of the learning partnership to obtain such matching funds.

''(3) IN-KIND CONTRIBUTIONS.—Each State educational agency shall permit the community-learning partnership to provide all or any portion of such match in the form of in-kind contributions.

''(e) PEER REVIEW.—In reviewing local applications under this section, a State educational agency shall use a peer review process or other methods of assuring the quality of such applications.

''(f) DURATION OF AWARDS.—Grants under this section may be awarded for a period of 5 years. Learning partnerships that receive funding under this section and who operate a proven and effective program based on the measures of performance established in section 4004(a)(6) shall be allowed to recompete in their last year of funding for an additional 5 year grant.

''(g) PRIORITY.—In awarding grants under this part, a State educational agency shall give priority to applications proposing to target services to—

''(1) students (including preschool students) who attend schools in need of improvement and persistently low-achieving schools; and

''(2) learning partnerships that propose to serve schools with a high percentage or number of students that are eligible for free and reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);

''SEC. 4006. LOCAL ACTIVITIES.

''(a) AUTHORIZED ACTIVITIES.—

''(1) IN GENERAL.—Each learning partnership that receives an award under section 4005 shall use the award funds to implement additional learning time activities that are consistent with section 4005(b)(2).

''(2) PLANNING PERIOD.—Each learning partnership may use funds under this section for a planning period of not longer than 6 months to develop an implementation plan described in section 4005(b)(2)(A) to carry out the additional learning time activities.

''SEC. 4007. REPORTING.

''(a) REPORT BY LEARNING PARTNERSHIPS.—Each learning partnership shall, not later than 1 year after the first day of the first school year in which the additional learning time is implemented, prepare and submit to the State educational agency a report—

''(1) containing a detailed description of the additional learning time activities that were carried out under this part;

''(2) with respect to each school served by the partnership—

''(A) on the actual expenses associated with, carrying out the additional learning time programs and activities in the first school year; and

''(B) a description of how the additional learning time programs and activities were implemented and whether such programs and activities were carried out during non-school hours or periods when school is not in session or added to expand the school day, school week, or school year schedule; and

''(3) containing measures of performance, aggregated and disaggregated, on the following indicators—

''(A) student academic achievement as measured by—

''(i) high-quality State academic assessments; and

''(ii) student growth in accordance with student growth standards;

''(B) for diploma granting schools served by the learning partnerships, graduation rates;

''(C) student attendance;

''(D) performance on a set of comprehensive school performance indicators that may include—

''(i) as appropriate, rate of earned on-time promotion from grade-to-grade;

''(ii) for high schools served by the learning partnerships, the percentage of students taking a college preparatory curriculum, or student rates of enrollment, persistence, and attainment of an associate or baccalaureate degree;

''(iii) the percentage of student suspensions and expulsions;

''(iv) indicators of school readiness for entering kindergartners;

''(v) evidence of increased parent and family engagement and support for children's learning;

''(vi) evidence of increased student engagement in school, which may include completing of assignments and coming to class prepared;

''(vii) evidence of mastery of non-academic skills which may include problem solving, learning to work in teams, and social and civic responsibility;

''(viii) improved personal attitude, which may include initiative, self-confidence, self-esteem and sense of self-efficacy; and

''(ix) development of social skills, which may include behavior, communication, relationships with peers and adults.

''(b) REPORT BY STATE EDUCATIONAL AGENCY.—A State Educational Agency that receives funds under this part shall annually prepare and submit to the Secretary a report that contains all reports submitted by learning partnerships under the jurisdiction of the agency, aggregated and disaggregated, provided under subsection (a).

''(c) PUBLICATION AND AVAILABILITY OF THE REPORT.—The Secretary shall publish and make widely available to the public, including through a website or other means, a summary of the reports received under subsection (b).

''SEC. 4008. DEFINITIONS.

''In this part:

''(1) LEARNING PARTNERSHIP.—The term 'learning partnership' means—

''(A) a local educational agency, a consortium of local educational agencies, or an educational service agency and one or more local educational agencies, in a partnership with 1 or more community-based organizations or other public or private entities; or

''(B) a community-based organization, or other public or private entity, in a partnership with a local educational agency, a consortium of local educational agencies, or an educational service agency and one or more local educational agencies.

''(2) ADDITIONAL LEARNING TIME.—The term 'additional learning time' means—

''(A) time added during non-school hours or periods when school is not in session, such as before or after school or during summer recess for activities that—

''(i) provide opportunities for student academic enrichment, including hands-on, experiential and project-based learning opportunities for subjects including English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, geography, health education, physical education, environmental literacy, and activities such as tutoring and service learning that—

''(I) assist students in meeting State and local academic achievement standards in core academic subjects,

''(II) use evidence-based skill training approaches and active forms of learning to promote healthy development, and engage students in learning;

''(III) align and coordinate with the regular school day and school year curriculum;

''(IV) align to school improvement plans developed pursuant to section 1116, as applicable; and

''(V) align to the learning needs of individual students at the school served by the learning partnership;

''(ii) provide students with opportunities for personal and social development;

''(iii) serve the learning needs and interests of all students, including those who already meet or exceed student academic achievement standards as measured by high-quality State academic assessments, and especially those who may not be achieving at grade level in the traditional classroom setting;

''(iv) are developmentally and age appropriate; and

''(v) involve a broad group of stakeholders (including educators, parents, students, and community partners) in carrying out additional learning time programs and activities described in this subparagraph; or

''(B) time added to expand the school day, school week, or school year schedule, that—

''(i) increases the total number of school hours for the school year at a school based on evidence supporting the amount of additional learning time needed to achieve the objectives described in clause (ii);

''(ii) is used to redesign the school's program and schedule—

''(I) to support innovation in teaching, in order to improve the academic achievement of students aligned to the school improvement plan, if applicable, especially those students who may not be achieving at grade level, in reading or language arts, mathematics, science, history and civics, and other core academic subjects;

''(II) to improve the performance of all students, including those students who are struggling to meet college and career ready

standards or State early learning standards, as appropriate, and those students who already meet or exceed college and career ready standards as measured by high-quality State academic assessments;

''(III) for additional subjects and enrichment activities that reflect student interest, connect to effective community partners, and contribute to a well-rounded education, which may include music and the arts, health education, physical education, service learning, and experiential and work-based learning opportunities (such as community service, learning apprenticeships, internships, and job shadowing);

''(IV) to advance student learning by providing a learning environment and supporting learning activities that engage students, develop social skills, and cultivate positive personal attitude; and

''(V) for teachers and staff in learning partnerships to collaborate, and plan, within and across grades and subjects;

''(iii) provides school-wide services that are—

''(I) aligned to school improvement plans developed pursuant to section 1116, as applicable; and

''(II) aligned to individual student achievement needs as identified by the school-site staff at the school served by the community-learning partnership; and

''(iv) involve a broad group of stakeholders (including educators, parents, students and community partners) in planning and carrying out additional learning time programs and activities described in this subparagraph.

''SEC. 4009. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this part $1,200,000,000 for fiscal year 2014 and such sums as may be necessary for each succeeding fiscal year.

''PART B—GRANTS TO SUPPORT STUDENT SAFETY, HEALTH, AND SUCCESS

''SEC. 4201. PURPOSE.

''The purposes of this part are—

''(1) to support local educational agencies and schools in providing comprehensive systems of learning supports to students and their families so that students receive their education in safe environments and graduate from school college and career ready;

''(2) to enhance the ability of local educational agencies and schools to leverage resources within schools and within communities to improve instruction, strengthen programs, and identify gaps in existing programs for students;

''(3) to ensure the academic, behavioral, emotional, health, mental health, and social needs of all students, including students from low income families, students with disabilities, English learners, and youth who are involved in or who are identified by evidence-based risk assessment methods as being at high risk of becoming involved in juvenile delinquency or criminal street gangs;

''(4) to support programs and activities that prevent violence in and around schools (including bullying and harassment), that prevent the illegal use of alcohol, tobacco, and drugs by students, and provide resources to foster a safe and drug-free learning environment to support student academic achievement; and

''(5) to enhance partnerships between schools, parents, and communities, and better support family and community engagement in education.

''SEC. 4202. RESERVATIONS AND ALLOTMENTS.

''(a) IN GENERAL.—From the amount made available under section 4210 to carry out this part for each fiscal year, the Secretary—

''(1) shall reserve 1 percent of such amount for grants to Guam, American Samoa, the United States Virgin Islands, to be allotted in accordance with the Secretary's determination of their respective needs and to carry out programs described in this part; and

''(2) shall reserve 1 percent of such amount for the Secretary of the Interior to carry out programs described in this part for Indian youth.

''(b) STATE ALLOTMENTS.—Except as provided in subsection (a), the Secretary shall, for each fiscal year, allot among the States—

''(1) one-half of the remainder not reserved under subsection (a) according to the ratio between the school-aged population of each State and the school-aged population of all the States; and

''(2) one-half of such remainder according to the ratio between the amount each State received under section 1124A for the preceding year and the sum of such amounts received by all the States.

''(c) MINIMUM.—For any fiscal year, no State shall be allotted under this subsection an amount that is less than one-half of 1 percent of the total amount allotted to all the States under this subsection.

''(d) REALLOTMENT OF UNUSED FUNDS.—

''(1) REALLOTMENT FOR FAILURE TO APPLY.—If any State does not apply for 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.

''(2) REALLOTMENT OF UNUSED FUNDS.—The Secretary may reallot any amount of any allotment to a State if the Secretary determines that the State will be unable to use such amount within 2 years of such allotment. Such reallotments shall be made on the same basis as allotments are made under subsection (b).

''SEC. 4203. STATE APPLICATIONS.

''(a) APPLICATION.—To receive a grant under this part, a State educational agency shall submit to the Secretary an application at such time and in such manner as the Secretary may require, and containing the information described in subsection (b).

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

''(1) An assurance that the State educational agency will review existing resources and programs across the State and coordinate any new plans and resources under this part with such existing programs and resources.

''(2) A description of how the State educational agency will identify and eliminate State barriers to the coordination and integration of programs, initiatives, and funding streams so that local educational agencies can provide comprehensive continuums of learning supports.

''(3) A description of the State educational agency's comprehensive school safety plan, which shall address bullying and harassment, provide for evidence-based and promising practices related to juvenile delinquency and criminal street gang activity prevention and intervention, address school-sponsored, off-premises, overnight field trips, disaster preparedness, and crisis and emergency management; and any other issues determined necessary by the State educational agency (existing plans may be used to satisfy the requirements of this section if such existing plans include the information required by this section, or can be modified to do so, and are submitted to the Secretary with such modifications) which—

''(A) shall be submitted to the Secretary not later than 1 year after the enactment of the Student Success Act;

''(B) shall be developed in consultation with public safety and community partners, including police, fire, emergency medical services, emergency management agencies, parents, and other such organizations;

''(C) shall be made available to the public in a manner that is understandable and accessible; and

''(D) the State educational agency shall require all local educational agencies to adopt the plan within 1 year of approval (existing plans may be used to satisfy the requirements of this section if such existing plans are approved by the State educational agency and include the information required by this section, or can be modified to do so).

''(4) A description of how grant funds will be used to identify best practices for professional development for sustainable comprehensive program development.

''(5) A description of how the State educational agency will monitor the implementation of activities under this part, and provide technical assistance to local eligible entities.

''(6) A description of how the State educational agency will ensure subgrants to eligible entities will facilitate school-community planning and effective service coordination, integration, and provision at the local level to achieve high performance standards based on the system developed in paragraph (7).

''(7) A description of how the State educational agency will develop a system for reporting and measuring eligible entity performance, and assist eligible entities in developing and implementing systems for measuring performance based on the indicators in section 4208(a)(3).

''(8) An assurance that the State educational agency will set up a process to allow local eligible entities who receive an award under section 4206 and who operate a proven and effective program based on the measures of performance described in paragraph (7) to recompete in their last year of funding for an additional 5-year cycle.

''(9) A description of the steps the State educational agency will take to ensure that activities and programs carried out by local eligible entities will implement evidence based strategies.

''(10) A description of how the number of youth involved in juvenile delinquency and criminal justice systems will not increase as a results of activities funded under this grant.

''(c) APPROVAL PROCESS.—

''(1) DEEMED APPROVAL.—An application submitted by a State pursuant to this section shall undergo peer review by the Secretary and shall be deemed to be approved by the Secretary unless the Secretary makes a written determination, prior to the expiration of the 120-day period beginning on the date on which the Secretary received the application, that the application is not in compliance with this subpart.

''(2) DISAPPROVAL.—The Secretary shall not finally disapprove the application, except after giving the State educational agency and the chief executive officer of the State notice and an opportunity for a hearing.

''(3) NOTIFICATION.—If the Secretary finds that the application is not in compliance, in whole or in part, with this subpart, the Secretary shall—

''(A) give the State educational agency and the chief executive officer of the State notice and an opportunity for a hearing; and

''(B) notify the State educational agency and the chief executive officer of the State of the finding of noncompliance, and in such notification, shall—

''(i) cite the specific provisions in the application that are not in compliance; and

''(ii) request additional information, only as to the noncompliant provisions, needed to make the application compliant.

''(4) RESPONSE.—If the State educational agency and the chief executive officer of the State respond to the Secretary's notification described in paragraph (3)(B) during the 45-day period beginning on the date on which the agency received the notification, and resubmit the application with the requested information described in paragraph (3)(B)(ii), the Secretary shall approve or disapprove such application prior to the later of—

''(A) the expiration of the 45-day period beginning on the date on which the application is resubmitted; or

''(B) the expiration of the 120-day period described in paragraph (1).

''(5) FAILURE TO RESPOND.—If the State educational agency and the chief executive officer of the State do not respond to the Secretary's notification described in paragraph (3)(B) during the 45-day period beginning on the date on which the agency received the notification, such application shall be deemed to be disapproved.

''(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit local educational agencies or individual schools from incorporating additional elements to the State-developed comprehensive school safety plan to improve student and school safety reflective of the individual agency or school community.

''SEC. 4204. STATE USE OF FUNDS.

''(a) 95 PERCENT OF FUNDS.—Each State educational agency that receives a grant under this part shall reserve not less than 95 percent of the grant amount, for each fiscal year to award subgrants to local eligible entities in accordance with section 4206.

''(b) 5 PERCENT OF FUNDS.—A State educational agency shall use not more than 5 percent, of which not more than 1 percent may be used for administration of a grant received under this subpart or may subgrant a portion of such funds to educational service agencies, or other public entities with demonstrated expertise to carry out the following activities:

''(1) Identify and eliminate State barriers to the coordination and integration of programs, initiatives, and funding streams so that local educational agencies can provide comprehensive continuums of learning supports.

''(2) Assist local eligible entities who are prioritized in section 4205(b) including those eligible entities that plan to serve rural and urban schools by—

''(A) informing those local eligible entities that they have a priority for competing for grants;

''(B) providing technical assistance to the local eligible entities for the development of the applications described in section 4206;

''(C) providing technical assistance to the local eligible entities if they do not receive a grant under section 4206 so that they may recompete in following competitions;

''(3) Identify best practices for professional development and capacity building for local educational agencies for the delivery of a comprehensive system of learning supports for teachers, administrators, and specialized instructional support personnel in schools that are served by the eligible entity receiving funding under this part to implement the authorized activities described in section 4207.

''(4) Reporting and evaluation activities.

''SEC. 4205. GENERAL SUBGRANT REQUIREMENTS.

''(a) IN GENERAL.—A State educational agency shall use grant funds received under this part to award subgrants to eligible entities.

''(b) ABSOLUTE PRIORITY.—In awarding subgrants to local eligible entities, the State educational agency shall give priority to—

''(1) local eligible entities that propose to serve a high percentage or number of students that are eligible for free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.); and

''(2) local eligible entities proposing to serve students who attend schools in need of improvement and persistently low-achieving schools;

''(c) COMPETITIVE PRIORITY.—In awarding subgrants to local eligible entities, the State educational agency shall give competitive priority to—

''(1) in the case of local eligible entities that intend to implement programs described in section 4207(2)(A), local eligible entities that serve schools that implement, or have plans to implement disciplinary policies that are research based and focus on multi-tiered systems of support; and

''(2) in the case of eligible entities that intend to implement programs described in section 4207(2)((C), eligible entities proposing to serve geographic areas most in need of these services and that commit to working with local Promise Coordinating Councils.

''(d) DURATION OF SUBGRANT.—A State educational agency shall award under this part subgrants to eligible local entities for 5 years.

''(e) RENEWAL.—

''(1) IN GENERAL.—A State educational agency may renew a subgrant awarded under this part for a period of 5 years.

''(2) RENEWAL APPLICATION.—To renew a subgrant, an eligible entity shall submit an application to the Secretary every 5 years as long as the eligible entity can demonstrate that they operate a proven and effective program based on performance on the indicators in section 4208(a)(3).

''SEC. 4206. LOCAL ELIGIBLE ENTITY APPLICATION.

''(a) IN GENERAL.—A local eligible entity that seeks a grant under this part shall submit an application to the State at such time, in such manner, and containing such information as the State may require, including the information described in subsection (b).

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

''(1) The results of a comprehensive needs assessment (which shall include incident data, and teacher, parent, or community surveys) and assets assessment which shall include a comprehensive analysis of the following—

''(A) the safety of the schools served by the local eligible entity (which shall include a comprehensive analysis of incidents and prevalence of bullying and harassment at schools served by the local eligible entity);

''(B) the incidence and prevalence of drug, alcohol and substance abuse at schools served by the local eligible entity;

''(C) the needs of youth in the community with respect to evidence-based and promising practices related to juvenile delinquency and criminal street gang activity prevention and intervention, including an assessment of the number of youth who are involved or at-risk of involvement in juvenile delinquency and criminal street gang activity and the number of chronically truant youth;

''(D) the number of specialized instructional support personnel employed by schools served by the local eligible entity and the services provided by those personnel;

''(E) the prevalence of student health (including mental health, physical fitness, and nutrition) needs at schools served by the local eligible entity;

''(F) existing programs and services intended to provide a comprehensive system of support within schools served by local eligible entities, including the support of school governance and leadership for the programs and services;

''(G) resources available in the community, including public agencies and nonprofit organizations, that could be leveraged by schools served by the local eligible entity to create comprehensive systems of support within the schools;

''(H) school discipline data including in-school suspensions, out-of-school suspensions, expulsion, school-based arrests, referrals to law enforcement, and referrals to alternative schools; and

''(I) additional needs identified by the local eligible entity.

''(2) A description of the methodology used in conducting the needs assessment described in (1);

''(3) A description of the plan to implement grant funds (taking into account the cultural and linguistic needs of the community) which shall include the following components:

''(A) A description of the services (taking into account the cultural and linguistic needs of the community) that will be provided by the local eligible entity which shall include prevention, intervention, and systematic efforts to address student learning needs as identified and prioritized by the needs assessment in paragraph (1).

''(B) A description of how existing resources, services, and programs will be coordinated and integrated with new resources, services, and programs to create a comprehensive system of learning supports that is aligned with school improvement plans required under section 1116, as applicable.

''(C) A description of the partners within the eligible entity and their roles as they relate to the implementation of the comprehensive system of learning supports that will be implemented to address the needs outlined in the needs and assets assessment described in subsection (b)(1).

''(D) A description of how the grant will be used to enhance administrator's, teacher's, and specialized instructional support personnel's identification and response to student learning needs for providing learning supports through professional development, and how school capacity will be enhanced to handle problems facing students such as those identified in the needs assessment.

''(E) A description of how the eligible entity will identify the financial savings from deferred or eliminated costs, or other benefits as a result of the programs or activities implemented by the eligible entities (in the case of an eligible entity who implements programs described in section 4207(2)(C), a comparative analysis of potential savings from criminal justice costs, public assistance costs, and other costs avoided by such programs).

''(F) A description of how the local eligible entity will measure performance based on the indicators described in section 4208(a)(3).

''(G) A description of the process for periodically reviewing the needs of students and assets within the school and community, and involving more community partners as applicable, and how data on performance on the indicators described in section 4208(a)(3) will be used to provide feedback on progress, and institutionalize support mechanisms to maintain and continually improve activities including when grant funds end.

''(c) SPECIAL RULE.—A local eligible entity may use—

''(1) an existing needs assessment to satisfy the requirements of subsection (b)(1), if the

assessment includes the information required by such subsection, or can be modified to do so; and

''(2) an existing plan to satisfy the requirements of subsection (b)(3), if the plan meets the requirements of such subsection and is approved by the State educational agency.

''SEC. 4207. LOCAL ELIGIBLE ENTITY USE OF FUNDS.

''A local eligible entity that receives a subgrant under this part shall use such funds to carry out the following activities:

''(1) Implement a comprehensive plan as described in section 4206(b)(3).

''(2) Programs and activities that address the needs of the schools served by the eligible entity as identified by the needs and assets assessment in section 4206(b)(1), which may include—

''(A) violence prevention programs, including—

''(i) programs to provide safe passage to and from school;

''(ii) programs to prevent and appropriately respond to incidents of bullying and harassment (including professional development for teachers and other school personnel);

''(iii) programs that promote positive school environments for learning and reduce the need for suspensions, expulsions, referral to law enforcement, and other practices that remove students from instruction;

''(iv) conflict resolution and restorative practice and mediation programs;

''(v) activities that involve families, community sectors (which may include appropriately trained seniors) and a variety of providers in setting clear expectations against violence and appropriate consequences of violence;

''(vi) professional development and training for, and involvement of, school personnel, specialized instructional personnel, parents, and interested community members in prevention, education, early identification and intervention, mentoring, or rehabilitation referral, as related to violence prevention;

''(vii) reporting criminal offenses committed on school property;

''(viii) emergency intervention services following traumatic crisis events, such as shooting, or a major accident that has disrupted the learning environment;

''(ix) establishing and maintaining a school safety hotline;

''(x) programs to train school personnel to identify warning signs of youth suicide and to create an action plan to help youth at risk of suicide; or

''(xi) programs that respond to the needs of students who are faced with domestic violence or child abuse;

''(B) drug and alcohol abuse prevention programs, including—

''(i) age appropriate and developmentally based activities that—

''(I) address the consequences of violence and illegal use of drugs, as appropriate;

''(II) promote a sense of individual responsibility and teach students that most people do not illegally use drugs;

''(III) teach students to recognize social and peer pressure to use drugs illegally and the skills for resisting illegal drug use; and

''(IV) teach students about the dangers of emerging drugs;

''(ii) activities that involve families, community sectors (which may include appropriately trained seniors) and a variety of providers in setting clear expectations against illegal use of drugs and appropriate consequences for illegal use of drugs;

''(iii) dissemination of drug prevention information to schools and communities;

''(iv) professional development and training for, and involvement of, school personnel, specialized instructional support personnel, parents, and interested community members in prevention, education, early identification and intervention, mentoring, or rehabilitation referral, as related to drug prevention; or

''(v) community wide planning and organizing to reduce illegal drug use;

''(C) evidence-based and promising practices related to juvenile delinquency and criminal street gang activity prevention and intervention for youth who are involved in, or at risk of involvement in, juvenile delinquency or street gang activity (that shall involve multiple community partners within the local eligible entity through coordination with a local Promise Coordinating Council);

''(D) recruiting, hiring, and maintaining specialized instructional support personnel or providing additional specialized instructional support services, including comprehensive career counseling, with priority given to the highest need schools to be served by the eligible entity;

''(E) implementing multi-tiered systems of support including positive behavior supports;

''(F) support services to address the behavioral, emotional, physical health, mental health and social needs of students, including—

''(i) social and emotional learning programs;

''(ii) mentoring programs;

''(iii) physical fitness, health education, and nutrition education programs; and

''(iv) programs to purchase automated external defibrillators and providing training in the use of these defibrillators;

''(G) services and programs to support education of pregnant and parenting teens;

''(H) programs that enable schools to prepare for, respond to, and recover from disasters, crises and emergencies that threaten safety or disrupt teaching and learning; or

''(I) other services consistent with this section.

''SEC. 4208. ACCOUNTABILITY AND TRANSPARENCY.

''(a) LOCAL ACCOUNTABILITY AND TRANSPARENCY.—On an annual basis, each local eligible entity shall report to the public and the State such information as the State may reasonably require, including—

''(1) the number of students, aggregated and disaggregated by subgroup as described in section 1111(c)(3)(A) who were served by the programs and activities in this part;

''(2) the programs and services provided under this Act;

''(3) outcomes resulting from activities and services funded under this part, aggregated and disaggregated by subgroup as described in section 1111(c)(3)(A) on the following indicators—

''(A) student academic achievement as measured by State academic assessments and student growth over time;

''(B) for diploma granting schools, graduation rates;

''(C) student attendance;

''(D) suspensions and expulsions;

''(E) performance on a set of other indicators that shall be based on the activities and services implemented based on the results of the needs assessment described in section 4206(b)(1) and may include—

''(i) the frequency, seriousness, and incidence of violence, including bullying and harassment, and drug related offenses resulting in suspensions and expulsions;

''(ii) the incidence and prevalence, age of onset, perception of health risk, and perception of social disapproval of drug use and violence by youth in schools and communities;

''(iii) the safety of passage to and from school;

''(iv) as appropriate, rate of earned on-time promotion from grade to grade;

''(v) for diploma granting schools, the percentage of students taking a college preparatory curriculum, or student rates of enrollment, persistence, and attainment of an associate or baccalaureate degree;

''(vi) academic and developmental transitions, including from elementary to middle school and middle school to high school;

''(vii) referrals to school resource personnel;

''(viii) evidence of increased parent and family engagement and support for children's learning;

''(ix) evidence of increased student engagement in school, which may include completing of assignments and coming to class prepared and on-time;

''(x) student health, including mental health and the amelioration of risk factors; and

''(F) other outcome areas as determined by the State educational agency.

''(b) STATE ACCOUNTABILITY AND TRANSPARENCY.—On an annual basis, each State educational agency that receives funds under this part shall annually prepare and submit to the Secretary a report that contains all reports submitted by local eligible entities under the jurisdiction of the agency provided under (a).

''(c) SUPPLEMENT, NOT SUPPLANT.—Grant funds provided under this part shall be used to supplement, and not supplant, other Federal, State, or local funds that would, in the absence of such grant funds, be made available for comprehensive systems of learning supports and students participating in programs under this part.

''(d) PUBLICATION AND AVAILABILITY OF REPORT.—The Secretary shall publish and make widely available to the public, including through a website or other means, a summary of the reports received under (b).

''SEC. 4209. DEFINITIONS.

''(a) For purposes of this part—

''(1) INCIDENT DATA.—The term 'incident data' means data from incident reports by school officials including, but not limited to, truancy rates; the frequency, seriousness, and incidence of violence and drug-related offenses resulting in suspensions and expulsions; the incidence of bullying and harassment, and the incidence and prevalence of drug use and violence by students in schools.

''(2) COMPREHENSIVE SYSTEM OF LEARNING SUPPORTS.—The term 'comprehensive system of learning supports' means the multi-faceted, and cohesive resources, strategies, and practices that provide class-room based or school-wide interventions to address the academic, behavioral, emotional, physical health, mental health, and social needs of students and families to improve student learning, teacher instruction and school management.

''(3) LOCAL ELIGIBLE ENTITY.—The term 'local eligible entity' means a consortium consisting of community representatives that—

''(A) shall include—

''(i) a local educational agency;

''(ii) not less than 1 other community partner organization; and

''(B) may include a broad array of community partners, including a community based organization, a child and youth serving organization, an institution of higher education, a foundation, a business, a local government, including a local governmental agency serving children and youth such as a child welfare and juvenile justice agency; students, and parents; and may include representatives from multiple jurisdictions.

''(4) MULTI-TIERED SYSTEM OF SUPPORT.—For purposes of this Act, the term 'multi-

tiered system of support' means a comprehensive system of differentiated supports that includes evidence-based instruction, universal screening, progress monitoring, formative assessments, research-based interventions matched to student needs and educational decisionmaking using student outcome data.

''(5) BULLYING.—The term 'bullying'—

''(A) means conduct, including electronic communication, that adversely affects the ability of 1 or more students to participate in and benefit from the school's educational programs or activities by placing the student (or students) in reasonable fear of physical harm; and

''(B) includes conduct that is based on—

''(i) a student's actual or perceived—

''(I) race;

''(II) color;

''(III) national origin;

''(IV) sex;

''(V) disability

''(VI) sexual orientation;

''(VII) gender identity; or

''(VIII) religion;

''(ii) any other distinguishing characteristics that may be defined by a State or local educational agency; or

''(iii) association with a person or group with 1 or more of the actual or perceived characteristics listed in clause (i) or (ii).

''(6) HARASSMENT.—The term 'harassment'—

''(A) means conduct, including electronic communication, that adversely affects the ability of 1 or more students to participate in and benefit from the school's educational programs or activities because the conduct, as reasonably perceived, is so severe, persistent, or persuasive; and

''(B) includes conduct that is based on—

''(i) a student's actual or perceived—

''(I) race;

''(II) color;

''(III) national origin;

''(IV) sex;

''(V) disability

''(VI) sexual orientation;

''(VII) gender identity; or

''(VIII) religion;

''(ii) any other distinguishing characteristics that may be defined by a State or local educational agency; or

''(iii) association with a person or group with 1 or more of the actual or perceived characteristics listed in clause (i) or (ii).

''(7) JUVENILE DELINQUENCY AND CRIMINAL STREET GANG ACTIVITY PREVENTION AND INTERVENTION.—The term 'juvenile delinquency and criminal street gang activity prevention and intervention' means the provision of programs and resources to children and families who have not yet had substantial contact with criminal justice or juvenile justice systems or to youth who are involved in, or who are identified by evidence-based risk assessment methods as being at high risk of continued involvement in, juvenile delinquency or criminal street gangs, that—

''(A) are designed to reduce potential juvenile delinquency and criminal street gang activity risks; and

''(B) are evidence-based or promising educational, health, mental health, school-based, community-based, faith-based, parenting, job training, social opportunities and experiences, or other programs, for youth and their families, that have been demonstrated to be effective in reducing juvenile delinquency and criminal street gang activity risks.

''(8) PROMISE COORDINATING COUNCILS.—The members of a PROMISE Coordinating Council shall be representatives of public and private sector entities and individuals that—

''(A) shall include, to the extent possible, at least one representative from each of the following:

''(i) the local chief executive's office;

''(ii) a local educational agency;

''(iii) a local health agency or provider;

''(iv) a local mental health agency or provider, unless the representative under clause (iii)) also meets the requirements of this subparagraph;

''(v) a local public housing agency;

''(vi) a local law enforcement agency;

''(vii) a local child welfare agency;

''(viii) a local juvenile court;

''(ix) a local juvenile prosecutor's office;

''(x) a private juvenile residential care entity;

''(xi) a local juvenile public defender's office;

''(xii) a State juvenile correctional entity;

''(xiii) a local business community representative; and

''(xiv) a local faith-based community representative;

''(B) shall include two representatives from each of the following:

''(i) parents who have minor children, and who have an interest in the local juvenile or criminal justice systems;

''(ii) youth between the ages of 15 and 24 who reside in the jurisdiction of the unit or Tribe; and

''(iii) members from nonprofit community-based organizations that provide effective delinquency prevention and intervention to youth in the jurisdiction of the eligible entity; and

''(C) may include other members, as appropriate.

''(9) SPECIALIZED INSTRUCTIONAL SUPPORT PERSONNEL.—The term 'specialized instructional support personnel' means school counselors, school social workers, school psychologists, school nurses, and other qualified professionals involved in providing assessment, diagnosis, counseling, educational, therapeutic, medical, and other necessary services (including related services as that term is defined in section 602 of the Individuals with Disabilities in Education Act) as part of a comprehensive program to meet student needs.

"SEC. 4210. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this part $350,000,000 for fiscal year 2014 and such sums as may be necessary for each succeeding fiscal year.''.

TITLE V—WELL-ROUNDED STUDENTS AND ENGAGED FAMILIES

Subtitle A—Public Charter Schools

SEC. 501. PURPOSE.

Section 5201 (20 U.S.C. 7221) is amended to read as follows:

"SEC. 5201. PURPOSE.

''It is the purpose of this subpart to—

''(1) provide financial assistance for the planning, program design, and initial implementation of charter schools;

''(2) expand the number of high-quality charter schools available to students across the Nation;

''(3) evaluate the impact of such schools on student achievement, families, and communities, and share best practices between charter schools and other public schools;

''(4) 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;

''(5) improve student services to increase opportunities for students with disabilities, English language learners, and other traditionally underserved students to attend charter schools and meet challenging State academic achievement standards;

''(6) support efforts to strengthen the charter school authorizing process to improve performance management, including transparency, monitoring, and evaluation of such schools; and

''(7) ensure quality, accountability and transparency in the operations and performance of all authorized public chartering agencies, including State and local educational agencies, and charter schools.''.

SEC. 502. PROGRAM AUTHORIZED.

Section 5202 (20 U.S.C. 7221a) is amended to read as follows:

"SEC. 5202. PROGRAM AUTHORIZED.

''(a) IN GENERAL.—This subpart authorizes the Secretary to carry out a charter school program 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 5211 for a fiscal year, the Secretary shall—

''(1) reserve 12.5 percent to support charter school facilities assistance under section 5204;

''(2) reserve not more than 2.5 percent to carry out technical assistance, best practices, and evaluation under section 5205(a);

''(3) reserve not more than 5 percent to carry out grants to eligible applicants under section 5205(b); and

''(4) use the remaining amount after the Secretary reserves funds under paragraphs (1) and (2) to carry out section 5203.

''(c) PRIOR GRANTS AND SUBGRANTS.—The recipient of a grant or subgrant under this subpart, 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. 503. GRANTS TO SUPPORT HIGH-QUALITY CHARTER SCHOOLS.

Section 5203 (20 U.S.C. 7221b) is amended to read as follows:

"SEC. 5203. GRANTS TO SUPPORT HIGH-QUALITY CHARTER SCHOOLS.

''(a) IN GENERAL.—From the amount reserved under section 5202(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) replicating 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; DIVERSITY OF PROJECTS.—

''(1) PROGRAM PERIODS.—

''(A) GRANTS.—A grant awarded by the Secretary to a State entity under this section shall be for a period of not more than 5 years.

''(B) SUBGRANTS.—A subgrant awarded by a State entity under this section shall be for a period of not more than 5 years, of which an eligible applicant may use not more than 18 months for planning and program design.

''(2) PEER REVIEW.—The Secretary, and each State entity receiving a grant under this section, shall use a peer review process to review applications for assistance under this section.

''(3) 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.

''(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 per charter school for a 5-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 entity's objectives in opening and initially operating 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 will—

''(i) support both new charter school startup and the expansion and replication of high-quality charter school models;

''(ii) inform eligible charter schools, developers, and authorized public chartering agencies of the availability of funds under the program;

''(iii) work with eligible applicants to ensure that the 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) 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) work with the State educational agency to adequately operate the entity's program under this section, where applicable;

''(v) 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) support charter schools participating in the entity's program and that are in local educational agencies with large numbers of schools that must comply with the requirements of section 1116(b);

''(vii) work with charter schools to promote inclusion of all students and support all students once they are enrolled to promote retention;

''(viii) work with charter schools on recruitment practices, including efforts to engage groups that may otherwise have limited opportunities to participate in charter schools;

''(ix) share best and promising practices between charter schools and other public schools;

''(x) ensure the charter schools they support can meet the educational needs of their students, including students with disabilities and English language learners; and

''(xi) 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 a replica of high-quality charter school models, and expanding high-quality charter schools;

''(C) 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 on the State's academic accountability system will be a primary factor for renewal;

''(III) a description of how the eligible applicant will solicit and consider input from parents and other members of the community on the planning, implementation, and operation of each charter school receiving funds under the entity's program; and

''(IV) for each year of the grant, planned activities and expenditures for use of funds received under this section for the purposes of opening and initially operating a new charter school, replicating a high-quality charter school model and initially operating such school, or expansion of a high-quality charter school and initially operating such school while ensuring financial sustainability of the school following the grant period; and

''(ii) a description of how the entity will review applications; and

''(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.

''(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;

''(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 the 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, the Americans with Disabilities Act of 1990, section 444 of the General Education Provisions Act (commonly known as the 'Family Educational Rights and Privacy Act of 1974'), and title IX of the Education Amendments of 1972; and

''(ii) adequately monitors and helps ensure each charter school, with respect to recruitment and enrollment is meeting the needs of all students, including students with disabilities and English language learners;

''(D) the entity will provide adequate technical assistance to eligible applicants to—

''(i) meet the objectives described in clauses (vii) and (viii) of paragraph (1)(A) and paragraph (2)(B); and

''(ii) recruit and enroll traditionally underserved students, including students with disabilities and English language 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 in compliance with quality charter authorizing standards described in section 1111(d)(1)(I);

''(F) the entity will work to ensure that charter schools are included with the traditional public school system 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 educational options available to their children, including information on the educational program, student support services, and annual performance and enrollment.

''(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 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;

''(ii) work with the authorized public chartering agencies involved to avoid duplication of work for the charter schools and authorized public chartering agencies;

''(iii) 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; and

''(iv) support quality authorizing efforts in the State, consistent with quality charter school authorizing standards described in section 1111(d)(1)(H).

''(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) The State entity is located in a State that allows appeals of authorized public chartering agency, including State and local educational agency, decisions pertaining to granting, renewal, or revocation of charter agreements.

''(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 charter schools and 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 language learners.

''(G) The entity has taken steps to ensure that all authorized public chartering agencies implement best practices for quality charter school authorizing as described in section 1111(d)(1)(I).

''(g) LOCAL USES OF FUNDS.—An eligible applicant receiving a subgrant under this section shall use such funds to carry out activities to open and initially operate new charter schools, replicate high-quality charter school models and initially operate such schools, or expand existing high-quality charter schools and initially operate such schools to ensure strong school starts, as submitted annually by the eligible applicant according to subparagraph (e)(1)(C)(IV)..

''(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 and, if applicable, how many new students were served during each year of the grant 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 replication of 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, including how the agencies worked with the management company or leadership of the schools in which the subgrants were awarded.

''(i) STATE ENTITY DEFINED.—For purposes of this section, the term 'State entity' means—

''(1) a State educational agency; or

''(2) a State charter school board.''.

SEC. 504. FACILITIES FINANCING ASSISTANCE.

Section 5204 (20 U.S.C. 7221c) is amended to read as follows:

''SEC. 5204. FACILITIES FINANCING ASSISTANCE.

''(a) GRANTS TO ELIGIBLE ENTITIES.—

''(1) IN GENERAL.—From the amount reserved under section 5202(b)(1), the Secretary shall award not less than 3 grants to eligible entities that have applications approved under subsection (d) 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.—

''(1) EVALUATION OF APPLICATION.—The Secretary shall evaluate each application submitted under subsection (d), and shall determine whether the application is sufficient to merit approval.

''(2) DISTRIBUTION OF GRANTS.—The Secretary shall award at least one grant to an eligible entity described in subsection (a)(2)(A), at least one grant to an eligible entity described in subsection (a)(2)(B), and at least one grant to an eligible entity described in subsection (a)(2)(C), if applications are submitted that permit the Secretary to do so without approving an application that is not of sufficient quality to merit approval.

''(c) GRANT CHARACTERISTICS.—Grants under 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 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;

''(F) a description of how the eligible entity will encourage energy-efficient school building practices;

''(G) in the case of an application submitted by a State governmental entity, a description of the actions that the entity has taken, or will take, to ensure that charter schools within the State receive the funding the charter schools need to have adequate facilities; and

''(H) such other information as the Secretary may reasonably require.

''(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 subsection.

''(g) LIMITATION ON ADMINISTRATIVE COSTS.—An eligible entity may use not more than 2.5 percent of the funds received under subsection (a) for the administrative costs of carrying out its responsibilities under this section (excluding subsection (k)).

''(h) AUDITS AND REPORTS.—

''(1) FINANCIAL RECORD MAINTENANCE AND AUDIT.—The financial records of each eligible entity receiving a grant under subsection (a) shall be maintained in accordance with generally accepted accounting principles and shall be subject to an annual audit by an independent public accountant.

''(2) REPORTS.—

''(A) GRANTEE ANNUAL REPORTS.—Each eligible entity receiving a grant under subsection (a) 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 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.

''(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 5202(b)(1) 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.—To be eligible to receive a grant under this subsection, a State shall establish or enhance, and administer, a per-pupil facilities aid program for charter schools in the State, that—

''(I) is specified in State law; and

''(II) provides annual financing, on a per-pupil basis, for charter school facilities.

''(ii) SPECIAL RULE.—A State that is required under State law to provide its charter schools with access to adequate facility space 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. 505. NATIONAL ACTIVITIES.

Section 5205 (20 U.S.C. 7221d) is amended to read as follows:

''SEC. 5205. NATIONAL ACTIVITIES.

''(a) TECHNICAL ASSISTANCE, BEST PRACTICES, AND EVALUATION.—From the amount reserved under section 5202(b)(2), the Secretary shall—

''(1) disseminate technical assistance to State entities in awarding subgrants under section 5203, and eligible entities and States receiving grants under section 5204;

''(2) disseminate best practices; and

''(3) in partnership with the Institute for Education Sciences, as appropriate—

''(A) develop relevant program performance metrics, including student outcome data, for State entities, eligible entities, and schools that receive funds under section 5203 and eligible applicants and charter schools that receive funds under section 5205(b);

''(B) assist such State entities, eligible applicants, and charter schools in collecting and submitting data on such performance metrics to the Secretary;

''(C) evaluate the program performance of and conduct related research to—

''(i) determine which policies and practices implemented using funds received under section 5203 and 5205(b) have the greatest impact on student achievement

''(ii) determine which charter school models funded under this title lead to measurably improved student outcomes on statewide assessments;

''(iii) examine the transfer of best and promising practices between charter schools funded under this title and other public schools;

''(iv) ensure the inclusion of all student subgroups as described in section 1111(c)(3) in charter schools funded under this title; and

''(v) drive continuous improvement; and

''(D) disseminate the findings of the research, evaluation and data collection described in this section.

''(b) GRANTS TO ELIGIBLE APPLICANTS.—

''(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 5202(a)(1), subparagraphs (A) through (C) of section 5203(a)(1), and section 5203(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 5203.

''(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 5203;

''(B) a State that did not receive a grant under section 5203; or

''(C) a State that received a grant under section 5203 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. 506. RECORDS TRANSFER.

Section 5208 (20 U.S.C. 7221g) is amended—

(1) by inserting ''as quickly as possible and'' before ''to the extent practicable''; and

(2) by striking ''section 602'' and inserting ''section 602(14)''.

SEC. 507. DEFINITIONS.

Section 5210 (20 U.S.C. 7221i) is amended—

(1) in paragraph (1)—

(A) by striking ''and'' at the end of subparagraph (K);

(B) by striking the period at the end of subparagraph (L) and inserting ''; and''; and

(C) by adding at the end, the following:

''(M) may serve prekindergarten or post secondary students.'';

(2) in paragraph (3)(B), by striking ''under section 5203(d)(3)''; and

(3) by inserting at the end the following:

''(5) EXPANSION OF A HIGH-QUALITY CHARTER SCHOOL.—The term 'expansion of a high-quality charter school' means significantly increasing the enrollment of or adding 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 increasing academic achievement for all students and student subgroups as described in section 1111(c)(3), including—

''(i) the percentage of students in on-target and advanced levels of achievement on the State academic assessments required under section 1111(b)(3) compared to demographically similar schools in the State;

''(ii) an average student academic, longitudinal growth from one school year to the next school year, if available and as determined by the State, on the State academic assessments required under section 1111(b)(3) that exceeds such growth in demographically similar schools in the State;

''(iii) in the case of a charter school that is a secondary school—

''(I) a graduation rate that is above the graduation rate for demographically similar schools in the State; and

''(II) attendance, retention, and postsecondary enrollment rates that are above such rates for demographically similar schools in the State; and

''(iv) closing achievement gaps among student subgroups as described in section 1111(c)(3) and all students served by the charter school; and

''(B) has no significant issues in the areas of student safety, school discipline, including high rates of suspensions and expulsions, financial management, or statutory or regulatory compliance, including quality charter school authorizing standards described in section 1111(d)(1)(I).

''(7) HIGH-QUALITY CHARTER SCHOOL MODEL.—The term 'high-quality charter school model' means a high-quality charter school that possesses the capability, including sustainable financing, to open another school campus under an existing charter agreement.''.

SEC. 508. AUTHORIZATION OF APPROPRIATIONS.

Section 5211 (20 U.S.C. 7221j) is amended to read as follows:

''SEC. 5211. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this subpart $300,000,000 for fiscal year 2014 and each of the 5 succeeding fiscal years.''.

SEC. 509. CONFORMING AMENDMENTS.

(a) REPEAL.—Subpart 2 of part B of title V (20 U.S.C. 7223 et seq.) is repealed.

(b) TABLE OF CONTENTS.—The table of contents in section 2 is amended—

(1) by striking the item relating to section 5203 and inserting the following:

''Sec. 5203. Grants to support high-quality charter schools.'';

(2) by striking the item relating to section 5204 and inserting the following:

''Sec. 5204. Facilities Financing Assistance.''; and

(3) by striking subpart 2 of part B of title V.

Subtitle B—Fund for the Improvement of Education

SEC. 511. FUND FOR THE IMPROVEMENT OF EDUCATION.

(a) IN GENERAL.—Part D of title V (20 U.S.C. 7241 et seq.) is amended to read as follows:

''PART D—A WELL-ROUNDED EDUCATION

''SUBPART 1—GRANTS TO SUPPORT STEM EDUCATION

''SEC. 5401. PURPOSE.

''The purpose of this subpart is to improve student academic achievement in STEM subjects by—

''(1) improving instruction in such subjects from preschool through grade 12;

''(2) improving student engagement in, and increasing student access to, courses in such subjects;

''(3) improving the quality and effectiveness of classroom instruction by recruiting, training, and supporting effective teachers and providing robust tools and supports for students and teachers in such subjects;

''(4) implementing and integrating college and career ready standards, described in section 1111(b)(2), in STEM subjects and assessments aligned with those standards;

''(5) closing student achievement gaps, and preparing more students for postsecondary education and careers, in such subjects; and

''(6) Recognizing that STEM subjects are diverse and that STEM education programs must expose students to content and skills in a host of constantly changing and evolving content areas.

''SEC. 5402. GRANTS; ALLOTMENTS.

''(a) RESERVATIONS.—

''(1) IN GENERAL.—From the amounts appropriated under section 5410 for a fiscal year, the Secretary shall reserve—

''(A) $35,000,000 for a STEM Master Teachers Corps program under section 5405;

''(B) 3 percent to carry out activities described in section 5405 and technical assistance to States, including technical assistance with implementation of programs consistent with the purpose of this part; and

''(C) if funds are not awarded by formula, as described in subsection (c)(1), 5 percent for State capacity-building grants in accordance with paragraph (2).

''(2) CAPACITY-BUILDING GRANTS.—

''(A) IN GENERAL.—In any year for which funding is distributed competitively, as described in subsection (b)(1), the Secretary may award 1 capacity-building grant to each eligible entity that does not receive a grant under subsection (b), on a competitive basis, to enable such States to become more competitive in future years.

''(B) DURATION.—Grants awarded under subparagraph (A) shall be for a period of 1 year.

''(b) COMPETITIVE GRANTS.—

''(1) IN GENERAL.—For each fiscal year for which the amount appropriated to carry out this Act is less than $250,000,000, the Secretary shall award grants, on a competitive basis, to eligible entities to enable such eligible entities to carry out the activities described in this Act.

''(2) DURATION.—Grants awarded under this subsection shall be for a period of not more than 3 years.

''(3) RENEWAL.—

''(A) IN GENERAL.—If an eligible entity demonstrates progress, as measured by the metrics reported in section 5406(a)(5), the Secretary may renew a grant for an additional 2-year period.

''(B) REDUCED FUNDING.—Grant funds awarded under subparagraph (A) shall be awarded at a reduced amount.

''(c) FORMULA GRANTS.—

''(1) IN GENERAL.—For each fiscal year for which the amount appropriated to carry out this Act is equal to or more than $250,000,000, the Secretary shall award grants to States, based on the formula described in paragraph (2).

''(2) DISTRIBUTION OF FUNDS.—The Secretary shall allot to each State—

''(A) an amount that bears the same relationship to 35 percent of the excess amount as the number of individuals ages 5 through 17 in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all such States, as so determined; and

''(B) an amount that bears the same relationship to 65 percent of the excess amount as the number of individuals ages 5 through 17 from families with incomes below the poverty line, in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all such States, as so determined.

''(3) FUNDING MINIMUM.—No State receiving an allotment under this subsection may receive less than one-half of 1 percent of the total amount allotted under paragraph (1) for a fiscal year.

''(4) REALLOTMENT OF UNUSED FUNDS.—If a State does not successfully apply for or receive an allotment under this subsection for a fiscal year, the Secretary shall reallot the amount of the State's allotment to the remaining States in accordance with this subsection.

''SEC. 5403. APPLICATIONS.

''(a) IN GENERAL.—Each eligible entity desiring a grant under this Act, whether through a competitive grant under section 5402(b) or through an allotment under section 5402(c), shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

''(b) CONTENTS.—At a minimum, an application submitted under subsection (a) shall include the following:

''(1) A description of how grant funds will be used by the eligible entity.

''(2) A description of how the eligible entity has involved a variety of stakeholders in

the development of the application and a description of how the State or eligible entity will continue to involve stakeholders in any education reform efforts related to STEM subject instruction.

''(3) A description of the steps the eligible entity will take to ensure that programs implemented by the subgrantees use evidence-based strategies, ensure high-quality curricula, and provide high-quality professional development.

''(4) An assurance that the eligible entity, in making awards under section 5404(c), will give priority to subgrantees that—

''(A) propose to serve students in schools in need of improvement and persistently low achieving schools; or

''(B) propose to serve schools with a high percentage or number of students that are eligible for free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

''(5) A description of how the eligible entity's activities and subgrants will be coordinated with other Federal, State, and local programs and activities, including career and technical education programs authorized under the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.).

''(6) A review of the industry and business workforce needs in the State in jobs that require knowledge or training in STEM subject areas and a description of how that review will inform efforts to improve education in STEM subjects.

''(7) A description of how the eligible entity will allocate funds in a manner that will provide services to both elementary schools and secondary schools.

''(8) A description of the technical assistance that the eligible entity will provide to subgrantees to support the activities undertaken by the subgrantees, including—

''(A) activities to employ multi-tiered systems of support to provide early intervening services and to increase student achievement in STEM subjects;

''(B) activities to ensure increased access for students who are traditionally underrepresented in STEM subject fields (including female students, minority students, students who are limited English proficient, students who are children with disabilities, and students from low-income families) to high-quality courses and other learning experiences;

''(C) implementing evidence-based programs of instruction based on college and career ready standards and high-quality assessments in the identified subjects; and

''(D) developing curricula consistent with the principles of universal design for learning as defined in section 103 of the Higher Education Act of 1965.

''(9) A description of the key data metrics that will be used and reported annually under section 5406(a)(5), that shall include—

''(A) student academic achievement on mathematics and science State academic assessments and student growth; and

''(B) for diploma granting schools, graduation rates.

''(10) Assurances that the eligible entity will monitor implementation of approved subgrantee plans.

''SEC. 5404. AUTHORIZED ACTIVITIES.

''(a) REQUIRED ACTIVITIES.—Each eligible entity that receives a grant under this Act shall use not more than 5 percent of the grant funds to carry out each of the following activities:

''(1) Providing technical assistance to subgrantees as described in section 5403(b)(7) and technical assistance to subgrantees that are prioritized in section 5404(d), including subgrantees that serve low-capacity rural and urban areas by—

''(A) informing those subgrantees that they have a priority for competing for grants under section 5404(b); and

''(B) providing subgrantees who do not receive a grant under section 5404(c) technical assistance so that they may re-compete in following competitions.

''(2) Identifying and supporting high-quality professional development and other comprehensive systems of support for teachers and school leaders to promote high-quality instruction and instructional leadership in the identified subjects, aligned to college and career ready standards where applicable.

''(3) Disseminating information, including making publicly available on the websites of the State educational agency, on promising practices to improve student achievement in STEM subject areas.

''(b) PERMISSIBLE ACTIVITIES.—Each eligible entity that receives a grant under this Act may use the grant funds to carry out 1 or more of the following activities:

''(1) Recruiting qualified teachers and instructional leaders who are trained in identified subjects, including teachers who have transitioned into the teaching profession from a career in a STEM field.

''(2) Providing induction and mentoring services to new teachers in identified subjects.

''(3) Developing instructional supports, such as curricula and assessments, which shall be evidence-based and aligned with State academic standards and may include online education.

''(4) Training personnel of subgrantees to use data systems to continuously improve student achievement in STEM subjects and use the data to better target curriculum and instruction to meet the needs of each student.

''(c) SUBGRANTS.—

''(1) IN GENERAL.—Each eligible entity that receives a grant under this Act shall award subgrants, on a competitive basis, to eligible subgrantees.

''(2) MINIMUM SUBGRANT.—An eligible entity shall award subgrants under this subsection that are of sufficient size and scope to support high-quality, evidence-based, effective programs that are consistent with the purpose of this Act.

''(3) SUBGRANTEE APPLICATION.—Each subgrantee desiring a subgrant under this subsection shall submit an application to the eligible entity at such time, in such manner, and accompanied by such information as the eligible entity may require, including, at a minimum:

''(A) A description of the needs identified by the subgrantee, based on a needs assessment which shall include—

''(i) data for elementary school and secondary school grades, as applicable and to the extent that such data are available, on—

''(I) student achievement in science and mathematics, including such data collected in accordance with the State academic assessments;

''(II) science and mathematics teacher evaluation results or ratings;

''(III) student access to mathematics and science courses needed to enroll in credit-bearing coursework at institutions of higher education in the State;

''(IV) access to science and mathematics courses for student prekindergarten through grade 12 attending schools prioritized under section 5404(d);

''(V) the percentage of students successfully—

''(aa) completing Advanced Placement (AP) or International Baccalaureate (IB) courses in science and mathematics subjects; or

''(bb) completing rigorous postsecondary education courses in science and mathematics subjects;

''(VI) rates of college remediation in mathematics; and

''(VII) teacher shortages and teacher distribution among the local educational agencies and schools served by the subgrantee in science and mathematics subjects; and

''(ii) an analysis of the implementation of any multi-tiered systems of support that have been employed by the local educational agency served by the subgrantee to address the learning needs of students in any STEM subjects.

''(B) A description of the activities that the subgrantee will carry out based on the findings of the needs assessment described in subparagraph (A), and how such activities will improve teaching and student academic achievement in the identified subjects, in a manner consistent with evidence-based research.

''(C) A description of how the subgrantee will use funds provided under this subsection to serve students and teachers in schools prioritized under section 5404(d).

''(D) A description of how funds provided under this subsection will be coordinated with other Federal, State, and local programs and activities, including career and technical education programs authorized under the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.).

''(E) If the subgrantee is working with outside partners, a description of how such outside partners will be involved in improving instruction and increasing access to high-quality learning experiences in the identified subjects.

''(4) SUBGRANTEE USE OF FUNDS.—

''(A) REQUIRED USE OF FUNDS.—Each subgrantee that receives a subgrant under this subsection shall use the subgrant funds to carry out activities for students from preschool through grade 12, consistent with the analysis and the activities described in the subgrantee's application, which shall include—

''(i) high-quality teacher and instructional leader recruitment, support, evaluation, and professional development in the identified subjects;

''(ii) professional development, which may include development and support for instructional coaches, to enable teachers and instructional leaders to increase student achievement in identified subjects, through—

''(I) implementation of classroom assessments; and

''(II) differentiation of instruction in identified subjects for all students, including for students with disabilities and students who are English learners;

''(iii) activities to—

''(I) improve the content knowledge of teachers; and

''(II) facilitate professional collaboration, which may include providing time for such collaborations;

''(iv) training to principals and teachers in implementing STEM subject initiatives, particularly in the areas of—

''(I) utilizing data;

''(II) assessing the quality of STEM subject instruction; and

''(III) providing time and support for teachers to plan STEM subject instruction;

''(v) the development, adoption, and improvement of high-quality curricula, assessments, materials, and instructional supports that—

''(I) are aligned with State academic standards; and

''(II) the subgrantee will use to improve student academic achievement in identified subjects; and

''(vi) the development or improvement, and implementation, of multi-tiered systems of support to provide early intervening services and to increase student achievement in 1 or more of the identified subjects.

''(B) PERMISSIBLE USE OF FUNDS.—In addition to the required activities described in subparagraph (A), each subgrantee that receives a subgrant under this subsection, may also use the subgrant funds to—

''(i) support the participation of low-income students in nonprofit competitions and out-of-school activities related to STEM (such as robotics, science research, invention, mathematics, and technology competitions), including—

''(I) the purchase of parts and supplies needed to participate in such competitions;

''(II) incentives and stipends for teachers and instructional leaders who are involved in assisting students and preparing students for such competitions, if such activities fall outside the regular duties and responsibilities of such teachers and instructional leaders; and

''(III) paying expenses associated with the participation of low-income students in such local, regional, or national competitions;

''(ii) improve the laboratories of schools served by the subgrantee and provide instrumentation as part of a comprehensive program to enhance the quality of STEM instruction, including—

''(I) purchase, rental, or leasing of equipment, instrumentation, and other scientific educational materials;

''(II) maintenance, renovation, and improvement of laboratory facilities;

''(III) professional development and training for teachers;

''(IV) development of instructional programs designed to integrate the laboratory experience with classroom instruction and to be consistent with college and career ready content standards in STEM subjects;

''(V) training in laboratory safety for school personnel;

''(VI) design and implementation of hands-on laboratory experiences to encourage the interest of students, especially students who are traditionally underrepresented in STEM subject fields (including female students, minority students, students who are limited English proficient, students who are children with disabilities, and students from low-income families) in STEM subjects and help prepare such students to pursue postsecondary studies in these fields; and

''(VII) assessment of the activities funded under this subparagraph;

''(iii) broaden secondary school students' access to, and interest in, careers that require academic preparation in 1 or more identified subjects;

''(iv) integrate instruction in the identified subjects with instruction in reading, English language arts, or other core and noncore academic subjects;

''(v) develop and implement a STEAM curriculum, which means the integration of instruction in the identified subjects with instruction in the arts and design; or

''(vi) establish or access online or distance learning programs for STEM subject teachers using evidence-based curricula.

''(C) LIMITATION.—Each subgrantee that receives a subgrant under this subsection shall not expend more than 15 percent of the subgrant funds on the activities described in subparagraph (B).

''(D) MATCHING FUNDS.—

''(i) IN GENERAL.—A State or eligible entity may require an eligible subgrantee receiving a subgrant under this subsection to demonstrate that such subgrantee has obtained a commitment from 1 or more outside partners to match, using non-Federal funds, a portion of the amount of subgrant funds, in an amount determined by the State or eligible entity.

''(ii) REQUIRED MINIMUM.—Notwithstanding clause (i), if an eligible subgrantee partners with an outside partner that is a for-profit entity, such subgrantee shall obtain matching funds from the outside partner in an amount equal to not less than 15 percent of the amount of the subgrant.

''(d) PRIORITY.—In awarding grants under this part, an eligible entity shall give priority to subgrantees proposing to target services to—

''(1) students in schools in need of improvement and persistently low-achieving schools; or

''(2) schools with a high percentage of students that are eligible for free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

''SEC. 5405. NATIONAL COORDINATION.

''From the amount reserved under section 5402(a)(1)(B), the Secretary shall consult with the Director of the National Science Foundation and other Federal agencies conducting STEM education programs to enhance such programs and to improve coordination across agencies, such as—

''(1) clarifying the appropriate roles for the Department of Education and the National Science Foundation in the execution of summer workshops, institutes, or partnerships to improve STEM education in elementary and secondary schools; or

''(2) integrating afterschool, out-of-school, and informal education efforts conducted across Federal agencies into strategies for enhancing and improving STEM education.

''SEC. 5406. STEM MASTER TEACHER CORPS PROGRAM.

''(a) GRANTS AUTHORIZED.—From the funds reserved under section 5402(a)(1)(A), the Secretary shall award 1 or more grants, on a competitive basis, to entities described in subsection (b)(1) to enable such entities to establish and operate a one-time STEM master teacher corps program.

''(b) STEM MASTER TEACHER CORPS.—The term 'STEM master teacher corps' (referred to in this section as the 'corps') means a one-time program—

''(1) that establishes the viability of creating a long-term national-level master teacher corps as a means to recognize and reward accomplished STEM educators;

''(2) operated by 1 or more State educational agencies, or a consortium of local educational agencies, acting in partnership with 1 or more outside partners that have a demonstrated record of success in improving the effectiveness of STEM teachers or increasing the retention of such teachers;

''(3) that selects a group of highly rated teachers (through a process, and for a duration, determined by the entity described in paragraph (1)), as members of the corps, that constitutes not less than 5 percent and not more than 10 percent of elementary school, middle school, and high school teachers who teach STEM subjects and who—

''(A) teach in a participating high-need school in the region served by the entity described in paragraph (1); or

''(B) agree to teach in a participating high-need school in the region served by the entity described in paragraph (1) if accepted as a member of the corps; and

''(4) that aims to attract, improve, and retain teachers who teach STEM subjects and to increase student achievement in such subjects, including by—

''(A) providing instructional leadership responsibilities for corps members in their schools, local educational agencies, or States, such as mentoring beginning STEM teachers and leading professional development activities for teachers not participating in the corps;

''(B) providing corps members with research-based professional development on instructional leadership and effective teaching methods for STEM subjects, including coordinating with out-of-school-time and afterschool programs to provide engaging STEM programs;

''(C) providing each teacher who is a corps member with a salary supplement of not less than $10,000 per year, in recognition of such teacher's teaching accomplishments, leadership, and increased responsibilities, for each year such teacher serves as a member of the corps; and

''(D) building a community of practice among corps members to enable such members to network, collaborate, and to share best practices and resources with each other.

''(c) DURATION.—Grants awarded under this section shall be for a period of not more than 3 years, after which the program under this subsection shall end.

''(d) APPLICATION.—Each entity described in subsection (b)(1) desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

''(e) MATCHING FUNDS.—The Secretary may require a grantee under this section to provide non-Federal matching funds in an amount equal to the amount of grant funds awarded under this section.

''SEC. 5407. REPORTING REQUIREMENTS.

''(a) ELIGIBLE ENTITY REPORTS.—Each State educational agency receiving an award under section 5403 shall report annually to the Secretary regarding the State educational agency's progress in addressing the purposes of this Act. Such report shall include, at a minimum, a description of—

''(1) the professional development activities provided under the award, including types of activities and entities involved in providing professional development to classroom teachers and other program staff;

''(2) the types of programs and, for children from preschool to kindergarten entry, program settings, funded under the award;

''(3) the ages and demographic information that is not individually identifiable of children served by the programs funded under the award;

''(4) student performance on data metrics identified under section 5403(b)(8) used for STEM initiatives; and

''(5) the outcomes of programs and activities provided under the award.

''(b) ELIGIBLE SUBGRANTEE REPORTS.—Each eligible entity receiving a subgrant under section 5404(c) shall report annually to the State educational agency regarding the eligible entity's progress in addressing the purposes of this Act. Such report shall include, at a minimum, a description of—

''(1) how the subgrant funds were used; and

''(2) student performance on relevant program metrics, as identified in the State education agency's implementation plan under section 5403(b)(8).

''SEC. 5408. SUPPLEMENT NOT SUPPLANT.

''Funds received under this Act shall be used to supplement, and not supplant, funds that would otherwise be used for activities authorized under this Act.

''SEC. 5409. MAINTENANCE OF EFFORT.

''A State that receives funds under this Act for a fiscal year shall maintain the fiscal effort provided by the State for the subjects supported by the funds under this Act at a level equal to or greater than the level of such fiscal effort for the preceding fiscal year.

"SEC. 5410. DEFINITIONS.

''In this Act:

''(1) ELIGIBLE ENTITY.—The term 'eligible entity' means a State educational agency in partnership with—

''(A) another State educational agency;

''(B) a consortium of State educational agencies; or

''(C) the State agencies that oversee childcare programs, state-funded prekindergarten, and part C of Individuals with Disabilities Education Act.

''(2) ELIGIBLE SUBGRANTEE.—The term 'eligible subgrantee' means—

''(A) a local educational agency;

''(B) 1 or more local educational agencies providing early learning programs, or 1 or more public or private early learning programs, serving children from preschool through kindergarten entry, such as a Head Start agency, a child care program, or a State-funded pre-kindergarten program, as appropriate;

''(C) an educational service agency serving more than 1 local educational agency;

''(D) a consortium of local educational agencies; or

''(E) any of the entities described in subparagraphs (A) through (D) working in partnership with an outside partner.

''(3) MULTI-TIERED SYSTEM OF SUPPORT.—For purposes of this Act, the term 'multi-tiered system of support' means a comprehensive system of differentiated supports that includes evidence-based instruction, universal screening, progress monitoring, formative assessments, research-based interventions matched to student needs and educational decisionmaking using student outcome data.

''(4) OUTSIDE PARTNER.—The term 'outside partner' means an entity that has expertise and a demonstrated record of success in improving student learning and engagement in the STEM subjects, including any of the following:

''(A) A nonprofit or community-based organization, such as an Indian tribe.

''(B) A business.

''(C) A nonprofit cultural organization, such as a museum or learning center.

''(D) An institution of higher education.

''(E) An educational service agency.

''(F) Another appropriate entity.

''(5) STEM SUBJECTS.—The term 'STEM Subjects' means the subjects of science, technology, engineering, and mathematics, including other academic subjects that build on or are integrated with these subjects, such as statistics, computer science, and environmental literacy, the arts and design, or other subjects a State identifies as important to the workforce of the State.

"SEC. 5411. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this subpart $500,000,000 for fiscal year 2014 and such sums as may be necessary for subsequent fiscal years.

''SUBPART 2—GRANTS TO SUPPORT COMPREHENSIVE LITERACY EDUCATION

"SEC. 5421. PURPOSES.

''The purposes of this part are—

''(1) to improve student literacy and academic achievement, including the ability to problem solve, communicate effectively, and acquire new knowledge and skills;

''(2) to assist State educational agencies and local educational agencies in the development, coordination, and implementation of comprehensive literacy plans that promote high-quality evidence based instruction in alignment with State early learning and college- and career-ready standards from preschool through grade 12;

''(3) to identify and support students reading and writing significantly below grade level by providing evidence-based, intensive interventions to help the students acquire the language and literacy skills the students need to stay on track for graduation;

''(4) to support State educational agencies and local educational agencies in improving reading, writing, and literacy-based academic achievement for children and students, especially children and students who are low-income, are English learners, are migratory, are children with disabilities, are Indian or Alaskan Native, are neglected or delinquent, are homeless, are in the custody of the child welfare system, or have dropped out of school;

''(5) to provide assistance to local educational agencies in order to provide educators with ongoing, job-embedded professional development and other support focusing on imparting and employing—

''(A) the characteristics of effective language and literacy instruction;

''(B) the special knowledge and skills necessary to teach and support literacy development effectively across the developmental span and age span;

''(C) the essential components of reading instruction; and

''(D) the essential components of writing instruction;

''(6) to evaluate whether the professional development activities and approaches are effective in building knowledge and skills of educators and their use of appropriate and effective practices.

''(7) to support State educational agencies and local educational agencies in using age appropriate and developmentally appropriate instructional materials and strategies that assist teachers as the teachers work with students to develop reading and writing competencies appropriate to the students' grade and skill levels;

''(8) to support efforts to link and align college and career-ready standards and evidence-based teaching practices and instruction in early childhood education programs serving children from preschool through kindergarten entry;

''(9) strengthening coordination among schools, early literacy programs, family literacy programs, juvenile justice programs, public libraries, and outside-of-school programs that provide children and youth with strategies, curricula, interventions, and assessments designed to advance early and continuing language and literacy development in ways appropriate for each context; and

''(10) to engage the participation of parents in supporting their child's communication and literacy development.

"SEC. 5422. PROGRAM AUTHORIZED.

''(a) IN GENERAL.—The Secretary is authorized—

''(1) to award State planning grants in accordance with section 5423; and

''(2) to award State implementation grants in accordance with section 5424 to enable the State educational agency to—

''(A) carry out the State activities described in section 5425;

''(B) award subgrants to eligible entities in accordance with section 5426; and

''(C) award subgrants to eligible entities in accordance with section 5427.

''(b) AWARDS TO STATE EDUCATIONAL AGENCIES.—

''(1) AMOUNTS LESS THAN $250,000,000.—If the amount appropriated under section 5430 for a fiscal year is less than $250,000,000, then the Secretary shall—

''(A) reserve not more than 5 percent to award planning grants, on a competitive basis, to State educational agencies, in accordance with section 5423; and

''(B) use the amount not reserved under subparagraphs (A) to make awards, on a competitive basis, to State educational agencies serving States that have applications approved under section 5424(b) to enable the State educational agencies to carry out sections 5424 and 5425.

''(2) AMOUNTS EQUAL TO OR EXCEEDING $250,000,000.—

''(A) IN GENERAL.—If the amount appropriated under section 5430 for a fiscal year equals or exceeds $250,000,000, then the Secretary shall—

''(i) reserve a total of 1 percent of such amount for—

''(I) allotments for the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, to be distributed among such outlying areas on the basis of their relative need, as determined by the Secretary in accordance with the purposes of this Act; and

''(II) the Secretary of the Interior for programs under sections 5423, 5424, 5425, 5426, and 5427 in schools operated or funded by the Bureau of Indian Education;

''(ii) reserve not more than 5 percent to award planning grants, to State educational agencies serving States, in accordance with section 5423;

''(iii) reserve not more than 3 percent for national activities, such as evaluations, training, and technical assistance, to the Department of Education to support comprehensive literacy reform at the State level; and

''(iv) use the amount not reserved under clauses (i), and (ii) to make awards, from allotments under subparagraph (C), to State educational agencies serving States that have applications approved under section 5424 and that are not receiving an allotment under clause (i)(I), to enable the State educational agencies to carry out sections 5424 and 5425.

''(B) SPECIAL RULES.—

''(i) PROPORTIONAL DIVISION.—In each fiscal year, the amount reserved under subparagraph (A)(i) shall be divided between the uses described in subclauses (I) and (II) of subparagraph (A)(i) in the same proportion as the amount reserved under section 1121(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6331(a)) is divided between the uses described in paragraphs (1) and (2) of such section 1121(a) for such fiscal year.

''(ii) CONSULTATION.—A State educational agency that receives an allotment under this paragraph shall engage in timely and meaningful consultation with representatives of Indian tribes located in the State in order to improve the coordination and quality of activities designed to develop effective approaches to achieve the purposes of this Act consistent with the cultural, language, and educational needs of Indian students.

''(C) STATE ALLOTMENT FORMULA.—The Secretary shall allot the amount made available under subparagraph (A)(iv) for a fiscal year among the States not receiving an allotment from the reservation under subparagraph (A)(i)(I) in proportion to the number of children, from preschool through age 17, who reside within the State and are from families with incomes below the poverty line for the most recent fiscal year for which satisfactory data are available, compared to the number of such children who reside in all such States for that fiscal year.

''(3) MINIMUM AWARD AMOUNT.—Notwithstanding paragraphs (1) and (2), no State educational agency receiving an award under this section for a fiscal year may receive less than one-fourth of 1 percent of the total amount appropriated under section 5430 for the fiscal year, except as provided under paragraph (2)(A)(i).

''(c) PEER REVIEW.—The Secretary shall convene a peer review panel to evaluate the

application for each grant awarded to a State educational agency under sections 5423 and 5424 and shall make a copy of the peer review comments available to the public.

''(d) SUPPLEMENT NOT SUPPLANT.—Award funds provided under this Act shall supplement, and not supplant, other Federal, State, or local funds that would, in the absence of such award funds, be made available for literacy instruction and support of children and students participating in programs assisted under this Act.

''(e) MAINTENANCE OF EFFORT.—Each State educational agency that receives an award under sections 5423 and 5424, and each eligible entity that receives a subgrant under section 5426 or 5427, shall maintain for the fiscal year for which the grant or subgrant is received and for each subsequent fiscal year the expenditures of the State educational agency or eligible entity, respectively, for literacy instruction at a level not less than the level of such expenditures maintained by the State educational agency or eligible entity, respectively, for the fiscal year preceding such fiscal year for which the grant or subgrant is received.

''SEC. 5423. STATE PLANNING GRANTS.

''(a) PLANNING GRANTS AUTHORIZED.—

''(1) IN GENERAL.—From any amounts made available under paragraph (1)(A) or (2)(A)(ii) of section 5422(b), the Secretary may award planning grants to State educational agencies to enable the State educational agencies to develop or improve a comprehensive planning to carry out activities that improve literacy for children and students from preschool through grade 12.

''(2) GRANT PERIOD.—A planning grant awarded under this section shall be for a period of not more than 1 year.

''(3) NONRENEWABILITY.—The Secretary shall not award a State educational agency more than 1 planning grant under this section.

''(4) LIMITATION.—A State educational agency may not receive a planning grant under this section at the same time it is receiving an implementation grant under section 5424.

''(b) APPLICATION.—

''(1) IN GENERAL.—Each State educational agency desiring a planning grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

''(2) EXISTING PLAN.—An existing federally funded State literacy plan can be used to meet the requirements of this subsection.

''(c) REQUIRED ACTIVITIES.—A State educational agency receiving planning grant funds under this section shall carry out each of the following activities:

''(1) Reviewing reading, writing, or other literacy resources and programs, such as school library programs, high-quality distance learning programs, and data across the State to identify any literacy needs and gaps in the State.

''(2) Forming or designating a State literacy leadership team which shall execute the following functions:

''(A) Creating a comprehensive State literacy plan that—

''(i) is designed to improve language, reading, writing, and academic achievement for children and students, especially those reading below grade level;

''(ii) includes a needs assessment and an implementation plan, including an analysis of child and student literacy data to identify baseline and benchmark levels of literacy and early literacy skills in order to monitor progress and improvement, and a plan to improve literacy levels among all children and students;

''(iii) ensures high quality strategies and instruction in early literacy development (which includes communication, reading, and writing) in early childhood education programs serving children from preschool through kindergarten entry and in kindergarten through grade 12 programs;

''(iv) provides for activities designed to improve literacy achievement for students who—

''(I) read or write below grade level;

''(II) attend schools in need of improvement and persistently low-achieving schools; and

''(III) attend schools with a high percentage or number of students that are eligible for free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.); and

''(v) is submitted to the Secretary.

''(B) Providing recommendations to guide the State educational agency in the State educational agency's process of strengthening State literacy standards and embedding State literacy standards with the State's college and career ready standards, academic achievement standards, and early learning standards.

''(C) Providing recommendations to guide the State educational agency in the State educational agency's process of measuring, assessing, and monitoring progress in literacy at the school, local educational agency, and State levels.

''(D) Identifying criteria for high quality professional development providers, which providers may include qualified teachers within the State, for the State educational agency and local educational agencies.

''(E) Advising the State educational agency on how to help ensure that local educational agencies and schools provide timely and appropriate data to teachers to inform and improve instruction.

''(F) Providing recommendations to guide the State educational agency in the State educational agency's planning process of building educators' capacity to provide high-quality literacy instruction.

''(3) REPORTING REQUIREMENT.—Not later than 1 year after a State educational agency receives a planning grant under this section, the State educational agency shall submit a report to the Secretary on the State educational agency's performance of the activities described in this subsection.

''SEC. 5424. STATE IMPLEMENTATION GRANTS.

''(a) IMPLEMENTATION GRANTS AUTHORIZED.—

''(1) IN GENERAL.—From awards made available under paragraph (1)(B) or (2)(A)(iv) of section 5422(b), the Secretary shall, on a competitive basis or through allotments, respectively, award implementation grants to State educational agencies to enable the State educational agencies—

''(A) to implement a comprehensive literacy plan that meets the criteria in section 5423(c)(2)(A) for programs serving children from preschool through kindergarten entry through grade 12 programs;

''(B) to carry out State activities under section 5425; and

''(C) to award subgrants under sections 5426 and 5427.

''(2) LIMITATION.—The Secretary shall not award a implementation grant under this section to a State for any year for which the State has received a planning grant under section 5423.

''(3) DURATION OF GRANTS.—An implementation grant under this section shall be awarded for a period of not more than 5 years.

''(4) RENEWALS.—

''(A) IN GENERAL.—Implementation grants under this section may be renewed.

''(B) CONDITIONS.—In order to be eligible to have an implementation grant renewed under this paragraph, the State educational agency shall demonstrate to the satisfaction of the Secretary that—

''(i) the State educational agency has complied with the terms of the grant, including using the funds to—

''(I) increase access to high-quality professional development;

''(II) use developmentally appropriate curricula and teaching materials; and

''(III) use developmentally appropriate classroom-based instructional assessments and developmentally appropriate screening and diagnostic assessments; and

''(ii) with respect to students in kindergarten through grade 12, during the period of the grant there has been significant progress in student achievement, as measured by the metrics described in section 5424(b)(2)(C).

''(b) STATE APPLICATIONS.—

''(1) IN GENERAL.—A State educational agency that desires to receive an implementation grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. The State educational agency shall collaborate with all State agencies responsible for administering early childhood education programs, and the State agency responsible for administering child care programs, in the State in writing and implementing the early learning portion of the grant application under this subsection.

''(2) CONTENTS.—An application described in paragraph (1) shall include the following:

''(A) A description of the members of the State literacy leadership team and a description of how the State educational agency has developed a comprehensive State literacy plan, as described in section 5423(c)(2)(A).

''(B) An implementation plan that includes a description of how the State educational agency will—

''(i) carry out the State activities described in section 5425;

''(ii) assist eligible entities with—

''(I) providing strategic and intensive literacy instruction based on scientifically valid research for students who are reading and writing below grade level, including through the use of multi-tiered systems of support, including addressing the literacy needs of children and youth with disabilities or developmental delays and English learners in early childhood education programs serving children from preschool through kindergarten entry and programs serving students from preschool through grade 12;

''(II) providing training to parents, as appropriate, so that the parents can participate in the literacy related activities described in sections 5426 and 5427 to assist in the language and literacy development of their children;

''(III) selecting and using reading and writing assessments;

''(IV) providing classroom-based instruction that is supported by one-to-one and small group work;

''(V) using curricular materials and instructional tools, which may include technology, to improve instruction and literacy achievement;

''(VI) providing for high-quality professional development; and

''(VII) using the principles of universal design for learning, as described in section 5429(b)(21);

''(iii) ensure that local educational agencies in the State have leveraged and are effectively leveraging the resources needed to implement effective literacy instruction, and have the capacity to implement literacy initiatives effectively;

''(iv) continually coordinate and align the activities assisted under this section and sections 5426 and 5427 with reading, writing, and other literacy resources and programs across the State and locally that serve children and students and their families and promote literacy instruction and learning, including strengthening partnerships among schools, libraries, local youth-serving agencies, and programs, in order to improve literacy for all children and youth; and

''(v) ensure that funds provided under this section are awarded in a manner that will provide services to all grade levels, including proportionally to middle schools and high schools.

''(C) A description of the key data metrics that will be used and reported annually under section 5428(b)(1)(E), that shall include—

''(i) student academic achievement on the English language arts State academic assessments and student growth over time;

''(ii) for diploma granting schools, graduation rates;

''(D) An assurance that the State educational agency will use implementation grant funds under this section for literacy programs as follows:

''(i) Not less than 10 percent of such grant funds shall be used for State and local programs and activities pertaining to learners from preschool through kindergarten entry.

''(ii) Not less than 40 percent of such implementation grant funds shall be used for State and local programs and activities allocated equitably among the grades of kindergarten through grade 5.

''(iii) Not less than 40 percent of such implementation grant funds shall be used for State and local programs and activities, allocated equitably among grades 6 through 12.

''(iv) Not more than 10 percent of such implementation grant funds shall be used for the State activities described in section 5425.

''(E) An assurance that the State educational agency shall give priority to awarding a subgrant to an eligible entity—

''(i) under section 5426 based on the number or percentage of children younger than the age of kindergarten entry and the number of students from kindergarten through 17 who are—

''(I) served by the eligible entity; and

''(II) from families with income below the poverty line, based on the most recent satisfactory data provided to the Secretary by the Bureau of the Census for determining eligibility under section 1124(c)(1)(A) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)(1)(A)); and

''(ii) under section 5427, that proposes to serve—

''(I) a high number or percentage of students served by the eligible entity that are reading and writing below grade level according to State assessments;

''(II) students that attend schools in need of improvement and persistently low-achieving schools; and

''(III) students that attend schools with a high percentage or number of students that are eligible for free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

''(c) APPROVAL OF APPLICATIONS.—

''(1) IN GENERAL.—The Secretary, in consultation with the peer review panel established under paragraph (2), shall evaluate State educational agency applications under subsection (b) based on the responsiveness of the applications to the application requirements under such subsection.

''(2) PEER REVIEW.—The Secretary shall convene a peer review panel in accordance with section 5422(c) to evaluate applications for each implementation grant awarded to a State educational agency under this section.

''(3) EARLY LEARNING.—In order for a State educational agency's application under this section to be approved by the Secretary, the application shall contain an assurance that the State agencies responsible for administering early childhood education programs and services, including the State agency responsible for administering child care programs and the State Advisory Council on Early Childhood Education and Care established under section 642B(b) of the Head Start Act (42 U.S.C. 9837b(b)), approves of, and will be extensively consulted in the implementation of related activities and services consistent with section 5426 with respect to, the early learning portion of the application.

''SEC. 5425. STATE ACTIVITIES.

''(a) REQUIRED ACTIVITIES.—A State educational agency shall use funds made available under section 5422(a)(2)(A) and described in section 5424(b)(2)(D)(iv) to carry out the activities proposed in a State's plan consistent with section 5424(b)(2), including the following activities:

''(1) Carrying out the assurances and activities provided in the State application under section 5424(b)(2).

''(2) In consultation with the State literacy leadership team, providing technical assistance or engaging qualified providers to provide technical assistance to eligible entities to enable the eligible entities to design and implement a literacy program under sections 5426 and 5427.

''(3) Providing technical assistance to eligible entities that are prioritized in section 5424(b)(2)(E), including eligible entities that serve low-capacity rural and urban areas by—

''(A) informing those eligible entities that they have a priority for competing for grants under section 5426 and 5427; and

''(B) providing eligible entities who do not receive a grant under section 5426 and 5427 technical assistance so that they may recompete in following competitions.

''(4) Continuing to consult with the State literacy leadership team and continuing to coordinate with institutions of higher education in the State—

''(A) in order to provide recommendations to strengthen and enhance preservice courses for students preparing, at institutions of higher education in the State, to teach children from preschool through grade 12 in explicit, systematic, and intensive instruction in evidence-based literacy methods; and

''(B) by following up reviews completed by the State literacy leadership team with recommendations to ensure that such institutions offer courses that meet the highest standards.

''(5) Reviewing and updating, in collaboration with teachers, statewide educational and professional organizations representing teachers, and statewide educational and professional organizations representing institutions of higher education, State licensure and certification standards in the area of literacy instruction in early childhood education through grade 12.

''(6) Making publicly available, including on the State educational agency's website, information on promising instructional practices to improve student literacy achievement.

''(b) PERMISSIVE ACTIVITIES.—After carrying out activities described in subsection (a), a State educational agency may use remaining funds made available under section 5422(a)(2)(A) and described in section 5424(b)(2)(D)(iv) to carry out 1 or more of the following activities:

''(1) Training the personnel of eligible entities to use data systems that track student literacy achievement.

''(2) Developing literacy coach training programs and training literacy coaches.

''(3) Building public support among local educational agency personnel, early childhood education programs, and the community for comprehensive literacy instruction for children and students from preschool through grade 12.

''SEC. 5426. SUBGRANTS TO ELIGIBLE ENTITIES IN SUPPORT OF PRESCHOOL THROUGH KINDERGARTEN ENTRY LITERACY.

''(a) SUBGRANTS.—

''(1) IN GENERAL.—A State educational agency, in consultation with the State agencies responsible for administering early childhood education programs and services, including the State agency responsible for administering child care programs and the State Advisory Council on Early Childhood Education and Care established under section 642B(b) of the Head Start Act (42 U.S.C. 9837b(b)), shall use implementation grant funds provided under section 5422(a)(2)(B) to award subgrants, on a competitive basis, to eligible entities to enable the eligible entities to support high-quality early literacy initiatives for children from preschool through kindergarten entry.

''(2) DURATION.—The term of subgrant under this section shall be for 5 years.

''(b) SUFFICIENT SIZE AND SCOPE.—Each subgrant awarded under this section shall be of sufficient size and scope to allow the eligible entity to carry out high-quality early literacy initiatives for children from preschool through kindergarten entry.

''(c) LOCAL APPLICATIONS.—An eligible entity desiring to receive a subgrant under this section shall submit an application to the State educational agency, at such time, in such manner, and containing such information as the State educational agency may require. Such application shall include a description of—

''(1) how the subgrant funds will be used to enhance the language and literacy aspects of school readiness of children, from preschool through kindergarten entry, in early childhood education programs, including an analysis of the data used to identify how funds will be used to improve language and literacy;

''(2) the programs assisted under the subgrant, including demographic and socioeconomic information on the children enrolled in the programs;

''(3) a budget for the eligible entity that projects the cost of developing and implementing literacy initiatives to carry out the activities described in subsection (e);

''(4) how, if the eligible entity is requesting a planning period, the eligible entity will use that planning period to prepare for successful implementation of a plan to support the development of learning and literacy consistent with the purposes of this Act;

''(5) the literacy initiatives, if any, in place and how these initiatives will be coordinated and integrated with activities supported under this section;

''(6) how the subgrant funds will be used to prepare and provide ongoing assistance to staff in the programs, through high-quality professional development;

''(7) how the subgrant funds will be used to provide services, incorporate activities, and select and use literacy instructional materials that meet the diverse developmental and linguistic needs of children, including English learners and children with disabilities and developmental delays, and that are based on scientifically valid research on child development and learning for children from preschool through kindergarten entry;

''(8) how the subgrant funds will be used to provide screening assessments, diagnostic assessments, classroom-based instructional assessments, and assessments of developmental progress;

''(9) how families and caregivers will be involved, as appropriate, in supporting their children's literacy development, instruction, and assessment;

''(10) how the subgrant funds will be used to help children, particularly children experiencing difficulty with oral and written language, to make the transition from early childhood education to formal classroom instruction;

''(11) how the activities assisted under the subgrant will be coordinated with literacy instruction at the kindergarten through grade 5 level;

''(12) how the subgrant funds will be used—

''(A) to evaluate the success of the activities assisted under the subgrant in enhancing the early language and literacy development of children from preschool through kindergarten entry; and

''(B) to evaluate data for program improvement; and

''(13) such other information as the State educational agency may require.

''(d) APPROVAL OF LOCAL APPLICATIONS.—The State educational agency, in consultation with the State agencies responsible for administering early childhood education programs, including the State agency responsible for administering child care programs and the State Advisory Council on Early Childhood Education and Care established under section 642B(b) of the Head Start Act (42 U.S.C. 9837b(b)), shall—

''(1) select applications for funding under this section based on the quality of the applications submitted, including the relationship between literacy activities proposed and the research base or data supporting such activities, as appropriate, and the recommendations of—

''(A) the State literacy leadership team; and

''(B) other experts in the area of early literacy; and

''(2) place priority for funding programs based on the criteria in section 5424(b)(2)(E)(i).

''(e) LOCAL USES OF FUNDS.—

''(1) IN GENERAL.—An eligible entity that receives a subgrant under this section shall use the subgrant funds consistent with the application proposed in subsection (c) to carry out the following activities:

''(A) Enhancing and improving early childhood education programs to ensure that children in such programs are provided with high-quality oral language and literature- and print-rich environments in which to develop early literacy skills.

''(B) Providing high-quality professional development.

''(C) Acquiring, providing training for, and implementing screening assessments, diagnostic assessments, and classroom-based instructional assessments.

''(D) Selecting, developing, and implementing a multi-tiered system of support.

''(E) Integrating evidence-based instructional materials, activities, tools, and measures into the programs offered by the eligible entity to improve development of early learning language and literacy skills.

''(F) Training providers and personnel to support, develop, and administer high-quality early learning literacy initiatives that—

''(i) utilize data—

''(I) to inform instructional design; and

''(II) to assess literacy needs; and

''(ii) provide time and support for personnel to meet to plan literacy instruction.

''(G) Providing for family literacy services, as appropriate, and partnering with families to support their child's learning.

''(H) Annually collecting, summarizing, and reporting to the State educational agency data—

''(i) to document and monitor, for the purpose of improving or increasing early literacy and language skills development pursuant to activities carried out under this section;

''(ii) to stimulate and accelerate improvement by identifying the programs served by the eligible entity that produce significant gains in skills development; and

''(iii) for all subgroups of students and categories of students that—

''(I) utilizes a variety of data; and

''(II) is consistent across the State.

''(2) LIMITATION.—An eligible entity that receives a subgrant under this section shall not use more than 10 percent of the subgrant funds to purchase curricula and assessment materials.

''(f) PROHIBITION.—The use of assessment items and data on any assessment authorized under this section to provide rewards or sanctions for individual children, early childhood educators, teachers, program directors, or principals is prohibited.

''SEC. 5427. CONSEQUENCES OF INSUFFICIENT PROGRESS, REPORTING REQUIREMENTS, AND CONFLICTS OF INTEREST.

''(a) CONSEQUENCES OF INSUFFICIENT PROGRESS.—

''(1) CONSEQUENCES FOR GRANT RECIPIENTS.—If the Secretary determines that a State educational agency receiving an award under section 5422(b) or an eligible entity receiving a subgrant under section 5426 or 5427 is not making significant progress in meeting the purposes of this Act and the key metrics identified by the State educational agency under section 5424(b)(2)(C) after the submission of a report described in subsection (b), then the Secretary may withhold, in whole or in part, further payments under this Act in accordance with section 455 of the General Education Provisions Act (20 U.S.C. 1234d) or take such other action authorized by law as the Secretary determines necessary, including providing technical assistance upon request of the State educational agency or eligible entity, respectively.

''(2) CONSEQUENCES FOR SUBGRANT RECIPIENTS.—

''(A) IN GENERAL.—A State educational agency receiving an award under section 5422(b) may refuse to award subgrant funds to an eligible entity under section 5426 or 5427 if the State educational agency finds that the eligible entity is not making significant progress in meeting the purposes of this Act, after—

''(i) affording the eligible entity notice, a period for correction, and an opportunity for a hearing; and

''(ii) providing technical assistance to the eligible entity.

''(B) FUNDS AVAILABLE.—Subgrant funds not awarded under subparagraph (A) shall be redirected to an eligible entity serving similar children and students in the same area or region as the eligible entity not awarded the subgrant funds, to the greatest extent practicable.

''(b) REPORTING REQUIREMENTS.—

''(1) STATE EDUCATIONAL AGENCY REPORTS.—Each State educational agency receiving an award under section 5422(b) shall report annually to the Secretary regarding the State educational agency's progress in addressing the purposes of this Act. Such report shall include, at a minimum, a description of—

''(A) the professional development activities provided under the award, including types of activities and entities involved in providing professional development to classroom teachers and other program staff, such as school librarians;

''(B) the instruction, strategies, activities, curricula, materials, and assessments used in the programs funded under the award;

''(C)(i) the types of programs and, for children from preschool to kindergarten entry, program settings, funded under the award; and

''(ii) the ages and demographic information that is not individually identifiable of children served by the programs funded under the award;

''(D) the experience and qualifications of the program staff who provide literacy instruction under the programs funded under the award, including the experience and qualifications of those staff working with children with disabilities or developmental delays and with English learners and children from preschool to kindergarten entry;

''(E) key data metrics identified under section 5424(b)(2)(C) used for literacy initiatives;

''(F) student performance on relevant program metrics, as identified in the State education agency's implementation plan under section 5424(b)(2)(C); and

''(G) the outcomes of programs and activities provided under the award.

''(2) ELIGIBLE ENTITY REPORTS.—Each eligible entity receiving a subgrant under section 5426 or 5427 shall report annually to the State educational agency regarding the eligible entity's progress in addressing the purposes of this Act. Such report shall include, at a minimum, a description of—

''(A) how the subgrant funds were used; and

''(B) student performance on relevant program metrics, as identified in the State education agency's implementation plan under section 5424(b)(2)(C).

''(c) CONFLICTS OF INTEREST.—The Secretary shall ensure that each member of the peer review panel described in section 5422(c) and each member of a State literacy leadership team participating in a program or activity assisted under this Act does not stand to benefit financially from a grant or subgrant awarded under this Act.

''SEC. 5428. DEFINITIONS.

''(a) IN GENERAL.—Unless otherwise specified, the terms used in this Act have the meanings given the terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

''(b) OTHER TERMS.—In this Act:

''(1) CHARACTERISTICS OF EFFECTIVE LITERACY STRATEGIES AND INSTRUCTION.—The term 'characteristics of effective literacy strategies and instruction' means—

''(A) for children from preschool through kindergarten entry—

''(i) providing high quality professional development opportunities for early childhood educators, teachers, and school leaders in—

''(I) literacy development;

''(II) language development;

''(III) English language acquisition (as appropriate); and

''(IV) effective language and literacy instruction and teaching strategies aligned to State standards;

''(ii) reading aloud to children, engaging children in shared reading experiences, discussing reading with children, and modeling age and developmentally appropriate reading strategies;

''(iii) encouraging children's early attempts at communication, reading, writing, and drawing, and talking about the meaning of the reading, writing, and drawing with others;

''(iv) creating conversation rich classrooms and using oral modeling techniques to build oral language skills;

''(v) multiplying opportunities for children to use language with peers and adults;

''(vi) providing strategic and explicit instruction in the identification of speech sounds, letters, and letter-sound correspondence;

''(vii) integrating oral and written language;

''(viii) stimulating vocabulary development;

''(ix) using differentiated instructional approaches or teaching strategies, including—

''(I) individual and small group instruction or interactions; and

''(II) professional development, curriculum development, and classroom instruction;

''(x) applying the principles of universal design for learning, as described in section 5429(b)(21);

''(xi) using age-appropriate screening assessments, diagnostic assessments, formative assessments, and summative assessments to identify individual learning needs, to inform instruction, and to monitor—

''(I) student progress and the effects of instruction over time; and

''(II) for children between the ages of preschool and kindergarten entry, progress and development within established norms;

''(xii) coordinating the involvement of families, early childhood education program staff, principals, other school leaders, and teachers in the reading and writing achievement of children served under this Act;

''(xiii) using a variety of age and developmentally appropriate, high quality materials for language development, reading, and writing;

''(xiv) encouraging family literacy experiences and practices, and educating teachers, public librarians, and parents and other caregivers about literacy development and child literacy development; and

''(xv) using strategies to enhance children's—

''(I) motivation to communicate, read, and write; and

''(II) engagement in self-directed learning;

''(B) for students in kindergarten through grade 3—

''(i) providing high quality professional development opportunities, for teachers, literacy coaches, literacy specialists, English as a second language specialists (as appropriate), school librarians, and principals, on literacy development, language development, English language acquisition, and effective literacy instruction that—

''(I) aligns to State standards as well as local curricula and instructional assessments; and

''(II) addresses literacy development opportunities across the curricula;

''(ii) providing age appropriate direct and explicit instruction;

''(iii) providing strategic, systematic, and explicit instruction in phonological awareness, phonic decoding, vocabulary, reading fluency, and reading comprehension;

''(iv) making available and using diverse texts at the reading, development, and interest level of students;

''(v) providing multiple opportunities for students to write individually and collaboratively with instruction and feedback;

''(vi) using differentiated instructional approaches, including individual, small group, and classroom-based instruction and discussion;

''(vii) using oral modeling techniques and opportunities for students to use language with the students' peers and adults to build student language skills;

''(viii) providing time and opportunities for systematic and intensive instruction, intervention, and practice to supplement regular instruction, which can be provided inside and outside the classroom as well as during and outside regular school hours;

''(ix) providing instruction in uses of print materials and technological resources for research and for generating and presenting content and ideas;

''(x) using screening assessments, diagnostic assessments, formative assessments, and summative assessments to identify student learning needs, to inform instruction, and to monitor student progress and the effects of instruction over time;

''(xi) coordinating the involvement of families, caregivers, teachers, principals, other school leaders, and teacher literacy teams in the reading and writing achievement of children served under this Act;

''(xii) encouraging family literacy experiences and practices; and

''(xiii) using strategies to enhance students'—

''(I) motivation to read and write; and

''(II) engagement in self-directed learning; and

''(C) for students in grades 4 through 12—

''(i) providing high quality professional development opportunities for teachers, literacy coaches, literacy specialists, English as a second language specialists (as appropriate), school librarians, and principals, including professional development on literacy development, language development, and effective literacy instruction embedded in schools and aligned to State standards;

''(ii) providing direct and explicit comprehension instruction;

''(iii) providing direct and explicit instruction that builds academic vocabulary and strategies and knowledge of text structure for reading different kinds of texts within and across core academic subjects;

''(iv) making available and using diverse texts at the reading, development, and interest level of the students;

''(v) providing multiple opportunities for students to write with clear purposes and critical reasoning appropriate to the topic and purpose and with specific instruction and feedback from teachers and peers;

''(vi) using differentiated instructional approaches;

''(vii) using strategies to enhance students'—

''(I) motivation to read and write; and

''(II) engagement in self-directed learning;

''(viii) providing for text-based learning across content areas;

''(ix) providing systematic, strategic, and individual and small group instruction, including intensive supplemental intervention for students reading significantly below grade level, which may be provided inside and outside the classroom as well as during and outside regular school hours;

''(x) providing instruction in the uses of technology and multimedia resources for classroom research and for generating and presenting content and ideas;

''(xi) using screening assessments, diagnostic assessments, formative assessments, and summative assessments to identify learning needs, inform instruction, and monitor student progress and the effects of instruction;

''(xii) coordinating the involvement of families and caregivers, to the extent feasible and appropriate as determined by the Secretary, to improve reading, writing, and academic achievement; and

''(xiii) coordinating the involvement of school librarians, teachers, principals, other school leaders, teacher literacy teams, and English as a second language specialists (as appropriate), that analyze student work and plan or deliver instruction over time.

''(2) CLASSROOM-BASED INSTRUCTIONAL ASSESSMENT.—The term 'classroom-based instructional assessment' means an assessment, for children between preschool through grade 3, that—

''(A) is valid and reliable for the age and population of children being assessed;

''(B) is used to evaluate children's developmental progress and learning, including systematic observations by teachers of children performing tasks, including academic and literacy tasks, that are part of their daily classroom experience; and

''(C) is used to improve classroom instruction.

''(3) COMPREHENSIVE LITERACY INSTRUCTION.—The term 'comprehensive literacy instruction' means instruction that—

''(A) involves the characteristics of effective literacy instruction; and

''(B) is designed to support the essential components of reading instruction and the essential components of writing instruction.

''(4) DEVELOPMENTAL DELAY.—The term 'developmental delay' has the meaning given the term in section 632 of the Individuals with Disabilities Education Act (20 U.S.C. 1432).

''(5) DIAGNOSTIC ASSESSMENT.—The term 'diagnostic assessment' means an assessment that—

''(A) is valid, reliable, and based on scientifically valid research on language, literacy, and English language acquisition;

''(B) is used for the purposes of—

''(i) identifying a student's specific areas of strengths and weaknesses in oral language and literacy;

''(ii) determining any difficulties that the student may have in oral language and literacy and the potential cause of such difficulties; and

''(iii) helping to determine possible literacy intervention strategies and related special needs of the student; and

''(C) in the case of young children, is conducted after a screening assessment that identifies potential risks or a lack of school preparedness, including oral language and literacy development, or delayed development.

''(6) ELIGIBLE ENTITY.—The term 'eligible entity' means—

''(A) when used with respect to children from preschool through kindergarten entry—

''(i) 1 or more local educational agencies providing early childhood education programs, or 1 or more public or private early childhood education programs, serving children from preschool through kindergarten entry (such as a Head Start program, a child care program, a State-funded prekindergarten program, a public library program, or a family literacy program), that has a demonstrated record of providing effective literacy instruction for the age group such agency or program proposes to serve under section 5426; or

''(ii) 1 or more entities described in clause (i) acting in partnership with 1 or more public agencies or private nonprofit organizations that have a demonstrated record of effectiveness—

''(I) in improving the early literacy development of children from preschool through kindergarten entry; and

''(II) in providing professional development aligned with the activities described in section 5426(e)(1); or

''(B) when used with respect to students in kindergarten through grade 12—

''(i) that is—

''(I) a local educational agency;

''(II) a consortium of local educational agencies; or

''(III) or a local educational agency or consortium of local educational agencies that may act in partnership with 1 or more public agencies or private nonprofit organizations, which agencies or organizations shall have a

demonstrated record of effectiveness, consistent with the purposes of their participation, in improving literacy achievement of students from kindergarten through grade 12 and in providing professional development described in section 5427(a)(3)(B);

''(ii) that—

''(I) is among, or consists of, the local educational agencies in the State with the highest numbers or percentages of students reading or writing below grade level, based on the most currently available State academic assessment data;

''(II) has jurisdiction over a significant number or percentage of schools that are identified for school improvement under section 1116; or

''(iii) has the highest numbers or percentages of children who are counted under section 1124(c) of the Elementary and Secondary Education Act (20 U.S.C. 6333(c)), in comparison to other local educational agencies in the State.

''(7) ENGLISH LANGUAGE ACQUISITION.—

''(A) IN GENERAL.—The term 'English language acquisition' means the process by which a non-native English speaker acquires proficiency in speaking, listening, reading, and writing the English language.

''(B) INCLUSIONS FOR ENGLISH LEARNERS IN SCHOOL.—For an English language learner in school, such term includes not only the social language proficiency needed to participate in the school environment, but also the academic language proficiency needed to acquire literacy and academic content and demonstrate the student's learning.

''(8) ESSENTIAL COMPONENTS OF READING INSTRUCTION.—The term 'essential components of reading instruction' means developmentally appropriate, contextually explicit, systematic instruction, and frequent practice, in reading across content areas.

''(9) ESSENTIAL COMPONENTS OF WRITING INSTRUCTION.—The term 'essential components of writing instruction' means developmentally appropriate and contextually explicit instruction, and frequent practice, in writing across content areas.

''(10) FAMILY LITERACY SERVICES.—The term 'family literacy services' means literacy services provided on a voluntary basis that are of sufficient intensity in terms of hours and duration and that integrate all of the following activities:

''(A) Interactive literacy activities between or among parents and their children, including parent literacy training.

''(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.

''(11) FORMATIVE ASSESSMENT.—The term 'formative assessment' means a process that—

''(A) is teacher-generated or selected by teachers and students during instructional learning;

''(B) is embedded within the learning activity and linked directly to the current unit of instruction; and

''(C) provides feedback to adjust ongoing teaching and learning to improve students' achievement of intended instructional outcomes.

''(12) HIGH-QUALITY PROFESSIONAL DEVELOPMENT.—The term 'high-quality professional development' means professional development that—

''(A) is job-embedded, ongoing, and based on scientifically valid research;

''(B) is sustained, intensive, and classroom-focused;

''(C) is designed to increase the knowledge and expertise of teachers, early childhood educators and administrators, principals, other school leaders, and other program staff in applying—

''(i) the characteristics of effective literacy instruction;

''(ii) the essential components of reading instruction;

''(iii) the essential components of writing instruction; and

''(iv) instructional strategies and practices that are appropriate to the age, development, and needs of children and improve student learning, including strategies and practices consistent with the principles of universal design for learning, as described in section 5429(b)(21);

''(D) includes and supports teachers in effectively administering age appropriate and developmentally appropriate assessments, and analyzing the results of such assessments for the purposes of planning, monitoring, adapting, and improving effective classroom instruction or teaching strategies to improve student literacy;

''(E) for educators working with students in kindergarten through grade 12—

''(i) supports the characteristics of effective literacy instruction through core academic subjects, and through career and technical education subjects where such career and technical education subjects provide for the integration of core academic subjects; and

''(ii) includes explicit instruction in discipline-specific thinking and how to read and interpret discipline-specific text structures and features;

''(F) includes instructional strategies utilizing one-to-one, small group, and classroom-based instructional materials and approaches based on scientifically valid research on literacy;

''(G) provides ongoing instructional literacy coaching—

''(i) to ensure high-quality implementation of effective practices of literacy instruction that are content-centered, integrated across the curricula, collaborative, and embedded in the school, classroom, or other setting; and

''(ii) that uses student data to improve instruction;

''(H) includes and supports teachers in setting high reading and writing achievement goals for all students and provides the teachers with the instructional tools and skills to help students reach such goals; and

''(I) is differentiated for educators working with children from preschool through kindergarten entry, students in kindergarten through grade 5, and students in grades 6 through 12, and, as appropriate, by student grade or student need.

''(13) LITERACY COACH.—The term 'literacy coach' means a professional—

''(A) who—

''(i) has previous teaching experience and—

''(I) a master's degree with a concentration in reading and writing education;

''(II) demonstrated proficiency in teaching reading or writing in a core academic subject consistent with the characteristics of effective literacy instruction; or

''(III) in the case of a literacy coach for children from preschool through kindergarten entry, a concentration, credential, or significant experience in child development and early literacy development; and

''(ii) is able to demonstrate the ability to help teachers—

''(I) apply research on how students become successful readers, writers, and communicators;

''(II) apply multiple forms of assessment to guide instructional decisionmaking and use data to improve literacy instruction;

''(III) improve student writing and reading in and across content areas such as mathematics, science, social studies, and language arts;

''(IV) develop and implement differentiated instruction and teaching approaches to serve the needs of the full range of learners, including English learners and children with disabilities;

''(V) apply principles of universal design for learning, as described in section 5429(b)(21);

''(VI) employ best practices in engaging principals, early childhood educators and administrators, teachers, and other professionals supporting literacy instruction to change school cultures to better encourage and support literacy development and achievement; and

''(VII)(aa) for children from preschool through kindergarten entry, set developmentally appropriate expectations for language; and

''(bb) for all children, set literacy development and high reading and writing achievement goals and select, acquire, and use instructional tools and skills to help the children reach such goals; and

''(B) whose role with teachers and professionals supporting literacy instruction is—

''(i) to provide high-quality professional development;

''(ii) to work cooperatively and collaboratively with principals, teachers, and other professionals in employing strategies to help teachers identify and support student language and literacy needs and teach literacy across content areas and developmental domains; and

''(iii) to work cooperatively and collaboratively with other professionals in employing strategies to help teachers teach literacy across content areas so that the teachers can meet the needs of all students, including children with disabilities, English learners, and students who are reading at or above grade level.

''(14) MULTI-TIERED SYSTEM OF SUPPORT.—The term 'multi-tiered system of support' means a comprehensive system of differentiated supports that includes evidence-based instruction, universal screening, progress monitoring, formative assessments, evidence-based interventions matched to student needs and educational decisionmaking using student outcome data.

''(15) READING.—The term 'reading' means a complex system of deriving meaning from print that requires, in ways that are developmentally, content, and contextually appropriate, all of the following:

''(A) PHONEMES.—The skills and knowledge to understand how phonemes, or speech sounds, are connected to print.

''(B) ACCURACY, FLUENCY, AND UNDERSTANDING.—The ability to read accurately, fluently, and with understanding.

''(C) READING COMPREHENSION.—The use of background knowledge and vocabulary to make meaning from a text.

''(D) ACTIVE STRATEGIES.—The development and use of appropriate active strategies to interpret and construct meaning from print.

''(16) SCIENTIFICALLY VALID RESEARCH.—The term 'scientifically valid research' has the meaning given the term in section 200 of the Higher Education Act of 1965 (20 U.S.C. 1021).

''(17) SCREENING ASSESSMENT.—The term 'screening assessment' means an assessment that—

''(A) is valid, reliable, and based on scientifically valid research on literacy and English language acquisition; and

''(B) is a procedure designed as a first step in identifying children who may be at high risk for delayed development or academic failure and in need of further diagnosis of the

children's need for special services or additional literacy instruction.

''(18) STATE.—The term 'State' has the meaning given the term in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003).

''(19) STATE LITERACY LEADERSHIP TEAM.—

''(A) IN GENERAL.—The term 'State literacy leadership team' means a team that—

''(i) is appointed and coordinated by the State educational agency;

''(ii) assumes the responsibility to guide the development and implementation of a statewide, comprehensive literacy plan;

''(iii) is composed of not less than 11 individuals; and

''(iv) shall include—

''(I) not less than 3 individuals who have literacy expertise in one of each of the areas of—

''(aa) preschool through school entry, such as the State Head Start collaboration director;

''(bb) kindergarten entry through grade 5; and

''(cc) grades 6 through 12;

''(II) a school principal;

''(III) teachers and administrators with expertise in literacy and special education;

''(IV) teachers and administrators with expertise in teaching the English language to English learners;

''(V) a representative from the State educational agency who oversees literacy initiatives; and

''(VI) a representative from higher education who is actively involved in research, development, or teacher preparation in literacy instruction and intervention based on scientifically valid research.

''(B) INCLUSION OF A PREEXISTING PARTNERSHIP.—If, before the date of enactment of the Student Success Act, a State educational agency established a consortium, partnership, or any other similar body that was considered a literacy partnership for purposes of subpart 1 or 2 of part B of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6361 et seq., 6371 et seq.) and that includes the individuals required under subparagraph (A)(iv), such consortium, partnership, or body may be considered a State literacy leadership team for purposes of subparagraph (A).

''(20) SUMMATIVE ASSESSMENT.—The term 'summative assessment' means an assessment that—

''(A) is valid, reliable, and based on scientifically valid research on literacy and English language acquisition; and

''(B) measures—

''(i) for children from preschool through kindergarten entry, how the children have progressed over time relative to developmental norms; and

''(ii) for students in kindergarten through grade 12, what the students have learned over time, relative to academic content standards.

''(21) UNIVERSAL DESIGN FOR LEARNING.—The term 'universal design for learning' has the meaning given the term in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003).

''(22) WRITING.—The term 'writing' means—

''(A) composing meaning in print or through other media, including technologies, to communicate and to create new knowledge in ways appropriate to the context of the writing and the literacy development stage of the writer;

''(B) composing ideas individually and collaboratively in ways that are appropriate for a variety of purposes, audiences, and occasions;

''(C) choosing vocabulary, tone, genre, and conventions, such as spelling and punctuation, suitable to the purpose, audience, and occasion; and

''(D) revising compositions for clarity of ideas, coherence, logical development, and precision of language use.

''SEC. 5429. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this subpart $500,000,000 for fiscal year 2014 and such sums as may be necessary for subsequent fiscal years.

''SUBPART 3—A WELL-ROUNDED EDUCATION

''SEC. 5431. PROGRAM AUTHORIZED.

''From the amount appropriated each fiscal year to carry out this subpart, the Secretary—

''(1) shall—

''(A) reserve not less than 5 percent for national activities under section 5438; and

''(B) of the funds remaining after the Secretary reserves funds under subparagraph (A)—

''(i) use at least 30 percent to award grants to eligible entities under this subpart to carry out proven practices, strategies, or programs in American history, civic education, and geography;

''(ii) use at least 10 percent to award grants to eligible entities under this subpart to carry out proven practices, strategies, or programs in economic and financial literacy education and entrepreneurship education;

''(iii) use at least 20 percent to award grants to eligible entities under this subpart to carry out proven practices, strategies, or programs in foreign language education;

''(iv) use at least 20 percent to award grants to eligible entities under this subpart to carry out proven practices, strategies, or programs in arts education; and

''(v) use at least 10 percent to award grants to eligible entities under this subpart to carry out proven practices, strategies, or programs in Javits gifted and talented education; and

''(2) may use the funds remaining after the Secretary reserves and uses funds under paragraph (1) to award grants to eligible entities under this subpart to carry out any of the proven practices, strategies, or programs described in clauses (i) through (v) of paragraph (1)(B).

''SEC. 5432. ELIGIBLE ENTITY DEFINED.

''In this subpart, an eligible entity means a State educational agency, local educational agency, or an educational service agency with a local educational agency that is in partnership with one or more of the following:

''(1) An institution of higher education.

''(2) A nonprofit organization with demonstrated expertise in the content areas described in section 5431(1)(B).

''(3) A library or museum.

''SEC. 5433. GRANT PRIORITY, DURATION, AND SIZE AND SCOPE REQUIREMENTS.

''(a) PRIORITY.—In awarding grants under this subpart, the Secretary shall give priority to—

''(1) eligible entities proposing to serve schools in need of improvement or persistently low achieving schools; and

''(2) eligible entities proposing to serve a high percentage and number of children from families with incomes below the poverty line according to the most recent census data approved by the Secretary.

''(b) DURATION.—The Secretary shall award grants under this subpart for a period of 5 years.

''(c) SUFFICIENT SIZE AND SCOPE.—In awarding grants under this subpart, the Secretary shall ensure that grants are of sufficient size and scope.

''SEC. 5434. SUPPLEMENT, NOT SUPPLANT.

''Funds received under this subpart shall be used to supplement, not supplant, Federal and non-Federal funds available to support child and youth services.

''SEC. 5435. APPLICATION REQUIREMENTS.

''(a) IN GENERAL.—To receive a grant under one or more of the grant programs described in clauses (i) through (v) of section 5431(1)(B), an eligible entity shall submit an application to the Secretary at such time, in such manner, and containing the information that the Secretary may require, including the information described in subsection (c).

''(b) MULTIPLE APPLICATIONS.—An eligible entity may apply for one or more grant programs under this subpart, and may use a consolidated application to apply for more than one grant program under this subpart .

''(c) APPLICATION REQUIREMENTS.— An application submitted under subsection (a) shall contain the following:

''(1) A description of the promising or proven practice, strategy, or program that the applicant proposes to implement in a content area listed in clauses (i) through (v) of section 5431(1)(B).

''(2) A description of how the proposed practice, strategy, or program is evidence-based and will improve teaching practices as well as student achievement or student academic growth especially with high-need student populations.

''(3) A description of how the proposed practice, strategy, or program fits into the State or local educational agency's overall strategy that students have access to a well-rounded education.

''(4) A description of how the proposed practice, strategy, or program will be aligned with school improvement plans.

''(5) A description of how the activities will adequately address the needs of students with disabilities and English learners.

''(6) A description of the applicant's plan for data collection, analysis, and dissemination of results and outcomes, including an assurance that the applicant will make this information publicly available and accessible to educators, researchers, and other experts.

''(7) A description of how the applicant will provide for the completion of an independent evaluation of the project (including through the use of formative and summative evaluation methodologies) during the grant period to assess its impact on student achievement, student academic growth, student engagement, and other program goals, including its potential for replication and expansion.

''(8) If the applicant proposes to expand an existing practice, strategy, or program with at least moderate evidence, a description of how the applicant proposes to reach additional participants in such practice, strategy, or program.

''(d) PEER REVIEW.—The Secretary shall establish a peer-review process to assist in review of applications submitted under this section.

''SEC. 5436. USES OF FUNDS.

''(a) IN GENERAL.—Each eligible entity that receives a grant under this subpart shall carry out one or more of the following:

''(1) Plan, develop, expand, or improve practices, strategies, and programs in the applicable content area.

''(2) Develop and implement instructional materials, assessments (including performance-based assessments), and curriculum, aligned with State standards in a content area listed in clauses (i) through (v) of section 5431(1)(B), which embed principles of universal design for learning, as described in section 5429(b)(21), to support students with diverse learning needs including English learners and students with disabilities.

''(3) Develop and implement professional development for teachers in the applicable content area in order to improve classroom practices.

''(4) Align practices, strategies, and programs with postsecondary programs for the

continuation of instruction in the academic subject for which the program strategy or practice proposes to increase student achievement or student growth.

''(5) Supporting the use of open educational resources or other innovative uses of technology that are designed to serve students at all levels of achievement.

''(6) Support efforts to expand access to advanced coursework, especially for high-need students.

''(7) In the case of an eligible entity that is a State educational agency, the eligible entity may also provide technical assistance to local programs within the State.

''(b) PROGRAM SPECIFIC REQUIREMENTS FOR GEOGRAPHY GRANTS.—In addition to meeting the requirements of subsection (a), an eligible entity receiving a grant described in section 5431(1)(B)(i) may use the grant to—

''(1) carry out local, field-based activities for teachers and students to improve their knowledge of the concepts and tools of geography while enhancing understanding of their home region; and

''(2) apply geographic information systems and technology to the teaching of geography; and

''(3) using internet or distance-learning technology.

''(c) PROGRAM SPECIFIC REQUIREMENTS FOR ECONOMIC, FINANCIAL LITERACY, AND ENTREPRENEURSHIP EDUCATION GRANTS.—In addition to meeting the requirements of subsection (a), an eligible entity receiving a grant described in section 5431(1)(B)(ii)—

''(1) may use the grant to—

''(A) carry out programs to teach personal financial management skills;

''(B) carry out programs to teach the basic principles involved with earning, spending, saving, investing, credit, and insurance; and

''(C) implement financial and economic literacy activities and sequences of study within, or coordinated with, core academic subjects; and

''(2) is strongly encouraged to—

''(A) include interactions with the local business community to the fullest extent possible to reinforce the connection between economic and financial literacy; and

''(B) work with private businesses to obtain matching contributions for Federal funds and assist recipients in working toward self-sufficiency.

''(d) PROGRAM SPECIFIC REQUIREMENTS FOR FOREIGN LANGUAGE GRANTS.—In addition to meeting the requirements of subsection (a), an eligible entity receiving a grant described in section 5431(1)(B)(iii) may use the grant to carry out the following activities:

''(1) Developing and implementing intensive summer foreign language programs for professional development.

''(2) Linking nonnative English speakers in the community with the schools in order to promote two-way language learning.

''(3) Promoting the sequential study of a foreign language for students, beginning in elementary schools.

''(4) Making effective use of technology, such as computer-assisted instruction, language laboratories, or distance learning, to promote foreign language study.

''(5) Developing and implementing, high quality dual language programs.

''(6) Promoting innovative activities, such as foreign language immersion, partial foreign language immersion, or content-based instruction.

''(7) Providing opportunities for maximum foreign language exposure for students domestically, such as the creation of immersion environments in the classroom and school, on weekend or summer experiences, and special tutoring and academic support.

''(8) providing for the possibility for multiple entry points for studying the foreign language.

''(9) Creating partnerships with elementary and secondary schools in other countries to facilitate language and cultural learning and exchange.

''(10) Providing support for a language supervisor to oversee and coordinate the progress of the articulated foreign language program across grade levels in the local education agency funded under this subpart.

''(e) PROGRAM SPECIFIC REQUIREMENTS FOR JAVITS GIFTED AND TALENTED GRANTS.—In addition to meeting the requirements of subsection (a), an eligible entity receiving a grant described in section 5431(1)(B)(v) may use the grant to carry out the following activities:

''(1) Providing funds for challenging, high-level course work, disseminated through technologies (including distance learning), for individual students or groups of students in schools and local educational agencies that would not otherwise have the resources to provide such course work.

''(2) Ensuring that assessments provide diagnostic information that informs instruction for high-achieving students.

''(3) Carrying out training and professional development for school personnel involved in the teaching of high-achieving, educationally disadvantaged students, such as instructional staff, principals, counselors, and psychologists.

''(4) Conducting education and training for parents of high-achieving, educationally disadvantaged students to support educational excellence for such students.

''SEC. 5437. EVALUATION.

''Each eligible entity receiving a grant under this subpart shall conduct an independent program-level evaluation and submit preliminary results to the Secretary at such a time and in such manner as the Secretary may require in order to determine the eligible entity's eligibility to continue to receive funding under this subpart.

''SEC. 5438. NATIONAL ACTIVITIES.

''(a) IN GENERAL.—From the amounts reserved under section 5431(1)(A), the Secretary shall carry out the national activities described in subsection (b) directly or by entering into contracts with an eligible educational entity.

''(b) NATIONAL ACTIVITIES.—The national activities that shall be carried out under this section are as follows:

''(1) Technical assistance.

''(2) Development of curricula.

''(3) Production, development, and dissemination of high-quality educational content (including digital content) in academic content areas under this subpart.

''(4) Research and collecting information on, and identifying, effective programs and best practices and disseminating that information to States, local educational agencies, institutions of higher education, and other stakeholders.

''SEC. 5439. PROFESSIONAL DEVELOPMENT ACTIVITIES.

''(a) ELIGIBLE EDUCATIONAL ENTITY DEFINED.—In this section, the term 'eligible educational entity' means a national nonprofit educational entity with a proven track record and demonstrated expertise in one or more of the following areas as related to the activities described in subsection (b):

''(1) High-quality professional development programs, including writing programs for teachers across disciplines and at all grade levels.

''(2) History education programs.

''(3) Civics and government education programs.

''(4) Economic and financial literacy education programs.

''(5) Geography education programs.

''(6) Foreign Language education programs.

''(7) Arts education programs.

''(8) Gifted and talented programs.

''(9) Reading and book distribution programs (including pediatric early literacy programs).

''(10) Educational and instructional video programming (including early literacy programming) for a public telecommunications entity.

''(b) PRIORITY.—In awarding a contract to an eligible educational entity under this section, the Secretary shall give priority to an entity that provides support to the eligible entities receiving a grant under this subpart or eligible entities receiving a grant under the subpart 1 or 2 to develop instructional systems that provide—

''(1) a systematic and coherent combination of instructional materials;

''(2) embedded formative and interim assessments;

''(3) professional development;

''(4) information on student learning; and

''(5) academic interventions based on cognitive science and content-area knowledge and are aligned with college- and career-ready standards.

''SEC. 5440. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this subpart $150,000,000 for fiscal year 2014 and such sums as may be necessary for each succeeding fiscal year.

''SUBPART 4—TRANSFORMING EDUCATION THROUGH TECHNOLOGY GRANTS

''SEC. 5441. PURPOSES.

''The purposes of this subpart are to—

''(1) improve the achievement, academic growth, and college-and-career readiness of students who have developed the ability to think critically, apply knowledge to solve complex problems, work collaboratively, communicate effectively, be self-directed, and be responsible digital citizens;

''(2) ensure all students have access to individualized, rigorous, and engaging digital learning experiences;

''(3) ensure that educators have the knowledge and skills to develop and implement digital learning curriculum, use technology effectively in order to personalize and strengthen instruction, and effectively create, deliver, and utilize assessments to measure student outcomes and support student success;

''(4) ensure that administrators have the leadership, management, knowledge, and skills to design, develop, and implement a school or local educational agency-wide digital age learning environment; and

''(5) improve the efficiency and productivity of education through technology.

''SEC. 5442. E-RATE RESTRICTION.

''Funds awarded under this subpart may be used to address the networking needs of a recipient of such funds for which the recipient is eligible to receive support under the E-rate program, except that such funds may not be duplicative of support received by the recipient under the E-rate program.

''SEC. 5443. RULE OF CONSTRUCTION REGARDING PURCHASING.

''Nothing in this subpart shall be construed to permit a recipient of funds under this subpart to purchase goods or services using such funds without ensuring that the purchase is free of any conflict of interest between such recipient, or any partner of such recipient, and the person or entity receiving such funds.

''SEC. 5444. DEFINITIONS.

''In this subpart:

''(1) DIGITAL LEARNING.—The term 'digital learning' means any instructional practice

that effectively uses technology to strengthen a student's learning experience and encompasses a wide spectrum of tools and practices, including—

''(A) interactive learning resources that engage students in academic content;

''(B) access to online databases and other primary source documents;

''(C) the use of data to personalize learning and provide targeted supplementary instruction;

''(D) student collaboration with content experts and peers;

''(E) online and computer-based assessments;

''(F) digital content, adaptive, and simulation software or courseware,

''(G) online courses, online instruction, or digital learning platforms;

''(H) mobile and wireless technologies for learning in school and at home;

''(I) learning environments that allow for rich collaboration and communication;

''(J) authentic audiences for learning in a relevant, real world experience;

''(K) teacher participation in virtual professional communities of practice; and

''(L) hybrid or blended learning, which occurs under direct instructor supervision at a school or other location away from home and, at least in part, through online delivery of instruction with some element of student control over time, place, path, or pace.

''(2) ELIGIBLE TECHNOLOGY.—The term 'eligible technology' means modern information, computer, and communication technology hardware, software, services, or tools, including computer or mobile hardware devices and other computer and communications hardware, software applications, systems and platforms, and digital and online content, courseware, and online instruction and other online services and supports, including technology that is interoperable and is in accordance with principles of universal design for learning, as described in section 5429(b)(21).

''(3) STUDENTS WITH DISABILITIES.—The term 'students with disabilities' means students with disabilities as defined under the Individuals with Disabilities Education Act and section 504 of the Rehabilitation Act of 1973.

''(4) STUDENT TECHNOLOGY LITERACY.—The term 'student technology literacy' means student knowledge and skills in using contemporary information, communication, and learning technologies in a manner necessary for successful employment, lifelong learning, and citizenship in the knowledge-based, digital, and global 21st century, including, at a minimum, the ability to—

''(A) effectively communicate and collaborate;

''(B) analyze and solve problems;

''(C) access, evaluate, manage, and create information and otherwise gain information literacy;

''(D) demonstrate creative thinking, construct knowledge, and develop innovative products and processes; and

''(E) carry out the activities described in subparagraphs (A) through (D) in a safe and ethical manner.

''(5) TECHNOLOGY READINESS SURVEY.—The term 'technology readiness survey' means a survey completed by a local educational agency that provides standardized information comparable to the information collected through the technology readiness survey administered under the Race to the Top Assessment program under section 14006 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) on the quantity and types of technology infrastructure and access available to the students served by the local educational agency, including computer devices, Internet connectivity, operating systems, related network infrastructure, data systems, and—

''(A) requiring—

''(i) an internal review of the degree to which instruction, additional student support, and professional development is delivered in digital formats, media, and platforms and is available to students and educators at any time;

''(ii) an internal review of the ability of educators to use assessments and other student data to personalize and strengthen instruction and identify professional development needs and priorities; and

''(iii) any other information required by the State educational agency serving the local educational agency; and

''(B) may include an assessment of local community needs to ensure students have adequate on-line access and access to devices for school-related work during out-of-school time.

"SEC. 5445. TECHNOLOGY GRANTS PROGRAM AUTHORIZED.

''(a) IN GENERAL.—From the amounts appropriated under section 5451, the Secretary shall award State Grants for Technology Readiness and Access (in this title referred to as 'grants') to State educational agencies to strengthen State and local technological infrastructure and professional development that supports digital learning through State activities under section 5447(c) and local activities under section 5448(c).

''(b) GRANTS TO STATE EDUCATIONAL AGENCIES.—

''(1) RESERVATIONS.—From the amounts appropriated under section 5451 for any fiscal year, the Secretary shall reserve—

''(A) three-fourths of 1 percent for the Secretary of Interior to provide assistance under this title for schools operated or funded by the Bureau of Indian Education; and

''(B) 1 percent to provide assistance under this title to the outlying areas.

''(2) GRANTS.—From the amounts appropriated under section 106 for any fiscal year and remaining after the Secretary makes reservations under paragraph (1), the Secretary shall make a grant for the fiscal year to each State educational agency with an approved application under section 5446 in an amount that bears the same relationship to such remainder as the amount the State educational agency received under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) for such year bears to the amount all State educational agencies with an approved application under section 102 received under such part (20 U.S.C. 6311 et seq.) for such year.

''(c) MINIMUM.—The amount of a grant to a State educational agency under subsection (b)(2) for a fiscal year may not be less than one-half of 1 percent of the total amount made available for grants to all State educational agencies under such subsection for such year.

''(d) REALLOTMENT OF UNUSED FUNDS.—If any State educational agency does not apply for a grant under subsection (b)(2) for a fiscal year, or does not use its entire grant under subsection (b)(2) for such year, the Secretary shall reallot the amount of the State educational agency's grant, or the unused portion of the grant, to the remaining State educational agencies that use their entire grant amounts under subsection (b)(2) for such year.

''(e) MATCHING FUNDS.—

''(1) IN GENERAL.—A State educational agency that receives a grant under subsection (b)(2) shall provide matching funds, from non-Federal sources, in an amount equal to 20 percent of the amount of grant funds provided to the State educational agency to carry out the activities supported by the grant. Such matching funds may be provided in cash or in-kind, except that any such in-kind contributions shall be provided for the purpose of supporting the State educational agency's activities under section 104(c).

''(2) WAIVER.—The Secretary may waive the matching requirement under paragraph (1) for a State educational agency that demonstrates that such requirement imposes an undue financial hardship on the State educational agency.

"SEC. 5446. STATE APPLICATIONS.

''(a) APPLICATION.—To receive a grant under section 5445(b)(2), a State educational agency shall submit to the Secretary an application at such time and in such manner as the Secretary may require and containing the information described in subsection (b).

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

''(1) A description of how the State educational agency will meet the following goals:

''(A) Use technology to ensure all students achieve college-and-career readiness and technology literacy, including by providing high-quality education opportunities to economically or geographically isolated student populations.

''(B) Provide educators with the tools, devices, content, and resources to—

''(i) significantly improve teaching and learning, including support to increase personalization for and engagement of students in pursuit of college-and-career readiness and technology literacy; and

''(ii) develop and use assessments to improve instruction, including instruction consistent with the principles of universal design for learning, as described in section 5429(b)(21), and instruction for students with disabilities and English-language learners.

''(C) Ensure administrators and school leaders have the flexibility and capacity to develop and manage systems to carry out activities described in subparagraphs (A) and (B), and support administrators and school leaders in utilizing technology to promote equity and increase efficiency and productivity.

''(D) Enable local educational agencies to build the technological capacity and infrastructure (including through local purchasing of eligible technology), necessary for the full implementation of on-line assessments for all students, (including students with disabilities and English-language learners) and to—

''(i) ensure the interoperability of data systems and eligible technology; and

''(ii) carry out subparagraphs (A) through (C).

''(2) A description of the results of the technology readiness in the State as determined by local educational agency responses to the technology readiness survey, including—

''(A) the status of the ability of each local educational agency served by the State educational agency to meet the goals described in section 104(b)(1);

''(B) an assurance that not less 90 percent of the local educational agencies served by the State educational agency have completed and submitted the technology readiness survey to the State educational agency; and

''(C) an assurance that the results of the technology readiness survey for each such local educational agency are made available to the Secretary and the public through the Website of the local educational agency.

''(3) A description of the plan for the State educational agency to support each local educational agency served by the State educational agency in meeting the goals described in section 104(b)(1) not later than 3

years after the local educational agency completes the technology readiness survey by addressing the readiness gaps identified in such survey.

''(4) A description of the State's process for the adoption, acquisition, distribution, and use of content, how the State will ensure integrity of such processes, and how such processes support the goals under paragraph (1) or how a State will change such processes to support such goals, and how the State will ensure content quality.

''(5) A description of how the State educational agency will ensure its data systems and eligible technology are interoperable.

''(6) An assurance that the State educational agency will consider making content widely available through open educational resources when making purchasing decisions with funds received under this title.

''(7) A description of the State's student technology literacy standards and the technology standards for teachers and administrators, and an assurance that the State's student technology literacy standards meet the requirements of section 7(8).

''(8) An assurance that subgrant awards under section 104 will be carried out by the local educational agency staff with responsibility for leadership, coordination, and implementation of instructional and other classroom technologies.

''(9) A description of how the State educational agency will award subgrants to local educational agencies under section 104.

''(10) A description of the process, activities, and performance measures, that the State educational agency will use to evaluate the impact and effectiveness of the grant and subgrants funds awarded under this part across the State and in each local educational agency.

''(11) A description of how the State educational agency will, in providing technical and other assistance to local educational agencies, give priority to the local educational agencies proposing to target services to—

''(A) students in schools in need of improvement and persistently low-achieving schools; and

''(B) schools with a high percentage of students that are eligible for free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

''(12) A description of how the State educational agency consulted with local educational agencies in the development of the State educational agency's application under this subsection.

''(13) An assurance that the State educational agency will provide matching funds as required under section 101(e).

''(14) A description of how the State educational agency will ensure that funds received under this title is not duplicative of support received under the E-rate program.

''(15) An assurance that the State educational agency, in making awards under section 5448, will give priority to local educational agencies that—

''(A) propose to serve students in schools in need of improvement and persistently low-achieving schools; or

''(B) propose to serve schools with a high percentage or number of students that are eligible for free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

''(16) An assurance that the State educational agency will protect the privacy and safety of students and teachers, consistent with requirements of section 444 of the General Education Provisions Act (20 U.S.C. 1232g) (commonly known as the 'Family Educational Rights and Privacy Act of 1974') and section 2441(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6777(a)).

"SEC. 5447. STATE USE OF GRANT FUNDS.

''(a) RESERVATION FOR SUBGRANTS TO SUPPORT TECHNOLOGY INFRASTRUCTURE.—Each State educational agency that receives a grant under section 101(b)(2) shall expend not less 90 percent of the grant amount for each fiscal year to award subgrants to local educational agencies in accordance with section 5448.

''(b) RESERVATION FOR STATE ACTIVITIES.—

''(1) IN GENERAL.—A State educational agency shall reserve not more than 10 percent of the grant received under section 101(b)(2) for the State activities described in subsection (c).

''(2) GRANT ADMINISTRATION.—Of the amount reserved by a State educational agency under paragraph (1), the State educational agency may reserve not more than 1 percent or 3 percent, in the case of a State educational agency awarding subgrants under section 104(a)(2), for the administration of the grant under this title, except that a State educational agency that forms a State purchasing consortium under subsection (d)—

''(A) may reserve an additional 1 percent to carry out the activities described in subsection (d)(1); and

''(B) shall receive direct approval from the local educational agencies receiving subgrants under section 104(a) from the State educational agency prior to reserving more than the additional percentage authorized under subparagraph (A) to carry out the activities described in subsection (d)(1).

''(c) PRIORITY.—In awarding subgrants under this part, the State educational agency shall give priority to local educational agencies proposing to target services to—

''(1) students in schools in need of improvement or persistently low-achieving schools; and

''(2) schools with a high percentage or number of students that are eligible for free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

''(c) STATE ACTIVITIES.—A State educational agency shall use funds described in subsection (b) to carry out each of the following:

''(1) Except for the awarding of subgrants in accordance with section 104, activities described in the State educational agency's application under section 102(b).

''(2) Providing technical assistance to local educational agencies to—

''(A) identify and address technology readiness needs;

''(B) redesign curriculum and instruction, improve educational productivity, and deliver computer-based and online assessment;

''(C) use technology, consistent with the principles of universal design for learning, as described in section 5429(b)(21), to support the learning needs of all students including students with disabilities and English-language learners;

''(D) support principals to have the expertise to evaluate teachers' proficiency in implementing digital tools for teaching and learning; and

''(E) build capacity of individual school and local educational agency leaders.

''(3) Developing or utilizing research-based or innovative strategies for the delivery of specialized or rigorous academic courses and curricula through the use of technology, including digital learning technologies and assistive technology.

''(4) Integrating and coordinating activities under this title with other educational resources and programs across the State.

''(5) Disseminating information, including making publicly available on the Websites of the State educational agency promising practices to improve technology instruction, and acquiring and implementing technology tools and applications.

''(6) Ensuring that teachers, paraprofessionals, library and media personnel, specialized instructional support personnel, and administrators possess the knowledge and skills to use technology—

''(A) for curriculum redesign to change teaching and learning and improve student achievement;

''(B) for formative and summative assessment administration, data analysis, and to personalize learning;

''(C) to improve student technology literacy;

''(D) to expand the range of supports and accommodations available to English-language learners and students with disabilities; and

''(E) for their own ongoing professional development and for access to teaching resources and tools.

''(7) Coordinating with teacher and school leader preparation programs to—

''(A) align digital learning teaching standards; and

''(B) provide ongoing professional development for teachers and school leaders that is aligned to State student technology standards and activities promoting college-and-career readiness.

''(d) PURCHASING CONSORTIA.—

''(1) IN GENERAL.—A State educational agency receiving a grant under section 101(b)(2) may—

''(A) form a State purchasing consortium with 1 or more State educational agencies receiving such a grant to carry out the State activities described in clause, including purchasing eligible technology;

''(B) encourage local educational agencies to form local purchasing consortia under section 104(c)(4); and

''(C) promote pricing opportunities to local educational agencies for the purchase of eligible technology that are—

''(i) negotiated by the State educational agency or the State purchasing consortium of the State educational agency; and

''(ii) available to such local educational agencies.

''(2) RESTRICTIONS.—A State educational agency receiving a grant under section 101(b)(2) may not—

''(A) except for promoting the pricing opportunities described in paragraph (1)(C), make recommendations to local educational agencies for or require use of any specific commercial products and services by local educational agencies;

''(B) require local educational agencies to participate in a State purchasing consortia or local purchasing consortia; or

''(C) use more than the reservation amount authorized for the administration of the grant under subsection (b) to carry out the activities described in paragraph (1), unless the State educational agency receives approval in accordance with subsection (b)(2)(B).

"SEC. 5448. LOCAL SUBGRANTS.

''(a) SUBGRANTS.—

''(1) GRANTS TO LOCAL EDUCATIONAL AGENCIES.—From the grant funds provided under section 101(b)(2) to a State educational agency that are remaining after the State educational agency makes reservations under section 104(b) for any fiscal year and subject to paragraph (2), the State educational agency shall award subgrants for the fiscal year to local educational agencies served by the State educational agency and with an approved application under subsection (b) by

allotting to each such local educational agency an amount that bears the same relationship to the remainder as the amount received by the local educational agency under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) for such year bears to the amount received by all such local educational agencies under such part for such year, except that no local educational agency may receive less than $5,000.

''(2) COMPETITIVE GRANTS TO LOCAL EDUCATIONAL AGENCIES.—If the amount of funds appropriated under section 106 is less than $500,000,000 for any fiscal year, a State educational agency—

''(A) shall not award subgrants under paragraph (1); and

''(B) shall—

''(i) award subgrants, on a competitive basis, to local educational agencies based on the quality of applications submitted under (b), including—

''(I) the level of technology readiness as determined by the technology readiness surveys completed by local educational agencies submitting such applications; and

''(II) the technology plans described in subsection (b)(3) and how the local educational agencies with such plans will carry out the alignment and coordination described in such subsection; and

''(ii) ensure that such subgrants are of sufficient size and scope to carry out the local activities described in subsection (c).

''(3) DEFINITION OF LOCAL EDUCATIONAL AGENCY FOR CERTAIN FISCAL YEARS.—For purposes of awarding subgrants under paragraph (2), the term 'local educational agency' means—

''(A) a local educational agency;

''(B) an educational service agency; or

''(C) a local educational agency and an educational service agency.

''(b) APPLICATION.—A local educational agency that desires to receive a subgrant under subsection (a) shall submit an application to the State at such time, in such manner, and accompanied by such information as the State educational agency may require, including—

''(1) a description of how the local educational agency will—

''(A) carry out the goals described in subparagraphs (A) through (C) of section 101(b)(1); and

''(B) enable schools served by the agency to build the technological capacity and infrastructure (including through local purchasing of eligible technology), necessary for the full implementation of on-line assessments for all students (including students with disabilities and English-language learners) and to—

''(i) ensure the interoperability of data systems and eligible technology; and

''(ii) carry out the goals described in subparagraphs (A) through (C) of section 101(b)(1); and

''(C) align activities funded under this part with school improvement plans, when applicable, described under section 1116(b)(3);

''(2) a description of the results of the technology readiness survey completed by the local educational agency and a description of the plan for the local educational agency to meet the goals described in paragraph (1) within 3 years of completing the survey;

''(3) a description of the local educational agency's technology plan to carry out paragraphs (1) and (3) and how the agency will align and coordinate the activities under this section with other activities across the local educational agency;

''(4) a description of the team of educators that will coordinate and carry out the activities under this section, including individuals with responsibility and expertise in instructional technology, teachers that specialize in supporting students with disabilities and English-language learners, school leaders, technology officers, and staff responsible for assessments and data analysis;

''(5) a description of how the local educational agency will evaluate teachers' proficiency and progress in implementing technology for teaching and learning;

''(6) a description of how the local educational agency will ensure that principals have the expertise to evaluate teachers' proficiency and progress in implementing technology for teaching and learning and the interoperability of data systems and eligible technology;

''(7) a description of the local educational agency's procurement process and process for the creation, acquisition, distribution, and use of content, how the local educational agency will ensure integrity of such processes, and how such processes support the goals described in paragraph (1) or how a local educational agency will change such processes to support such goals, and how the local educational agency will ensure content quality;

''(8) a description of how the local educational agency will carry out activities under subsection (c);

''(9) a description of how the subgrant funds received under subsection (a) will be coordinated with and supported by other Federal, State, and local funds to support activities under this title;

''(10) a description of how the local educational agency will ensure that the subgrant received under subsection (a) is not duplicative of support received under the E-rate program; and

''(11) an assurance that the local educational agency will protect the privacy and safety of students and teachers, consistent with requirements section 444 of the General Education Provisions Act (20 U.S.C. 1232g) (commonly known as the 'Family Educational Rights and Privacy Act of 1974') and section 2441(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6777(a)).

''(c) USE OF FUNDS.—

''(1) TECHNOLOGY INFRASTRUCTURE.—Subject to paragraph (3), a local educational agency receiving a subgrant under subsection (a) shall use not less than 40 percent of such funds to support activities for the acquisition of eligible technology needed to—

''(A) except for the activities described in paragraph (2), carry out activities described in the application submitted under subsection (b), including purchasing devices, equipment, and software applications, and improving connectivity to and within schools; and

''(B) address readiness shortfalls identified under the technology readiness survey completed by the local educational agency.

''(2) PROFESSIONAL DEVELOPMENT FOR DIGITAL LEARNING.—Subject to paragraph (3), a local educational agency receiving a subgrant under subsection (a)—

''(A) shall use not less than 35 percent of such funds to carry out—

''(i) digital age professional development opportunities for teachers, paraprofessionals, library and media personnel, specialized instructional support personnel, technology coordinators, and administrators in the effective use of modern information and communication technology tools and digital resources to deliver instruction, curriculum and school classroom management, including for classroom teachers to assess, support, and provide engaging student learning opportunities, including professional development that—

''(I) is ongoing, sustainable, and scalable;

''(II) is participatory;

''(III) includes communication and regular interactions with instructors, facilitators, and peers and is directly related to up-to-date teaching methods in content areas;

''(IV) includes strategies and tools for improving communication with parents and family engagement;

''(V) may be built around active professional learning communities or online communities of practice or other tools that increase collaboration among teachers across schools, local educational agencies, or States; and

''(VI) may contain on-demand components, such as instructional videos, training documents, or learning modules;

''(ii) ongoing professional development in strategies, pedagogy, and assessment in the core academic subjects that involve the use of technology and curriculum redesign as key components of supporting effective, innovative teaching and learning, and improving student achievement;

''(iii) ongoing professional development in the use of educational technologies to ensure every educator achieves and maintains technology literacy, including possessing and maintaining the knowledge and skills to use technology—

''(I) across the curriculum for student learning;

''(II) for real-time data analysis and online or digital assessment to enable individualized instruction; and

''(III) to develop and maintain student technology literacy;

''(iv) ongoing professional development for school leaders to provide and promote leadership in the use of—

''(I) educational technology to ensure a digital-age learning environment, including the capacity to lead the reform or redesign of curriculum, instruction, assessment; and

''(II) data through the use of technology in order to increase student learning opportunity, student technology literacy, student access to technology, and student engagement in learning; and

''(v) a review of the effectiveness of the professional development and regular intervals of learner feedback and data; and

''(B) may use such funds for—

''(i) the use of technology coaches to work directly with teachers, including through the preparation of teachers as technology leaders or master teachers—

''(I) who are provided with the means to serve as experts and to create professional development opportunities for other teachers in the effective use of technology; and

''(II) who may leverage technologies, such as distance learning and online virtual educator-to-educator peer communities, as a means to support ongoing, participatory professional growth around the integration of effective educational technologies;

''(ii) innovative approaches to ongoing professional development such as non-standard achievement recognition strategies, including digital badging, gamification elements, use of learner-created learning objects, integration of social and professional networking tools, rating and commenting on learning artifacts, and personalization of professional development; and

''(iii) any other activities required to carry out the local educational agency's technology plan described in subsection (b)(4).

''(3) MODIFICATION OF FUNDING ALLOCATIONS.—A State educational agency may authorize a local educational agency to modify the percentage of the local educational agency's subgrant funds required to carry out the activities described in paragraphs (1) or (2) if the local educational agency demonstrates that such modification will assist the local educational agency in more effectively carrying out such activities.

''(4) PURCHASING CONSORTIA.—Local educational agencies receiving subgrants under subsection (a) may—

''(A) form a local purchasing consortia with other such local educational agencies to carry out the activities described in this subsection, including purchasing eligible technology; and

''(B) use such funds for purchasing eligible technology through a State purchasing consortia under section 103(d).

''SEC. 5449. REPORTING.

''(a) LOCAL EDUCATIONAL AGENCIES.—Each local educational agency receiving a subgrant under section 104 shall submit to the State educational agency that awarded such subgrant an annual report the meets the requirements of subsection (c).

''(b) STATE EDUCATIONAL AGENCIES.—Each State educational agency receiving a grant under section 101(b)(2) shall submit to the Secretary an annual report that meets the requirements of subsection (c).

''(c) REPORT REQUIREMENTS.—A report submitted under subsection (a) or (b) shall include, at a minimum, a description of—

''(1) the status of the State education agency's plan described in section 102(b)(3) or local education agency's technology plan under section 104(b)(4), as applicable;

''(2) the categories of eligible technology acquired and types of programs funded under this title and how such technology is being used;

''(3) the professional development activities funded under this title, including types of activities and entities involved in providing such professional development; and

''(4) information on the impact of the grant on students and student outcomes, such as—

''(A) the number of and demographic information about students who are served under this part;

''(B) student achievement, student growth, and graduation rates of such students;

''(C) college-and-career readiness data about such students, such as rates of credit accumulation, course taking and completion, and college enrollment and persistence;

''(D) student attendance and participation rates;

''(E) student engagement and discipline;

''(F) school climate and teacher working conditions;

''(G) increases in inclusion of students with disabilities and English-language learners; and

''(H) such other information the Secretary may require or other information State educational agencies or local educational agencies served under this part propose to include, as approved by the Secretary.

''SEC. 5450 ESTABLISHMENT OF THE ADVANCED RESEARCH PROJECT AGENCY-EDUCATION.

''(a) PROGRAM ESTABLISHED.—From the amounts appropriated under section 5451, the Secretary of Education may reserve up to 5 percent to—

''(1) establish and carry out the Advanced Research Projects Agency-Education (in this Act referred to as 'ARPA–ED') to—

''(A) identify and promote advances in learning, fundamental and applied sciences, and engineering that may be translated into new learning technologies;

''(B) develop, test, and evaluate new learning technologies and related processes; and

''(C) accelerate transformational technological advances in education;

''(2) convene an advisory panel under subsection (d); and

''(3) carry out the evaluation and dissemination requirements under subsection (e).

''(b) APPOINTMENTS.—

''(1) DIRECTOR.—ARPA–ED shall be under the direction of the Director of ARPA–ED, who shall be appointed by the Secretary.

''(2) QUALIFIED INDIVIDUALS.—The Secretary shall appoint, for a term of not more than 4 years, qualified individuals who represent scientific, engineering, professional, and other personnel with expertise in carrying out the activities described in this section to positions in ARPA–ED, at rates of compensation determined by the Secretary, without regard to the provisions of title 5, United States Code, except that such rates of compensation shall not to exceed the rate for level I of the Executive Schedule under section 5312 of such title.

''(c) FUNCTIONS OF ARPA–ED.—Upon consultation with the advisory panel convened under subsection (d), the Secretary shall select public and private entities to carry out the activities described in subsection (a)(1) by—

''(1) awarding such entities grants, contracts, cooperative agreements, or cash prizes; or

''(2) entering into such other transactions with such entities as the Secretary may prescribe in regulations.

''(d) ADVISORY PANEL.—

''(1) IN GENERAL.—The Secretary shall convene an advisory panel to advise and consult with the Secretary, Director, and the qualified individuals appointed under subsection (b)(2) on—

''(A) ensuring that the awards made and transaction entered into under subsection (c) are consistent with the purposes described in subsection (a)(1); and

''(B) ensuring the relevance, accessibility, and utility of such awards and transactions to education practitioners.

''(2) APPOINTMENT OF MEMBERS.—The Secretary shall appoint the following qualified individuals to serve on the advisory panel:

''(A) Education practitioners.

''(B) Experts in technology.

''(C) Specialists in rapid gains in student achievement and school turnaround.

''(D) Specialists in personalized learning.

''(E) Researchers, including at least one representative from a comprehensive center established under 203 of the Educational Technical Assistance Act of 2002 (20 U.S.C. 9602) or the regional laboratories system established under section 174 of the Education Sciences Reform Act (20 U.S.C. 9564).

''(F) Other individuals with expertise who will contribute to the overall rigor and quality of ARPA–ED.

''(3) APPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the panel convened under this subsection and any appointee to such panel shall not be considered an 'employee' under section 2105 of title 5, United States Code.

''(e) EVALUATION AND DISSEMINATION.—

''(1) EVALUATION.—The Secretary shall obtain independent, periodic, and rigorous evaluation of—

''(A) the effectiveness of the processes ARPA–Ed is using to achieve the purposes described in subsection (a)(1);

''(B) the relevance, accessibility, and utility of the awards made and transactions entered into under subsection (c) to education practitioners; and

''(C) the effectiveness of the projects carried out through such awards and transactions, using evidence standards developed in consultation with the Institute of Education Sciences, and the suitability of such projects for further investment or increased scale.

''(2) DISSEMINATION AND USE.—The Secretary shall disseminate information to education practitioners, including teachers, principals, and local and State superintendents, on effective practices and technologies developed under ARPA–ED, as appropriate, through—

''(A) the comprehensive centers established under 203 of the Educational Technical Assistance Act of 2002 (20 U.S.C. 9602);

''(B) the regional laboratories system established under section 174 of the Education Sciences Reform Act (20 U.S.C. 9564); and

''(C) such other means as the Secretary determines to be appropriate.

''(f) ADMINISTRATIVE REQUIREMENTS.—Notwithstanding section 437(d) of the General Education Provisions Act (20 U.S.C. 1232(d)), the Secretary shall establish such processes as may be necessary for the Secretary to manage and administer ARPA–ED, which are not constrained by other Department of Education-wide administrative requirements that may prevent ARPA–ED from carrying out the purposes described in subsection (a)(1).

''SEC. 5451. AUTHORIZATION.

''There are authorized to be appropriated to carry out this subpart $500,000,000 for fiscal year 2014 and such sums as may be necessary for each of the 4 succeeding fiscal years.''.

(b) REPEAL.—Part B of title I (20 U.S.C. 6361 et seq.) is repealed.

Subtitle C—Family Engagement in Education Programs

SEC. 521. FAMILY ENGAGEMENT IN EDUCATION PROGRAMS.

Title V of the Act (20 U.S.C. 5101 et seq.) is a amended by adding at the end the following new part:

''PART E—FAMILY ENGAGEMENT IN EDUCATION PROGRAMS

''SEC. 5701. PURPOSES.

''The purposes of this part 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 part 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. 5702. GRANTS AUTHORIZED.

''(a) STATEWIDE FAMILY ENGAGEMENT CENTERS.—From the amount appropriated under section 4306, the Secretary is authorized to award grants for each fiscal year to statewide organizations (and consortia of such organizations and State educational agencies), 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 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. 5703. APPLICATIONS.

''(a) SUBMISSIONS.—Each statewide organization, or a consortium of such an organization and a State educational agency, that desires a grant under this part 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 applicant, including a letter from the applicant 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; and

''(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 part 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 part; and

''(ii) parent training and information centers and community parent resource centers assisted under sections 671 and 672 of the Individuals with Disabilities Education Act;

''(G) use not less than 30 percent of the funds received under this part for each fiscal year to establish or expand technical assistance for evidence-based parent education programs;

''(H) provide assistance to State educational agencies 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. 5704. USES OF FUNDS.

''(a) IN GENERAL.—Grantees shall use grant funds received under this part, based on the needs determined under section 4303(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 college and career ready 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 afterschool and extracurricular programs;

''(B) to communicate effectively with their children, teachers, school leaders, counselors, administrators, and other school personnel;

''(C) to become active participants in the development, implementation, and review of school-parent compacts, family engagement in education policies, and school planning and improvement;

''(D) to participate in the design and provision of assistance to students who are not making academic progress;

''(E) to participate in State and local decisionmaking;

''(F) to train other parents; and

''(G) 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, implement, and assess parental involvement policies under sections 1112 and 1118.

''(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 4306 to carry out this part to provide technical assistance, by 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. 5705. 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 or Indian-serving nonprofit parent organizations to establish and operate Family Engagement Centers.

''SEC. 5706. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this part $30,000,000 for fiscal year 2014 and such sums as may be necessary for subsequent fiscal years.''.

TITLE VI—FLEXIBILITY AND ACCOUNTABILITY

SEC. 601. FLEXIBILITY AND ACCOUNTABILITY.

Title VI (20 U.S.C. 7301 et seq.) is amended in sections 6113(a) and 6234 by striking ''fiscal year 2002'' and inserting ''fiscal year 2014'' each place it appears.

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

SEC. 701. IN GENERAL.

Title VII (20 U.S.C. 7401 et seq.) is amended—

(1) by striking ''Bureau of Indian Affairs'' each place it appears and inserting ''Bureau of Indian Education'';

(2) by striking ''No Child Left Behind Act of 2001'' each place it appears and insert ''Student Success Act''; and

(3) in sections 7152, 7205(c), and 7304(d)(1), by striking ''fiscal year 2002'' each place it appears and inserting ''fiscal year 2014''.

Subtitle A—Indian Education

SEC. 711. PURPOSE.

Section 7102 (20 U.S.C. 7402) is amended to read as follows:

''SEC. 7102. PURPOSE.

''It is the purpose of this part to support the efforts of local educational agencies, Indian tribes and organizations, postsecondary institutions, and other entities—

''(1) to ensure the academic achievement of American Indian and Alaska Native students by meeting their unique cultural, language, and educational needs, consistent with section 1111(c);

''(2) to ensure that Indian and Alaska Native students gain knowledge and understanding of Native communities, languages, tribal histories, traditions, and cultures; and

''(3) to ensure that principals, teachers, and other staff who serve Indian and Alaska Native students have the ability to provide culturally appropriate and effective instruction to such students.''.

PART 1—FORMULA GRANTS TO LOCAL EDUCATIONAL AGENCIES

SEC. 721. FORMULA GRANT PURPOSE.

Section 7111 (20 U.S.C. 7421) is amended to read as follows:

"SEC. 7111. PURPOSE.

''(a) 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 to improve the academic achievement of American Indian and Alaska Native students by meeting their unique cultural, language, and educational needs.

''(b) PROGRAMS.—This subpart carries out the purpose described in subsection (a) by authorizing programs of direct assistance for—

''(1) meeting the unique educational and culturally related academic needs of Indians and Alaska Natives;

''(2) strengthening American Indian, Native Hawaiian, and Alaska Native students' knowledge of their languages, history, traditions, and cultures;

''(3) the education of Indian children and adults;

''(4) the training of Indian persons as educators and counselors, and in other professions serving Indian people; and

''(5) research, evaluation, data collection, and technical assistance.''.

SEC. 722. GRANTS TO LOCAL EDUCATIONAL AGENCIES, TRIBES, AND INDIAN ORGANIZATIONS.

Section 7112 (20 U.S.C. 7422) is amended—

(1) in subsection (a), by striking ''and Indian tribes'' and inserting '', Indian tribes, and Indian organizations'';

(2) in subsection (b)(2), by striking ''a reservation'' and inserting ''an Indian reservation''; and

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

''(c) INDIAN TRIBES AND INDIAN ORGANIZATIONS.—

''(1) IN GENERAL.—If a local educational agency that is otherwise eligible for a grant under this subpart does not establish a committee under section 7114(c)(5) for such grant, an Indian tribe, an Indian organization, or a consortium of such entities, that represents more than one-half of the eligible Indian children who are served by such local educational agency may apply for such grant.

''(2) UNAFFILIATED INDIAN TRIBES.—An Indian tribe that operates a school and is not affiliated with either the local educational agency or the Bureau of Indian Education shall be eligible to apply for a grant under this subpart.

''(3) SPECIAL RULE.—

''(A) IN GENERAL.—The Secretary shall treat each Indian tribe, Indian organization, or consortium of such entities applying for a grant pursuant to paragraph (1) or (2) as if such tribe, Indian organization, or consortium were a local educational agency for purposes of this subpart.

''(B) EXCEPTIONS.—Notwithstanding subparagraph (A), such Indian tribe, Indian organization, or consortium shall not be subject to the requirements of subsections (b)(7) or (c)(5) of section 7114 or section 7118(c) or 7119.

''(4) ASSURANCE TO SERVE ALL INDIAN CHILDREN.—An Indian tribe, Indian organization, or consortium of such entities that is eligible to apply for a grant under paragraph (1) shall include, in the application required under section 7114, an assurance that the entity will use the grant funds to provide services to all Indian students served by the local educational agency.

''(d) INDIAN COMMUNITY-BASED ORGANIZATION.—

''(1) IN GENERAL.—If no local educational agency pursuant to subsection (b), and no Indian tribe, Indian organization, or consortium pursuant to subsection (c), applies for a grant under this subpart, an Indian community-based organization serving the community of the local educational agency may apply for such grant.

''(2) APPLICABILITY OF SPECIAL RULE.—The Secretary shall apply the special rule in subsection (c)(3) 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, or consortium.

''(3) DEFINITION OF INDIAN COMMUNITY-BASED ORGANIZATION.—In this subsection, the term 'Indian community-based organization' means any organization that—

''(A) is composed primarily of Indian parents and community members, tribal government education officials, and tribal members from a specific community;

''(B) assists in the social, cultural, and educational development of Indians in such community;

''(C) meets the unique cultural, language, and academic needs of Indian students; and

''(D) demonstrates organizational capacity to manage the grant.

''(e) CONSORTIA.—

''(1) IN GENERAL.—A local educational agency, Indian tribe, or Indian organization that meets the eligibility requirements under this section may form a consortium with other eligible local educational agencies, Indian tribes, or Indian organizations for the purpose of obtaining grants and operating programs under this subpart.

''(2) REQUIREMENTS FOR LOCAL EDUCATIONAL AGENCIES IN CONSORTIA.—In any case where 2 or more local educational agencies that are eligible under subsection (b) form or participate in a consortium to obtain a grant, or operate a program, under this subpart, each local educational agency participating in such a consortium shall—

''(A) provide, in the application submitted under section 7114, an assurance that the eligible Indian children served by such local educational agency will receive the services of the programs funded under this subpart; and

''(B) agree to be subject to all requirements, assurances, and obligations applicable to a local educational agency receiving a grant under this subpart.''.

SEC. 723. AMOUNT OF GRANTS.

Section 7113(b) (20 U.S.C. 7423(b)) is amended—

(1) in paragraph (1), by striking ''$3,000'' and inserting ''$10,000'';

(2) by striking paragraph (2) and redesignating paragraph (3) as paragraph (2); and

(3) in paragraph (2), as so redesignated, by striking ''$4,000'' and inserting ''$15,000''.

SEC. 724. APPLICATIONS.

(a) IN GENERAL.—Section 7114 (20 U.S.C. 7424) is amended—

(1) in subsection (b)—

(A) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking ''is consistent with'' and inserting ''supports''; and

(II) by inserting '', tribal,'' after ''State''; and

(ii) in subparagraph (B), by striking ''such goals'' and all that follows through the semicolon at the end and inserting ''such goals, to ensure such students meet the same college and career ready State academic achievement standards under section 1111(b) for all children;'';

(B) in paragraph (5)—

(i) in subparagraph (A), by striking ''and'' after the semicolon; and

(ii) by adding at the end the following:

''(C) the parents of Indian children, and representatives of Indian tribes, on the committee described in subsection (c)(5) will participate in the planning of the professional development materials;'';

(C) in paragraph (6)—

(i) in subparagraph (B)—

(I) by adding at the end the following:

''(iii) the Indian tribes whose children are served by the local educational agency; and''; and

(ii) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following:

''(7) describes—

''(A) the formal process the local educational agency used to collaborate with Indian tribes located in the community in the development of the comprehensive programs; and

''(B) the actions taken as a result of the collaboration.'';

(2) in subsection (c)—

(A) in paragraph (2), by adding at the end the following:

''(A) determine the extent to which such activities address the unique cultural, language, and educational needs of Indian students;'';

(B) in paragraph (3)(C), by inserting ''representatives of Indian tribes with reservations located within 50 miles of any of the schools that have Indian children in any such school,'' after ''Indian children and teachers'';

(C) in paragraph (4)(A)—

(i) by redesignating clauses (ii) and (iii) as clauses (iii) and (iv), respectively; and

(ii) by inserting the following after clause (i):

''(ii) representatives of Indian tribes with reservations located within 50 miles of any of the schools that have children in any such school;''.

(D) in subparagraph (4)(B), by adding ''or representatives of Indian tribes described in subparagraph (A)(ii)'' after ''children''; and

(E) in subparagraph (4)(D)—

(i) by striking ''; and'' at the end of clause (i); and

(ii) by adding at the end the following:

''(iii) determined that the program will directly enhance the educational experience of Indian and Alaska Native students; and''; and

(3) by adding at the end the following:

''(d) OUTREACH.—The Secretary shall monitor the applications for grants under this subpart to identify eligible local educational agencies and schools operated by the Bureau of Indian Education that have not applied for such grants, and shall undertake appropriate outreach activities to encourage and assist eligible entities to submit applications for such grants.''.

SEC. 725. AUTHORIZED SERVICES AND ACTIVITIES.

Section 7115 (20 U.S.C. 7425) is amended—

(1) in subsection (b)—

(A) by inserting before paragraph (2) the following:

''(1) activities that support Native American language immersion programs and Native American language restoration programs,'';

(B) in paragraph (3), by striking ''challenging State academic content and student academic achievement standards'' and inserting ''college and career ready State academic content and student academic achievement standards under section 1111(b)'';

(C) by striking paragraph (4) and inserting the following:

''(4) integrated educational services in combination with other programs to meet the unique needs of Indian children and their

families, including programs that promote parental involvement—

''(A) in school activities; and

''(B) to increase student achievement;'';

(D) in paragraph (11) by striking everything after ''children''; and

(2) in subsection (c) by adding at the end the following:

''(3) the local educational agency identifies in its application how the use of such funds in a schoolwide program will produce benefits to the Indian students that would not be achieved if the funds were not used in a schoolwide program.''.

SEC. 726. STUDENT ELIGIBILITY FORMS.

Section 7117(e) (20 U.S.C. 7427(e)) is amended to read as follows:

''(e) 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 7113, the membership of the child, or any parent or grandparent of the child, in a tribe or band of Indians (as so defined) may be established by proof other than an enrollment number, notwithstanding the availability of an enrollment number for a member of such tribe or band. Nothing in subsection (b) shall be construed to require the furnishing of an enrollment number.

''(2) NO NEW OR DUPLICATE DETERMINATIONS.—Once a child is determined to be an Indian eligible to be counted for such grant award, the local educational agency shall maintain a record of such determination and shall not require a new or duplicate determination to be made for such child for a subsequent application for a grant under this subpart.

''(3) PREVIOUSLY FILED FORMS.—An Indian student eligibility form that was on file as required by this section on the day before the date of enactment of the Student Success Act and that met the requirements of this section, as this section was in effect on the day before the date of enactment of such Act, shall remain valid for such Indian student.''.

SEC. 727. TECHNICAL ASSISTANCE.

Subpart 1 of part A of title VII is amended by adding at the end the following new section:

''SEC. 7120. TECHNICAL ASSISTANCE.

''The Secretary shall, directly or through contract, provide technical assistance to a local educational agency upon request, in addition to any technical assistance available under section 1116 or available through the Institute of Education Sciences, to support the services and activities described under this section, including for the—

''(1) development of applications under this section;

''(2) improvement in the quality of implementation, content of activities, and evaluation of activities supported under this subpart;

''(3) integration of activities under this title with other educational activities established by the local educational agency; and

''(4) coordination of activities under this title with programs administered by each Federal agency providing grants for the provision of educational and related services.''.

PART 2—SPECIAL PROGRAMS AND PROJECTS TO IMPROVE EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN

SEC. 731. PROFESSIONAL DEVELOPMENT FOR TEACHERS AND EDUCATION PROFESSIONALS.

Section 7122 (20 U.S.C. 7442) is amended—

(1) in subsection (a), by striking paragraphs (1) and (2) and inserting the following:

''(1) to increase the number of qualified and effective Indian teachers and administrators serving Indian students;

''(2) to provide training to qualified Indian individuals to become teachers, administrators, social workers, and other educators; and'';

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

''(e) APPLICATION.—Each eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information, as the Secretary may reasonably require. At a minimum, an application under this section shall describe how the eligible entity will—

''(1) recruit qualified Indian individuals, such as students who may not be of traditional college age, to become teachers or principals;

''(2) use funds made available under the grant to support the recruitment, preparation, and professional development of Indian teachers or principals in local educational agencies that serve a high proportion of Indian students; and

''(3) assist participants in meeting the requirements under subsection (h).''; and

(4) by striking subsection (g) and inserting the following:

''(g) GRANT PERIOD.—The Secretary shall award grants under this section for an initial period of not more than 3 years, and may renew such grants for not more than an additional 2 years if the Secretary finds that the grantee is achieving the objectives of the grant.''.

PART 3—NATIONAL ACTIVITIES

SEC. 741. NATIONAL ACTIVITIES.

Section 7131(c)(2) (20 U.S.C. 7451(c)(2)) is amended by striking ''Office of Indian Education Programs'' and inserting ''Bureau of Indian Education''.

SEC. 742. IMPROVEMENT OF ACADEMIC SUCCESS FOR STUDENTS THROUGH NATIVE AMERICAN LANGUAGE.

Subpart 3 of part A of title VII (20 U.S.C. 7451 et seq.) is amended by striking sections 7132 through 7136 and inserting the following:

''SEC. 7132. IMPROVEMENT OF ACADEMIC SUCCESS FOR STUDENTS THROUGH NATIVE AMERICAN LANGUAGE.

''(a) PURPOSE.—It is the purpose of this section to improve educational opportunities and academic achievement of Indian and Alaska Native students through Native American language programs and to foster the acquisition of Native American language.

''(b) 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 award grants under this section for an initial period of not more than 3 years, and may renew such grants for not more than an additional 2 years if the Secretary finds that the grantee is achieving the objectives of the grant.

''(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. 7133. IMPROVING STATE AND TRIBAL EDUCATION AGENCY COLLABORATION.

''The Secretary, in consultation with the Director of the Bureau of Indian Education, shall conduct a study of the relationship among State educational agencies, local educational agencies, and other relevant State and local agencies, and tribes or tribal representatives to—

''(1) identify examples of best practices in collaboration among those entities that result in the provision of better services to Indian students; and

''(2) provide recommendations on—

''(A) State educational agency functions that tribal educational agencies could perform;

''(B) areas and agency functions in which greater State educational agency and tribal education agency collaboration is needed; and

''(C) other steps to reducing barriers to serving Indian students, especially such students who are at risk of academic failure.''.

Subtitle B—Native Hawaiian Education; Alaska Native Education

SEC. 751. NATIVE HAWAIIAN EDUCATION AND ALASKA NATIVE EDUCATION.

Title VII (20 U.S.C. 7401 et seq.) is amended—

(1) in the heading of part B, by inserting ''**ALASKA NATIVE EDUCATION**'' after ''**NATIVE HAWAIIAN EDUCATION**''; and

(2) by inserting before section 7201 the following:

''Subpart 1—Native Hawaiian Education''.

SEC. 752. FINDINGS.

Section 7202 (20 U.S.C. 7512) is amended to read as follows:

''SEC. 7202. FINDINGS.

''Congress finds the following:

''(1) Native Hawaiians are a distinct and unique indigenous people with a historical continuity to the original inhabitants of the Hawaiian archipelago, whose society was organized as a nation and internationally recognized as a nation by the United States, 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. 753. PURPOSES.

Section 7203 (20 U.S.C. 7513) is amended to read as follows:

''SEC. 7203. PURPOSES.

''The purposes of this part are—

''(1) to develop, implement, assess, and evaluate innovative educational 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 State academic content and achievement standards as described in section 1111(b);

''(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. 754. NATIVE HAWAIIAN EDUCATION COUNCIL GRANT.

Section 7204 (20 U.S.C. 7514) is amended to read as follows:

''SEC. 7204. NATIVE HAWAIIAN EDUCATION COUNCIL GRANT.

''(a) GRANT AUTHORIZED.—In order to carry out the purposes of 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 chairperson of the Queen Liliuokalani Trust (or a designee);

''(H) 1 shall be a member, selected by the other members of the Education Council, who represents a private grant-making entity;

''(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.—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 of, and serving as a clearinghouse for, the educational services and programs for Native Hawaiians.

''(2) Providing direction and guidance, such as through the issuance of reports and recommendations, to appropriate Federal, State, and local agencies in order to focus and improve the use of resources relating to Native Hawaiian education.

''(3) provide technical assistance to Native Hawaiian organizations that are grantees or potential grantees under this part;

''(4) assessing and evaluating the individual and aggregate impact of grants and activities funded under this part and how well they meet the needs of Native Hawaiians, 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 7205(c) that are related to the specific goals and purposes of each grantee's grant project, using metrics related to these priorities;

''(5) assess and define the educational needs of Native Hawaiians; and

''(6) may use funds to hire an executive director to enable the Council to carry out the activities described in this subsection.

''(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) REPORTS.—

''(1) ANNUAL EDUCATION COUNCIL REPORT.—The Education Council shall use funds made available through the grant under this section to prepare and submit to the Secretary, before the end of each calendar year, annual reports that contain—

''(A) a description of the activities of the Education Council during the preceding calendar year;

''(B) recommendations of the Education Council, if any, regarding priorities to be established under section 7205(b);

''(C) significant barriers to achieving the goals under this subpart;

''(D) a summary of each community consultation session, as described in subsection (d); and

''(E) recommendations to establish funding priorities based on an assessment of—

''(i) the educational needs of Native Hawaiians;

''(ii) programs and services currently available to address such needs, including the effectiveness of such programs in improving educational performance of Native Hawaiians; and

''(iii) priorities for funding in specific geographic communities.

''(2) REPORT BY THE SECRETARY.—Not later than 2 years after the date of enactment of the Student Success Act, the Secretary shall prepare and submit to the Committee on Indian Affairs of the Senate and the authorizing committees a report that—

''(A) summarizes the annual reports of the Education Council;

''(B) describes the allocation and use of funds under this subpart and the information gathered since the first annual report submitted by the Education Council to the Secretary under this section; and

''(C) contains recommendations for changes in Federal, State, and local policy to advance the purposes of this subpart.

''(g) FUNDING.—For each fiscal year, the Secretary shall use the amount described in section 7206(d)(2), to make a payment under the grant. Funds made available through the grant shall remain available until expended.''.

SEC. 755. GRANT PROGRAM AUTHORIZED.

Section 7205 (20 U.S.C. 7515 et seq.) is amended to read as follows:

''SEC. 7205. 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; or

''(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 7204(d)(6)(E);

''(2) programs designed to improve the academic achievement of Native Hawaiian students by meeting their unique cultural and language needs in order to help such students meet State academic content and achievement standards as described in Section 1111(b) including the use of Native Hawaiian language and preservation or reclamation of Native Hawaiian culture-based educational practices; and

''(3) programs in which a local educational agency, institution of higher education, or a State educational agency apply for a grant or contract as part of a partnership or consortium with a nonprofit entity serving underserved communities within the Native Hawaiian population.

''(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 system to provide a continuum of high-quality early learning services for Native Hawaiian children;

''(2) the operation of family-based education centers that provide such services as—

''(A) programs for Native Hawaiian parents and students;

''(B) early education programs for Native Hawaiians; and

''(C) 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;

''(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 curricular 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 may 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, such as through digital archives.

''(3) Informal education programs that promote 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. 756. ADMINISTRATIVE PROVISIONS; AUTHORIZATION OF APPROPRIATIONS.

Section 7206 (20 U.S.C. 7516) is amended to read as follows:

''SEC. 7206. 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 section, and sections 7204 and 7205, such sums as may be necessary for fiscal year 2014 and each of the 5 succeeding fiscal years.

''(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 7204.

''(3) AVAILABILITY.—Funds appropriated under this subsection shall remain available until expended.''.

SEC. 757. DEFINITIONS.

Section 7207 (20 U.S.C. 7517) is amended—

(1) by redesignating paragraphs (1) through (6) as paragraphs (2) through (7), respectively; and

(2) by inserting before paragraph (2) (as redesignated by paragraph (1)) the following:

''(1) COMMUNITY CONSULTATION.—The term 'community consultation' means a public gathering—

''(A) to discuss Native Hawaiian education concerns; and

''(B) about which the public has been given not less than 30 days notice.''.

TITLE VIII—IMPACT AID

SEC. 801. PURPOSE.

Section 8001 (20 U.S.C. 7701) is amended by striking ''challenging State standards'' and inserting ''State academic standards''.

SEC. 802. 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 subsection (k);

(6) by redesignating subsection (l) as subsection (k);

(7) by amending subsection (k) (as so redesignated) by striking ''(h)(4)(B)'' and inserting ''(h)(2)'';

(8) by repealing subsection (m); and

(9) by redesignating subsection (n) as subsection (j).

SEC. 803. 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 fails to meet the requirements of clause (i) for a fiscal year by reason of having 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, subclause (I) shall be applied as if 'and the subsequent fiscal year' were inserted before the period at the end.'';

(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:

''(ii)(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 2012 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)''; and

(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 the 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 the Interior; and

''(ii) that is the direct result of closure or realignment of military installations under the base closure process or the relocation of members of the Armed Forces and civilian employees of the Department of Defense as part of 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. 804. 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. 805. 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. 806. 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. 807. 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. 808. STATE CONSIDERATION OF PAYMENTS PROVIDING STATE AID.

Section 8009 (20 U.S.C. 7709) is amended—

(1) in subsection (c)(1)(B), by striking ''and contain the information''; and

(2) in subsection (d)(2)—

(A) by striking ''A State'' and inserting the following:

''(A) IN GENERAL.—A State''; and

(B) by adding at the end of the following:

''(B) STATES THAT ARE NOT EQUALIZED STATES.—A State that has not been approved as an equalized State under subsection (b) shall not consider funds received under section 8002 or section 8003 of this title in any State formula or place a limit or direct the use of such funds.''.

SEC. 809. 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. 810. 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. 811. AUTHORIZATION OF APPROPRIATIONS.

Section 8014 (20 U.S.C. 7801) is amended—

(1) by striking ''2000'' each place it appears and inserting ''2014'';

(2) by striking ''2001'' and inserting ''2015''; and

(3) by striking ''2002'' and inserting ''2016''.

SEC. 812. CONFORMING AMENDMENTS.

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) (1) by striking paragraphs (1) and (4); and

(2) (2) by redesignating paragraphs (2) and (3), as paragraphs (1) and (2), respectively.

TITLE IX—GENERAL PROVISIONS

SEC. 900. GENERAL AMENDMENTS.

(a) GENERAL PROHIBITION.—Section 9527(a) (20 U.S.C. 7907(a)) is amended by inserting ''specific instructional content, academic standards or assessments,'' after ''school's curriculum,''.

(b) RULE OF CONSTRUCTION.—Section 9534 (20 U.S.C. 7914) is amended by adding at the end the following:

''(c) RULE OF CONSTRUCTION.—Any public or private entity that receives funds allocated under this Act including from a State educational agency or local educational agency shall be considered a program under subsection (a) and be subject to the requirements of subsection (a) in carrying out programs or activities funded under this Act.''.

Subtitle A—Protecting Students From Sexual and Violent Predators

SEC. 901. BACKGROUND CHECKS.

Subpart 2 of part E of title IX of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7901 et seq.) is amended by adding at the end the following:

''SEC. 9537. BACKGROUND CHECKS.

''(a) BACKGROUND CHECKS.—To ensure a safe learning environment, each State educational agency that receives funds under this Act shall have in effect policies and procedures that—

''(1) require that criminal background checks be conducted for each school employee that include—

''(A) a search of the State criminal registry or repository in the State in which the school employee resides and each State in which the school employee previously resided;

''(B) a search of State-based child abuse and neglect registries and databases in the State in which the school employee resides and each State in which the school employee previously resided;

''(C) a Federal Bureau of Investigation fingerprint check using the Integrated Automated Fingerprint Identification System; and

''(D) a search of the National Sex Offender Registry established under section 19 of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16919);

''(2) prohibit the employment of an individual as a school employee if such individual—

''(A) refuses to consent to a criminal background check under paragraph (1);

''(B) makes a false statement in connection with such criminal background check;

''(C) has been convicted of a felony consisting of—

''(i) homicide;

''(ii) child abuse or neglect;

''(iii) a crime against children, including child pornography;

''(iv) spousal abuse;

''(v) a crime involving rape or sexual assault;

''(vi) kidnapping;

''(vii) arson; or

''(viii) physical assault, battery, or a drug-related offense, committed within 5 years of the completion of such individual's criminal background check under paragraph (1); or

''(D) has been convicted of any other crime that is a violent or sexual crime against a minor;

''(3) require that a local educational agency or State educational agency that receives information from a criminal background check conducted paragraph (1) that an individual who has applied for employment as a school employee with such agency is a sexual predator, report to local law enforcement that such individual has so applied;

''(4) require that criminal background checks conducted under paragraph (1) be periodically repeated or updated in accordance with State law or local educational policy, but not less than once every 5 years;

''(5) require that each school employee who has had a criminal background check under paragraph (1) be provided with a copy of the background check; and

''(6) provide for a timely process by which a school employee may appeal, but which does not permit the school employee to be employed as a school employee during such appeal, the results of a criminal background check conducted under paragraph (1) to—

''(A) challenge the accuracy or completeness of the information produced by such background check; and

''(B) seek appropriate relief for any final employment decision based on materially inaccurate or incomplete information produced by such background check.

''(b) INVENTORY AUTHORIZED.—A State educational agency may maintain an inventory of all the information from criminal background checks conducted under subsection (a)(1) on school employees in the State.

''(c) DEFINITIONS.—In this section:

''(1) SCHOOL EMPLOYEE.—The term 'school employee' means—

''(A) an employee of, or a person seeking employment with, a local educational agency or State educational agency, and who has a job duty that results in access to students; or

''(B) an employee of, or a person seeking employment with, a for-profit or nonprofit

entity, or local public agency, that has a contract or agreement to provide services with a school, local educational agency, or State educational agency, and whose job duty—

''(i) is to provide such services; and

''(ii) results in access to students.

''(2) SEXUAL PREDATOR.—The term 'sexual predator' means a person 18 years of age or older who has been convicted of, or pled guilty to, a sexual offense against a minor.''.

SEC. 902. CONFORMING AMENDMENT.

Section 2 of the Elementary and Secondary Education Act of 1965 is amended by adding after the item relating to section 9536 the following:

''Sec. 9537. Background checks.''.

Subtitle B—Evaluation Authority

SEC. 911. EVALUATION AUTHORITY.

Title IX (20 U.S.C. 7801 et seq.) is further amended by amending part F to read as follows:

''PART F—EVALUATION AUTHORITY

''SEC. 9911. EVALUATION AUTHORITY.

''(a) RESERVATION OF FUNDS.—The Secretary shall reserve not less than 1 percent but not more than 3 percent of the amount appropriated to carry out each categorical program and demonstration project authorized under this Act. The reserved amounts shall be used by the Secretary, acting through the Director of the Institute of Education Sciences, to—

''(1) conduct—

''(A) comprehensive, high-quality evaluations of the program or project that—

''(i) provide information to inform policymaking and to support continuous program improvement; and

''(ii) use methods appropriate for the questions being asked; and

''(B) impact evaluations that, where practical and appropriate, use rigorous methodologies, such as experimental or quasi-experimental designs or randomized control trials, that permit the strongest possible causal inferences;

''(2) provide technical assistance to grant recipients on—

''(A) the conduct of the evaluation activities that the grantees carry out under this Act; and

''(B) the collection and reporting of performance data relating to the program or project and using that data to determine program effectiveness and make any required improvements;

''(3) evaluate the aggregate short-term and long-term effects and cost efficiencies across Federal programs assisted or authorized under this Act and related Federal preschool, elementary, and secondary programs under any other Federal law;

''(4) increase the usefulness of evaluations of grant recipients in order to ensure the continuous progress of the program or project by improving the quality, timeliness, efficiency, dissemination, and use of information relating to performance under the program or project and building the evidence base for what projects effectively meet the goals of the program in question; and

''(5) identify and disseminate research and best practices related to the programs and projects authorized under this Act to build the evidence base for the programs and projects that most effectively meet the goals of this Act.

''(b) EVALUATION PLAN.—The Secretary shall annually develop and submit to Congress a plan that—

''(1) describes the specific evaluation activities and their timelines that the Secretary intends to carry out under this part for that year; and

''(2) results from evaluation activities carried out under this part.

''(c) OTHER EVALUATION ACTIVITIES.—If, under any other provision of this Act, funds are authorized to be reserved or used for evaluation activities with respect to a program or demonstration project, the Secretary may reserve additional funds under this part, if the amount reserved is less than 1 percent of program funding. In that case, the Secretary may reserve not less than 1 percent but not more than 3 percent of funding for program evaluation.

''(d) SPECIAL RULE REGARDING ALLOCATION FOR IMPACT EVALUATIONS.—The Secretary shall use not less than 30 percent of the funds reserved under this section for each of the fiscal years 2014 through 2019, in the aggregate for each year, for impact evaluations that meet the requirements of subsection (a)(1).''.

Subtitle C—Keeping All Students Safe

SEC. 911. KEEPING ALL STUDENTS SAFE.

Title IX (20 U.S.C. 7801 et seq.) is further amended by adding at the end the following:

''PART G—KEEPING ALL STUDENTS SAFE

''SEC. 9701. DEFINITIONS.

''In this part:

''(1) CHEMICAL RESTRAINT.—The term 'chemical restraint' means a drug or medication used on a student to control behavior or restrict freedom of movement that is not—

''(A) prescribed by a licensed physician, or other qualified health professional acting under the scope of the professional's authority under State law, for the standard treatment of a student's medical or psychiatric condition; and

''(B) administered as prescribed by the licensed physician or other qualified health professional acting under the scope of the professional's authority under State law.

''(2) MECHANICAL RESTRAINT.—The term 'mechanical restraint' has the meaning given the term in section 595(d)(1) of the Public Health Service Act (42 U.S.C. 290jj(d)(1)), except that the meaning shall be applied by substituting 'student's' for 'resident's'.

''(3) PHYSICAL ESCORT.—The term 'physical escort' has the meaning given the term in section 595(d)(2) of the Public Health Service Act (42 U.S.C. 290jj(d)(2)), except that the meaning shall be applied by substituting 'student' for 'resident'.

''(4) PHYSICAL RESTRAINT.—The term 'physical restraint' has the meaning given the term in section 595(d)(3) of the Public Health Service Act (42 U.S.C. 290jj(d)(3)).

''(5) POSITIVE BEHAVIOR SUPPORTS.—The term 'positive behavior supports' means a systematic approach to embed evidence-based practices and data-driven decision-making to improve school climate and culture, including a range of systemic and individualized strategies to reinforce desired behaviors and diminish reoccurrence of problem behaviors, in order to achieve improved academic and social outcomes and increase learning for all students, including students with the most complex and intensive behavioral needs.

''(6) PROTECTION AND ADVOCACY SYSTEM.—The term 'protection and advocacy system' means a protection and advocacy system established under section 143 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15043).

''(7) SCHOOL.—The term 'school' means an entity—

''(A) that—

''(i) is a public or private—

''(I) day or residential elementary school or secondary school; or

''(II) early childhood, elementary school, or secondary school program that is under the jurisdiction of a school, local educational agency, educational service agency, or other educational institution or program; and

''(ii) receives, or serves students who receive, support in any form from any program supported, in whole or in part, with funds appropriated under the Student Success Act; or

''(B) that is a school funded or operated by the Department of the Interior.

''(8) SCHOOL PERSONNEL.—The term 'school personnel' has the meaning—

''(A) given the term in section 4151(10); and

''(B) given the term 'school resource officer' in section 4151(11).

''(9) SECLUSION.—The term 'seclusion' has the meaning given the term in section 595(d)(4) of the Public Health Service Act (42 U.S.C. 290jj(d)(4)).

''(10) STATE-APPROVED CRISIS INTERVENTION TRAINING PROGRAM.—The term 'State-approved crisis intervention training program' means a training program approved by a State and the Secretary that, at a minimum, provides—

''(A) training in evidence-based techniques shown to be effective in the prevention of physical restraint and seclusion;

''(B) training in evidence-based techniques shown to be effective in keeping both school personnel and students safe when imposing physical restraint or seclusion;

''(C) evidence-based skills training related to positive behavior supports, safe physical escort, conflict prevention, understanding antecedents, de-escalation, and conflict management;

''(D) training in first aid and cardiopulmonary resuscitation;

''(E) information describing State policies and procedures that meet the minimum standards established by regulations promulgated pursuant to section 9702(a); and

''(F) certification for school personnel in the techniques and skills described in subparagraphs (A) through (D), which shall be required to be renewed on a periodic basis.

''(11) STUDENT.—The term 'student' means a student enrolled in a school defined in paragraph (7), except that in the case of a student enrolled in a private school or private program, such term means a student who receives support in any form from any program supported, in whole or in part, with funds appropriated under the Student Success Act.

''(12) TIME OUT.—The term 'time out' has the meaning given the term in section 595(d)(5) of the Public Health Service Act (42 U.S.C. 290jj(d)(5)), except that the meaning shall be applied by substituting 'student' for 'resident'.

''SEC. 9702. MINIMUM STANDARDS; RULE OF CONSTRUCTION.

''(a) MINIMUM STANDARDS.—Not later than 180 days after the date of the enactment of the Student Success Act, to ensure a safe learning environment and protect each student from physical or mental abuse, aversive behavioral interventions that compromise student health and safety, or any physical restraint or seclusion imposed solely for purposes of discipline or convenience or in a manner otherwise inconsistent with this part, the Secretary shall promulgate regulations establishing the following minimum standards:

''(1) School personnel shall be prohibited from imposing on any student the following:

''(A) Mechanical restraints.

''(B) Chemical restraints.

''(C) Physical restraint or physical escort that restricts breathing.

''(D) Aversive behavioral interventions that compromise health and safety.

''(2) School personnel shall be prohibited from imposing physical restraint or seclusion on a student unless—

''(A) the student's behavior poses an imminent danger of physical injury to the student, school personnel, or others;

''(B) less restrictive interventions would be ineffective in stopping such imminent danger of physical injury;

''(C) such physical restraint or seclusion is imposed by school personnel who—

''(i) continuously monitor the student face-to-face; or

''(ii) if school personnel safety is significantly compromised by such face-to-face monitoring, are in continuous direct visual contact with the student;

''(D) such physical restraint or seclusion is imposed by—

''(i) school personnel trained and certified by a State-approved crisis intervention training program (as defined in section 9701(16)); or

''(ii) other school personnel in the case of a rare and clearly unavoidable emergency circumstance when school personnel trained and certified as described in clause (i) are not immediately available due to the unforeseeable nature of the emergency circumstance; and

''(E) such physical restraint or seclusion ends immediately upon the cessation of the conditions described in subparagraphs (A) and (B).

''(3) States, in consultation with local educational agencies and private school officials, shall ensure that a sufficient number of personnel are trained and certified by a State-approved crisis intervention training program (as defined in section 9701(16)) to meet the needs of the specific student population in each school.

''(4) The use of physical restraint or seclusion as a planned intervention shall not be written into a student's education plan, individual safety plan, behavioral plan, or individualized education program (as defined in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401)). Local educational agencies or schools may establish policies and procedures for use of physical restraint or seclusion in school safety or crisis plans, provided that such school plans are not specific to any individual student.

''(5) Schools shall establish procedures to be followed after each incident involving the imposition of physical restraint or seclusion upon a student, including—

''(A) procedures to provide to the parent of the student, with respect to each such incident—

''(i) an immediate verbal or electronic communication on the same day as the incident; and

''(ii) written notification within 24 hours of the incident; and

''(B) any other procedures the Secretary determines appropriate.

''(b) SECRETARY OF THE INTERIOR.—The Secretary of the Interior shall ensure that schools operated or funded by the Department of the Interior comply with the regulations promulgated by the Secretary under subsection (a).

''(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to authorize the Secretary to promulgate regulations prohibiting the use of—

''(1) time out (as defined in section 9701(20));

''(2) devices implemented by trained school personnel, or utilized by a student, for the specific and approved therapeutic or safety purposes for which such devices were designed and, if applicable, prescribed, including—

''(A) restraints for medical immobilization;

''(B) adaptive devices or mechanical supports used to achieve proper body position, balance, or alignment to allow greater freedom of mobility than would be possible without the use of such devices or mechanical supports; or

''(C) vehicle safety restraints when used as intended during the transport of a student in a moving vehicle; or

''(3) handcuffs by school resource officers (as such term is defined in section 4151(11) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7161(11)))—

''(A) in the—

''(i) case when a student's behavior poses an imminent danger of physical injury to the student, school personnel, or others; or

''(ii) lawful exercise of law enforcement duties; and

''(B) less restrictive interventions would be ineffective.

''SEC. 9703. STATE PLAN AND REPORT REQUIREMENTS AND ENFORCEMENT.

''(a) STATE PLAN.—Not later than 2 years after the Secretary promulgates regulations pursuant to section 9702(a), and each year thereafter, each State educational agency shall submit to the Secretary a State plan that provides—

''(1) assurances to the Secretary that the State has in effect—

''(A) State policies and procedures that meet the minimum standards, including the standards with respect to State-approved crisis intervention training programs, established by regulations promulgated pursuant to section 9702(a); and

''(B) a State mechanism to effectively monitor and enforce the minimum standards;

''(2) a description of the State policies and procedures, including a description of the State-approved crisis intervention training programs in such State; and

''(3) a description of the State plans to ensure school personnel and parents, including private school personnel and parents, are aware of the State policies and procedures.

''(b) REPORTING.—

''(1) REPORTING REQUIREMENTS.—Not later than 2 years after the date the Secretary promulgates regulations pursuant to section 9702(a), and each year thereafter, each State educational agency shall (in compliance with the requirements of section 444 of the General Education Provisions Act (commonly known as the 'Family Educational Rights and Privacy Act of 1974') (20 U.S.C. 1232g)) prepare and submit to the Secretary, and make available to the public, a report that includes the information described in paragraph (2), with respect to each local educational agency, and each school not under the jurisdiction of a local educational agency, located in the same State as such State educational agency.

''(2) INFORMATION REQUIREMENTS.—

''(A) GENERAL INFORMATION REQUIREMENTS.—The report described in paragraph (1) shall include information on—

''(i) the total number of incidents in the preceding full-academic year in which physical restraint was imposed upon a student; and

''(ii) the total number of incidents in the preceding full-academic year in which seclusion was imposed upon a student.

''(B) DISAGGREGATION.—

''(i) GENERAL DISAGGREGATION REQUIREMENTS.—The information described in subparagraph (A) shall be disaggregated by—

''(I) the total number of incidents in which physical restraint or seclusion was imposed upon a student—

''(aa) that resulted in injury;

''(bb) that resulted in death; and

''(cc) in which the school personnel imposing physical restraint or seclusion were not trained and certified as described in section 9702(a)(2)(D)(i); and

''(II) the demographic characteristics of all students upon whom physical restraint or seclusion was imposed, including—

''(aa) the categories identified in section 1111(h)(1)(C)(i) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(h)(1)(C)(i));

''(bb) age; and

''(cc) disability status (which has the meaning given the term 'individual with a disability' in section 7(20) of the Rehabilitation Act of 1973 (29 U.S.C. 705(20))).

''(ii) UNDUPLICATED COUNT; EXCEPTION.—The disaggregation required under clause (i) shall—

''(I) be carried out in a manner to ensure an unduplicated count of the—

''(aa) total number of incidents in the preceding full-academic year in which physical restraint was imposed upon a student; and

''(bb) total number of incidents in the preceding full-academic year in which seclusion was imposed upon a student; and

''(II) not be required in a case in which the number of students in a category would reveal personally identifiable information about an individual student.

''(c) ENFORCEMENT.—

''(1) IN GENERAL.—

''(A) USE OF REMEDIES.—If a State educational agency fails to comply with subsection (a) or (b), the Secretary shall—

''(i) withhold, in whole or in part, further payments under an applicable program (as such term is defined in section 400(c) of the General Education Provisions Act (20 U.S.C. 1221)) in accordance with section 455 of such Act (20 U.S.C. 1234d);

''(ii) require a State educational agency to submit, and implement, within 1 year of such failure to comply, a corrective plan of action, which may include redirection of funds received under an applicable program; or

''(iii) issue a complaint to compel compliance of the State educational agency through a cease and desist order, in the same manner the Secretary is authorized to take such action under section 456 of the General Education Provisions Act (20 U.S.C. 1234e).

''(B) CESSATION OF WITHHOLDING OF FUNDS.—Whenever the Secretary determines (whether by certification or other appropriate evidence) that a State educational agency who is subject to the withholding of payments under subparagraph (A)(i) has cured the failure providing the basis for the withholding of payments, the Secretary shall cease the withholding of payments with respect to the State educational agency under such subparagraph.

''(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit the Secretary's authority under the General Education Provisions Act (20 U.S.C. 1221 et seq.).

''SEC. 9704. GRANT AUTHORITY.

''(a) IN GENERAL.—From the amount appropriated under section 922, the Secretary may award grants to State educational agencies to assist the agencies in—

''(1) establishing, implementing, and enforcing the policies and procedures to meet the minimum standards established by regulations promulgated by the Secretary pursuant to section 9702(a);

''(2) improving State and local capacity to collect and analyze data related to physical restraint and seclusion; and

''(3) improving school climate and culture by implementing school-wide positive behavior support approaches.

''(b) DURATION OF GRANT.—A grant under this section shall be awarded to a State educational agency for a 3-year period.

''(c) APPLICATION.—Each State educational agency desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require, including information on how

the State educational agency will target resources to schools and local educational agencies in need of assistance related to preventing and reducing physical restraint and seclusion.

''(d) AUTHORITY TO MAKE SUBGRANTS.—

''(1) IN GENERAL.—A State educational agency receiving a grant under this section may use such grant funds to award subgrants, on a competitive basis, to local educational agencies.

''(2) APPLICATION.—A local educational agency desiring to receive a subgrant under this section shall submit an application to the applicable State educational agency at such time, in such manner, and containing such information as the State educational agency may require.

''(e) PRIVATE SCHOOL PARTICIPATION.—

''(1) IN GENERAL.—A local educational agency receiving subgrant funds under this section shall, after timely and meaningful consultation with appropriate private school officials, ensure that private school personnel can participate, on an equitable basis, in activities supported by grant or subgrant funds.

''(2) PUBLIC CONTROL OF FUNDS.—The control of funds provided under this section, 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.

''(f) REQUIRED ACTIVITIES.—A State educational agency receiving a grant, or a local educational agency receiving a subgrant, under this section shall use such grant or subgrant funds to carry out the following:

''(1) Researching, developing, implementing, and evaluating strategies, policies, and procedures to prevent and reduce physical restraint and seclusion in schools, consistent with the minimum standards established by regulations promulgated by the Secretary pursuant to section 9702(a).

''(2) Providing professional development, training, and certification for school personnel to meet such standards.

''(3) Carrying out the reporting requirements under section 9703(b) and analyzing the information included in a report prepared under such section to identify student, school personnel, and school needs related to use of physical restraint and seclusion.

''(g) ADDITIONAL AUTHORIZED ACTIVITIES.—In addition to the required activities described in subsection (f), a State educational agency receiving a grant, or a local educational agency receiving a subgrant, under this section may use such grant or subgrant funds for one or more of the following:

''(1) Developing and implementing high-quality professional development and training programs to implement evidence-based systematic approaches to school-wide positive behavior supports, including improving coaching, facilitation, and training capacity for administrators, teachers, specialized instructional support personnel, and other staff.

''(2) Providing technical assistance to develop and implement evidence-based systematic approaches to school-wide positive behavior supports, including technical assistance for data-driven decisionmaking related to behavioral supports and interventions in the classroom.

''(3) Researching, evaluating, and disseminating high-quality evidence-based programs and activities that implement school-wide positive behavior supports with fidelity.

''(4) Supporting other local positive behavior support implementation activities consistent with this subsection.

''(h) EVALUATION AND REPORT.—Each State educational agency receiving a grant under this section shall, at the end of the 3-year grant period for such grant—

''(1) evaluate the State's progress toward the prevention and reduction of physical restraint and seclusion in the schools located in the State, consistent with the minimum standards established by regulations promulgated by the Secretary pursuant to section 9702(a); and

''(2) submit to the Secretary a report on such progress.

''(i) DEPARTMENT OF THE INTERIOR.—From the amount appropriated under section 9708, the Secretary may allocate funds to the Secretary of the Interior for activities under this section with respect to schools operated or funded by the Department of the Interior, under such terms as the Secretary of Education may prescribe.

''SEC. 9705. NATIONAL ASSESSMENT.

''(a) NATIONAL ASSESSMENT.—The Secretary shall carry out a national assessment to determine the effectiveness of this part, which shall include—

''(1) analyzing data related to physical restraint and seclusion incidents;

''(2) analyzing the effectiveness of Federal, State, and local efforts to prevent and reduce the number of physical restraint and seclusion incidents in schools;

''(3) identifying the types of programs and services that have demonstrated the greatest effectiveness in preventing and reducing the number of physical restraint and seclusion incidents in schools; and

''(4) identifying evidence-based personnel training models with demonstrated success in preventing and reducing the number of physical restraint and seclusion incidents in schools, including models that emphasize positive behavior supports and de-escalation techniques over physical intervention.

''(b) REPORT.—The Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate—

''(1) not later than 3 years after the date of enactment of the Student Success Act, an interim report that summarizes the preliminary findings of the assessment described in subsection (a); and

''(2) not later than 5 years after the date of the enactment of the Student Success Act, a final report of the findings of the assessment.

''SEC. 9706. PROTECTION AND ADVOCACY SYSTEMS.

''Protection and Advocacy Systems shall have the authority provided under section 143 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15043) to investigate, monitor, and enforce protections provided for students under this part.

''SEC. 9707. LIMITATION OF AUTHORITY.

''(a) IN GENERAL.—Nothing in this part shall be construed to restrict or limit, or allow the Secretary to restrict or limit, any other rights or remedies otherwise available to students or parents under Federal or State law or regulation.

''(b) APPLICABILITY.—

''(1) PRIVATE SCHOOLS.—Nothing in this part shall be construed to affect any private school that does not receive, or does not serve students who receive, support in any form from any program supported, in whole or in part, with funds appropriated to the Department of Education.

''(2) HOME SCHOOLS.—Nothing in this part shall be construed to—

''(A) affect a home school, whether or not a home school is treated as a private school or home school under State law; or

''(B) consider parents who are schooling a child at home as school personnel.

''SEC. 9708. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated such sums as may be necessary to carry out this part for fiscal year 2014 and each of the 4 succeeding fiscal years.

''SEC. 9709. PRESUMPTION OF CONGRESS RELATING TO COMPETITIVE PROCEDURES.

''(a) PRESUMPTION.—It is the presumption of Congress that grants awarded under this part will be awarded using competitive procedures based on merit.

''(b) REPORT TO CONGRESS.—If grants are awarded under this part using procedures other than competitive procedures, the Secretary shall submit to Congress a report explaining why competitive procedures were not used.''.

Subtitle D—Protecting Student Athletes From Concussions

SEC. 931. PROTECTING STUDENT ATHLETES FROM CONCUSSIONS.

Title IX (20 U.S.C. 7801 et seq.) is further amended by adding at the end the following:

''PART H—PROTECTING STUDENT ATHLETES FROM CONCUSSIONS

''SEC. 9801. MINIMUM STATE REQUIREMENTS.

''Beginning with fiscal year 2014, in order to be eligible to receive funds for such year or a subsequent fiscal year under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) each State educational agency shall issue regulations establishing the following minimum requirements in order to protect student academic achievement from the impact of concussions:

''(1) LOCAL EDUCATIONAL AGENCY CONCUSSION SAFETY AND MANAGEMENT PLAN.—Each local educational agency in the State, in consultation with members of the community in which such agency is located, shall develop and implement a standard plan for concussion safety and management that includes—

''(A) the education of students, parents, and school personnel about concussions, such as—

''(i) the training and certification of school personnel, including coaches, athletic trainers, and school nurses, on concussion safety and management; and

''(ii) using and maintaining standardized release forms, treatment plans, observation, monitoring and reporting forms, record-keeping forms, and post-injury fact sheets;

''(B) supports for students recovering from a concussion, such as—

''(i) guiding such student in resuming participation in athletic activity and academic activities with the help of a multi-disciplinary team, which may include—

''(I) a health care professional, the parents of such student, a school nurse, or other relevant school personnel; and

''(II) an individual who is assigned by a public school to oversee and manage the recovery of such student;

''(ii) providing appropriate academic accommodations; and

''(iii) referring students whose symptoms of concussion reemerge or persist upon the reintroduction of cognitive and physical demands for evaluation of the eligibility of such students for services under the Individual with Disabilities Education Act (20 U.S.C. 1400 et seq.) and the Rehabilitation Act of 1973 (29 U.S.C. 701 note et seq.); and

''(C) best practices designed to ensure, with respect to concussions, the uniformity of safety standards, treatment, and management, such as—

''(i) disseminating information on concussion management safety and management to the public; and

''(ii) applying uniform standards for concussion safety and management to all students enrolled in public schools.

''(2) POSTING OF INFORMATION ON CONCUSSIONS.—Each public elementary school and each secondary school shall post on school grounds, in a manner that is visible to students and school personnel, and make publicly available on the school website, information on concussions that—

''(A) is based on peer-reviewed scientific evidence (such as information made available by the Centers for Disease Control and Prevention);

''(B) shall include—

''(i) the risks posed by sustaining a concussion;

''(ii) the actions a student should take in response to sustaining a concussion, including the notification of school personnel; and

''(iii) the signs and symptoms of a concussion; and

''(C) may include—

''(i) the definition of a concussion;

''(ii) the means available to the student to reduce the incidence or recurrence of a concussion; and

''(iii) the effects of a concussion on academic learning and performance.

''(3) RESPONSE TO CONCUSSION.—If any school personnel, including coaches and athletic trainers, of a public school suspects that a student has sustained a concussion during a school-sponsored athletic activity—

''(A) the student shall be—

''(i) immediately removed from participation in such activity; and

''(ii) prohibited from returning to participate in school-sponsored athletic activities—

''(I) on the day such student sustained a concussion; and

''(II) until such student submits a written release from a health care professional stating that the student is capable of resuming participation in school-sponsored athletic activities; and

''(B) such personnel shall report to the parent or guardian of such student—

''(i) the date, time, and extent of the injury suffered by such student; and

''(ii) any actions taken to treat such student.

''(4) RETURN TO ATHLETICS AND ACADEMICS.—Before a student who has sustained a concussion in a school-sponsored athletic activity resumes participation in school-sponsored athletic activities or academic activities, the school shall receive a written release from a health care professional, that—

''(A) states that the student is capable of resuming participation in such activities; and

''(B) may require the student to follow a plan designed to aid the student in recovering and resuming participation in such activities in a manner that—

''(i) is coordinated, as appropriate, with periods of cognitive and physical rest while symptoms of a concussion persist; and

''(ii) reintroduces cognitive and physical demands on such student on a progressive basis only as such increases in exertion do not cause the reemergence or worsening of symptoms of a concussion.

''SEC. 9802. REPORT TO SECRETARY OF EDUCATION.

''Not later than 6 months after promulgating regulations pursuant to section 9801 in order to be eligible to receive funds under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), each State educational agency shall submit to the Secretary of Education a report that contains—

''(1) a description of the State regulations promulgated pursuant to section 9801; and

''(2) an assurance that the State has implemented such regulations.

''SEC. 9803. RULE OF CONSTRUCTION.

''Nothing in this subtitle shall be construed to alter or supersede State law with respect to education standards or procedures or civil liability.

''SEC. 9804. DEFINITIONS.

''In this subtitle:

''(1) CONCUSSION.—The term 'concussion' means a type of traumatic brain injury that—

''(A) is caused by a blow, jolt, or motion to the head or body that causes the brain to move rapidly in the skull;

''(B) disrupts normal brain functioning and alters the mental state of the individual, causing the individual to experience—

''(i) any period of observed or self-reported—

''(I) transient confusion, disorientation, or impaired consciousness;

''(II) dysfunction of memory around the time of injury; and

''(III) loss of consciousness lasting less than 30 minutes;

''(ii) any one of four types of symptoms of a headache, including—

''(I) physical symptoms, such as headache, fatigue, or dizziness;

''(II) cognitive symptoms, such as memory disturbance or slowed thinking;

''(III) emotional symptoms, such as irritability or sadness; and

''(IV) difficulty sleeping; and

''(C) can occur—

''(i) with or without the loss of consciousness; and

''(ii) during participation in any organized sport or recreational activity.

''(2) HEALTH CARE PROFESSIONAL.—The term 'health care professional' means a physician, nurse, certified athletic trainer, physical therapist, neuropsychologist or other qualified individual who—

''(A) is a registered, licensed, certified, or otherwise statutorily recognized by the State to provide medical treatment;

''(B) is experienced in the diagnosis and management of traumatic brain injury among a pediatric population; and

''(C) may be a volunteer.

''(3) LOCAL EDUCATIONAL AGENCY; STATE EDUCATIONAL AGENCY.—The terms 'local educational agency' and 'State educational agency' have the meanings given such terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

''(4) SCHOOL PERSONNEL.—The term 'school personnel' has the meaning given such term in section 4151 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7161).

''(5) SCHOOL-SPONSORED ATHLETIC ACTIVITY.—The term 'school-sponsored athletic activity' means—

''(A) any physical education class or program of a school;

''(B) any athletic activity authorized during the school day on school grounds that is not an instructional activity; and

''(C) any extracurricular sports team, club, or league organized by a school on or off school grounds.''.

TITLE X—EDUCATION FOR HOMELESS CHILDREN AND YOUTHS

SEC. 1001. EDUCATION FOR HOMELESS CHILDREN AND YOUTHS.

Subtitle B of title VII of the McKinney-Vento Homeless Assistance Ac (42 U.S.C. 11421 et seq.) is amended to read as follows:

''Subtitle B—Education for Homeless Children and Youths

''SEC. 721. STATEMENT OF POLICY.

''The following is the policy of Congress:

''(1) Each State educational agency shall ensure that each homeless child and youth has access to the same free, appropriate public education, including a public preschool education, as provided to other children and youth.

''(2) In any State where compulsory residency requirements or other requirements of laws, regulations, practices, or policies may act as a barrier to the identification, enrollment, attendance, or success in school of homeless children and youth, the State shall review and revise such laws, regulations, practices, or policies to ensure that homeless children and youth are afforded the same free appropriate public education as is provided to other children and youth.

''(3) Homelessness is not a sufficient reason to separate students from the mainstream school environment.

''(4) Homeless children and youth shall have access to the education and other services that such children and youth need to ensure that such children and youth have an opportunity to meet the same college and career ready State student academic achievement standards to which all students are held.

''SEC. 722. GRANTS FOR STATE AND LOCAL ACTIVITIES FOR THE EDUCATION OF HOMELESS CHILDREN AND YOUTHS.

''(a) GENERAL AUTHORITY.—The Secretary is authorized to make grants to States from allotments made under subsection (c) and in accordance with this section to enable such States to carry out the activities described in subsections (d) through (g).

''(b) APPLICATION.—In order for a State to be eligible to receive a grant under this section, the State educational agency, in consultation with other relevant State agencies, shall submit an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

''(c) ALLOCATION AND RESERVATIONS.—

''(1) ALLOCATION.—

''(A) IN GENERAL.—Subject to subparagraph (C), the Secretary is authorized to allot to each State an amount that bears the same ratio to the amount appropriated for such year under section 727 that remains after the Secretary reserves funds under paragraph (2) and uses funds to carry out section 724(d) and (h), as the amount allocated under section 1122 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6332) to the State for that year bears to the total amount allocated under section 1122 of such Act to all States for that year, except as provided in subparagraph (B)—

''(B) MINIMUM ALLOTMENTS.—No State shall receive for a fiscal year less under this paragraph than the greater of—

''(i) $300,000; or

''(ii) an amount that bears the same ratio to the amount appropriated for such year under section 727 that remains after the Secretary reserves funds under paragraph (2) and uses funds to carry out section 724 (d) and (h), as the amount the State received under this paragraph for the preceding fiscal year bears to the total amount received by all States under this paragraph for the preceding fiscal year.

''(C) REDUCTION FOR INSUFFICIENT FUNDS.—If there are insufficient funds in a fiscal year to allot to each State the minimum amount under subparagraph (B), the Secretary shall ratably reduce the allotments to all States based on the proportionate share that each State received under this subsection for the preceding fiscal year.

''(2) RESERVATIONS.—

''(A) STUDENTS IN TERRITORIES.—The Secretary is authorized to reserve 0.1 percent of the amount appropriated for each fiscal year under section 727 to be allocated by the Secretary among the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, according to their respective need for assistance under this title, as determined by the Secretary. Funds allocated under this subparagraph shall be used for programs that

are consistent with the purposes of the programs described in this subtitle.

''(B) INDIAN STUDENTS.—

''(i) TRANSFER.—The Secretary shall transfer 1 percent of the amount appropriated for each fiscal year under section 727 to the Department of the Interior for programs that are for Indian students served by schools funded by the Secretary of the Interior, as determined under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), and that are consistent with the purposes of the programs described in this title.

''(ii) AGREEMENT.—The Secretary of Education and the Secretary of the Interior shall enter into an agreement, consistent with the requirements of this title, for the distribution and use of the funds described in clause (i) under terms that the Secretary of Education determines best meet the purposes of the programs described in this title. Such agreement shall set forth the plans of the Secretary of the Interior for the use of the funds transferred, including appropriate goals, objectives, and milestones for that use.

''(d) STATE ACTIVITIES.—Grant funds from a grant made to a State under this section shall be used for the following:

''(1) To provide activities for and services to improve the identification of homeless children and youth and enable such children and youth to enroll in, attend, and succeed in school, including in early childhood education programs.

''(2) To establish or designate an Office of the Coordinator for Education of Homeless Children and Youth in the State educational agency in accordance with subsection (f) that has sufficient knowledge, authority, and time to carry out the duties described in this title.

''(3) To prepare and carry out the State plan described in subsection (g).

''(4) To develop and implement professional development activities for liaisons designated under subsection (g)(1)(J)(ii), other local educational agency school personnel, and community agencies to improve their—

''(A) identification of homeless children and youth; and

''(B) awareness of, and capacity to respond to, specific needs in the education of homeless children and youth.

''(e) STATE AND LOCAL SUBGRANTS.—

''(1) MINIMUM DISBURSEMENTS BY STATES.—From the grant funds made available each year to a State under subsection (a) to carry out this title, the State educational agency shall distribute not less than 75 percent by making subgrants under section 723 to local educational agencies for the purposes of carrying out section 723.

''(2) USE BY STATE EDUCATIONAL AGENCY.—A State educational agency may use any grant funds remaining after making subgrants under section 723 to conduct activities under subsection (f) directly or through making grants or entering into contracts.

''(3) PROHIBITION ON SEGREGATING HOMELESS STUDENTS.—In providing a free public education to a homeless child or youth, no State receiving funds under this title shall segregate such child or youth in a separate school, or in a separate program within a school, based on such child's or youth's status as homeless.

''(A) EXCEPTION.—Notwithstanding paragraph (3), paragraphs (1)(J)(i) and (3) of subsection (g), section 723(a)(2), and any other provision of this title relating to the placement of homeless children or youths in schools, a State that has a separate school for homeless children or youths that was operated and in receipt of funds under this title in fiscal year 2013 in a covered county shall be eligible to receive funds under this title for programs carried out in such school.

''(B) DEFINITION.—For purposes of this paragraph, the term 'covered county' means San Diego County, California.

''(f) FUNCTIONS OF THE OFFICE OF COORDINATOR.—The Coordinator for Education of Homeless Children and Youth established in each State shall—

''(1) gather and make publicly available reliable, valid, and comprehensive information on

''(A) the nature and extent of the problems homeless children and youth have in gaining access to public preschool programs, and to public elementary schools and secondary schools;

''(B) the difficulties in identifying the special needs and barriers to participation and achievement of such children and youth;

''(C) any progress made by the State educational agency and local educational agencies in the State in addressing such problems and difficulties; and

''(D) the success of the programs under this title in identifying homeless children and youth and allowing homeless children and youth to enroll in, attend, and succeed in school; and

''(2) develop and carry out the State plan described in subsection (g);

''(3) collect data for and transmit to the Secretary, at such time and in such manner as the Secretary may require, reports containing such information as the Secretary determines is necessary to assess the educational needs of homeless children and youth within the State including data requested pursuant to section 724(h);

''(4) improve the provision of comprehensive education and related support services to homeless children and youth and their families, and to minimize educational disruption, through coordination of activities and collaboration with—

''(A) educators, including teachers, administrators, specialized instructional support personnel, and child development and preschool program personnel;

''(B) providers of services to homeless children and youth and homeless families, public and private child welfare and social service agencies, law enforcement agencies, juvenile and family courts, agencies providing mental health services, domestic violence agencies, child care providers, runaway and homeless youth centers, and providers of services and programs funded under the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.);

''(C) providers of emergency, transitional, and permanent housing to homeless children and youth, and their families, including public housing agencies, shelter operators, operators of transitional housing facilities, and providers of transitional living programs for homeless youth;

''(D) local educational agency liaisons designated under subsection (g)(1)(J)(ii) for homeless children and youths; and

''(E) community organizations and groups representing homeless children and youth and their families; and

''(5) provide professional development and technical assistance to and conduct monitoring of local educational agencies, in coordination with local educational agency liaisons designated under subsection (g)(1)(J)(ii), to ensure that local educational agencies comply with the requirements of paragraphs (3) through (8) of subsection (g), and subsection (e)(3); and

''(g) STATE PLAN.—

''(1) IN GENERAL.—Each State shall submit to the Secretary and implement a plan to provide for the education of homeless children and youth within the State. Such plan shall include the following:

''(A) A description of how such children and youth are (or will be) given the opportunity

''(i) to meet the same challenging State academic achievement standards all students are expected to meet; and

''(ii) to become college and career ready.

''(B) A description of the procedures the State educational agency will use, in coordination with local educational agencies, to identify such children and youths in the State and to assess their needs.

''(C) A description of procedures for the prompt resolution of disputes arising under this title, which shall—

''(i) be developed in coordination and collaboration with the liaisons designated under subparagraph (J)(ii);

''(ii) be readily available and provided in a written format and, to the extent practicable, in a manner and form understandable to the parents and guardians of homeless children and youth;

''(iii) take into account the educational best interest of the homeless child or youth, or unaccompanied youth, involved; and

''(iv) ensure that parents and guardians of homeless children and youth, and unaccompanied youth, who have exhausted the procedures available under this paragraph are able to appeal to the State educational agency, and are enrolled in school pursuant to paragraph (4)(C) and receive transportation pursuant to subparagraph (J)(iii) pending final resolution of the dispute.

''(D) A description of programs for school personnel (including the liaisons, principals, attendance officers, teachers, enrollment personnel, and specialized instructional support personnel) to increase the awareness of such personnel of the specific needs of homeless adolescents, including runaway and homeless youth.

''(E) A description of procedures that ensure that homeless children and youth are able to participate in Federal, State, or local nutrition programs.

''(F) A description of procedures that ensure that—

''(i) homeless children have access to public preschool programs, administered by the State educational agency or local educational agency, including through the policies and practices required under paragraph (3);

''(ii) homeless youths and youth separated from the public schools, are identified and accorded equal access to appropriate and available secondary education and support services, including receiving appropriate credit for full or partial coursework satisfactorily completed while attending a prior school, and for work completed after their enrollment in a new school, consistent with State graduation requirements and accreditation standards; and

''(iii) homeless children and youth who meet the relevant eligibility criteria are able to participate in Federal, State, or local educational programs, such as

''(I) innovative school models, including charter schools, magnet schools, and blended learning schools;

''(II) expanded learning time and out-of-school time programs, including before- and after-school programs and summer schools;

''(III) middle and secondary school enrichment programs, including career and technical education, advanced placement, international baccalaureate, and dual enrollment courses;

''(IV) online learning opportunities, including virtual schools; and

''(V) relevant workforce investment programs.

''(G) Strategies to address problems identified in the reports provided to the Secretary under subsection (f)(3).

''(H) Strategies to address other problems with respect to the education of homeless children and youth, including enrollment problems related to—

''(i) immunization and other required health records and screenings;

''(ii) residency requirements;

''(iii) lack of birth certificates, school records, or other documentation;

''(iv) guardianship issues; or

''(v) uniform or dress code requirements.

''(I) A demonstration that the State educational agency and local educational agencies and schools in the State have developed, and shall review and revise, their policies and practices to remove barriers to the identification, enrollment, attendance, retention, and success of homeless children and youth in schools, including early childhood education programs, in the State.

''(J) Assurances that the following will be carried out—

''(i) the State educational agency and local educational agencies in the State will adopt policies and practices to ensure that homeless children and youth are not stigmatized or segregated on the basis of their status as homeless;

''(ii) local educational agencies will designate an appropriate staff person as the local educational agency liaison for homeless children and youth, who shall have sufficient training and time to carry out the duties described in paragraph (7)(A), and who may also be a coordinator for other Federal programs.

''(iii) the State and local educational agencies in the State will adopt policies and practices to ensure that transportation is provided at the request of the parent or guardian involved (or in the case of an unaccompanied youth, the liaison), to and from the school of origin for as long as the student has the right to attend the school of origin as determined in paragraph (4)(A), in accordance with the following, where applicable:

''(I) If the child or youth continues to live in the area served by the local educational agency for the school of origin, the child's or youth's transportation to and from the school of origin shall be provided or arranged by the local educational agency for the school of origin.

''(II) If the child's or youth's living arrangements in the area served by the local educational agency of origin terminate and the child or youth, though continuing the child's or youth's education in the school of origin, begins living in an area served by another local educational agency, the local educational agency of origin and the local educational agency for the area in which the child or youth is living shall agree upon a method to apportion the responsibility and cost for providing transportation to and from the school of origin. If the local educational agencies are unable to agree upon such method, the responsibility and costs for transportation shall be shared equally between the agencies.

''(iv) The State educational agency and local educational agencies will adopt policies and practices to promote school success for homeless children and youth, including access to full participation in academic and extracurricular activities that are made available to non-homeless students.

''(2) COMPLIANCE.—

''(A) IN GENERAL.—Each plan adopted under this subsection shall also describe how the State will ensure that local educational agencies in the State will comply with the requirements of paragraphs (3) through (8).

''(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 title shall, according to the child's or youth's best interest—

''(i) continue the child's or youth's education in the school of origin for the duration of homelessness—

''(I) in any case in which the child or youth becomes a homeless child or youth between academic years or during an academic year; or

''(II) for the remainder of the academic year, if the child or youth becomes permanently housed during an academic year; or

''(ii) enroll the child or youth in any public school that nonhomeless students who live in the attendance area in which the child or youth is actually living are eligible to attend.

''(B) BEST INTEREST.—In determining the best interest of the child or youth under subparagraph (A), the local educational agency shall—

''(i) presume that keeping a homeless child or youth in the school of origin is in the child's or youth's best interest, except when doing so is contrary to the wishes of the child's or youth's parent or guardian;

''(ii) consider student-centered factors related to the child's or youth's best interest, including factors related to the impact of mobility on achievement, education, health, and safety of homeless children and youth, giving priority to the wishes of the homeless child's or youth's parent or guardian or the unaccompanied youth involved;

''(iii) if, after conducting the best interest determination described in clause (ii), the local educational agency determines that it is not in the child's or youth's best interest to attend the school or origin or the school requested by the parent, guardian, or unaccompanied youth, provide, in coordination with the local education agency liaison, the homeless child's or youth's parent or guardian or the unaccompanied youth, with a written explanation in a manner or form understandable to such parent, guardian, or youth, to the extent practicable, including a statement regarding the right to appeal under subparagraph (E);

''(iv) in the case of an unaccompanied youth, ensure that the 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); and

''(v) provide transportation pursuant to paragraphs (1)(J)(iii) and (5).

''(C) ENROLLMENT.—

''(i) ENROLLMENT.—The school selected in accordance with this paragraph shall immediately enroll the homeless child or youth, even if the child or youth—

''(I) is unable to produce records traditionally required for enrollment, including previous academic records, health records, proof of residency or guardianship, or other documentation;

''(II) has unpaid fines or fees from prior schools or is unable to pay fees in the school selected; or

''(III) has missed application or enrollment deadlines during any period of homelessness.

''(ii) CONTACTING SCHOOL LAST ATTENDED.—The enrolling school shall immediately contact the school last attended by the child or youth to obtain relevant academic and other records.

''(iii) RELEVANT HEALTH RECORDS.—If the child or youth needs to obtain immunizations or other required health records, the enrolling school shall immediately enroll the child or youth and immediately refer the parent or guardian of the child or youth, or the unaccompanied youth, to the local educational agency liaison designated under paragraph (1)(J)(ii), who shall assist in obtaining necessary immunizations or screenings or other required health records, in accordance with subparagraph (D).

''(iv) NO LIABILITY.—Whenever the school selected enrolls an unaccompanied youth in accordance with this paragraph, no liability shall be imposed upon the school by reason of enrolling the youth without parent or guardian consent.

''(D) RECORDS.—Any record ordinarily kept by the school, including immunization or medical records, academic records, birth certificates, guardianship records, and evaluations for special services or programs, regarding each homeless child or youth shall be maintained—

''(i) so that the records involved are available when a child or youth enters a new school or school district, even if the child or youth owes fees or fines or did not withdraw from the previous school in conformance with local withdrawal procedures; and

''(ii) in a manner consistent with section 444 of the General Education Provisions Act (20 U.S.C. 1232g).

''(E) DISPUTES.—If a dispute arises over eligibility, enrollment, school selection or service in a public school or public preschool, or any other issue relating to services under this title—

''(i) in the case of a dispute relating to eligibility for enrollment or school selection, the child or youth shall be immediately enrolled in the school in which enrollment is sought, pending final resolution of the dispute including all available appeals;

''(ii) the parent or guardian of the child or youth shall be provided with a written explanation of the school's decision regarding eligibility for enrollment, school selection, or services, made by the school or the local educational agency, which shall include information about the right to appeal the decision;

''(iii) the child, youth, parent, or guardian shall be referred to the local educational agency liaison designated under paragraph (1)(J)(ii), who shall carry out the dispute resolution process as described in paragraph (1)(C) as expeditiously as possible after receiving notice of such dispute; and

''(iv) in the case of an unaccompanied youth, the liaison shall ensure that the youth is immediately enrolled in the school in which the youth seeks enrollment, pending resolution of such dispute.

''(F) PLACEMENT CHOICE.—The choice regarding placement shall be made regardless of whether the child or youth involved 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 the child or youth attended when permanently housed or the school in which the child or youth was last enrolled.

''(ii) RECEIVING SCHOOL.—When a 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 the feeder school that the child or youth attended.

''(H) CONTACT INFORMATION.—Nothing in this title shall prohibit a local educational agency from requiring a parent or guardian of a homeless child to submit contact information.

''(I) PRIVACY.—Information about a homeless child's or youth's living situation shall be treated as a student education record

under section 444 of the General Education Provisions Act (20 U.S.C. 1232g) and shall not be released to housing providers, employers, law enforcement personnel, or other persons or agencies not authorized to have such information under section 99.31 of title 34, Code of Federal Regulations, paying particular attention to preventing disruption of the living situation of the child or youth and to supporting the safety of such children and youth who are survivors of domestic violence and unaccompanied youth.

''(J) ACADEMIC ACHIEVEMENT.—The school selected in accordance with this paragraph shall ensure that homeless children and youth have opportunities to meet the same college and career ready State student academic achievement standards to which other students are held, including implementing the policies and practices required by paragraph (1)(J)(iv).

''(4) COMPARABLE SERVICES.—In addition to receiving services provided for homeless children and youth under this title or other Federal, State, or local laws, regulations, policies, or practices, each homeless child or youth to be assisted under this title shall be provided services comparable to services offered to other students in the school selected under paragraph (4), including the following:

''(A) Transportation services.

''(B) Educational services for which the child or youth meets the eligibility criteria, such as services provided under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), similar State or local programs, charter schools, magnet schools, educational programs for children with disabilities, and educational programs for students with limited English proficiency.

''(C) Programs in vocational and technical education.

''(D) Programs for gifted and talented students.

''(E) School nutrition programs.

''(F) Health and counseling services, as appropriate.

''(5) COORDINATION.—

''(A) IN GENERAL.—Each local educational agency shall coordinate—

''(i) the provision of services under this title with the services of local social services agencies and other agencies or entities providing services to homeless children and youth and their families, including services and programs funded under the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.); and

''(ii) transportation, transfer of school records, and other interdistrict activities, with other local educational agencies.

''(B) HOUSING ASSISTANCE.—Each State educational agency and local educational agency that receives assistance under this title shall coordinate, if applicable, 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 youth who become homeless.

''(C) COORDINATION PURPOSE.—The coordination required under subparagraphs (A) and (B) shall be designed to—

''(i) ensure that all homeless children and youth are identified within a reasonable time frame;

''(ii) ensure that all homeless children and youth have access to and are in reasonable proximity to available education and related support services; and

''(iii) raise the awareness of school personnel and service providers of the effects of short-term stays in a shelter and other challenges associated with homelessness.

''(D) HOMELESS CHILDREN AND YOUTHS WITH DISABILITIES.—For children and youth who are to be assisted both under this title, 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 title with the provision of programs for children with disabilities served by such 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 youth, designated under paragraph (1)(J)(ii), shall ensure that—

''(i) all homeless children and youths are identified by school personnel and through coordination activities with other entities and agencies;

''(ii) homeless children and youth are enrolled in, and have a full and equal opportunity to succeed in, schools of that local educational agency;

''(iii) homeless families, children, and youth have access to educational services for which such families, children, and youth are eligible, including services through Head Start, Early Head Start, early intervention, and Even Start programs, and preschool programs;

''(iv) homeless families, and homeless children and youth, receive referrals to health care services, dental services, mental health and substance abuse services, housing services, and other appropriate services;

''(v) homeless children and youth are certified as eligible for free meals offered under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), without further application;

''(vi) the parents or guardians of homeless children and youth are informed of the educational and related opportunities available to their children, including early learning opportunities, and are provided with meaningful opportunities to participate in the education of their children;

''(vii) public notice of the educational rights of homeless children and youth is incorporated into documents related to residency requirements or enrollment, provided upon school enrollment and withdrawal, posted on the local educational agency's website, and disseminated in locations frequented by parents and guardians of homeless children and youth and unaccompanied youth, including schools, shelters, public libraries, and soup kitchens in a manner and form understandable to parents and guardians of homeless children and youth and unaccompanied youth;

''(viii) disputes are resolved in accordance with paragraph (3)(E);

''(ix) the parent or guardian of a homeless child or youth, or any unaccompanied youth, is fully informed of all transportation services, including transportation to the school of origin, as described in paragraph (1)(J)(iii), and is assisted in accessing transportation to the school that is selected under paragraph (4)(A).

''(x) school personnel are adequately prepared to implement this title and receive professional development, resource materials, technical assistance, and other support; and

''(xi) unaccompanied youth—

''(I) are enrolled in school;

''(II) have opportunities to meet the same college and career ready State student academic achievement standards to which other students are held, including through implementation of the policies and practices required by subparagraphs (F)(ii) and (J)(iv) of paragraph (1); and

''(III) are informed of their status as independent students under section 480 of the Higher Education Act of 1965 (20 U.S.C. 1087vv), including through school counselors that have received professional development about unaccompanied youth, and receive verification of such status for purposes of the Free Application for Federal Student Aid described in section 483 of such Act (20 U.S.C. 1090).

''(B) NOTICE.—State coordinators appointed under subsection (d)(2) and local educational agencies shall inform school personnel, service providers, and advocates working with homeless families and homeless children and youth of the contact information and duties of the local educational agency liaisons, including publishing an annually updated list of the liaisons working in the State on the State educational agency's website.

''(C) LOCAL AND STATE COORDINATION.—the local educational agency liaisons shall, as a part of their duties, coordinate and collaborate with State coordinators and community and school personnel responsible for the provision of education and related support services to homeless children and youth. Such coordination shall include collecting and providing to the State Coordinator the reliable, valid, and comprehensive data needed to meet the requirements of paragraphs (1) and (3) of subsection (f).

''(D) PROFESSIONAL DEVELOPMENT.—The local educational agency liaisons shall participate in the professional development and other technical assistance activities provided by the State Coordinator pursuant to subsection (f)(5).

''(h) EMERGENCY DISASTER GRANTS.—

''(1) IN GENERAL.—The Secretary shall make emergency disaster grants to eligible local educational agencies and eligible States described in paragraph (2), in order to increase the capacity for such local educational agencies and States to respond to major disasters.

''(2) ELIGIBILITY; APPLICATION.—

''(A) ELIGIBILITY.—

''(i) LOCAL EDUCATIONAL AGENCY ELIGIBILITY.—A local educational agency shall be eligible to receive an emergency disaster grant under this subsection, based on demonstrated need, if such local educational agency's enrollment of homeless children and youth has increased as a result of a hurricane, flood, or other natural disaster for which the President declared a major disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 et seq.).

''(ii) STATE ELIGIBILITY.—A State, through the Office of the Coordinator for Education of Homeless Children and Youths in the State educational agency, shall be eligible to receive an emergency disaster grant under this subsection if there are 1 or more eligible local educational agencies, as described in clause (i), located within the State.

''(B) APPLICATION.—In order for an eligible State or an eligible local educational agency to receive a grant under this subsection, the State educational agency, in consultation with other relevant State agencies, or local educational agency shall submit an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

''(3) DISTRIBUTION OF GRANTS.—The Secretary shall distribute emergency disaster grant funds—

''(A) based on demonstrated need, to State educational agencies or local educational agencies for local educational agencies whose enrollment of homeless children and youths has increased as a result of a hurricane, flood, or other natural disaster for

which the President has declared a major disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 et seq.);

''(B) expeditiously, and in no case later than 75 days after such funds are appropriated to the Secretary; and

''(C) in a manner that enables local educational agencies to use such funds for the immediate needs of disaster response and ongoing disaster recovery.

''(4) AMOUNT OF GRANTS.—The Secretary shall distribute grants under this subsection in amounts determined by the Secretary and related to the increase in enrollment of homeless children and youths as a result of such major disaster.

''(5) USES OF FUNDS.—A local educational agency or State educational agency that receives an emergency disaster grant under this subsection shall use the grant funds to carry out the activities described in section 723(d).

''SEC. 723. LOCAL EDUCATIONAL AGENCY SUBGRANTS FOR THE EDUCATION OF HOMELESS CHILDREN AND YOUTH.

''(a) GENERAL AUTHORITY.—

''(1) IN GENERAL.—The State educational agency shall, in accordance with section 722(e), and from amounts made available to such agency under section 727, make subgrants to local educational agencies for the purpose of facilitating the identification, enrollment, attendance, and success in school of homeless children and youth.

''(2) SERVICES.—

''(A) IN GENERAL.—Services under paragraph (1)—

''(i) may be provided through programs on school grounds or at other facilities; and

''(ii) shall, to the maximum extent practicable, be provided through existing programs and mechanisms that integrate homeless children and youth with nonhomeless children and youth.

''(B) SERVICES ON SCHOOL GROUNDS.—If services under paragraph (1) are provided to homeless children and youth on school grounds, the schools involved may use funds under this subtitle to provide the same services to other children and youth who are determined by the local educational agency serving the school to be at risk of failing in, or dropping out of, school.

''(3) REQUIREMENT.—Services provided under this section shall not replace the regular academic program and shall be designed to expand upon or improve services provided as part of the school's regular academic program.

''(4) DURATION OF GRANTS.—Subgrants under this section shall be for terms not to exceed 3 years.

''(b) APPLICATION.—A local educational agency that desires to receive a subgrant under this section shall submit an application to the State educational agency at such time, in such manner, and containing or accompanied by such information as the State educational agency may reasonably require. Such application shall include the following:

''(1) An assessment of the educational and related needs of homeless children and youth in the area served by such agency (which may be undertaken as part of a needs assessment for other disadvantaged group).

''(2) A description of the services and programs for which assistance is sought to address the needs identified in paragraph (1).

''(3) An assurance that the local educational agency's combined fiscal effort per student, or the aggregate expenditures of that agency and the State with respect to the provision of free public education by such agency for the fiscal year preceding the fiscal year for which the subgrant determination is made, was not less than 90 percent of such combined fiscal effort or aggregate expenditures for the second fiscal year preceding the fiscal year for which the determination is made.

''(4) An assurance that the applicant complies with, or will use requested funds to comply with, paragraphs (3) through (7) of section 722(g).

''(5) A description of policies and procedures that the agency will implement to ensure that activities carried out by the agency will not isolate or stigmatize homeless children and youth.

''(6) An assurance that the local educational agency will collect and promptly provide data requested by the State Coordinator pursuant to paragraphs (1) and (3) of section 722(f).

''(7) An assurance that the local educational agency has removed the policies and practices that have created barriers to the identification, enrollment, attendance, retention, and success in school of all homeless children and youth.

''(c) AWARDS.—

''(1) IN GENERAL.—The State educational agency shall, in accordance with the requirements of this subtitle and from amounts made available to it under section 722(a), make subgrants on a competitive basis to local educational agencies that submit applications under subsection (b). Such subgrants shall be awarded on the basis of the need of such agencies under this subtitle and the quality of the applications submitted.

''(2) NEED.—

''(A) IN GENERAL.—In determining need under paragraph (1), the State educational agency may consider the number of homeless children and youth enrolled in preschool, elementary schools, and secondary schools within the area served by the local educational agency, and shall consider the needs of such children and youth and the ability of the local educational agency to meet such needs.

''(B) OTHER CONSIDERATIONS.—The State educational agency may also consider the following:

''(i) The extent to which the proposed use of funds will facilitate the identification, enrollment, retention, and educational success of homeless children and youth.

''(ii) The extent to which the application reflects coordination with other local and State agencies that serve homeless children and youth.

''(ii) The extent to which the application reflects coordination with other local and State agencies that serve homeless children and youth.

''(iii) The extent to which the applicant exhibits in the application and in current practice (as of the date of submission of the application) a commitment to education for all homeless children and youth.

''(iv) Such other criteria as the State agency determines to be appropriate.

''(3) QUALITY.—In determining the quality of applications under paragraph (1), the State educational agency shall consider the following:

''(A) The applicant's needs assessment under subsection (b)(1) and the likelihood that the program presented in the application will meet such needs.

''(B) The types, intensity, and coordination of the services to be provided under the program.

''(C) The extent to which the applicant will promote meaningful involvement of parents or guardians of homeless children or youth in the education of their children.

''(D) The extent to which homeless children and youths will be integrated into the regular education program involved.

''(E) The quality of the applicant's evaluation plan for the program.

''(F) The extent to which services provided under this subtitle will be coordinated with other services available to homeless children and youth and their families, including housing and social services and services provided under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), and similar State and local programs.

''(G) The extent to which the local educational agency will use the subgrant to leverage resources, including by maximizing funding for the position of the liaison described in section 722(g)(1)(J)(ii) and the provision of transportation.

''(H) The local educational agency's use of funds to serve homeless children and youth under section 1113(c)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6313(c)(3)).

''(I) The extent to which the applicant's program meets such other measures as the State educational agency considers to be indicative of a high-quality program, including the extent to which the local educational agency will provide services to unaccompanied youth and preschool-aged children.

''(J) The extent to which the application describes how the applicant will meet the requirements of section 722(g)(4).

''(d) AUTHORIZED ACTIVITIES.—A local educational agency may use funds awarded under this section for activities that carry out the purpose of this subtitle, including the following:

''(1) The provision of tutoring, supplemental instruction, and enriched educational services that are linked to the achievement of the same college and career ready State academic content standards and college and career ready State student academic achievement standards the State establishes for other children and youths.

''(2) The provision of expedited evaluations of the strengths, needs, and eligibility of homeless children and youth, including needs and eligibility for programs and services (including educational programs for gifted and talented students, children with disabilities, and students with limited English proficiency, charter school programs, magnet school programs, programs in career and technical education, and school nutrition programs).

''(3) Professional development and other activities for educators and specialized instructional support personnel that are designed to heighten the understanding and sensitivity of such educators and personnel to the needs of homeless children and youth, the rights of such children and youth under this subtitle, and the specific educational needs of runaway and homeless youth.

''(4) The provision of referral services to homeless children and youths for medical, dental, mental, and other health services.

''(5) The provision of assistance to defray the excess cost of transportation under paragraphs (1)(J)(iii) and (5)(A) of section 722(g) not otherwise provided through Federal, State, or local funding.

''(6) The provision of developmentally appropriate early childhood education programs, not otherwise provided through Federal, State, or local funding.

''(7) The provision of services and assistance to attract, engage, and retain homeless children and youth, particularly homeless children and youth who are not enrolled in school, in public school programs and services provided to nonhomeless children and youths.

''(8) The provision for homeless children and youths of before- and after-school, mentoring, and summer programs in which a

teacher or other qualified individual provides tutoring, homework assistance, and supervision of educational activities.

''(9) If necessary, the payment of fees and other costs associated with tracking, obtaining, and transferring records necessary to facilitate the appropriate placement of homeless children and youths in school, including birth certificates, immunization or medical records, academic records, guardianship records, and evaluations for special programs or services.

''(10) The provision of education and training to the parents of homeless children and youths about the rights of, and resources available to, such children and youth, and other activities designed to increase the meaningful involvement of families of homeless children or youth in the education of their children.

''(11) The development of coordination of activities between schools and agencies providing services to homeless children and youths, as described in section 722(g)(6).

''(12) The provision of pupil services (including counseling) and referrals for such services.

''(13) Activities to address the particular needs of homeless children and youth that may arise from domestic violence and parental mental health or substance abuse problems.

''(14) The adaptation of space and purchase of supplies for any nonschool facilities made available under subsection (a)(2) to provide services under this subsection.

''(15) The provision of school supplies, including those supplies to be distributed at shelters or temporary housing facilities, or other appropriate locations.

''(16) The provision of assistance to defray the cost of the position of liaison designated pursuant to section 722(g)(1)(J)(ii), not otherwise provided through Federal, State, or local funding.

''(17) The provision of other extraordinary or emergency assistance needed to enable homeless children and youth to enroll, attend, and succeed in school, including in early childhood education programs.

''SEC. 724. SECRETARIAL RESPONSIBILITIES.

''(a) REVIEW OF STATE PLANS.—In reviewing the State plan submitted by a State educational agency under section 722(g), the Secretary shall use a peer review process and shall evaluate whether State laws, policies, and practices described in such plan adequately address the problems of all homeless children and youth relating to access to education and placement as described in such plan.

''(b) TECHNICAL ASSISTANCE.—The Secretary shall—

''(1) provide support and technical assistance to a State educational agencies to assist such agencies in carrying out their responsibilities under this subtitle; and

''(2) establish or designate a Federal Office of the Coordinator for Education of Homeless Children and Youths that has sufficient capacity, resources, and support to carry out the responsibilities described in this subtitle.

''(c) NOTICE.—

''(1) IN GENERAL.—The Secretary shall, before the next school year that begins after the date of enactment of the Student Success Act, develop and disseminate a public notice of the educational rights of homeless children and youth. The notice shall include information regarding the definition of homeless children and youth in section 726.

''(2) DISSEMINATION.—The Secretary shall disseminate the notice nationally. The Secretary also shall disseminate such notice to heads of other Department of Education offices, including those responsible for special education programs, higher education, and programs under parts A, B, C, D, G, and H of title I, title III, title IV, and part B of title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq., 6361 et seq., 6391 et seq., 6421 et seq., 6531 et seq., 6551 et seq., 6801 et seq., 7102 et seq., and 7221 et seq.). The Secretary shall also disseminate such notice to heads of other Federal agencies, and grant recipients and other entities carrying out federally funded programs, including Head Start programs, grant recipients under the Health Care for the Homeless program of the Health Resources and Services Administration of the Department of Health and Human Services, grant recipients under the Emergency Food and Shelter National Board Program of the Federal Emergency Management Agency, grant recipients under the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.), grant recipients under the John H. Chafee Foster Care Independence program, grant recipients under homeless assistance programs administered by the Department of Housing and Urban Development, and recipients of Federal funding for programs carried out by the Administration on Children, Youth and Families of the Department of Health and Human Services.

''(d) EVALUATION AND DISSEMINATION.—The Secretary shall conduct evaluation, dissemination, and technical assistance activities of programs designed to meet the educational needs of homeless preschool, elementary school, and secondary school students, and may use funds appropriated under section 727 to conduct such activities.

''(e) SUBMISSION AND DISTRIBUTION.—The Secretary shall require applications for grants under section 722 to be submitted to the Secretary not later than the expiration of the 120-day period beginning on the date that funds are available for purposes of making such grants and shall make such grants not later than the expiration of the 180-day period beginning on such date.

''(f) DETERMINATION BY SECRETARY.—The Secretary, based on the information received from the States and information gathered by the Secretary under subsection (h), shall determine the extent to which State educational agencies are ensuring that each homeless child and homeless youth has access to a free appropriate public education, as described in section 721(1). The Secretary shall provide support and technical assistance to State educational agencies in areas in which barriers to a free appropriate public education persist.

''(g) PUBLICATION.—The Secretary shall develop, issue, and publish in the Federal Register, not later than 90 days after the date of enactment of the Student Success Act, a summary of the changes enacted by that Act and related strategies, which summary shall include—

''(1) strategies by which a State can assist local educational agencies to implement the provisions amended by the Act;

''(2) strategies by which a State can review and revise State policies and procedures that may present barriers to the identification, enrollment, attendance, and success of homeless children and youth in school; and

''(3) strategies by which entities carrying out preschool programs can implement requirements of section 722(g)(3).

''(h) INFORMATION.—

''(1) IN GENERAL.—From funds appropriated under section 727, the Secretary shall, directly or through grants, contracts, or cooperative agreements, periodically, but not less frequently than every two years, collect and disseminate publicly data and information regarding—

''(A) the number and location of homeless children and youth;

''(B) the education and related support services such children and youth receive;

''(C) the extent to which the needs of homeless children and youth are being met;

''(D) the academic progress being made by homeless children and youth, including the percent or number of homeless children and youth participating in State assessments; and

''(E) such other data and information as the Secretary determines to be necessary and relevant to carry out this subtitle.

''(2) COORDINATION.—The Secretary shall coordinate such collection and dissemination with other agencies and entities that receive assistance and administer programs under this subtitle.

''(i) REPORT.—Not later than 4 years after the date of enactment of the Student Success Act, the Secretary shall prepare and submit to the President and the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report on the status of education of homeless children and youths, which shall include information on—

''(1) the education of homeless children and youth; and

''(2) the actions of the Secretary and the effectiveness of the programs supported under this subtitle.

''SEC. 725. RULE OF CONSTRUCTION.

''Nothing in this subtitle shall be construed to diminish the rights of parents or guardians of homeless children or youth, or unaccompanied youth, otherwise provided under State law, policy, or practice, including laws or policies that authorize the best interest determination in section 722(g)(3) to be made solely by the parent, guardian, or youth involved.

''SEC. 726. DEFINITIONS.

''In this subtitle:

''(1) ENROLL; ENROLLMENT.—The terms 'enroll' and 'enrollment' include attending classes and participating fully in school activities.

''(2) HOMELESS CHILDREN AND YOUTH.—The term 'homeless children and youth'—

''(A) means individuals who lack a fixed, regular, and adequate nighttime residence (within the meaning of section 103(a)(1)); and

''(B) includes—

''(i) children and youth who—

''(I) are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason;

''(II) are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations;

''(III) are living in emergency or transitional shelters;

''(IV) are awaiting foster care placement; and

''(V) are abandoned in hospitals;

''(ii) children and youth who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings (within the meaning of section 103(a)(2)(C));

''(iii) children and youth who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and

''(iv) migratory children (as such term is defined in section 1312 of the Elementary and Secondary Education Act of 1965) who qualify as homeless for the purposes of this subtitle because the children are living in circumstances described in clauses (i) through (iii).

''(3) LOCAL EDUCATIONAL AGENCY; STATE EDUCATIONAL AGENCY.—The terms 'local educational agency' and 'State educational agency' have the meanings given such terms

in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

''(4) SECRETARY.—The term 'Secretary' means the Secretary of Education.

''(5) STATE.—The term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

''(6) UNACCOMPANIED YOUTH.—The term 'unaccompanied youth' means a homeless child or youth not in the physical custody of a parent or legal guardian.

''SEC. 727. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—For the purpose of carrying out this subtitle, other than section 725, there are authorized to be appropriated to the Secretary $100,000,000 for fiscal year 2014 and such sums as may be necessary for each of fiscal years 2015 through 2020.

''(b) EMERGENCY DISASTER GRANTS.—In addition to sums authorized under subsection (a), there are authorized to be appropriated to the Secretary to carry out subsection (h) such additional sums as may be necessary.''.

The Acting CHAIR. Pursuant to House Resolution 303, the gentleman from California (Mr. GEORGE MILLER) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from California.

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

Mr. Chairman, this debate highlights some of the stark choices about the direction of our education system. The Republican bill sends us backwards, letting students down at a critical time. This substitute amendment I'm offering will move the Nation forward.

Every day, schools are making great strides to take our education system into the 21st century. They are raising standards, trying new ways to boost learning, improving the skills of teachers and principals.

Mr. Chairman, we, in Congress, should be a partner in these efforts, providing resources and the support to help them move forward—not gutting funding and walking away from our responsibility to help, as the Republican bill does.

Despite some good things in current law, No Child Left Behind's one-size-fits-all approach has hampered progress. It's time to revise the law, building on what we have learned over the past decade, spreading best practices to all schools, not just to some.

The Democratic approach does this. It maintains our bedrock civil rights responsibility. My amendment would help ensure that all students have access to a world-class education, regardless of their background or ZIP code, and that teachers, principals, and schools have supports and resources to provide that education.

Unlike the Republican bill, the Democratic amendment improves current law in several ways:

We call upon States to set high expectations for students, ensuring every child graduates prepared for college or for a career;

We eliminate the one-size-fits-all approach of accountability called AYP, but we still call on schools to improve the student learning and graduation rates each year;

We give districts and schools the flexibility to determine how to improve learning and graduation rates;

We ensure teachers and principals get timely and useful feedback so that they can improve their skills;

We also ensure educators have good working conditions and positive supports to help them do their jobs even better than they do now;

We provide robust funding for literacy, for STEM, for technology and other subjects like art and music to ensure that all students have a well-rounded education; and

We provide resources and supports to ensure that students are safe, healthy, and free from bullying in schools so that they can focus on learning.

The Republican bill does not come close to meeting any of these goals. In their effort to eliminate Federal involvement in education:

They let students down;

They fail to ensure students improve their learning or graduate from high school;

They fail to ensure that students with disabilities are taught to the same high standards as other students;

They fail to provide adequate funding and resources for students and schools;

They fail to move beyond the narrow focus of reading and math and to ensure that all students get a well-rounded education.

If we can't pass a better bipartisan bill, No Child Left Behind will remain the law of the land, and this is unacceptable. It's unacceptable to the scores of organizations who oppose H.R. 5, from business to labor to civil rights to disability advocates to education organizations, and that's why so many groups support this substitute amendment.

This fight is about equity. It's about every child in our country getting an education they deserve, regardless of poverty, disability, or other challenges.

I urge my Democratic and Republican colleagues to support this Democratic substitute so that the students and their families have the education system they need to prepare for the future.

I reserve the balance of my time.

Mr. KLINE. Mr. Chairman, I rise to claim time in opposition to the amendment.

The Acting CHAIR. The gentleman from Minnesota is recognized for 10 minutes.

Mr. KLINE. Mr. Chairman, I yield myself such time as I may consume.

When No Child Left Behind was signed into law more than a decade ago, it was heralded as groundbreaking, and certainly in many ways it was. The expanded use of data helped superintendents, principals, and teachers pay more attention to the students with the greatest need. Parents now have more access to important information about the quality of teachers and schools, and some student achievement gaps have narrowed.

However, hindsight is 20/20, and we can now clearly identify the law's weaknesses:

The Adequate Yearly Progress accountability metric is a one-size-fits-all mandate that fails to provide schools any meaningful information about their performance;

The law's Highly Qualified Teacher requirements value credentials over an educator's ability to motivate students in the classroom;

Strict mandates and funding restrictions stunt the development of innovative local education programs.

The Student Success Act will correct the mistakes of the past and provide States and school districts the flexibility they need to put more children on the path to a brighter future.

Flexibility, Mr. Chairman, I might say, has been begged for, demanded, year after year since this law passed. Superintendent after superintendent and principal after principal has said to me: I don't need money here, but I've got it. I need the money over here, and I can't spend it. If I just had more flexibility, we could take care of making sure that all these kids get the education that they deserve.

The substitute offered by my colleagues on the other side of the aisle simply continues the same failed policies we're seeking to correct and encourages greater Federal intrusion in classrooms. No matter what you call it, AYP, or any other rigid Federal accountability system is still the wrong approach. Replacing the existing law's 100 percent proficiency target with a menu of equally unrealistic goals is not the answer.

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Enshrining the unprecedented control over schools assumed by the Obama administration, rather than supporting the innovation occurring at the State and local level, is not the answer.

This substitute also fails to meaningfully consolidate programs or give States and school districts greater freedom to use Federal funds. It includes outrageous and unrealistic authorization levels that Congress and the administration will never come close to meeting. I welcome meaningful contributions from my colleagues across the aisle. But a substitute that doubles down on the status quo is not what students, parents, or educators deserve.

I urge my colleagues to oppose the amendment and support the underlying bill that will empower the Nation's parents, teachers, principals, and school administrators to deliver the educational system our students need, and I reserve the balance of my time.

Mr. GEORGE MILLER of California. I yield 1½ minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Chairman, I rise in support of Mr. MILLER's substitute and in opposition to the underlying bill.

We must never forget that the Elementary and Secondary Education Act is rooted in the civil rights movement. Since 1965, the role of Federal involvement in the schools has been to eliminate inequality in education, not just

provide additional funds for schools to use as they please.

This bill is not a thoughtful response to the concerns of parents, students, teachers, and school officials. It takes several steps backwards. It reduces our investment in education. It would lock in the sequester spending cuts. It treats professional development as an afterthought. It would eliminate Federal investment in science and math education. Yes, the Republican bill does mention science, but the proposal does nothing to tie high accountability measures to science assessments.

A real proposal would not foster an expectation that a lack of improvement is acceptable; a real proposal would have wraparound services; a real proposal would not abandon students with disabilities; a real proposal would not consider professional development as a mere afterthought. We should be considering a proposal that recognizes that Federal investment and high standards in science and other areas, as well as literacy and foreign language development, are critical components to the high-quality education that every student deserves.

I rise in opposition to H.R. 5.

We must never forget that ESEA is rooted in the Civil Rights movement. Since 1965, the role of federal involvement in schools has been to close the skills gap and eliminate inequality in education, not just provide additional funds for schools to use as they please.

I agree with the basic principles of ESEA, but I believe that the law needs reforming. While No Child Left Behind was presented as the means to close the achievement gap between students in good schools and those in underperforming schools, it has not done that.

Unfortunately, the bill presented by the majority is deeply inadequate. It falls short of setting standards and support for the high quality education our students deserve. This bill was not a thoughtful response to the concerns of parents, students, teachers and school officials.

In fact, this bill takes several steps backwards. First, it reduces our investment in education. The underlying bill proposes to eliminate all Maintenance of Effort requirements, which would allow states and school districts to set their own funding levels and begin a race to the bottom. Furthermore, it would lock in the sequester spending cuts. I have yet to meet with any educator or parent who approves of the current sequester cuts to education.

Additionally, this bill treats Professional Development as an afterthought. Helping our teachers hone their schools and develop deep knowledge in their subject areas is critical to our students making progress in the classroom. Yet, the underlying bill does nothing to provide for a real investment in the professional development of teachers. Instead, it requires states and school districts to develop personnel policy through teacher evaluations that are inherently incomplete.

Furthermore, this bill would dismantle federal investment in STEM Education. While this Republicans bill does not mention Science, the proposal does nothing to tie high accountability measures to science assessments. Furthermore, the underlying bill would eliminate the largest and most successful STEM education program, the Math and Science Partnership. This proposal does not include any support for the recruitment and training of STEM teachers.

Passing this bill would mean abdicating our civil rights responsibilities to ensure that all children have access to a quality education.

Rather than voting on this deeply partisan bill, we should be considering a reauthorization proposal that fixes the problems that we know exist. A real proposal would not foster an expectation that lack of improvement is acceptable; a real proposal would not abandon students with disabilities; or a real proposal would not consider professional development a mere afterthought.

Instead, we should be considering a proposal that recognizes that federal investment and high standards in science and STEM fields, as well as literacy, and foreign language development are critical components to the high quality education that every student deserves.

Mr. KLINE. I reserve the balance of my time.

Mr. GEORGE MILLER of California. Can I inquire how much time I have remaining?

The Acting CHAIR. The gentleman from California (Mr. GEORGE MILLER) has 5 minutes remaining. The gentleman from Minnesota (Mr. KLINE) has 7¼ minutes remaining.

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

Mr. POLIS. Mr. Chairman, I want to respond briefly to some of Chairman KLINE's introduction. I think both sides can agree that there are flaws in No Child Left Behind. AYP is a flawed formula. Personally, I think the answer reflected in the Democratic substitute is to get accountability right, not take a step back from accountability.

The chairman mentioned that ''now we have more information about the quality of teachers and schools'' thanks to No Child Left Behind. And to his credit, in the initial draft bill, we replaced after 3 years the teacher evaluation system. However, unfortunately, that was amended on the floor with the Scalise-Bishop amendment.

So I think one thing we can be assured of in the underlying bill is it will lead to less information about the quality of teachers and any assurances that our Federal funds are going to fund teachers that have any kind of qualification or in fact are effective.

The Democratic substitute takes into account student growth, proficiency rates, graduation rates, and designs targeted interventions to help turn around our lowest-performing schools. Whereas H.R. 5 guts education funding, the Democratic substitute provides funding for critical programs like STEM, school turnaround grants, safe and healthy students.

This amendment would help invest in our Nation's teachers' quality. I strongly support the Democratic substitute and call on my colleagues to make sure we move forward in education reform to help serve all kids in our great country.

Mr. KLINE. Mr. Chairman, I continue to reserve the balance of my time.

Mr. GEORGE MILLER of California. I yield 30 seconds to the gentleman from Illinois (Mr. SCHNEIDER).

Mr. SCHNEIDER. Mr. Chairman, the Republican bill, unfortunately, represents a missed opportunity. Everyone agrees that NCLB has flaws and needs to be updated and improved. It is disheartening that instead of working together on an actual reauthorization, we are once again debating a divisive, partisan bill that only incorporates one ideology.

There is nothing more important to our Nation than educating our children. The most crucial element for ensuring our children's success is supporting our children's teachers. Teachers do an incredibly important and remarkably challenging job. The vast majority are excellent and their good work is overlooked far too frequently. Education at the elementary and secondary level is critical to the development of 21st century American jobs and global competitiveness. We need to get to work on a true bipartisan ESEA reauthorization.

Mr. KLINE. Mr. Chairman, I yield 5 minutes to the chairman of the Subcommittee on Early Childhood, Elementary, and Secondary Education, the gentleman from Indiana (Mr. ROKITA).

Mr. ROKITA. I thank the chairman of Education and Workforce for yielding me time.

Well, here we are again, with perhaps the culmination of this debate that started yesterday afternoon here on the floor and what's been going on in committee now for several weeks and in this Nation for 12 years.

Mr. Chairman, it's been 12 years since we've been on the floor debating these issues. I'm encouraged by that fact alone—that some of us had the leadership, responsibility, and the courage to bring some of these issues to the floor for the betterment of our teachers, our parents, and most of all, our students.

I rise now in strong opposition to the substitute amendment offered by my colleague from California. I oppose this amendment for a number of reasons. It's more of the same ''Washington knows best'' that's brought us here today. It turns out, as we hear from parents in our districts, Washington doesn't know best. A bureaucrat sitting in an office in Washington, by definition, Mr. Chairman, doesn't know our children and can't possibly know what is best for a student in Indiana or anywhere else in this Nation.

Who do you believe, Mr. Chairman, knows a child best? Is it the bureaucrats in this 10- or 11-story rectangle-like building known as the Lyndon B. Johnson Department of Education? Or is it this mother or this father who knows their child? Who do you trust, Mr. Chairman, with your children? Do you trust the bureaucrats in this building a thousand miles away from where

you live or do you trust you and your wife? Who do the parents of America trust more to educate their children? Their local teacher or these bureaucrats?

Throughout the amendment and debate process for the Student Success Act and the remarks offered now in support of this amendment, we've heard time and time again how the Student Success Act is an attack on children, teachers, and all other sorts of demagoguery and doom and gloom. Don't believe it. Because if you listen closely and certainly if you read the plain meaning of the text of this amendment and everything else that's been written and said about these reforms that we're going to make here on the House floor today, you would find that at the very essence of all of them we find that the other side and those that talk against the Student Success Act inherently trust these bureaucrats more than parents or teachers. They continuously say, We know best. We are smarter than those of us who raise our own children.

The truth of the matter is that this amendment offered by my colleague is the real attack on children, parents, and teachers. It attacks teachers by holding them to Washington-based standards, not local ones, when we know in fact that every school is different. It attacks parents by robbing them of the hopes and dreams that they have for their children and takes away so many decisions that these parents can make to guide their children's future. They know best. Worst of all, this is an attack on children. Washington-based education policy attacks children by endangering their chance at success and a brighter future by hamstringing them with teaching to test results as opposed to teaching to success in life.

The Student Success Act ensures parents can be in direct contact with those who are setting education policy for their children and their teachers and holds them accountable.

There's a reason why this bill has received so much support from groups like the American Association of School Administrators, the Council of Chief State School Officers, the National School Boards Association, and the School Superintendents Association. They all support this bill. The Student Success Act will give States and schools the flexibility and incentive to administer their policies effectively. The Student Success Act encourages teachers to be innovative while also responsibly measuring success.

It's been said here just recently and time and time again that tenure and credentialism should be what we measure teachers against. I say no. It doesn't matter how long, Mr. Chairman, a teacher has taught or how many classes they've taken. What matters is how well their kids are learning, what their success is. And that's what the Student Success Act does. It will give parents the authority and choice that they deserve as they make decisions about their child's future, and it will give the students themselves the best opportunity to succeed. That's the best thing we can do here on the floor of the House today.

Mr. GEORGE MILLER of California. I yield 30 seconds to the gentleman from Illinois (Mr. FOSTER).

Mr. FOSTER. Mr. Chairman, I rise today to speak against H.R. 5 and its impacts on STEM education.

As a physicist and someone who started a business in my parents' basement that manufactures over half the theater lighting equipment in the United States and provides hundreds of jobs in the Midwest, I know firsthand the importance of STEM education and driving our Nation's innovation and competitiveness by generating new ideas, new companies, and new industries.

The impact of this underlying bill would be devastating to STEM education. Under H.R. 5, funding for STEM programs would be combined into a single block grant with 70 other education programs, with no requirements for a school district to actually spend any funding on STEM education.

I encourage a ''yes'' vote on the Miller substitute.

Over the past 10 years, the number of STEM jobs has grown three times faster than non-STEM jobs.

What's more, out of 34 industrialized countries, the U.S. ranks 17th in science education and 25th in math education.

It is clear we should do more to improve STEM education and encourage students to pursue careers in the STEM fields.

Unfortunately, this Republican bill does just the opposite.

H.R. 5 would place all dedicated funding streams for STEM education into a block grant with no requirement that those funds actually be used for STEM education.

In addition, the Republican bill provides no support for the recruitment and training of teachers in the STEM fields, despite the fact that research has shown that the single largest factor in student success is a well-trained and high quality teacher.

The Miller amendment recognizes the enormous need for STEM education in this country and creates a comprehensive program for STEM education.

Under the Miller substitute, schools would have the requisite funding to develop STEM programs, curriculum, assessments, or professional development for teachers.

This amendment also addresses the skills gap in our current education system by requiring grant applicants to incorporate their state's STEM workforce needs into their programs.

This provision mirrors a component of the 21st Century STEM Competitive Jobs Act, which I've introduced with my friend JOE COURTNEY, a member of the Education and Workforce Committee.

This legislation was inspired by the Illinois Pathways to Prosperity Initiative, a program underway in my home state of Illinois that has greatly benefitted one of the cities in my district, Aurora, Illinois.

In Aurora, elementary educators, local employers, and institutions of higher education have come together to determine how to develop STEM courses that combine rigorous academics with strong technical education to equip students with the skills and credentials to succeed in STEM careers.

Like the Miller substitute, my legislation would create a competitive grant program for school districts that work with employers and an institution of higher education to further STEM education and encourage students to pursue careers in the STEM fields.

It provides students with workplace experience and college credit that will improve their ability to compete in the workplace while encouraging them to continue their education.

This type of program is already being successfully implemented at school districts in Illinois and across the nation.

If America hopes to maintain its position as the global leader in scientific and technological innovation, we must heed the call of our nation's business leaders and employers and provide our schools with the resources needed to improve our STEM education system.

Mr. KLINE. Mr. Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, if I might inquire as to the time remaining.

The Acting CHAIR. The gentleman from California (Mr. GEORGE MILLER) has 3 minutes remaining. The gentleman from Minnesota (Mr. KLINE) has 2¼ minutes remaining.

Mr. GEORGE MILLER of California. I yield myself the balance of my time.

Mr. Chairman, Members of the House, this substitute that I have introduced on behalf of the Democrats creates a fundamental choice for this body in our vote later today. It creates a fundamental choice of whether or not this Nation is going to go forward and provide a high-quality education to every student or whether this Nation is going to go back to a time when students are left out of this system, when resources weren't provided, when schools weren't keeping up.

It's also a question of whether or not we're going to break a promise and go back on our constitutional responsibility to make sure that all students have access to that education—poor students, minority students, English-learning students, students with disabilities.

Are we going to hold school districts and schools accountable for providing that educational opportunity for those students, and will those students have the same access to a high-quality education that in many instances is available across town, in the next neighborhood, but not in their neighborhood or isn't accessible because it's not friendly or welcoming to students with disabilities or students who are learning the English language? Will they have the same rights to that education?

We know from this economy and this economic downturn that we need every one of those students to be able to be productive, successful, and achieving. But that's not what the Republican bill promises. It grinds down the funding available to these school districts for poor and minority children and for students with disabilities. It grinds it

down because it marks it down to the sequestration label. So quietly and silently, school districts all over the Nation are going to be losing the resources for these poor children.

We're stealing money from the poorest people in this country to achieve deficit reduction, but tax reform maybe next year, the year after, or the year after. Economic justice sometime later down the road.

Today, this is about education justice and whether or not every student and every family is going to have access to a high-quality education that no longer depends on their Zip Code or the neighborhood or the town in which they live.

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You know, it's been said very often from the other side that somehow all we want is a Washington-knows-best solution and what they offer is something opposite of that. No, what we've put together in this substitute is different than Washington knows best. This is about parents who know best, parents who demand the accountability that is in the substitute and not in the Republican bill. Because they want to know if their child is learning in that school—their child who may be poor, their child who may have disabilities, their child who may have learning problems. They want to know if their child is learning.

This is parents who want to know best, teachers who want to know best, who want the resources so they can teach those children; the business community that wants a well-trained workforce——

The Acting CHAIR. The time of the gentleman has expired.

Mr. GEORGE MILLER of California. An educated workforce. That's why the Business Roundtable, that's why the Chamber of Commerce opposes their bill.

The Acting CHAIR. The time of the gentleman has expired.

Mr. GEORGE MILLER of California. Educators who want a strong system, that's why they oppose their bill.

The Acting CHAIR. The time of the gentleman has expired.

Mr. GEORGE MILLER of California. Parents who want it, that's why they oppose their bill.

The Acting CHAIR. The time of the gentleman has expired.

Mr. GEORGE MILLER of California. No. Who's running out of time?

The Acting CHAIR. The time of the gentleman has expired.

Mr. GEORGE MILLER of California. Children are running out of time in this Nation.

The Acting CHAIR. The gentleman will suspend.

Mr. GEORGE MILLER of California. Children are running out of time in this Nation because they're grinding down and streaming their money.

The Acting CHAIR. The gentleman will suspend. The gentleman is not recognized.

Mr. GEORGE MILLER of California. * * *

The Acting CHAIR. The gentleman will suspend and is not recognized.

Mr. GEORGE MILLER of California. * * *

The Acting CHAIR. The gentleman will suspend.

Mr. GEORGE MILLER of California. * * *

The Acting CHAIR. The gentleman will suspend.

Mr. GEORGE MILLER of California. * * *

The Acting CHAIR. The gentleman will suspend and is not recognized.

Mr. KLINE. Mr. Chairman, we apparently agree on both sides of the aisle that parents should be making decisions; parents should be in charge; parents need information.

We believe in the underlying bill that we are giving parents the information they need, the control they need, the choices they need, giving their children the best chance to succeed.

I think we agree on both sides of the aisle that the status quo is not working. In fact, the administration is engaged in instituting its own education policy through its conditional waiver scheme. It's moved so far down the line, Mr. Chairman, that they've even offered waivers to the waivers. And yet it's been 12 years since this body, or the Senate, or the United States Congress has passed an education law—12 years.

It is time for the Congress, the House, and the Senate to step up and do its job and write new law and get the administration out of the business of writing education policy.

I would hope that Republicans and Democrats would recognize that it is not the role of the administration, of the Department of Education, of the Secretary, or the President to write education policy—Republican or Democrat in the White House. It's our job to do it. It's time to do it.

I don't believe the substitute amendment is the right thing, and I oppose it. I'm asking my colleagues to oppose it. I believe the underlying bill moves us in the right direction and gives children a better opportunity. So I'm going to encourage my colleagues to oppose the substitute amendment, despite the passion that surrounds it, and support the underlying bill.

Mr. Chairman, I yield back the balance of my time.

Mr. BENTIVOLIO. Mr. Chair, unfortunately, our country still has huge disparities in the quality of education, my own state included. We need to empower students and parents with the ability to leave failing schools.

While it is important to ensure all our public schools are high quality, it is immoral for us to tell parents and their children that they must attend a specific school simply because of where they live. This amendment empowers parents, the states, and students to offer solutions to improving our schools. Allow Title 1 to do what it was intended to do: improve the conditions of at risk children. I strongly support this amendment.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. GEORGE MILLER).

The question was taken; and the Acting Chair announced that the noes 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 California will be postponed.

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. 22 by Mr. CULBERSON of Texas.

Amendment No. 24 by Ms. JACKSON LEE of Texas.

Amendment No. 26 by Mr. GEORGE MILLER of California.

The Chair will reduce to 2 minutes the minimum time for any electronic vote after the first vote in this series.

AMENDMENT NO. 22 OFFERED BY MR. CULBERSON

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. CULBERSON) 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 vote was taken by electronic device, and there were—ayes 227, noes 196, not voting 10, as follows:

[Roll No. 370]

AYES—227

Aderholt	Cassidy	Flores
Alexander	Chabot	Forbes
Amash	Chaffetz	Fortenberry
Amodei	Coble	Foxx
Bachmann	Coffman	Franks (AZ)
Bachus	Cole	Frelinghuysen
Barletta	Collins (GA)	Gardner
Barr	Collins (NY)	Garrett
Barton	Conaway	Gerlach
Benishek	Cook	Gibbs
Bentivolio	Cotton	Gingrey (GA)
Bilirakis	Cramer	Gohmert
Bishop (UT)	Crawford	Goodlatte
Black	Crenshaw	Gosar
Blackburn	Culberson	Gowdy
Bonner	Daines	Granger
Boustany	Davis, Rodney	Graves (GA)
Brady (TX)	Denham	Graves (MO)
Bridenstine	Dent	Griffin (AR)
Brooks (AL)	DeSantis	Griffith (VA)
Brooks (IN)	DesJarlais	Guthrie
Broun (GA)	Diaz-Balart	Hall
Buchanan	Duffy	Hanna
Bucshon	Duncan (SC)	Harper
Burgess	Duncan (TN)	Harris
Calvert	Ellmers	Hartzler
Camp	Farenthold	Hastings (WA)
Campbell	Fincher	Heck (NV)
Cantor	Fitzpatrick	Hensarling
Capito	Fleischmann	Holding
Carter	Fleming	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
Marchant
Marino
Massie
McCarthy (CA)
McCaul
McClintock
McHenry
McKeon
McKinley
McMorris Rodgers
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Perry
Petri
Pittenger
Pitts
Poe (TX)
Pompeo
Posey
Price (GA)
Radel
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 (IN)

NOES—196

Andrews
Barber
Barrow (GA)
Bass
Beatty
Becerra
Bera (CA)
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Brady (PA)
Braley (IA)
Brown (FL)
Brownley (CA)
Bustos
Capps
Capuano
Cárdenas
Carney
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
Ellison
Engel
Enyart
Eshoo
Esty
Farr
Fattah
Foster
Frankel (FL)
Fudge
Gallego
Garamendi
Garcia
Gibson
Grayson
Green, Al
Green, Gene
Grijalva
Grimm
Gutiérrez
Hahn
Hanabusa
Hastings (FL)
Heck (WA)
Higgins
Himes
Hinojosa
Holt
Honda
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
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)
Lynch
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
Reed
Reichert
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

Butterfield
Gabbard
Herrera Beutler
Horsford
Kaptur
McCarthy (NY)
Negrete McLeod
Pallone
Rangel
Young (FL)

□ 1045

Ms. LINDA T. SÁNCHEZ of California, Ms. KUSTER, and Mr. JOHNSON of Georgia changed their vote from ''aye'' to ''no.''

Messrs. SIMPSON, GARY G. MILLER of California, and CONAWAY 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. 24 OFFERED BY MS. JACKSON LEE

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE) 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 186, noes 237, not voting 10, as follows:

[Roll No. 371]

AYES—186

Andrews
Barber
Barrow (GA)
Bass
Beatty
Becerra
Bera (CA)
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Brady (PA)
Braley (IA)
Brown (FL)
Brownley (CA)
Bustos
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu
Cicilline
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DelBene
Deutch
Dingell
Doggett
Doyle
Duckworth
Edwards
Ellison
Engel
Enyart
Eshoo
Esty
Farr
Fattah
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Grayson
Green, Al
Grijalva
Gutiérrez
Hahn
Hanabusa
Hanna
Hastings (FL)
Heck (WA)
Higgins
Hinojosa
Holt
Honda
Hoyer
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
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)
Lynch
Maffei
Maloney, Carolyn
Maloney, Sean
Matheson
Matsui
McCollum
McDermott
McIntyre
McNerney
Meeks
Meng
Michaud
Miller, George
Moore
Moran
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
O'Rourke
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters (CA)
Peters (MI)
Pingree (ME)
Pocan
Polis
Price (NC)
Quigley
Rahall
Rangel
Richmond
Roybal-Allard
Royce
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
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

NOES—237

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
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman
Cole
Collins (GA)
Collins (NY)
Conaway
Cook
Costa
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
Garcia
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
Harper
Harris
Hartzler
Hastings (WA)
Heck (NV)
Hensarling
Himes
Holding
Hudson
Huelskamp
Huffman
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
Marchant
Marino
Massie
McCarthy (CA)
McCaul
McClintock
McHenry
McKeon
McKinley
McMorris Rodgers
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paulsen
Pearce
Perry
Peterson
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
Runyan
Ryan (WI)
Salmon
Sanford

Scalise
Schock
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Stewart
Stivers
Stockman
Stutzman
Terry
Thompson (PA)
Thornberry
Tiberi
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)

NOT VOTING—10

Butterfield
DeLauro
Herrera Beutler
Horsford
Kaptur
McCarthy (NY)
McGovern
Negrete McLeod
Pallone
Tipton

□ 1049

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 26 OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. GEORGE MILLER) 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 193, noes 233, not voting 7, as follows:

[Roll No. 372]

AYES—193

Andrews
Barber
Barrow (GA)
Bass
Beatty
Becerra
Bera (CA)
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Brady (PA)
Braley (IA)
Brown (FL)
Brownley (CA)
Bustos
Capps
Capuano
Cárdenas
Carney
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
Dingell
Doggett
Doyle
Duckworth
Edwards
Ellison
Engel
Enyart
Eshoo
Esty
Farr
Fattah
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Garcia
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hanabusa
Hastings (FL)
Heck (WA)
Higgins
Himes
Hinojosa
Holt
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)
Lynch
Maffei
Maloney, Carolyn
Maloney, Sean
Matheson
Matsui
McCollum
McDermott
McIntyre
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
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
Turner
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Yarmuth

NOES—233

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
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
Deutch
Diaz-Balart
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
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
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
Marchant
Marino
Massie
McCarthy (CA)
McCaul
McClintock
McHenry
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
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
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)

NOT VOTING—7

Butterfield
Herrera Beutler
Horsford
McCarthy (NY)
McGovern
Negrete McLeod
Pallone

□ 1054

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. TURNER. Mr. Chair, on rollcall No. 372, on this vote I inadvertently voted "yes" intending to vote "no."

PERSONAL EXPLANATION

Mr. McGOVERN. Mr. Chair, on rollcall No. 371 and 372, had I been present, I would have voted "yes."

The Acting CHAIR. The question is on the amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HULTGREN) having assumed the chair, Mr. COLLINS of Georgia, 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, and, pursuant to House Resolution 303, reported the bill back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole?

If not, the question is on the amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Ms. KUSTER. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentlewoman opposed to the bill?

Ms. KUSTER. Yes, I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Ms. Kuster moves to recommit the bill H.R. 5 to the Committee on Education and the Workforce with instructions to report the same back to the House forthwith, with the following amendment:

Page 23, after line 9, insert the following new subparagraph:

''(F) GUARANTEEING EDUCATIONAL OPPORTUNITIES FOR CHILDREN WITH AUTISM OR OTHER DISABILITIES.—Each State plan shall demonstrate that the academic content standards and academic achievement standards adopted under this paragraph do not deny educational opportunities, adopt lower standards than the standards adopted for students without disabilities, or otherwise lower expectations for students with disabilities, including children with autism.''.

Page 481, after line 22, insert the following:

''SEC. 5552. PROTECTING SCHOOL CHILDREN FROM SEXUAL PREDATORS.

''(a) BACKGROUND CHECKS.—To ensure a safe learning environment, each State educational agency that receives funds under this Act shall have in effect policies and procedures that—

''(1) require that criminal background checks be conducted for each school employee that include—

''(A) a search of the State criminal registry or repository in the State in which the school employee resides and each State in which the school employee previously resided;

''(B) a search of State-based child abuse and neglect registries and databases in the State in which the school employee resides and each State in which the school employee previously resided;

''(C) a Federal Bureau of Investigation fingerprint check using the Integrated Automated Fingerprint Identification System; and

''(D) a search of the National Sex Offender Registry established under section 19 of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16919);

''(2) prohibit the employment of an individual as a school employee if such individual—

''(A) refuses to consent to a criminal background check under paragraph (1);

''(B) makes a false statement in connection with such criminal background check;

''(C) has been convicted of a felony consisting of—

''(i) homicide;

''(ii) child abuse or neglect;

''(iii) a crime against children, including child pornography;

''(iv) spousal abuse;

''(v) a crime involving rape or sexual assault;

''(vi) kidnapping;

''(vii) arson; or

''(viii) physical assault, battery, or a drug-related offense, committed within 5 years of the completion of such individual's criminal background check under paragraph (1); or

''(D) has been convicted of any other crime that is a violent or sexual crime against a minor;

''(3) require that a local educational agency or State educational agency that receives information from a criminal background check conducted paragraph (1) that an individual who has applied for employment as a school employee with such agency is a sexual predator, report to local law enforcement that such individual has so applied;

''(4) require that criminal background checks conducted under paragraph (1) be periodically repeated or updated in accordance with State law or local educational policy, but not less than once every 5 years;

''(5) require that each school employee who has had a criminal background check under paragraph (1) be provided with a copy of the background check; and

''(6) provide for a timely process by which a school employee may appeal, but which does not permit the school employee to be employed as a school employee during such appeal, the results of a criminal background check conducted under paragraph (1) to—

''(A) challenge the accuracy or completeness of the information produced by such background check; and

''(B) seek appropriate relief for any final employment decision based on materially inaccurate or incomplete information produced by such background check.

''(b) INVENTORY AUTHORIZED.—A State educational agency may maintain an inventory of all the information from criminal background checks conducted under subsection (a)(1) on school employees in the State.

''(c) DEFINITIONS.—In this section:

''(1) SCHOOL EMPLOYEE.—The term 'school employee' means—

''(A) an employee of, or a person seeking employment with, a local educational agency or State educational agency, and who has a job duty that results in access to students; or

''(B) an employee of, or a person seeking employment with, a for-profit or nonprofit entity, or local public agency, that has a contract or agreement to provide services with a school, local educational agency, or State educational agency, and whose job duty—

''(i) is to provide such services; and

''(ii) results in access to students.

''(2) SEXUAL PREDATOR.—The term 'sexual predator' means a person 18 years of age or older who has been convicted of, or pled guilty to, a sexual offense against a minor.

''PART F—PROTECTING CHILDREN FROM ABUSIVE SECLUSION AND RESTRAINT PRACTICES

''SEC. 5601. DEFINITIONS.

''In this part:

''(1) CHEMICAL RESTRAINT.—The term 'chemical restraint' means a drug or medication used on a student to control behavior or restrict freedom of movement that is not—

''(A) prescribed by a licensed physician, or other qualified health professional acting under the scope of the professional's authority under State law, for the standard treatment of a student's medical or psychiatric condition; and

''(B) administered as prescribed by the licensed physician or other qualified health professional acting under the scope of the professional's authority under State law.

''(2) MECHANICAL RESTRAINT.—The term 'mechanical restraint' has the meaning given the term in section 595(d)(1) of the Public Health Service Act (42 U.S.C. 290jj(d)(1)), except that the meaning shall be applied by substituting 'student's' for 'resident's'.

''(3) PHYSICAL ESCORT.—The term 'physical escort' has the meaning given the term in section 595(d)(2) of the Public Health Service Act (42 U.S.C. 290jj(d)(2)), except that the meaning shall be applied by substituting 'student' for 'resident'.

''(4) PHYSICAL RESTRAINT.—The term 'physical restraint' has the meaning given the term in section 595(d)(3) of the Public Health Service Act (42 U.S.C. 290jj(d)(3)).

''(5) POSITIVE BEHAVIOR SUPPORTS.—The term 'positive behavior supports' means a systematic approach to embed evidence-based practices and data-driven decision-making to improve school climate and culture, including a range of systemic and individualized strategies to reinforce desired behaviors and diminish reoccurrence of problem behaviors, in order to achieve improved academic and social outcomes and increase learning for all students, including students with the most complex and intensive behavioral needs.

''(6) PROTECTION AND ADVOCACY SYSTEM.—The term 'protection and advocacy system' means a protection and advocacy system established under section 143 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15043).

''(7) SCHOOL.—The term 'school' means an entity—

''(A) that—

''(i) is a public or private—

''(I) day or residential elementary school or secondary school; or

''(II) early childhood, elementary school, or secondary school program that is under the jurisdiction of a school, local educational agency, educational service agency, or other educational institution or program; and

''(ii) receives, or serves students who receive, support in any form from any program supported, in whole or in part, with funds appropriated under the Student Success Act; or

''(B) that is a school funded or operated by the Department of the Interior.

''(8) SCHOOL PERSONNEL.—The term 'school personnel' has the meaning—

''(A) given the term in section 4151(10); and

''(B) given the term 'school resource officer' in section 4151(11).

''(9) SECLUSION.—The term 'seclusion' has the meaning given the term in section 595(d)(4) of the Public Health Service Act (42 U.S.C. 290jj(d)(4)).

''(10) STATE-APPROVED CRISIS INTERVENTION TRAINING PROGRAM.—The term 'State-approved crisis intervention training program' means a training program approved by a State and the Secretary that, at a minimum, provides—

''(A) training in evidence-based techniques shown to be effective in the prevention of physical restraint and seclusion;

''(B) training in evidence-based techniques shown to be effective in keeping both school personnel and students safe when imposing physical restraint or seclusion;

''(C) evidence-based skills training related to positive behavior supports, safe physical escort, conflict prevention, understanding antecedents, de-escalation, and conflict management;

''(D) training in first aid and cardiopulmonary resuscitation;

''(E) information describing State policies and procedures that meet the minimum standards established by regulations promulgated pursuant to section 5602(a); and

''(F) certification for school personnel in the techniques and skills described in subparagraphs (A) through (D), which shall be required to be renewed on a periodic basis.

''(11) STUDENT.—The term 'student' means a student enrolled in a school defined in paragraph (7), except that in the case of a student enrolled in a private school or private program, such term means a student who receives support in any form from any program supported, in whole or in part, with funds appropriated under the Student Success Act.

''(12) TIME OUT.—The term 'time out' has the meaning given the term in section 595(d)(5) of the Public Health Service Act (42 U.S.C. 290jj(d)(5)), except that the meaning shall be applied by substituting 'student' for 'resident'.

''SEC. 5602. MINIMUM STANDARDS; RULE OF CONSTRUCTION.

''(a) MINIMUM STANDARDS.—Not later than 180 days after the date of the enactment of the Student Success Act, to ensure a safe learning environment and protect each student from physical or mental abuse, aversive behavioral interventions that compromise student health and safety, or any physical restraint or seclusion imposed solely for purposes of discipline or convenience or in a manner otherwise inconsistent with this part, the Secretary shall promulgate regulations establishing the following minimum standards:

''(1) School personnel shall be prohibited from imposing on any student the following:

''(A) Mechanical restraints.

''(B) Chemical restraints.

''(C) Physical restraint or physical escort that restricts breathing.

''(D) Aversive behavioral interventions that compromise health and safety.

''(2) School personnel shall be prohibited from imposing physical restraint or seclusion on a student unless—

''(A) the student's behavior poses an imminent danger of physical injury to the student, school personnel, or others;

''(B) less restrictive interventions would be ineffective in stopping such imminent danger of physical injury;

''(C) such physical restraint or seclusion is imposed by school personnel who—

''(i) continuously monitor the student face-to-face; or

''(ii) if school personnel safety is significantly compromised by such face-to-face monitoring, are in continuous direct visual contact with the student;

''(D) such physical restraint or seclusion is imposed by—

''(i) school personnel trained and certified by a State-approved crisis intervention training program (as defined in section 5601(16)); or

''(ii) other school personnel in the case of a rare and clearly unavoidable emergency circumstance when school personnel trained and certified as described in clause (i) are not immediately available due to the unforeseeable nature of the emergency circumstance; and

''(E) such physical restraint or seclusion ends immediately upon the cessation of the conditions described in subparagraphs (A) and (B).

''(3) States, in consultation with local educational agencies and private school officials, shall ensure that a sufficient number of personnel are trained and certified by a State-approved crisis intervention training program (as defined in section 5601(16)) to meet the needs of the specific student population in each school.

''(4) The use of physical restraint or seclusion as a planned intervention shall not be written into a student's education plan, individual safety plan, behavioral plan, or individualized education program (as defined in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401)). Local educational agencies or schools may establish policies and procedures for use of physical restraint or seclusion in school safety or crisis plans, provided that such school plans are not specific to any individual student.

''(5) Schools shall establish procedures to be followed after each incident involving the imposition of physical restraint or seclusion upon a student, including—

''(A) procedures to provide to the parent of the student, with respect to each such incident—

''(i) an immediate verbal or electronic communication on the same day as the incident; and

''(ii) written notification within 24 hours of the incident; and

''(B) any other procedures the Secretary determines appropriate.

''(b) SECRETARY OF THE INTERIOR.—The Secretary of the Interior shall ensure that schools operated or funded by the Department of the Interior comply with the regulations promulgated by the Secretary under subsection (a).

''(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to authorize the Secretary to promulgate regulations prohibiting the use of—

''(1) time out (as defined in section 5601(20));

''(2) devices implemented by trained school personnel, or utilized by a student, for the specific and approved therapeutic or safety purposes for which such devices were designed and, if applicable, prescribed, including—

''(A) restraints for medical immobilization;

''(B) adaptive devices or mechanical supports used to achieve proper body position, balance, or alignment to allow greater freedom of mobility than would be possible without the use of such devices or mechanical supports; or

''(C) vehicle safety restraints when used as intended during the transport of a student in a moving vehicle; or

''(3) handcuffs by school resource officers (as such term is defined in section 4151(11) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7161(11)))—

''(A) in the—

''(i) case when a student's behavior poses an imminent danger of physical injury to the student, school personnel, or others; or

''(ii) lawful exercise of law enforcement duties; and

''(B) less restrictive interventions would be ineffective.

''SEC. 5603. STATE PLAN AND REPORT REQUIREMENTS AND ENFORCEMENT.

''(a) STATE PLAN.—Not later than 2 years after the Secretary promulgates regulations pursuant to section 5602(a), and each year thereafter, each State educational agency shall submit to the Secretary a State plan that provides—

''(1) assurances to the Secretary that the State has in effect—

''(A) State policies and procedures that meet the minimum standards, including the standards with respect to State-approved crisis intervention training programs, established by regulations promulgated pursuant to section 5602(a); and

''(B) a State mechanism to effectively monitor and enforce the minimum standards;

''(2) a description of the State policies and procedures, including a description of the State-approved crisis intervention training programs in such State; and

''(3) a description of the State plans to ensure school personnel and parents, including private school personnel and parents, are aware of the State policies and procedures.

''(b) REPORTING.—

''(1) REPORTING REQUIREMENTS.—Not later than 2 years after the date the Secretary promulgates regulations pursuant to section 5602(a), and each year thereafter, each State educational agency shall (in compliance with the requirements of section 444 of the General Education Provisions Act (commonly known as the 'Family Educational Rights and Privacy Act of 1974') (20 U.S.C. 1232g)) prepare and submit to the Secretary, and make available to the public, a report that includes the information described in paragraph (2), with respect to each local educational agency, and each school not under the jurisdiction of a local educational agency, located in the same State as such State educational agency.

''(2) INFORMATION REQUIREMENTS.—

''(A) GENERAL INFORMATION REQUIREMENTS.—The report described in paragraph (1) shall include information on—

''(i) the total number of incidents in the preceding full-academic year in which physical restraint was imposed upon a student; and

''(ii) the total number of incidents in the preceding full-academic year in which seclusion was imposed upon a student.

''(B) DISAGGREGATION.—

''(i) GENERAL DISAGGREGATION REQUIREMENTS.—The information described in subparagraph (A) shall be disaggregated by—

''(I) the total number of incidents in which physical restraint or seclusion was imposed upon a student—

''(aa) that resulted in injury;

''(bb) that resulted in death; and

''(cc) in which the school personnel imposing physical restraint or seclusion were not trained and certified as described in section 5602(a)(2)(D)(i); and

''(II) the demographic characteristics of all students upon whom physical restraint or seclusion was imposed, including—

''(aa) the categories identified in section 1111(h)(1)(C)(i) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(h)(1)(C)(i));

''(bb) age; and

''(cc) disability status (which has the meaning given the term 'individual with a disability' in section 7(20) of the Rehabilitation Act of 1973 (29 U.S.C. 705(20))).

''(ii) UNDUPLICATED COUNT; EXCEPTION.—The disaggregation required under clause (i) shall—

''(I) be carried out in a manner to ensure an unduplicated count of the—

''(aa) total number of incidents in the preceding full-academic year in which physical restraint was imposed upon a student; and

''(bb) total number of incidents in the preceding full-academic year in which seclusion was imposed upon a student; and

''(II) not be required in a case in which the number of students in a category would reveal personally identifiable information about an individual student.

''(c) ENFORCEMENT.—

''(1) IN GENERAL.—

''(A) USE OF REMEDIES.—If a State educational agency fails to comply with subsection (a) or (b), the Secretary shall—

''(i) withhold, in whole or in part, further payments under an applicable program (as such term is defined in section 400(c) of the General Education Provisions Act (20 U.S.C. 1221)) in accordance with section 455 of such Act (20 U.S.C. 1234d);

''(ii) require a State educational agency to submit, and implement, within 1 year of such failure to comply, a corrective plan of action, which may include redirection of funds received under an applicable program; or

''(iii) issue a complaint to compel compliance of the State educational agency through a cease and desist order, in the same manner the Secretary is authorized to take such action under section 456 of the General Education Provisions Act (20 U.S.C. 1234e).

''(B) CESSATION OF WITHHOLDING OF FUNDS.—Whenever the Secretary determines (whether by certification or other appropriate evidence) that a State educational agency who is subject to the withholding of payments under subparagraph (A)(i) has cured the failure providing the basis for the withholding of payments, the Secretary shall cease the withholding of payments with respect to the State educational agency under such subparagraph.

''(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit the Secretary's authority under the General Education Provisions Act (20 U.S.C. 1221 et seq.).

''SEC. 5604. GRANT AUTHORITY.

''(a) IN GENERAL.—From the amount appropriated under section 922, the Secretary may award grants to State educational agencies to assist the agencies in—

''(1) establishing, implementing, and enforcing the policies and procedures to meet the minimum standards established by regulations promulgated by the Secretary pursuant to section 5602(a);

''(2) improving State and local capacity to collect and analyze data related to physical restraint and seclusion; and

''(3) improving school climate and culture by implementing school-wide positive behavior support approaches.

''(b) DURATION OF GRANT.—A grant under this section shall be awarded to a State educational agency for a 3-year period.

''(c) APPLICATION.—Each State educational agency desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require, including information on how the State educational agency will target resources to schools and local educational agencies in need of assistance related to preventing and reducing physical restraint and seclusion.

''(d) AUTHORITY TO MAKE SUBGRANTS.—

''(1) IN GENERAL.—A State educational agency receiving a grant under this section may use such grant funds to award subgrants, on a competitive basis, to local educational agencies.

''(2) APPLICATION.—A local educational agency desiring to receive a subgrant under this section shall submit an application to the applicable State educational agency at such time, in such manner, and containing such information as the State educational agency may require.

''(e) PRIVATE SCHOOL PARTICIPATION.—

''(1) IN GENERAL.—A local educational agency receiving subgrant funds under this section shall, after timely and meaningful consultation with appropriate private school officials, ensure that private school personnel can participate, on an equitable basis, in activities supported by grant or subgrant funds.

''(2) PUBLIC CONTROL OF FUNDS.—The control of funds provided under this section, 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.

''(f) REQUIRED ACTIVITIES.—A State educational agency receiving a grant, or a local educational agency receiving a subgrant, under this section shall use such grant or subgrant funds to carry out the following:

''(1) Researching, developing, implementing, and evaluating strategies, policies, and procedures to prevent and reduce physical restraint and seclusion in schools, consistent with the minimum standards established by regulations promulgated by the Secretary pursuant to section 5602(a).

''(2) Providing professional development, training, and certification for school personnel to meet such standards.

''(3) Carrying out the reporting requirements under section 5603(b) and analyzing the information included in a report prepared under such section to identify student, school personnel, and school needs related to use of physical restraint and seclusion.

''(g) ADDITIONAL AUTHORIZED ACTIVITIES.—In addition to the required activities described in subsection (f), a State educational agency receiving a grant, or a local educational agency receiving a subgrant, under this section may use such grant or subgrant funds for one or more of the following:

''(1) Developing and implementing high-quality professional development and training programs to implement evidence-based systematic approaches to school-wide positive behavior supports, including improving coaching, facilitation, and training capacity for administrators, teachers, specialized instructional support personnel, and other staff.

''(2) Providing technical assistance to develop and implement evidence-based systematic approaches to school-wide positive behavior supports, including technical assistance for data-driven decisionmaking related to behavioral supports and interventions in the classroom.

''(3) Researching, evaluating, and disseminating high-quality evidence-based programs and activities that implement school-wide positive behavior supports with fidelity.

''(4) Supporting other local positive behavior support implementation activities consistent with this subsection.

''(h) EVALUATION AND REPORT.—Each State educational agency receiving a grant under this section shall, at the end of the 3-year grant period for such grant—

''(1) evaluate the State's progress toward the prevention and reduction of physical restraint and seclusion in the schools located in the State, consistent with the minimum standards established by regulations promulgated by the Secretary pursuant to section 5602(a); and

''(2) submit to the Secretary a report on such progress.

''(i) DEPARTMENT OF THE INTERIOR.—From the amount appropriated under section 5608, the Secretary may allocate funds to the Secretary of the Interior for activities under this section with respect to schools operated or funded by the Department of the Interior, under such terms as the Secretary of Education may prescribe.

"SEC. 5605. NATIONAL ASSESSMENT.

''(a) NATIONAL ASSESSMENT.—The Secretary shall carry out a national assessment to determine the effectiveness of this part, which shall include—

''(1) analyzing data related to physical restraint and seclusion incidents;

''(2) analyzing the effectiveness of Federal, State, and local efforts to prevent and reduce the number of physical restraint and seclusion incidents in schools;

''(3) identifying the types of programs and services that have demonstrated the greatest effectiveness in preventing and reducing the number of physical restraint and seclusion incidents in schools; and

''(4) identifying evidence-based personnel training models with demonstrated success in preventing and reducing the number of physical restraint and seclusion incidents in schools, including models that emphasize positive behavior supports and de-escalation techniques over physical intervention.

''(b) REPORT.—The Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate—

''(1) not later than 3 years after the date of enactment of the Student Success Act, an interim report that summarizes the preliminary findings of the assessment described in subsection (a); and

''(2) not later than 5 years after the date of the enactment of the Student Success Act, a final report of the findings of the assessment.

"SEC. 5606. PROTECTION AND ADVOCACY SYSTEMS.

''Protection and Advocacy Systems shall have the authority provided under section 143 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15043) to investigate, monitor, and enforce protections provided for students under this part.

"SEC. 5607. LIMITATION OF AUTHORITY.

''(a) IN GENERAL.—Nothing in this part shall be construed to restrict or limit, or allow the Secretary to restrict or limit, any other rights or remedies otherwise available to students or parents under Federal or State law or regulation.

''(b) APPLICABILITY.—

''(1) PRIVATE SCHOOLS.—Nothing in this part shall be construed to affect any private school that does not receive, or does not serve students who receive, support in any form from any program supported, in whole or in part, with funds appropriated to the Department of Education.

''(2) HOME SCHOOLS.—Nothing in this part shall be construed to—

''(A) affect a home school, whether or not a home school is treated as a private school or home school under State law; or

''(B) consider parents who are schooling a child at home as school personnel.

"SEC. 5608. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated such sums as may be necessary to carry out this part for fiscal year 2014 and each of the 4 succeeding fiscal years.

"SEC. 5609. PRESUMPTION OF CONGRESS RELATING TO COMPETITIVE PROCEDURES.

''(a) PRESUMPTION.—It is the presumption of Congress that grants awarded under this part will be awarded using competitive procedures based on merit.

''(b) REPORT TO CONGRESS.—If grants are awarded under this part using procedures other than competitive procedures, the Secretary shall submit to Congress a report explaining why competitive procedures were not used.

"PART G—PROTECTING STUDENT ATHLETES FROM CONCUSSIONS

"SEC. 5701. MINIMUM STATE REQUIREMENTS.

''Beginning with fiscal year 2014, in order to be eligible to receive funds for such year or a subsequent fiscal year under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) each State educational agency shall issue regulations establishing the following minimum requirements in order to protect student academic achievement from the impact of concussions:

''(1) LOCAL EDUCATIONAL AGENCY CONCUSSION SAFETY AND MANAGEMENT PLAN.—Each local educational agency in the State, in consultation with members of the community in which such agency is located, shall develop and implement a standard plan for concussion safety and management that includes—

''(A) the education of students, parents, and school personnel about concussions, such as—

''(i) the training and certification of school personnel, including coaches, athletic trainers, and school nurses, on concussion safety and management; and

''(ii) using and maintaining standardized release forms, treatment plans, observation, monitoring and reporting forms, recordkeeping forms, and post-injury fact sheets;

''(B) supports for students recovering from a concussion, such as—

''(i) guiding such student in resuming participation in athletic activity and academic activities with the help of a multi-disciplinary team, which may include—

''(I) a health care professional, the parents of such student, a school nurse, or other relevant school personnel; and

''(II) an individual who is assigned by a public school to oversee and manage the recovery of such student;

''(ii) providing appropriate academic accommodations; and

''(iii) referring students whose symptoms of concussion reemerge or persist upon the reintroduction of cognitive and physical demands for evaluation of the eligibility of such students for services under the Individual with Disabilities Education Act (20 U.S.C. 1400 et seq.) and the Rehabilitation Act of 1973 (29 U.S.C. 701 note et seq.); and

''(C) best practices designed to ensure, with respect to concussions, the uniformity of safety standards, treatment, and management, such as—

''(i) disseminating information on concussion management safety and management to the public; and

''(ii) applying uniform standards for concussion safety and management to all students enrolled in public schools.

''(2) POSTING OF INFORMATION ON CONCUSSIONS.—Each public elementary school and each secondary school shall post on school grounds, in a manner that is visible to students and school personnel, and make publicly available on the school website, information on concussions that—

''(A) is based on peer-reviewed scientific evidence (such as information made available by the Centers for Disease Control and Prevention);

''(B) shall include—

''(i) the risks posed by sustaining a concussion;

''(ii) the actions a student should take in response to sustaining a concussion, including the notification of school personnel; and

''(iii) the signs and symptoms of a concussion; and

''(C) may include—

''(i) the definition of a concussion;

''(ii) the means available to the student to reduce the incidence or recurrence of a concussion; and

''(iii) the effects of a concussion on academic learning and performance.

''(3) RESPONSE TO CONCUSSION.—If any school personnel, including coaches and athletic trainers, of a public school suspects that a student has sustained a concussion during a school-sponsored athletic activity—

''(A) the student shall be—

''(i) immediately removed from participation in such activity; and

''(ii) prohibited from returning to participate in school-sponsored athletic activities—

''(I) on the day such student sustained a concussion; and

''(II) until such student submits a written release from a health care professional stating that the student is capable of resuming participation in school-sponsored athletic activities; and

''(B) such personnel shall report to the parent or guardian of such student—

''(i) the date, time, and extent of the injury suffered by such student; and

''(ii) any actions taken to treat such student.

''(4) RETURN TO ATHLETICS AND ACADEMICS.—Before a student who has sustained a concussion in a school-sponsored athletic activity resumes participation in school-sponsored athletic activities or academic activities, the school shall receive a written release from a health care professional, that—

''(A) states that the student is capable of resuming participation in such activities; and

''(B) may require the student to follow a plan designed to aid the student in recovering and resuming participation in such activities in a manner that—

''(i) is coordinated, as appropriate, with periods of cognitive and physical rest while symptoms of a concussion persist; and

''(ii) reintroduces cognitive and physical demands on such student on a progressive basis only as such increases in exertion do not cause the reemergence or worsening of symptoms of a concussion.

''SEC. 5702. REPORT TO SECRETARY OF EDUCATION.

''Not later than 6 months after promulgating regulations pursuant to section 5701 in order to be eligible to receive funds under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), each State educational agency shall submit to the Secretary of Education a report that contains—

''(1) a description of the State regulations promulgated pursuant to section 5701; and

''(2) an assurance that the State has implemented such regulations.

''SEC. 5703. RULE OF CONSTRUCTION.

''Nothing in this subtitle shall be construed to alter or supersede State law with respect to education standards or procedures or civil liability.

''SEC. 5704. DEFINITIONS.

''In this subtitle:

''(1) CONCUSSION.—The term 'concussion' means a type of traumatic brain injury that—

''(A) is caused by a blow, jolt, or motion to the head or body that causes the brain to move rapidly in the skull;

''(B) disrupts normal brain functioning and alters the mental state of the individual, causing the individual to experience—

''(i) any period of observed or self-reported—

''(I) transient confusion, disorientation, or impaired consciousness;

''(II) dysfunction of memory around the time of injury; and

''(III) loss of consciousness lasting less than 30 minutes;

''(ii) any one of four types of symptoms of a headache, including—

''(I) physical symptoms, such as headache, fatigue, or dizziness;

''(II) cognitive symptoms, such as memory disturbance or slowed thinking;

''(III) emotional symptoms, such as irritability or sadness; and

''(IV) difficulty sleeping; and

''(C) can occur—

''(i) with or without the loss of consciousness; and

''(ii) during participation in any organized sport or recreational activity.

''(2) HEALTH CARE PROFESSIONAL.—The term 'health care professional' means a physician, nurse, certified athletic trainer, physical therapist, neuropsychologist or other qualified individual who—

''(A) is a registered, licensed, certified, or otherwise statutorily recognized by the State to provide medical treatment;

''(B) is experienced in the diagnosis and management of traumatic brain injury among a pediatric population; and

''(C) may be a volunteer.

''(3) LOCAL EDUCATIONAL AGENCY; STATE EDUCATIONAL AGENCY.—The terms 'local educational agency' and 'State educational agency' have the meanings given such terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

''(4) SCHOOL PERSONNEL.—The term 'school personnel' has the meaning given such term in section 4151 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7161).

''(5) SCHOOL-SPONSORED ATHLETIC ACTIVITY.—The term 'school-sponsored athletic activity' means—

''(A) any physical education class or program of a school;

''(B) any athletic activity authorized during the school day on school grounds that is not an instructional activity; and

''(C) any extracurricular sports team, club, or league organized by a school on or off school grounds.

Page 482, line 1, strike ''**PART F**'' and insert ''**PART H**''.

Page 482, line 2, strike ''**5601**'' and insert ''**5801**''.

Ms. KUSTER (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the reading.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New Hampshire?

There was no objection.

Mr. KLINE. Mr. Speaker, I reserve a point of order against the motion.

The SPEAKER pro tempore. A point of order is reserved.

The gentlewoman from New Hampshire is recognized for 5 minutes.

Ms. KUSTER. Mr. Speaker, this is the final amendment to the bill, which will not kill the bill or send it back to committee. If adopted, the bill will proceed immediately to final passage, as amended.

□ 1100

This week, we have debated how best to educate our children and prepare them for the lives and jobs of the 21st century economy. Mr. Speaker, this bill is not the answer.

In New Hampshire, we recognize that investments in education are investments in economic growth, job creation, and expanded opportunity for middle class families. Unfortunately, this bill fails to adequately make these investments in our economic future. It fails to reflect the bipartisan support in this House for STEM education, for fairness, and for accountability. Along with the Chamber of Commerce and a broad coalition of stakeholders, I believe that this legislation fails to deliver the education system that our students, our children deserve.

While some would rather abolish the Department of Education, I know that we have a responsibility to ensure that every child in this country has a chance to learn and succeed. We may have our disagreements, but we owe it to the people we represent to focus on those areas where we can find common ground.

I know that we can all agree on the need to preserve opportunity and safety for our students, and I'm hopeful that you will all support my amendment, which makes four very commonsense reforms.

First, this amendment protects children with autism and other disabilities. According to the Centers for Disease Control, an astounding 1 in 88 children and 1 in 54 boys across the United States are on the autism spectrum. My amendment would simply ensure that education plans do not deny opportunity to these students with autism or other disabilities.

Second, this would amend to protect children from abusive seclusion and restraint policies. A shocking 41 States have verified reports of inappropriate seclusion and restraint in their schools. The Government Accountability Office has documented hundreds of allegations of such abuse against students, including students with disabilities. Troubling reports have emerged of students pinned to the ground face down, students who have been confined in cardboard boxes, and students who have been literally duct-taped to chairs. As a result, some students have even died. My amendment would put in place minimum safety standards to prevent abusive seclusion and restraint in schools.

Third, this amendment would require thorough background checks for any

school employees or contractors with access to children to keep sexual predators out of our schools. We can all agree on this part of the amendment. It would prohibit public schools from hiring or retaining anyone convicted of crimes against children, such as sexual assault and pornography. And importantly, it would ensure that schools report to local law enforcement when predators apply for positions with access to children.

Finally, this amendment would establish standards for protecting student athletes from concussions. I know that many of you are parents, and I have had sons with this condition. Research shows that 300,000 sports-related concussions occur every single year in our schools. Younger athletes are at greater risk of concussion, and this amendment would provide schools, athletes, and parents with the information on how best to prevent and manage these injuries. It would also require parental notification.

Together, these reforms will keep our children safe from injury and abuse in our schools.

I urge my colleagues on both sides of the aisle to vote to protect children with disabilities, vote to improve safety for all students, and vote for this final amendment.

I yield back the balance of my time.

Mr. KLINE. Mr. Speaker, I withdraw my point of order, and I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The point of order is withdrawn.

The gentleman from Minnesota is recognized for 5 minutes.

Mr. KLINE. Mr. Speaker, what States and school districts are asking for and have been asking for and clamoring for is more flexibility and less Federal mandates so they can address the individual needs of their students. We should not tie the hands of school officials and predetermine how they can best help their students and staff. Instead, this motion will force them to jump through hoops and meet burdensome requirements.

This motion is full of requirements. Some might be good, most will be burdensome, but at the heart, this is a motion that says my Democratic colleagues do not believe our school leaders and teachers have the best intentions for their kids, they do not trust them to know how to take care of their students, and we disagree.

I urge my colleagues to reject this motion to recommit and support the Student Success Act, and I yield back the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I urge my colleagues to vote "no" on H.R. 5 and to support the substitute to this bill, offered by my colleague, the Gentleman from California, Congressman GEORGE MILLER.

We can all agree, Mr. Speaker, that the Elementary and Secondary Education Act is in dire need of reauthorization. But this bill is not the best effort we can offer our children. This bill offers less support and less accountability for students, educators, and parents throughout the nation. It cuts critical funding and fails to give our students a well-rounded education.

But what makes H.R. 5 even worse is that it works against the initial purpose of the Act—it offers our students less equity and it leaves behind those children who are the most in need. It fails to give our lowest performing and lowest income schools the support systems they need to succeed in the classroom.

Mr. Chair, several amendments were introduced yesterday to correct some of the severe flaws in this bill. For example, I commend the passage of the amendment offered by my colleagues Congressman YOUNG and Congresswoman GABBARD to protect Native education programs. But it is a grave disappointment to me that this amendment was even necessary—that critical programs for our Indian, Alaska Native, and Native Hawaiian students were threatened under H.R. 5.

I stand in opposition to the underlying bipartisan bill which still fails as a whole to provide a quality education for all America's students. We must give our students better. H.R. 5 is *not* our best effort. This bill is a huge setback for our children and for our nation. I urge my colleagues to vote "no" on H.R. 5 and to vote "yes" to the Miller substitute.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Ms. KUSTER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 5-minute vote on the motion to recommit will be followed by a 5-minute vote on passage of the bill, if ordered, and approval of the Journal, if ordered.

This is a 5-minute vote

The vote was taken by electronic device, and there were—ayes 196, noes 231, not voting 6, as follows:

[Roll No. 373]

AYES—196

Andrews
Barber
Barrow (GA)
Bass
Beatty
Becerra
Bera (CA)
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Brady (PA)
Braley (IA)
Brown (FL)
Brownley (CA)
Bustos
Capps
Capuano
Cárdenas
Carney
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
Duncan (TN)
Edwards
Ellison
Engel
Enyart
Eshoo
Esty
Farr
Fattah
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Garcia
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hanabusa
Hastings (FL)
Heck (WA)
Higgins
Himes
Hinojosa
Holt
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)
Lynch
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
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

NOES—231

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
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)
Ellmers
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
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
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
Marchant
Marino
Massie
McCarthy (CA)
McCaul
McClintock
McHenry
McKeon
McKinley
McMorris Rodgers
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mullin
Mulvaney
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
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)

NOT VOTING—6

Butterfield
Herrera Beutler
Horsford
McCarthy (NY)
Negrete McLeod
Pallone

□ 1113

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. GEORGE MILLER of California. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 221, noes 207, not voting 6, as follows:

[Roll No. 374]

AYES—221

Aderholt
Alexander
Amodei
Bachmann
Bachus
Barletta
Barr
Barton
Benishek
Bentivolio
Bilirakis
Bishop (UT)
Black
Blackburn
Boehner
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
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
Gardner
Garrett
Gerlach
Gibbs
Gingrey (GA)
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Griffin (AR)
Griffith (VA)
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
Jordan
Kelly (PA)
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
LaMalfa
Lamborn
Lance
Lankford
Latham
Latta
Long
Lucas
Luetkemeyer
Lummis
Marchant
Marino
McCarthy (CA)
McCaul
McClintock
McHenry
McKeon
McKinley
McMorris Rodgers
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Perry
Petri
Pittenger
Pitts
Poe (TX)
Pompeo
Posey
Price (GA)
Radel
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross
Rothfus
Royce
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—207

Amash
Andrews
Barber
Barrow (GA)
Bass
Beatty
Becerra
Bera (CA)
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Brady (PA)
Braley (IA)
Brown (FL)
Brownley (CA)
Bustos
Capps
Capuano
Cárdenas
Carney
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
Ellison
Engel
Enyart
Eshoo
Esty
Farr
Fattah
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Garcia
Gibson
Gohmert
Graves (MO)
Grayson
Green, Al
Green, Gene
Grijalva
Grimm
Gutiérrez
Hahn
Hanabusa
Hastings (FL)
Heck (WA)
Higgins
Himes
Hinojosa
Holt
Honda
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Jones
Joyce
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kirkpatrick
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis
Lipinski
LoBiondo
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maffei
Maloney, Carolyn
Maloney, Sean
Massie
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
Reed
Reichert
Richmond
Roybal-Allard
Ruiz
Runyan
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—6

Butterfield
Herrera Beutler
Horsford
McCarthy (NY)
Negrete McLeod
Pallone

□ 1119

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

THE JOURNAL

The SPEAKER pro tempore. The unfinished business is the question on agreeing to the Speaker's approval of the Journal, which the Chair will put de novo.

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

Pursuant to clause 1, rule I, the Journal stands approved.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 5, STUDENT SUCCESS ACT

Mr. KLINE. Mr. Speaker, I ask unanimous consent that, in the engrossment of H.R. 5, the Clerk be authorized to correct section numbers, punctuation, and cross-references, and to make such other technical and conforming changes as may be necessary to reflect the actions of the House in amending the bill, including the changes now at the desk.

The SPEAKER pro tempore (Mr. COTTON). The Clerk will report the changes.

The Clerk read as follows:

In amendment numbered 1, insert ''the first place it appears'' after ''programs,'' in the instruction regarding page 366, line 6.

In amendment numbered 17, strike ''Page 315, after line 15'' and insert ''Page 311, after line 15''.

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

There was no objection.

□ 1130

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, I rise for the purposes of inquiring of the majority leader the schedule for the week to come, and I yield to my friend, the majority leader, Mr. CANTOR.

Mr. CANTOR. Mr. Speaker, I thank the gentleman from Maryland, the Democratic whip, for yielding.

Mr. Speaker, on Monday, the House will meet at noon for morning-hour and 2 p.m. for legislative business. Votes will be postponed until 6:30 p.m.

On Tuesday and Wednesday, the House will meet at 10 a.m. for morning-hour and noon for legislative business.

On Thursday, the House will meet at 9 a.m. for legislative business. Last votes of the week are expected no later than 3 p.m.

On Friday, no votes are expected.

Mr. Speaker, the House will consider a few suspensions next week, a complete list of which will be announced by close of business today.

In addition, the House will consider H.R. 2397, the Department of Defense appropriations bill, authored by Representative BILL YOUNG. This bill provides the resources necessary for our men and women in the armed services to carry out their vital mission.

There are also a number of bills the Appropriations Committee has reported which may come to the floor in the near future.

Furthermore, the House may consider two energy bills out of the Energy and Commerce Committee. The first bill, H.R. 2218, the Coal Residuals Reuse and Management Act, authored by Representative DAVID MCKINLEY, would create an enforceable minimum standard for the regulation of coal ash by the States, allowing their use in a safe manner that protects jobs.

The second bill, H.R. 1582, the Energy Consumers Relief Act, sponsored by Representative BILL CASSIDY, will require the EPA, before finalizing any energy-related rule costing more than $1 billion, to report to Congress on specific energy price and job impacts.

Both of these bills, Mr. Speaker, foster an environment of economic growth and lower energy costs for American families and businesses.

Finally, Mr. Speaker, as you know, the House acted last month to prevent the doubling of the student loan interest rate. Should the Senate send us legislation, the House may act as soon as next week.

Mr. HOYER. I thank the gentleman for his information with respect to the legislation for next week.

I note that there was not on the notice for next week—the Senate has now voted to go to conference on the farm bill. Clearly, that is a matter that I think both sides, or certainly our side, I think your side as well, feels is a priority item. Does the gentleman have any plans to move to go to conference now that the Senate has asked for a conference next week on the farm bill?

I yield to my friend.

Mr. CANTOR. Mr. Speaker, I thank the gentleman for yielding.

I'd respond to the gentleman by saying that we are committed to acting with urgency to bring to the floor a bill under the nutrition title of what was formerly the farm bill, which that title married up with the agricultural provisions.

It is our hope that we can get a nutrition bill to the floor, because we believe strongly that the programs under those titles, providing a safety net to the country's most vulnerable, are something important that we maintain and we implement the kind of reforms to those programs that have long been called for by the GAO and others so that we can make sure of the efficient flow of dollars to those beneficiaries who most need it.

Mr. HOYER. I thank the gentleman for that comment; however, I'm somewhat perplexed, Mr. Leader.

You and I had a relatively animated colloquy some, I think, 2 or 3 weeks ago, at which point in time you said that we passed the farm bill that, of course, we didn't like and none of us voted for, that we passed the farm bill so that, in fact, we could follow regular order and go to conference. We passed that farm bill.

The Senate has now voted to go to conference, but what I hear the gentleman saying is, like the budget bill, we're not going to go to conference unless something else happens; in the case of the budget, until Mr. RYAN apparently gets Ms. Murray to agree on—I don't want to characterize it too heavily, but to agreeing with him as opposed to compromise.

But I'm a little, as I said, perplexed, because a few weeks ago you told me that the reason we passed that farm bill without the provision for nutrition, which had been in there for half a century, was so that we could go to conference. Well, now we're there, but there's no motion to go to conference. I'm perplexed, and I would appreciate if the gentleman—because we now have the opportunity to follow regular order. We now have the Senate who has voted to go to conference, acted on our bill that we sent there, substituted their bill for ours, and now have asked for a conference on the same. That is regular order.

Can the gentleman tell me: Are we now making a condition, as we lawyers say, precedent—that is, something's got to happen—before we go to conference? Because, very frankly, Mr. Leader, you and I both know that the nutrition bill is what made the farm bill apparently fall on the rocks, which is why you dropped it in order to pass the farm bill. It was a totally partisan bill, but now we need to get to agreement.

I tell you, we're running out of time, Mr. Leader, and I think we need to get this farm bill done; and I would hope that we could go to conference, as the gentleman said we were going to do, with the Senate on the House-passed bill.

I yield to my friend.

Mr. CANTOR. Mr. Speaker, I thank the gentleman for yielding.

And I know that the gentleman, in his call for regular order, also knows that the House has its prerogatives, as does the other body. We believe strongly that marriage of the two constituencies of the old farm bill was a marriage that began some 40 years ago. And, frankly, it is the sense of the majority in the House that that marriage makes little sense and that, instead, if we could, as a House, opt to be transparent and look at the policies on the agricultural side the way that we did and then look at the policies under the nutrition title in the same deliberative fashion, that we can actually make for a better product.

Now, the gentleman says that the farm bill that was passed was a partisan bill. Certainly, no member of the minority voted for the bill, but I would, and not to rehash colloquy from several weeks ago, say that the same attitude was taken with the old farm bill by the minority saying it was too partisan.

We intend to proceed deliberately, looking at policies that make sense in reforming these programs in the vein of trying to get to those most vulnerable the relief they need, at the same time paying cognizance to the fact that we have fiscal challenges we must deal with.

We're trying to be about truth in legislating, Mr. Speaker, and that is making sure that the purpose of agricultural policy is adequately addressed, as well as the purpose of the nutrition title and providing relief to our country's most vulnerable.

Mr. HOYER. I thank the gentleman for his observation.

The truth in legislating is that we are not legislating. We are putting forth the positions of your party in this House, not shared by the Senate, not shared by the President of the United States, also elected by the people of the United States; and absent agreement by those two entities, coequal branches of the Congress and a coequal branch of the government, the executive, absent their agreeing with your party's perspective, we're not legislating. That's the problem, Mr. Leader.

And again, I express to you, you said—and I don't have the words in front of me exactly, but we can pull them out. But I am perplexed because you said, when we passed the farm bill without the nutrition program in it—which had been done for a half a century. They had been paired by Republican Congresses and Democratic Congresses, signed by Republican Presidents and Democratic Presidents. It's only this last 2 years that we have been unable to come to grips with bipartisan agreement on the farm bill. It's only in the past 2 years that we've been unable to get a bill that was bipartisan in fashion to the floor and, ultimately, voted on final passage.

The bipartisan bills that came out of committee both in the last Congress and this Congress were turned into—the first one, of course, in the last Congress didn't come to the floor, as the gentleman knows. He didn't bring it to the floor at all, notwithstanding the fact it had bipartisan support in the committee. And notwithstanding the fact that the bill that was brought to the floor had bipartisan support and the support of the ranking member, Mr. PETERSON, notwithstanding he didn't agree with some portions that were adopted, for instance, on milk, he was, nevertheless, prepared to adopt it until three very partisan, we thought very harmful, amendments to people without means were adopted.

You knew that was the case. You then had told me—and I repeat, I know, and reiterate. But the simple representation you made was that we did that—and Mr. SESSIONS made that and said,

by the way, that the nutrition part of the program, getting support for people who needed food, was extraneous to the bill. That's not our perspective over here, but that was the perspective that the chairman of the Rules Committee laid out when we considered the rule.

But you then said, in that colloquy, that the reason we did that was because you wanted to get a bill through. And, frankly, that's the only way you could pick up the overwhelming majority of the 62 of your Republicans who voted against it. I can only conclude that because you got the majority to do it, failing the first time because 62 Republicans decided they didn't like, apparently, the nutrition part of the bill and they voted against it. When you dropped the nutrition part of the bill, which had been in there for 50 years, then you got the majority on your side. That's when you got zero of us. You had 24 the first time.

So I'm perplexed that now that we have done what you said we were going to do, not about budgets, not about—you and I agree we need to get a handle on it. That's not what this issue is about. This issue is about whether or not we're going to have a farm bill and whether we're going to have such in a timely way. I'm going to talk a little bit about the CR.

But we have 17 days left to go between now and September 30, and we think it's timely to move. I don't know. Your nutrition bill is not on the program here. We'll have 1 week after next week.

□ 1145

We're not sure because we haven't seen a nutrition bill that you have. We don't know what's going to be in that. But we have passed a farm bill. The Senate wants to go to conference. The Senate wants to go to conference—at least the Democrats do—on the budget. And we're not doing it, Mr. Leader. And we need to do it.

Mr. CANTOR. Again, not to belabor the point but just to correct the facts and make sure that the record reflects what I did say before and what I represented, I said it was our intention to act with dispatch to bring to the floor a bill dealing with the SNAP program, that portion of which was traditionally the farm bill, and that we intend to be bringing that vehicle to the floor at some time in the near future. I did not say, Mr. Speaker, what it was the gentleman indicated.

We would like to say to all of our colleagues that we want to work together on a nutrition title. The gentleman heard what I said before. The marriage of those two bills and policies was done in an arbitrary fashion 50 years ago, as he indicated. There is no policy reason for that to be done. And we're trying to get down to what policy works and the reform of making sure that we pay attention to the efficacy of the programs, getting the dollars to the people who need it, and doing so in an efficient manner takes some deliberative approach. That is why Members on the majority side of the aisle felt very strongly that we should act in the way we did. And we intend to bring a nutrition title to the floor. We're working with the chairman of the Agriculture Committee to get that policy right.

So I hope that the gentleman, in his spirit of bipartisanship, will work with us to do that.

Mr. HOYER. It takes two to be bipartisan, Mr. Leader. You know that and I know that. I've got a pretty long record of working in a bipartisan fashion. But I will tell you, I disagree with the majority leader, respectfully, that there aren't the votes on this floor to pass the SNAP program and the agriculture program.

We agree on this side that there's a relationship between those who produce food and those who eat food. We think there's a direct relationship, which is why for half a century these have been related, so that the folks in the city would understand that those on the farm are very important people and we need to make sure that we have a partnership with them. Very frankly, it's worked for half a century. Unfortunately, it didn't work this year.

I will say to my friend, you are accurate in saying there are a majority of people on this floor—not in our party—but a majority on this floor, including Mr. LUCAS, who twice has reported out a bill with bipartisan support and argued for it on the floor. He argued for it and pleaded with your party to support the farm bill, even though from both parties' standpoint it wasn't a perfect bill. But 62 of your Members rejected his plea. And my view is Mr. LUCAS is still in that position of where he sees the rationale of having those together. He's the Republican chairman of the committee. I respect Mr. LUCAS for his comments both times the bill was considered on the floor.

I will move on. But allowing the farm bill to languish is dangerous for this country, for the farm community, and for others. It undermines our economy. Moving with dispatch is in the best interest of our country.

Now, let me ask you something. As I said, we have 17 days left to go until September 30. This Congress has not passed an appropriation bill. We've passed three appropriation bills. The Senate is going to consider one, apparently, next week. We won't be here on September 30. We're only here 2 weeks in September. There are holidays and Labor Day. So we're only going to be here 2 weeks.

I want to ask my friend if he or the majority or the Budget Committee or the Appropriations Committee and the leadership in concert has a plan for what we might do to assure stability in government and in our country's confidence that the government will be operating on October 1.

Mr. CANTOR. I would say to the gentleman, Mr. Speaker, that, yes, we are looking forward to the legislative activity for the remainder of this month, as I said earlier, to include appropriations bills. We also look towards the prospect of the other body perhaps beginning to act, as the gentleman indicated, at all on appropriations bills.

It does take two to be bicameral. We need that body to act as well. I look forward to seeing how we resolve differences on spending levels and policy differences as we approach the end of the fiscal year, very well aware that we have challenges ahead, and look to find resolution to those, yes, in a bipartisan way and necessarily in a bicameral way.

Mr. HOYER. There's a way to do that, of course. It is called regular order, as we've discussed. The conference committee is where you do that. But not withstanding that fact, we have for over 100 days now seen languishing the Senate-passed budget and our budget, and an attempt by the leader in the Senate, Mr. REID, to go to conference, but no effort to go to conference to, as you say, in a bicameral, bipartisan way to resolve differences. They're very substantial. But everybody is sitting in their corner.

PATTY MURRAY wants to come to the midpoint to have a conference. I've talked to her. She's the chairman of the Budget Committee. But we have not moved, unlike the Senate—and they haven't succeeded because of Republican opposition—but they have tried to go to conference. We have not made any effort to go to conference, Mr. Leader, and you can't have a bicameral resolution and compromise and bipartisanship if you don't sit down and talk to one another in conference.

Mr. RYAN asking Senator MURRAY, Do it my way, is not going to get us there. A conference may. I don't think it's guaranteed, but it may. And I would hope we could go to conference and follow regular order on the budget. We should have adopted a budget 4 months ago. We need to adopt a funding resolution by September 30 in some form or fashion. The failure to go to conference is undermining our ability to do that.

Mr. CANTOR. The gentleman knows that he speaks of two different things when it comes to spending and when it comes to the budget blueprint.

The gentleman and I, Mr. Speaker, have had this discussion several times in these colloquies about why it is that Chairman RYAN has taken the position he has, as has our Speaker and our leadership, in that we don't want to go into a discussion if the prerequisite is you have to raise taxes. That's the bottom line. It's not process. It's substance. It is one of those issues that continues to make the divide between the parties.

Frankly, if one thinks that Washington spends tax dollars well, that we should go ahead and ask the hardworking taxpayers to pay more. Our side doesn't believe in that approach. Until we get beyond that, I'm not so sure there's going to be resolution as to a budget conference.

It does not mean that we cannot continue the work that we are doing on the appropriations bills and on the other policy measures that are coming to this floor in hopes of finding areas we can agree on. But there is a strong one we disagree on—and that is the issue of additional revenues in an environment where Washington doesn't spend what it does spend well.

We're trying to get to the bottom of that, effect good policy, act in a deliberative manner, and are willing to work with the Senate. The problem is the Senate hasn't even begun their appropriations process on the floor there. And that was my point about bicameral and, hopefully, in a bipartisan way.

Mr. HOYER. I'm surprised to hear the majority leader say budget has no relationship to the appropriations process or the continuing resolution.

Mr. CANTOR. I didn't say no relationship. I said the gentleman knows that we're talking about two different things when we're talking about a budget blueprint and the spending bills. Two different things.

Mr. HOYER. I've been on the Appropriations Committee, as the gentleman knows, for 23 years. I'm not on it now. And you've adopted a budget, not because the budget passed but because you deemed the budget passed, you've pretended it passed. We did that ourselves to get a number. Why is that important? Because that's the spending number. Ours is $967 billion. The Senate's is $1.058 trillion. It's some $91 billion more.

So there's a very substantial difference between the two Houses. It has to be resolved. Maybe the gentleman can tell me, since we don't have a resolution of what the number is going to be, which is what a budget conference does, and what I hear the gentleman saying is, unless the Senate agrees with your perception of revenues—and I know that you repeat that all the time. I get it. I know your position. I know the position of your party. My position, of course, is we need to pay for what we buy. You're right. If we don't buy it, we don't have to pay for it. And we have to make that judgment on behalf of the American people. That's what they sent us here to do.

But the fact of the matter is, if your position is that unless they agree with your perception—they have a different point of view. They were elected by the American people. By the way, this side was elected by the American people, 1.4 million more of whom voted for us than voted for your side of the aisle. You have the majority. Redistricting provided for that, God bless you. I wish I were in your position, not in mine, from that standpoint. But the fact of the matter is more of the American people voted for us than they voted on your side. But you have the majority.

You ought not to be in the position, I suggest, respectfully, Mr. Leader, of saying unless the Senate will accede to our position, we're not going to go to conference. I don't understand saying you want a bicameral, bipartisan agreement without going to conference.

Let me ask you about immigration. There's nothing on here about immigration. The Senate has passed a bipartisan bill. Does the gentleman have any reason to believe that we're going to move ahead on immigration? President Bush said just the other day the system is not working. The system is broken. Your chairman of the Budget Committee, talking about the budget, said we have a broken immigration system that needs to be fixed.

Can the gentleman tell me whether there's any action contemplated on immigration?

The SPEAKER pro tempore. Members are reminded to address their remarks to the Chair.

Mr. CANTOR. Mr. Speaker, I say to the gentleman that, as he correctly indicated, our chairman of the Judiciary Committee, the gentleman from Virginia (Mr. GOODLATTE), has said that our system of immigration is broken and that he and the members of that committee are fast about trying to look at the complex issues of our immigration system and trying to deal with them in a fashion that is discrete on each issue, with a solution thereto. And in that committee we are in the process, as the gentleman knows, of looking at all of that and intend on making sure we get it right. The chairman has said rather than just doing it, we want to do it right. And we intend to do so.

Mr. HOYER. Mr. Leader, the last question. You said the defense authorization bill is coming to the floor. Can the gentleman tell me whether that will be coming to the floor under an open rule or a rule other than open?

Mr. CANTOR. Mr. Speaker, I would say to the gentleman that the DOD approps bill will be coming to the floor, and the Rules Committee will decide on the structure and how that debate will occur. We will announce that, obviously, upon the Rules Committee meeting.

Mr. HOYER. I thank the gentleman, and I yield back the balance of my time.

ADJOURNMENT TO MONDAY, JULY 22, 2013

Mr. CANTOR. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet on Monday next, when it shall convene at noon for morning-hour debate and 2 p.m. for legislative business.

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

There was no objection.

□ 1200

OBSERVANCE OF FIRST ANNIVERSARY OF AURORA THEATER MASS SHOOTINGS

(Mr. COFFMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COFFMAN. Mr. Speaker, tomorrow we will mark the first anniversary of the mass shooting that took place in my hometown of Aurora, Colorado, in the early morning hours of July 20 of last year.

We must never forget the names of those who lost their lives in this senseless tragedy:

Matt McQuinn,
Micayla Medek,
Jessica Ghawi,
Gordon Cowden,
Jesse Childress,
John Larimer,
Jonathan Blunk,
Veronica Moser-Sullivan,
Alex Sullivan,
Alexander Teves,
Rebecca Wingo,
and AJ Boik.

Aurora was devastated in the aftermath of the shooting, but we have come together as a community in a demonstration of both strength and resilience, and tomorrow we will come together again to remember those who were lost last year.

AURORA REMEMBRANCE

(Mr. PERLMUTTER asked and was given permission to address the House for 1 minute.)

Mr. PERLMUTTER. Mr. Speaker, I rise today with Mr. COFFMAN, Ms. DEGETTE, Mr. POLIS, and Mr. GARDNER in remembrance of the 1-year anniversary of the Aurora theater shooting.

Over the past year, victims and their families and those who lost loved ones have shown incredible courage in the face of such a terrible tragedy. That fateful night claimed the lives of those we will never forget and whose lives we will honor every day. This tragedy has not and will not define the city of Aurora, or the Denver area, or Colorado.

We want to thank and recognize the outstanding work of the police officers, medical staffs, and first responders who acted bravely and selflessly on July 20 and continue to serve the people of Aurora and Denver every day.

Mr. Speaker, I ask for a moment of silence for those who were killed and for those who were maimed physically and emotionally last year in the Aurora, Colorado, theater shooting.

OBAMACARE

(Mr. RICE of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICE of South Carolina. Mr. Speaker, Democratic Senator MAX BAUCUS was dead-on when he called the

President's health care law a ''train wreck.'' Its effects are becoming clear and undeniable. It is stifling economic growth and job creation, premiums are skyrocketing, and record numbers of employers are delaying hiring or hiring part time to avoid the employer mandate.

I recently heard from a hardworking small business owner, Sue Lee, who owns a hardware store in Latta, South Carolina. Since the passage of ObamaCare, she has seen her insurance premium balloon to more than $2,100 per month, or $26,000 per year, for three employees. That's outrageous. How can we expect our small businesses to grow and expand when they are forced to comply with more and more burdensome Federal regulation?

I am so glad we have the Federal Government to dictate to we helpless citizens which coverages we need. We can't be trusted to make that choice ourselves. How can we expect our small businesses to hire when they can't afford to buy maternity coverage on every employee, regardless of their age, mental health coverage on every employee? And substance abuse coverage on every employee is mandated by this ill-conceived and poorly drafted law.

The American economy would have already recovered if we could get the Federal Big Brother out of the way. I'm glad we delayed the employer and individual mandates, but the only way to relieve this law's enormous drag on our economy and get hardworking Americans back to work is full repeal.

SUCCESSFUL LAUNCH OF SECOND MOBILE USER OBJECTIVE SYSTEM SATELLITE

(Mrs. DAVIS of California asked and was given permission to address the House for 1 minute.)

Mrs. DAVIS of California. Mr. Speaker, I rise today in support of the uniform and civilian employees at the Navy's Space and Naval Warfare Systems Command, or SPAWAR, and their successful launch of the second Mobile User Objective System satellite MUOS–2.

With the MUOS–2 launch just hours ago, our services will have a next-generation narrowband tactical satellite communications system designed to significantly improve ground communications for U.S. forces. This achievement comes at a time when most DOD civilians, including those who worked on this project, are being forced to take a pay cut because Congress cannot fix sequestration.

It would be natural for our Federal workers to listen to the debate in Washington about the budget and feel that their work is not valued. Mr. Speaker, I value our Federal workers. And MUOS–2 is only the latest example of the important role they play even in these troubling times.

EMAIL SPYING BY GOVERNMENT AGAINST CITIZENS

(Mr. POE of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POE of Texas. Mr. Speaker, a few minutes ago, I sent out an email. I tweeted about an hour ago and posted on Facebook this morning. We have a world of instant, unlimited email storage, high-speed broadband, social media, and cloud computing. However, after 180 days, government agencies can snoop through everything I just mentioned. How in the cloud is this possible?

Because current law allows spying government to seize without warrant or probable cause emails over 180 days old. Big Government can demand a private company turn over a citizen's information without their consent, without their knowledge, or telling citizens later their emails have even been seized. This is a violation of the Fourth Amendment.

That's why Representative ZOE LOFGREN and I have introduced bipartisan legislation to protect a citizen's right of privacy against government. Our legislation will update the Electronic Communications Privacy Act. Government can't seize and snoop through your mail. It shouldn't be able to seize and snoop through your emails without warrant or probable cause.

And that's just the way it is.

WE HAVE A PRESIDENT, NOT A KING

(Mr. STEWART asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEWART. Mr. Speaker, I wish that our President had the same respect for our Constitution that our Founding Fathers had, but he doesn't. He simply doesn't; for far too many of his political decisions are made with little regard for the sacred document that has guided our Nation for more than 200 years.

Several weeks ago, the President announced that he is not going to enforce certain provisions of ObamaCare. Now, whether it is a good policy or bad policy is not the point. The point is the President does not have the authority to make such a decision. The President is constitutionally bound to enforce the laws of the land.

How would my Democratic friends feel if Mitt Romney had been elected and in his first day in office he had decided that he was going to pick and choose which parts of ObamaCare he was going to enforce? Or what if he decided that the capital gains tax was a drag on the economy and he was no longer going to enforce that law?

The President's willingness to pick and choose which laws he will enforce is dangerous and demeaning to our democracy. It's demeaning to the very idea of an elected form of government. We have a President, not a King.

I hope the President will remember his constitutional oath.

THE HUMAN TOLL OF PRESIDENT OBAMA'S WAR ON LOW-COST AMERICAN ENERGY

(Mr. ROTHFUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTHFUS. Mr. Speaker, this afternoon, I'm heading home, heading home to western Pennsylvania. People back home are being negatively impacted by President Obama's war on low-cost American energy and all the regulations that are emanating from the unelected Federal elites here in Washington, D.C. We've got power plants closing back in western Pennsylvania, resulting in hundreds of lost jobs. We've got miners with middle class incomes also being laid off. We've got truckers and shippers jobs also being threatened.

President Obama's anti-energy agenda hurts all of those folks in western Pennsylvania and around the Nation. These hardworking moms and dads are losing their jobs, their livelihoods, and their ability to support their families and communities. This is the human toll of President Obama's war on low-cost American energy. It's a tragedy, and it must end.

WORLD EVENTS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2013, the gentleman from Texas (Mr. GOHMERT) is recognized for 60 minutes as the designee of the majority leader.

Mr. GOHMERT. Mr. Speaker, so much is happening in the world today, so much that is really earthshaking in its potential effect.

In the Middle East, I've spoken before about the potential rise of a new Ottoman Empire that, unfortunately, our own country, this Obama administration, has helped jump-start.

In Egypt, we supposedly had a friend. There were comments to direct attention to. Back on June 2, the BBC reported an interview in 2009 where during the interview the President was asked:

> Do you regard President Mubarak as an authoritarian ruler?

President Obama said, in part:

> He has been a stalwart ally in many respects, to the United States. He has sustained peace with Israel, which is a very difficult thing to do in that region. But he has never resorted to, you know, unnecessary demagoguing of the issue, and has tried to maintain that relationship. So I think he has been a force for stability and good in the region.

He points out, obviously there have been criticisms, but he saw him as a force for good in the region.

That's rather amazing when you look at what happened—we recall it was an

Arab Spring, that we've later since realized was more of a nightmare winter. Certainly, the people of Egypt did not see it as a ''spring'' after President Morsi got around 13 million votes from the potential, as I understand, 50 million or more that could have voted. And he took over; and he began creating problems; and he became dictatorial; and he started violating his own constitution and taking actions that only a monarch or a tyrant should be taking.

But going back to the disposition and deposal of Mubarak in Egypt, it creates problems for a country when their leader on one occasion says, as the President did:

> He has been a stalwart ally in many respects, to the United States. He has sustained peace with Israel, which is a very difficult thing to do in the region. But he has never resorted to, you know, unnecessary demagoguing of the issue, and has tried to maintain the relationship. So I think he has been a force for stability and good in the region.

What kind of message does it send to the world from what has been referred to as the remaining superpower in the world when its leader says to the world, this man has been a force for stability and for good, and then, not so long later, the same U.S. leader says he's got to go? He's got to go. He just needs to be done.

Well, if he was a force for stability and good, if you were accurate in those comments, then one would think to get rid of him would bring about instability and bad—to use the antonyms. But push, cajole, make efforts to force Mubarak to leave, we did. And as the President said, you know, he had been an ally.

□ 1215

That doesn't look very good when other nations start trying to determine how should we deal with the United States.

In one of my trips overseas meeting with foreign diplomats, I was told that diplomats from China regularly stop by and ask, Have you learned that you cannot trust the United States yet? Because one of these days you are going to figure that out; you can't trust the United States. They'll say they're your friend one day and then turn around and be your enemy soon after. One of these days you're going to figure out the United States can't be trusted, they're not your friend, and we're ready to be your friend whenever that happens. Just let us know. We're always ready to be your friend. You can trust us.

Well, I'm not so sure about that, but I am concerned about the U.S. lack of credibility. So Mubarak was ousted and the Muslim Brotherhood took over Egypt. The people of Egypt, on the whole, very good, decent people. The moderate Muslims that reside there didn't want Muslim Brotherhood, didn't want tyrants, but enough people didn't come out early on.

The Muslim Brotherhood had the best organization, and anybody with any intelligence in the region or anybody that watched news other than CNN could figure that out, that the Muslim Brotherhood was going to take over, but they were not what the rank-and-file people really wanted. That became clear when the rank-and-file people saw Morsi, a Muslim Brotherhood member who actually technically said he was withdrawing since he was leader of Egypt. But his comments, so disparaging and slanderous of Israelis and Jews, and certainly uncomplimentary of Americans, did not make him someone that the United States should endorse so wholeheartedly.

In Libya, though Secretary Gates, Secretary of Defense, said we have no national interest in Libya at all, we had a President that decided unilaterally—at least, unilaterally in this country. He did have the support of the 57 States that comprise the organization Islamic Council and he had support of some of the NATO countries that got a lot of oil from Libya. He went in unilaterally, when it certainly did not appear there was any will of a majority of Congress to use American assets, military assets, to take out Qadhafi.

Make no mistake about it, Qadhafi was a man who had blood on his hands, there's no question. Qadhafi was a man who had been engaged and supported terrorism. But interestingly, after 2003, when the United States, under President Bush, went into Iraq because both Democrats and Republicans, most of them, believed he was a threat, and according to the CIA notes, some guy named Joseph Wilson also believed that they were trying to get uranium, and even though there had been reports of yellowcake uranium having been taken out of Iraq, President Bush went into Iraq and in record time Saddam Hussein, his defense became the mother of all weak defenses and he was ousted.

All of a sudden Qadhafi, in Libya, went from a man who had been supporting terrorism to a man who was afraid of the United States and all of a sudden wanted to be our dear friend. There was a document that was made public that says the United States rescinded Libya's designation as a state sponsor of terrorism in June of 2006. Libya renounced terrorism and weapons of mass destruction in 2003 and has continued to cooperate with the United States and the international community to combat terrorism and terrorist financing.

On July 20, Malian President Amadou Toumani Toure confirmed to the Malian press that Libya, Algeria, and Mali planned to coordinate military and intelligence efforts to fight security threats linked to al Qaeda in the lands of the Islamic Maghreb in the Sahel-Saharan region.

Interestingly, Qadhafi had a true conversion experience when he became afraid that the United States might invade him next because of his support for terrorism, and he actually and legitimately did became an ally in the war against terror. In fact, when we look at things that the U.S. did—this is from The Washington Post, certainly not one of my biggest fans. But July 9, 2009, they reported that:

> Libyan leader Muammar Qadhafi, who former President Ronald Reagan once denounced as a ''mad dog,'' supped on pasta just two seats away from President Obama at the Group of Eight summit today and even secured a handshake with the U.S. President.

It talked about Qadhafi attending the summit, and it said, as Obama was shaking hands with Qadhafi, there were families of Pan Am 103 victims gathered at the British Embassy in Washington, it goes on, because they still were concerned about the blood he had on his hands.

So that was rather interesting that all of a sudden this was a man we could shake hands with, be friends with, and work deals with. Of course, Senator MCCAIN was one of those who had gone over and felt like there was an opportunity to be friends. In fact, with regard to Mubarak, Senator MCCAIN, supportive of the Obama administration and Secretary Clinton, had said this: the case of Mubarak is a great example that Mubarak was a great friend of the United States. Mubarak's predecessor concluded Camp David agreements and he stuck to it. Basically, there was a stable relationship between Egypt and Israel.

With regard to Qadhafi, this article from Reuters from August 14, 2009:

> Senator McCain and the delegation with him expressed their deep happiness to meet the leader—

Talking about Qadhafi.

> and praised him for his wisdom and strategic vision to tackle issues of concern to the world in his efforts to sustain peace and stability in Africa.

So there were bipartisan feelings when the Obama administration started that, gee, Mubarak was an ally, Qadhafi had become an ally as somebody who could be trusted, and all these things. They're easy to find on the Internet, just a Bing search away from finding these things.

So the world watches this and they look for consistency. Because one of the things, for those who are fans of baseball, some umpires call balls and strikes with a different strike zone. But having been an umpire and having played baseball, you can live with somebody that calls a ball just off the outside corner as a strike as long as he's always consistent. So, you know, you can trust this umpire. He skewed a little bit, but he's consistent, so you can always trust him.

Consistency is critically important in the area of foreign affairs, yet we don't seem to have been very consistent when we used our military resources to help oust Muammar Qadhafi after he had a conversion experience and was doing what he could to help us fight terrorism outside of Israel. Some referred to him as the best friend we

had in getting inside information on terrorism to help us combat it.

There was the sense here in Congress we had no business getting involved in Libya, especially as the reports emerged that al Qaeda was backing rebels and we didn't know how extensive that al Qaeda involvement was. But we knew it was there. We knew there were radical Islamists that were trying to drive Qadhafi out, and this administration did not pause long enough to get an answer to the question: If we drive Qadhafi out, will we be more safe in America or less safe?

Because, despite this desire to please the organization of Islamist Council and others in NATO, the number one obligation of this Congress and this President is to provide for the common defense of the people in this country. We took an oath to support this country under this Constitution against all enemies foreign and domestic.

The reasoned analysis of Libya during this so-called Arab Spring that was really a freezing winter was that we are going to be in more trouble if Qadhafi is thrown out than if he is kept there—at least, those of us who looked at it besides the OIC and some that were getting oil from Libya who felt otherwise. But most people could see you're helping create instability into the region. If you look at the map of the former Ottoman Empire, you can see it around north Africa coming around up through the Middle East and Turkey, and you can see this starting to take shape.

We helped get rid of Mubarak and all of a sudden we get a radical Islamist in charge of Egypt. We helped not just merely with words and coercion but with bombs to get rid of Qadhafi. Many believe it is doubtful Qadhafi would have fallen, and certainly wouldn't have fallen when he did, if it weren't for all our bombing and air support to help the al Qaeda-backed rebels to throw him out and ultimately have him tortured and killed.

So where was the reasoning about how much this would help America, to allow radical Islamists to take Egypt and Libya? And then coming on around, as things fomented in Syria, it looked like initially these were not al Qaeda-backed rebels in Syria, and perhaps, as some believe, if we had acted quickly enough, if we had someone that wouldn't vote ''present,'' if we had acted quickly enough, maybe we could have supported rebels who were not al Qaeda rebels, not radical Islamist rebels. But as it has degenerated in Syria now, and even as recent as this week, people are admitting that it looks like Assad really is more in control now.

It is degenerated to the point where our national security interest is not to get into the middle of that fight. You have a tyrant of a leader on one hand, and you have radical Islamists, most of whom would like to destroy the United States as well, who are challenging him. Where in the world is the interest in spilling American blood or treasure in getting into Syria?

With regard to Syria, we can look at comments that this administration had about Assad. CNSNews.com reported, March 28, 2011:

> Secretary of State Hillary Clinton, on Sunday, drew a contrast between Syrian President Bashar Assad and his late father and predecessor, and said U.S. lawmakers who recently have visited Damascus regarded him as a ''reformer.''
>
> She made the startling comment while explaining why the United States will not intervene on behalf of Syrian civilians revolting against the regime as it has done in the case of Libya.
>
> President Assad has been very generous with me in terms of the discussions we have had.

This is Secretary of State Kerry, continued.

□ 1230

> ''And when I last went to—the last several trips to Syria—I asked President Assad to do certain things to build a relationship with the United States and sort of show the good faith that would help us to move the process forward.''
>
> He mentioned some of the requests, including the purchase of land for the U.S. Embassy in Damascus, the opening of an American cultural center, noninterference in Lebanon's election, and the improvement of ties with Iraq and Bahrain, and said Assad had met each one.
>
> ''So my judgment is that Syria will move; Syria will change as it embraces a legitimate relationship with the United States and the West and economic opportunity that comes with it and the participation that comes with it.''

Also in March of 2009 from the Jerusalem Center for Public Affairs, it says:

> In early February, in a reversal of a longstanding U.S. policy, the U.S. Department of Commerce approved a license to sell Boeing 747 parts to Syria . . . A few weeks later, the U.S. Treasury Department authorized the transfer of $500,000 to the Children with Cancer Support Association, a Syrian charity associated with President Bashar Assad's wife, Asma. Both decisions were seen as a softening of U.S. sanctions and an important U.S. diplomatic overture.

So it goes on, our cozying up with Assad. Perhaps that's why, when others around the world were saying that you have some moderates who were rebelling against Assad and that perhaps we can help them, this administration had already started having good feelings with the Assad administration, and perhaps that contributed to the slowness to want to move and act.

One thing is very clear at this point—it should be to anybody who looks objectively—Syria is not a place the United States should be involved in right now because, when the winner between two forces fighting is not going to be helpful—no matter who it is—to our country and when our oath and obligation is to this country, we should not get involved in that.

There are stories about gunrunning, running guns from Libya to Syria. Hopefully, at some point, we'll know exactly what the story was on that and is on that. Was it ongoing? Was it going on when Chris Stevens was involved? Hopefully, our leadership will allow us to pursue that properly and get the information so that we know exactly what happened, because we still have not gotten to the bottom of what happened in Benghazi, and there are families of dead patriots who died in Benghazi who deserve to know the answers.

So we supported and were thrilled—I say ''we,'' meaning this administration, not the Congress, necessarily—and seemed to be pretty impressed with Morsi's taking over. Though reports came out of the slanderous things he said about Jews and Israelis and Americans, this administration seemed to be thrilled with his taking the position that he did, and seemed to be comforted by his saying—this is a Texas paraphrase—You know, I may have been part of the Muslim Brotherhood, but I'll kind of back off of that for a while.

If you look at what he did, here are developments as reported by FOX News in Cairo in 2012:

> In June: Morsi was elected President with 51.7 percent of the vote. He was sworn in. He became Egypt's first civilian Islamist ruler;
>
> In August: A gunman kills 16 guards near the border with Israel; Morsi scraps a constitutional document which handed sweeping powers to the military, and he ousted Field Marshal Mohamed Hussein Tantawi, who was Head of State after Hosni Mubarak's fall in February of 2011;
>
> In November: Morsi decreed that he would have sweeping new powers for himself. Later that month, the Islamic-dominated constituent assembly adopted a draft constitution after a process boycotted by liberals and Christians;
>
> In December: Morsi annulled the decree of giving himself increased powers after all of the rancor and the people began to rise up in Egypt. Later in the month of December, 64 percent of the voters in a two-round referendum backed the new constitution in a vote that was marred by low turnout. The people of Egypt could see what was going on. Egypt plunged into political crisis with demonstrations by Morsi supporters and opponents, and they sometimes turned deadly;
>
> Coming through April 2013: Sectarian violence north of Cairo kills four Christians and a Muslim;
>
> In May: Morsi carried out a cabinet reshuffle, which fell short of opposition demands. Later in May, gunmen kidnapped three policemen and four soldiers in the Sinai peninsula. They were freed on May 22;
>
> In June: Egypt's highest court invalidated the Islamist-dominated Senate, which assumed a legislative role when Parliament was dissolved and a panel that drafted the constitution. The Presidency says the Senate will maintain its powers until a new lower house is elected;
>
> Later in June: Egyptian and foreign nongovernment official employees were given jail sentences, ranging from 1 to 5 years, from working illegally, causing international outrage. We know there were some good people who were jailed for nothing except trying to help people;
>
> On June 15: Morsi announced the ''definitive'' severing of relations with war-torn Syria;
>
> On June 21: Tens of thousands of Islamists gather ahead of a planned opposition protest;
>
> On June 23: Defense Minister Abdel Fattah al-Sisi warns the army will intervene if violence erupts;

On June 28: The U.S. says nonessential Embassy staff can leave after an American is killed during protests;

On June 29: U.S. President Barack Obama urges Morsi to be more ''constructive'' as the death toll rises. The Tamarod ''rebellion'' campaign, which called rallies for June 30, says more than 22 million have signed a petition demanding Morsi's resignation and a snap election. The reports are that the largest demonstration may reach 33 million.

There had never been a demonstration in the entire world of as many as 20 million people, but the people of Egypt rose up. They recognized that radical Islamists in charge of their country were not a good thing even though the leaders of our country and the executive branch could not see the obvious.

In having talked to Egyptians who were furious with CNN—because most of them don't get FOX News, and so they're relegated to CNN. They were furious at how CNN seemed to take the side of the Muslim Brotherhood over and over, and they related that CNN was basically a part of the Muslim Brotherhood, at least as conveyed to me. There were people very upset.

Why are they not more objective?

And I tried to explain to them, Look, you have to understand that CNN has gotten such low ratings at times in the last couple of years that sometimes we've got more people watching C–SPAN—they're that bored—than watching CNN. Even though we're not part of the Nielsen ratings with the coverage here in the House, there are estimates. How sad is that for the once great Cable News Network?

What's even sadder is that this administration, with all of its assets and intelligence ability at its fingertips and disposal and with supposedly all of the people it could ever want—the people they thought were the best in the world at analyzing foreign situations—they thought Morsi was a good thing. Then, as you look at the map and as you see this jump-start of an Ottoman Empire having developed, wow, a problem occurred.

As I've said on this floor, Egyptians have caught me and have said, Hey, you're in Congress. Quit helping the Muslim Brotherhood. They're not good for Egypt. We don't like their tyrannical nature. We want to have a government where we have some say. We don't want tyrannical people who are Muslim. We don't want that.

Just as in Afghanistan, moderate Muslims say, We don't want radical Islamists, like the Taliban, controlling our country.

I can't blame the administration for the constitution that was forced on Afghanistan—that forced shari'a law, that forced a centralized nation. Many of them I've met with over in Afghanistan. Together with the Northern Alliance leaders we've met with, they've said, Look, if you could just give us a more federalist government like you're supposed to have in America where States have more power; if you could let our regions elect our governors instead of the President appointing them and elect our mayors instead of the President appointing them; if you could let us have more control, we can keep the Taliban from taking over. We're Muslim, but we don't want the radical Islamists. Don't leave us in a situation where that's what we have.

That's what we left them with and appeared to encourage in Egypt. It's certainly what we left Libya with, and four Americans were dead in Benghazi as a result. Bad decisions, unfortunately, at the level of the highest positions in the United States of America have terrible consequences all around the world.

As I've mentioned, an elderly African from west Africa told me before I left a couple of years ago, We were so excited when you elected a Black President in America, but we've seen America. It appears to be growing weaker and weaker, and you're not taking the strong stance you used to. We're concerned because, if America does not stay strong, we will suffer around the world, those of us who count on you to stand for freedom and what's right. Please don't get any weaker.

There are people around the world pleading that, and they don't even ask us to be the world's policeman. They just ask us to stand strong so that, if we were needed to stop an outright injustice that could threaten the world, including us, we could step in. But unfortunately, in the Middle East, nobody fears the United States and nobody is threatened by the United States. They see us as a paper tiger.

It has been amazing, though. If you just watch certain cable news networks—and even FOX I don't think has done quite an adequate job of really capturing what has been going on in Egypt. This is for the whole history of mankind. We are talking about a major, incredible, earthshaking revolution that has gone on in Egypt. These are people—moderate Muslims, combined with Coptic Christians, coupling themselves with liberal secularists—who don't want radical Islam running Egypt. So this grand scheme of building a great caliphate, a new Ottoman Empire—whatever you want to call it—ran into a huge problem when these incredible, freedom desiring Egyptians rose up in greater numbers than has ever arisen anywhere in the world in the whole history of mankind.

This is incredible—incredible—and people need to recognize and need to be encouraged, not by the Arab winter that was originally called an Arab Spring, but by the true spring that is now happening in Egypt as moderate Muslims and Coptic Christians and caring secularists have arisen together and said ''no'' to radical Islam. We want freedom. We want a say in our government.

In having visited with a friend who has been over there and has taken pictures and talked to people, she said it was amazing to see the Egyptian pope have people—Muslims—come up and say, We are so sorry for the way Christians are being treated in Egypt by the Morsi administration. We are so sorry. We hope we can change this to where we can live together in peace.

That's what they want. Twenty, thirty million people coming out in protest? That would scare the little, puny Occupy Wall Street people to death. It's incredible.

□ 1245

The people of the United States, Mr. Speaker, need to understand we are living in a time that we are witnessing extraordinary international events, even when people at the highest levels of this country do not recognize how extraordinary it is. Perhaps they do, but perhaps they're embarrassed because radical Islam, through the Muslim Brotherhood, is now taking over Egypt and Libya and trying to take over Syria and putting our allied King Abdullah in Jordan in the hot seat, trying to force agreements out of him over the threat of deposing him.

People over in the Middle East get it. The people in Russia and China, leaders there, they get it. This is a big deal. But perhaps our administration has been embarrassed by not recognizing the real truth of what was going on.

I thought it would be helpful to just look at some of the photographs just recently taken during these demonstrations to get more of a feeling of where the Egyptian people are as this most extraordinary of revolutions is taking place. And it's important to note that you can talk to people in Egypt that say, Look, we want to be friends with the United States. We like the United States, but we cannot stand the fact that your government, we believe, really helped force us into having a Muslim Brotherhood, a radical Islamist in charge of our country. We didn't want it. You forced the elections on us before we were ready. Some would say, Well, they chose their own elections. We were helping. We could've delayed them until more people had time to participate. But all the information that I was hearing here on the Hill, that was nonclassified, indicated that if elections occurred when they did, the Muslim Brotherhood would win. They were the most organized. And if they could be delayed to a time where the people themselves had a chance to organize and be heard, that there really would be a good turn in Egypt.

But this administration did not help, did not delay the elections long enough to allow the true Egyptian people to be heard, and as a result, no matter how unfair it may be or how fair it may be, the Egyptian people, millions and millions of them, have a terrible perception of the leadership of the United States. They make clear they like America, they like the United States, but the leadership currently did them great harm.

We know that when the President was elected, as he went around and

spoke in the Middle East, some said that this was going to really increase the love and affection between the United States and majority-Muslim countries. The polling data seems to say just the opposite: that our country, because of the leadership of this administration, is respected and admired far less than it ever was even under the Bush administration, because at least under the Bush administration they knew that Bush would be consistent, whether they liked him or not.

So I think it would be helpful to look at some of these pictures, one of the big posters that was being used during the revolution. Make no mistake. When the Egyptians put messages in their big banners and signs in English, they want the message coming to America. The message these Egyptians had:

Egyptians spoke. Al-Sisi listened. We the people have spoken.

So they're appreciating the military leader that—after 20 million, 30-plus million Egyptians arose that dwarfed the small number of votes that Morsi got in the early election, the people of Egypt spoke. This was a revolution, an uprising by the people. And the military heard and witnessed the people rising up, and it answered and said, Okay, Morsi goes, because they recognized, as did the vast people across Egypt, that he had violated the Constitution. He had become a tyrant. He had become a dictator, and he had to go. Our administration here was slow to recognize. It's very sad because we do have a very intelligent President in the United States. Yet, the image they have in Egypt is that he sided with the wrong people, that the masses in Egypt did not want.

So on this same poster where they're praising the leader of the military in Egypt for listening to the majority of adults in Egypt and doing the right thing for democracy, they have a red ''X'' through our great President's face. It's terribly unfortunate. It does not actually do what this President and most of us in this country hoped—well, at least majority-Muslim nations will look on us more favorably, and this is what we're seeing.

I have another poster here during the massive protests. From what I was told by people that were there, they got really upset as CNN kept saying this is a coup, this is a coup, trying to diminish the importance of what was happening with 20 million, 30 million Egyptians rising up. So obviously they mean this for United States consumption. But these are things that massive numbers of people in Egypt were supportive of. It's a revolution, not a military coup, 33 million Egyptians protesting peacefully against Morsi, the tyrant and terrorist, who was supported by the USA. They want to make sure that we understand this is the real people of Egypt rising up. We need to be supportive of that.

Another sign:

New supreme guide of the Muslim Brotherhood. Anne Patterson, hands off Egypt.

There were multiple of those signs around as people were gathering.

They've seen what this administration did, and they didn't like it. These were the masses. The symbol of the Muslim Brotherhood was in the same circle with CNN because they began to feel in Egypt that CNN was not reporting accurately, that the people did want to live in peace with Christians and did want to live in peace with secularists, and not at the hands of a Muslim Brotherhood tyrant.

This sign, in both English and their language, says, ''Obama supports terrorism.'' Well, of course President Obama doesn't support terrorism. Of course he does not. But the way it looked to Egyptians when we were supporting a terrorist, they presume we must and our President must support terrorism. We know he doesn't, but they don't know that because this Nation, this administration has supported terrorists in Libya and Egypt, and is now trying to get support for terrorists in Syria.

Another sign during the demonstrations obviously for U.S. consumption:

My dear American friend, when you get killed by terrorists, do not blame anyone but your President Obama and his administration.

Well, that's ridiculous. When we're killed by terrorists in America, we should not blame the President. There may be negligence in America by many people when it occurs, as I believe happened with the Boston bombing. We were given information that was not properly utilized because of the handcuffing that has gone on within our FBI, within our intelligence community, within our State Department, and the purging of training material to keep us, as one intelligence officer said, from being able to see who our enemy is. We have hurt ourselves in a terrible fashion in our ability to understand who wants to kill us.

I don't support any of these signs. I don't think they're proper. But I think it's important to understand what the people in Egypt are seeing and thinking so that we can give them the proper perspective on American people.

You can't really read the whole thing on this one, but it is basically making it clear this is not a coup, it's the people:

Thanks to our great Army that supports our great revolution.

In the October Revolution in the Soviet Union, Lenin appeared there in St. Petersburg and persuaded some people to support his revolution, but that revolution, that little gathering would not have done any good, as historians know. It was not until Trotsky went across to the military, across the river—I've been there—and he got up on something and he starts speaking eloquently to the military. Once he convinced the military to side with Lenin, then there was a true revolution that occurred. Nobody called that a coup. It was a small handful of people around Lenin rising up, but they convinced the military to support the October Revolution. As a result, there was a revolution and not just a tiny little uprising, which it would have otherwise been without Trotsky's eloquence.

That's why it's important to understand that when 33 million in Egypt rise up, this is not an in-house coup. This is the masses of a great country rising up to say, We yearn to be free, and we don't want a radical Islamist controlling our country. And it's important for people of the United States to understand this is where we are. And 33 million people, the vast majority of the adult voters in that country, want to make clear they want to live in peace with Christians, secularists. Those are the people we can hold accountable and trust more that they will do the right thing because the support for the persecution of Christians around the world, the persecution and the killing of Christians, the torturing of Christians around the world, is growing like never before, and this great nation that arose based on Judeo-Christian ethics stands idly by as the last public Christian church in Afghanistan closed, as the last Jew, publicly admitting Jew, leaves.

That's when Afghanistan still had vast American presence. Even today, we could still turn the tide if we choose to, but we are not. And there may be an accountability issue some day with the judge of all judges. Because as John Quincy Adams argued, right down here below us in the old Supreme Court chamber downstairs, in the Amistad case, as he stood there representing Africans who were free Africans, but then they were wearing chains, and they were said to be slaves because they had been captured by other Africans and sold and brought to the Caribbean and then put on the Spanish ship the Amistad, and then they landed in America by mistake, and the Africans wanted to be free and the Spanish said, No, they're our property. Ultimately, the Supreme Court downstairs—you can find online, Mr. Speaker, the last part of John Quincy Adam's oral argument as he was literally frightened because he knew if he had not done an adequate job to argue his case, that those Africans would wear chains for the rest of their lives, and their children would and possibly their children, if he did not do an adequate job in representing them.

He didn't feel good about the first 2 days of his argument. So he finishes by asking, Where is Chief Justice Marshall? And he ran through the names of every justice that had been on the court and was dead.

□ 1300

One of the Justices of that nine-Justice Court had died during oral arguments one night. It was not during the arguments themselves, but during the course of the arguments. So they were down. He asked where he was. He asked where the solicitor general was that

had last argued a case against him in the early 1820s. And he ends up pointing out, in essence, they've all gone to meet their Judge, and the biggest question about their lives is did they hear, Well done, good and faithful servant?

John Quincy Adams won the case, and those Africans left as free as they should have been.

But some of us have a fear that if we do not do more to support truth and justice and the American ideals that this country was founded on, there will come a day of judgment; and but for grace, it would be a horrible thing. But we still have an obligation to do the best we can, to meet our sworn obligations, and to let people like this in Egypt know that we want to stand with free nations and be friends of free nations.

Here's another big banner that was there during the Egyptian protest:

Egypt will remain a civil state. Live, freedom, social justice.

And then with an American in the picture, the caption says:

We know what you did last summer.

They've gotten the wrong impression of the people of America, and it's up to the Americans to demand our leadership give the people of Egypt the proper impression that we do care about freedom-loving people.

Here's another one. It's hard to read, but:

Obama and Patterson support terrorism in Egypt.

Well, we know that's not true, but there are masses over there that believe that. We've got to correct that, and the way you do that is by supporting people who really do want to be free.

And another picture that just came from Egypt, I was told the Egyptians love America, but they don't trust our leadership.

We have an obligation. Our obligation is to the United States of America. And in this Congress, our obligation is to our oath, to fulfill our oath. And those of us who are Christians, to whom oaths mean so much more, we owe everything we have, owe everything we can do to support our Constitution and to protect people in this country from all enemies, foreign and domestic, and to protect our Constitution from all enemies, foreign and domestic.

And there are some who would say, you know, the Muslim Brotherhood, they got pretty violent over to Egypt and Libya and other places, and there are Muslim Brotherhood members in the United States. As one Egyptian article pointed out with pride, gee, they can be proud, they have six Muslim Brotherhood members who are high level confidants in this administration, in important positions of really advice in this administration.

The Muslim Brotherhood members here in America, as I understand it, did not support the Boston bombing because their position is we are doing such a great job of infiltrating and getting key positions of advice where we can monitor and watch and talk people into doing what we believe should be done, we don't want to stir up violence in the United States now; but maybe at some point it'll be necessary, but right now we're doing so well helping infiltrate the government and take over that we don't want violence right now. It may wake up the American people.

But the truth is anyone in this country or around the world that wants to subvert our Constitution to sharia law is an enemy of the United States. Whether they live here domestically or they live abroad, if their allegiance is to subvert the U.S. Constitution to sharia law, they are our enemy. And they are people from whom we took an oath to protect our Constitution and this country. The people of Egypt, God bless them, they have arisen and made clear, we don't want radical Islamists running our country. We don't want to see Christians persecuted and killed and tortured, as has been going on. Those are the kind of people this Nation should befriend and not try to rush in and shore up those who would persecute, torture, and kill Christians and Jews and secularists that just want to be free.

Mr. Speaker, we have an awesome obligation. We have an obligation to the people of the United States of America to get things right around the world so we do not put Americans at risk. And for those who would try to put a racial label on anything, there's nothing racial about wanting right and truth and justice. And I wonder where they were when I was supporting Alan Keyes. It's not about race; it's about truth, justice. It's about the life, liberty, and pursuit of happiness with which we were endowed by our Creator. But just like any inheritance, any endowment, if we're not willing to protect it, if we're not willing to fight for it, we will lose it.

With that, Mr. Speaker, I yield back the balance of my time.

HAPPY BIRTHDAY, PRESIDENT NELSON MANDELA

(Ms. JACKSON LEE asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE. Mr. Speaker, let me thank the gentleman from Virginia for his courtesy, and I thank the Speaker.

Yesterday was the 95th birthday of former President Nelson Mandela. What a joy to be able to hear that during the time of celebration that we had here in the United States Congress, President Mandela, who had been ill for a period of time, had earphones on and was looking at television. The words that came from the minority and majority leader, Republicans and Democrats, the Speaker and leader, Republicans and Democrats and various leaders of the House, commended and recognized that a man who had come from the tyranny of separation and apartheid, who had to be against his government in order to free his people, could be recognized and applauded, because when he walked out of Robben Island, he walked without bitterness.

And one of the greatest opportunities that he gave to the world was the idea that there could be a democratic election in South Africa. And from that time, he has been a man who promoted peace and promoted love and led his nation out of the devastation of separation and bitterness with kindness and love.

I'm delighted to stand on the floor today and say: happy birthday, Madiba; happy birthday, President Nelson Mandela. And if it's God's will, may you live forever onward in better health.

UNANSWERED BENGHAZI QUESTION NO. 4

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2013, the Chair recognizes the gentleman from Virginia (Mr. WOLF) for 30 minutes.

Mr. WOLF. Mr. Speaker, today I ask my fourth question in a series of unresolved issues surrounding the Benghazi terrorist attacks. With only eight more legislative days before the Congress departs for August recess, I'm increasingly concerned that these questions will remain unanswered by the time we mark the 1-year anniversary of the Benghazi attacks the week we return from recess in September.

That is why I continue to raise these questions to provide the American people with a better understanding of how little we really know about this incident, despite nearly a year of investigations in multiple committees. Unless these questions are answered by the committees, or rather by a select committee focused on Benghazi as I have advocated for more than 8 months, the American people will never learn the complete truth.

Today I am pleased to share one piece of good news before I raise the fourth critical unanswered question. At my request today, the House State and Foreign Operations Appropriations Subcommittee reported out a bill that prohibits funding from the Millennium Challenge Corporation (MCC) from going to the country of Tunisia.

Last year, Tunisia detained the first suspect in the Benghazi terror attacks, Ali Harzi, after he was deported from Turkey in the weeks following the attack.

Tunisia, despite being a beneficiary of more than $300 million in U.S. foreign aid by the American people, refused to allow the FBI access to this suspect for nearly 5 weeks. It was only after congressional threats to cut off the aid that the Government of Tunisia reconsidered its position.

Ultimately, the FBI interrogation team returned to Tunisia and was allowed just 3 hours to interview Harzi,

with his lawyer and a Tunisian judge present. Not long after the FBI interview, Harzi was inexplicably released by the Tunisian authorities, and his release was celebrated by the terrorist group Ansar al Sharia.

Consider that for a moment the Tunisian Government kept the FBI interrogation team waiting on the ground for 5 weeks before they ultimately left the country. Only under the threat from certain Members of the U.S. Congress did Tunisia relent and allow the FBI team to return to interview this suspect for a mere 3 hours. Then, when the terrorist is released, there is a celebration. That's shameful. We lost four Americans in the attack on Benghazi and a number were wounded and two were wounded very seriously.

Because of Tunisian's obstruction of the FBI's investigation, the House has taken the first step today to send a signal to Tunisia and other countries harboring the terrorists responsible for the death of four Americans in Benghazi. This is an important and overdue step—overdue because the Obama administration could have long ago suspended or terminated its payments to Tunisia or other countries that failed to cooperate with the FBI in this investigation.

This brings me to today's question, the fourth in a series of critical unanswered question: Why has the Obama administration not taken any steps to apply pressure to countries that have refused to allow the FBI access to terrorists responsible for the Benghazi attack?

After nearly a year of investigation, has the FBI had access to any other suspects in any other country other than their brief interview with Harzi?

Even more importantly, nearly a year after the Benghazi attacks, why has no Benghazi terrorist faced any form of justice for the killing of four Americans, including a sitting U.S. Ambassador?

Reports indicate that upwards of 100 terrorists may have attacked the consulate and annex. We can't even bring one of those 100 to justice after a year? How is it that after nearly a year of investigation, and despite the full resources of the U.S. intelligence, defense, and law enforcement agencies, we are still unable to locate, apprehend, and bring to justice any of the suspected terrorists?

□ 1315

One can't help but ask whether the administration really wants a full and transparent accounting of what transpired on that fateful night. The administration's record certainly does not reflect it.

The American people may wonder if the government really wants progress made in this investigation for fear that it will no longer be able to hide behind the FBI investigation as its excuse not to comment on what happened in Benghazi.

Consider that in May, the Associated Press reported, and I quote from the Associated Press:

The U.S. has identified five men who might be responsible for the attack on the diplomatic mission in Benghazi, Libya, last year, and has enough evidence to justify seizing them by military force as suspected terrorists, officials say. But there isn't enough proof to try them in a U.S. civilian court as the Obama administration prefers. The men remain at large while the FBI gathers evidence.

If this report is accurate, it recommends a stunning abdication of responsibility on the part of this administration to allow known Benghazi terrorists to continue to walk free because the President refuses to use military force to capture or eliminate them.

When will the FBI be able to gather enough evidence to use in a civilian trial against them if they're denied access by countries because the administration refuses to use the tools of American diplomacy to bring pressure to bear on those countries?

Additionally, there's a larger question of whether it is even appropriate, if enough evidence is gathered, to bring the terrorists to the U.S. for a civilian trial. Benghazi was a battlefield, not a crime scene. Those responsible should face justice as enemy combatants, not as common criminals.

As we mark the 1-year anniversary of the Benghazi attacks, how can any of us really say to the families of the victims, or the wounded survivors—and we should know who the survivors are, because they are heroes—that the U.S. has done everything they can to locate, capture, and hold accountable those responsible?

I want to credit Representative KAY GRANGER, the chair of the Appropriations Subcommittee that blocked additional funding for Tunisia. I hope this Congress will similarly hold accountable the other countries that obstruct the FBI's efforts to arrest or interview other suspects. It is increasingly clear the Obama administration will not.

How many years will it take until any, if not all, of the Benghazi terrorists face justice for killing four Americans and seriously wounding several others?

Mr. Speaker, I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HORSFORD (at the request of Ms. PELOSI) for today on account of medical-mandated recovery.

ADJOURNMENT

Mr. WOLF. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 18 minutes p.m.), under its previous order, the House adjourned until Monday, July 22, 2013, at noon for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

2277. A communication from the President of the United States, transmitting notification that the Executive Order issued declaring a national emergency with respect to the unusual and extraordinary threat that significant transnational criminal organizations pose to the national security, foreign policy, and economy of the United States is to continue in effect beyond July 24, 2013, pursuant to 50 U.S.C. 1622(d); (H. Doc. No. 113—48); to the Committee on Foreign Affairs and ordered to be printed.

2278. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Rochester Yacth Club Fireworks, Genesee River, Rochester, NY [Docket No.: USCG-2013-0312] (RIN: 1625-AA00) received July 12, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2279. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations; ODBA Draggin' on the Waccamaw, Atlantic Intracoastal Waterway; Bucksport, SC [Docket No.: USCG-2013-0102] (RIN: 1625-AA08) received July 2, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2280. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations; Marine Events, Wrightsville Channel; Wrightsville Beach, NC [Docket No.: USCG-2013-0118] (RIN: 1625-AA08) received July 2, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2281. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations and Safety Zones; Marine Events in Northern New England [Docket No.: USCG-2012-1057] (RIN: 1625-AA08; AA00) received July 2, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2282. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations For Marine Events, Atlantic City Offshore Race, Atlantic Ocean; Atlantic City, NJ [Docket No.: USCG-2013-0305] (RIN: 1625-AA08) received July 2, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2283. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Area, Gulf of Mexico: Mississippi Canyon Block 20, South of New Orleans, LA; Correction [Docket No.: USCG-2013-0064] (RIN: 1625-AA11) received July 2, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2284. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 219 to Mile Marker 229, in the vicinity of Port Allen Lock [Docket No.: USCG-2013-0376] (RIN: 1625-AA00) received July 2, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2285. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Inbound Transit of M/V TEAL, Savannah River; Savannah, GA [Docket No.:

USCG-2013-0245] (RIN: 1625-AA00) received July 2, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2286. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Queen's Cup; Lake Michigan; Milwaukee, WI [Docket No.: USCG-2013-0463] (RIN: 1625-AA00) received July 2, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2287. A letter from the Attorney-Advisor, Department of Transportation, transmitting the Department's final rule — Special Local Regulation; Heritage Coast Offshore Grand Prix, Tawas Bay; East Tawas, MI [Docket No.: USCG-2013-0434] (RIN: 1625-AA08) received July 2, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MILLER of Florida. Committee on Veterans' Affairs. H.R. 602. A bill to amend title 38, United States Code, to clarify the conditions under which certain persons may be treated as adjudicated mentally incompetent for certain purposes (Rept. 113–159). Referred to the Committee of the Whole House on the state of the Union.

Mr. GOODLATTE: Committee on the Judiciary. H.R. 367. A bill to amend chapter 8 of title 5, United States Code, to provide that major rules of the executive branch shall have no force or effect unless a joint resolution of approval is enacted into law; with an amendment (Rept. 113–160 Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. RYAN of Wisconsin: Committee on the Budget. H.R. 1874. A bill to amend the Congressional Budget Act of 1974 to provide for macroeconomic analysis of the impact of legislation; with amendments (Rept. 113–161 Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII, the Committee on Rules and the Budget discharged from further consideration. H.R. 367 referred to the Committee of the Whole House on the state of the Union.

Pursuant to clause 2 of rule XIII, the Committee on Rules discharged from further consideration. H.R. 1874 referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. FARENTHOLD:

H.R. 2746. A bill to prevent undue disruption of interstate commerce by limiting civil actions brought against persons whose only role with regard to a product in the stream of commerce is as a lawful seller of the product; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WALBERG (for himself and Mr. COURTNEY):

H.R. 2747. A bill to amend title 40, United States Code, to transfer certain functions from the Government Accountability Office to the Department of Labor relating to the processing of claims for the payment of workers who were not paid appropriate wages under certain provisions of such title; to the Committee on Education and the Workforce.

By Mr. ISSA (for himself, Mr. FARENTHOLD, and Mr. ROSS):

H.R. 2748. A bill to restore the financial solvency of the United States Postal Service and to ensure the efficient and affordable nationwide delivery of mail; to the Committee on Oversight and Government Reform.

By Mr. LARSEN of Washington (for himself and Mr. YOUNG of Alaska):

H.R. 2749. A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to make certain records available to educational institutions where veterans or persons receiving educational assistance under the laws administered by the Secretary are enrolled, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. GRAVES of Missouri (for himself, Ms. HERRERA BEUTLER, Mr. HANNA, Mr. MULVANEY, Mr. CONNOLLY, Mr. MEADOWS, and Ms. MENG):

H.R. 2750. A bill to amend title 41, United States Code, to require the use of two-phase selection procedures when design-build contracts are suitable for award to small business concerns, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. HANNA (for himself, Mr. GRAVES of Missouri, and Ms. MENG):

H.R. 2751. A bill to amend the Small Business Act to prohibit the use of reverse auctions for design and construction services procurements; to the Committee on Small Business.

By Mr. ALEXANDER:

H.R. 2752. A bill to amend the Internal Revenue Code of 1986 to exclude seasonal workers from the applicable large employer determination for purposes of employer shared responsibility regarding health coverage; to the Committee on Ways and Means.

By Mrs. BLACK:

H.R. 2753. A bill to amend title XVIII of the Social Security Act to improve Medicare Advantage, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BUTTERFIELD (for himself, Mr. SMITH of Texas, Mr. WAXMAN, Mr. TERRY, Mr. SCALISE, and Mr. CASSIDY):

H.R. 2754. A bill to amend the Hobby Protection Act to make unlawful the provision of assistance or support in violation of that Act, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GALLEGO (for himself, Mr. VEASEY, and Mr. VELA):

H.R. 2755. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income the administratively uncontrollable overtime of Border Patrol agents; to the Committee on Ways and Means.

By Mr. AL GREEN of Texas (for himself, Mr. COHEN, Mr. BUTTERFIELD, Mr. HINOJOSA, Mr. HONDA, and Ms. MOORE):

H.R. 2756. A bill to require any State which, after enacting a Congressional redistricting plan after a decennial census and apportionment of Representatives, enacts a subsequent Congressional redistricting plan prior to the next decennial census and apportionment of Representatives, to obtain a declaratory judgment or preclearance in the manner provided under section 5 of the Voting Rights Act of 1965 in order for the subsequent plan to take effect; to the Committee on the Judiciary.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. RANGEL, Mr. ELLISON, Ms. NORTON, Mr. HOLT, Mrs. NEGRETE MCLEOD, Mr. FARR, and Ms. LEE of California):

H.R. 2757. A bill to amend title XIX of the Social Security Act to remove the exclusion from medical assistance under the Medicaid Program of items and services for patients in an institution for mental diseases; to the Committee on Energy and Commerce.

By Ms. LOFGREN:

H.R. 2758. A bill to prohibit States from carrying out more than one Congressional redistricting after a decennial census and apportionment, to require States to conduct such redistricting through independent commissions, and for other purposes; to the Committee on the Judiciary.

By Mrs. MCCARTHY of New York:

H.R. 2759. A bill to amend the Elementary and Secondary Education Act of 1965 to establish a Volunteer Teacher Advisory Committee; to the Committee on Education and the Workforce.

By Ms. PELOSI (for herself, Ms. ESHOO, Mr. HUFFMAN, Ms. LEE of California, Ms. LOFGREN, Mr. GEORGE MILLER of California, Mrs. NAPOLITANO, Ms. ROYBAL-ALLARD, Ms. SPEIER, Mr. SWALWELL of California, and Mr. THOMPSON of California):

H.R. 2760. A bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the Panama-Pacific International Exposition and the Panama Canal, and for other purposes; to the Committee on Financial Services.

By Mr. SCHIFF (for himself, Mr. POE of Texas, Mr. HOLT, Mr. HUFFMAN, and Mr. VAN HOLLEN):

H.R. 2761. A bill to require Presidential appointment and Senate confirmation of Foreign Intelligence Surveillance Court judges; to the Committee on the Judiciary, and in addition to the Committee on Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SENSENBRENNER:

H.R. 2762. A bill to amend the Federal Power Act to establish a regional transmission planning process, and for other purposes; to the Committee on Energy and Commerce.

By Ms. SLAUGHTER (for herself, Mr. REED, Mr. MAFFEI, and Mr. HANNA):

H.R. 2763. A bill to reauthorize appropriations for the National Women's Rights History Project Act; to the Committee on Natural Resources.

By Mr. STOCKMAN (for himself, Mr. NEUGEBAUER, Mr. PEARCE, Mr. FRANKS of Arizona, Mr. BONNER, and Mr. DUNCAN of South Carolina):

H.R. 2764. A bill to provide that human life shall be deemed to exist from conception; to the Committee on the Judiciary.

By Mr. WITTMAN (for himself and Mr. ALEXANDER):

H.R. 2765. A bill to amend the Immigration and Nationality Act to promote the economic survival of seasonal small businesses by ensuring that the wages paid to H-2B nonimmigrants are fair and reasonable; to the Committee on the Judiciary.

By Mr. PRICE of Georgia (for himself, Mr. COURTNEY, Mr. BUCSHON, Mr. BOUSTANY, and Mr. BENISHEK):

H. Res. 307. A resolution expressing support for designation of October 6, 2013, through October 10, 2013, as ''American College of Surgeons Days'' and recognizing the 100th anniversary of the founding of the organization; to the Committee on Energy and Commerce.

By Ms. ROS-LEHTINEN (for herself, Mr. DEUTCH, Mr. BILIRAKIS, and Mr. SARBANES):

H. Res. 308. A resolution expressing support to end the 39-year-old division of the Republic of Cyprus; to the Committee on Foreign Affairs.

By Ms. WATERS (for herself, Ms. LEE of California, Mrs. CHRISTENSEN, Ms. BORDALLO, Mr. ELLISON, Ms. NORTON, Mr. RANGEL, Mr. CONYERS, Mr. ENYART, Ms. JACKSON LEE, Mr. RUSH, Ms. WILSON of Florida, Ms. CLARKE, Mr. MEEKS, Mrs. BEATTY, Mr. CLAY, Mr. HASTINGS of Florida, Mr. POLIS, Mr. DANNY K. DAVIS of Illinois, Mr. LEWIS, Ms. HAHN, Mr. LEVIN, Ms. BROWN of Florida, Mr. WATT, Mr. SMITH of Washington, and Ms. SEWELL of Alabama):

H. Res. 309. A resolution supporting the goals and ideals of National Clinicians HIV/AIDS Testing and Awareness Day, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CHABOT (for himself, Mr. ROHRABACHER, Mr. MESSER, Mr. HOLDING, and Mr. PERRY):

H. Res. 310. A resolution calling for more accountable foreign assistance for Cambodia; to the Committee on Foreign Affairs.

By Mr. HOYER (for himself, Mr. LEWIS, Mr. CLYBURN, Mr. LARSON of Connecticut, Mr. BRADY of Pennsylvania, Mr. CONYERS, Mr. LANGEVIN, Ms. FUDGE, Mr. HINOJOSA, and Ms. CHU):

H. Res. 311. A resolution urging the President and Congress to take actions to fill vacancies on the Election Assistance Commission; to the Committee on House Administration.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. FARENTHOLD:

H.R. 2746.

Congress has the power to enact this legislation pursuant to the following:

Article 1 §8

By Mr. WALBERG:

H.R. 2747.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8, clause 3 of the Constitution of the United States

By Mr. ISSA:

H.R. 2748.

Congress has the power to enact this legislation pursuant to the following:

Art. I, Sec. 8

To establish Post Offices and post Roads.

By Mr. LARSEN of Washington:

H.R. 2749.

Congress has the power to enact this legislation pursuant to the following:

As described in Article 1, Section 1 ''all legislative powers herein granted shall be vested in a Congress.''

By Mr. GRAVES of Missouri:

H.R. 2750.

Congress has the power to enact this legislation pursuant to the following:

The Congress enacts this bill pursuant to Clause 1 of Section 8 of Article I of the United States Constitution, which provides Congress with the ability to enact legislation necessary and proper to effectuate its purposes in taxing and spending.

By Mr. HANNA:

H.R. 2751.

Congress has the power to enact this legislation pursuant to the following:

The Congress enacts this bill pursuant to Clause 1 of Section 8 of Article I of the United States Constitution, which provides Congress with the ability to enact legislation necessary and proper to effectuate its purposes in taxing and spending.

By Mr. ALEXANDER:

H.R. 2752.

Congress has the power to enact this legislation pursuant to the following:

Article 1 Section 8, which states that Congress had authority ''To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Depart or Officer therof.''

By Mrs. BLACK:

H.R. 2753.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 1 of the United States Constitution; whereby the Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Mr. BUTTERFIELD:

H.R. 2754.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3—The United States Congress shall have power to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Mr. GALLEGO:

H.R. 2755.

Congress has the power to enact this legislation pursuant to the following:

THE U.S. CONSTITUTION ARTICLE I, SECTION 8:

POWERS OF CONGRESS CLAUSE 18

The Congress shall have power . . . To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.

By Mr. AL GREEN of Texas:

H.R. 2756.

Congress has the power to enact this legislation pursuant to the following:

Necessary and Proper Clause (Art. 1 sec. 8 cl. 18)

By Ms. EDDIE BERNICE JOHNSON of Texas:

H.R. 2757.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Section 8 of Article I of the United States Constitution.

By Ms. LOFGREN:

H.R. 2758.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 4

Section 5 of Fourteenth Amendment

By Mrs. MCCARTHY of New York:

H.R. 2759.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the powers granted to the Congress by Article I, Section 8, Clause 3 of the United States Constitution.

By Ms. PELOSI:

H.R. 2760.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8. ''The Congress shall have Power . . . to coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;''

By Mr. SCHIFF:

H.R. 2761.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, clauses 1, 3, and 18 of the Constitution of the United States.

By Mr. SENSENBRENNER:

H.R. 2762.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the United States Constitution

By Ms. SLAUGHTER:

H.R. 2763.

Congress has the power to enact this legislation pursuant to the following:

Clause 18 of Section 8 of Article I of the Constitution.

By Mr. STOCKMAN:

H.R. 2764.

Congress has the power to enact this legislation pursuant to the following:

This legislation affirms that human life begins at conception and that the unborn are entitled to the same rights and protections afforded to all American citizens under the U.S. Constitution and Section 1 of the 14th Amendment which states, ''No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.''

By Mr. WITTMAN:

H.R. 2765.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 4, which states that Congress has the power to establish a uniform Rule of Naturalization.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 32: Ms. DEGETTE, Ms. HANABUSA, Mrs. CAPITO, Mr. HINOJOSA, Mr. BRADY of Pennsylvania, Mr. DOYLE, and Mr. ROONEY.

H.R. 183: Mr. BARLETTA.

H.R. 207: Mr. KELLY of Pennsylvania and Mr. FLEMING.

H.R. 366: Ms. SHEA-PORTER.

H.R. 367: Mr. SMITH of Missouri.

H.R. 419: Mr. MESSER.

H.R. 508: Mr. OWENS.

H.R. 533: Mr. LOWENTHAL.

H.R. 647: Mr. FORBES.

H.R. 676: Ms. LORETTA SANCHEZ of California.

H.R. 683: Mr. BERA of California.

H.R. 721: Mr. KILDEE.

H.R. 792: Mr. ROSKAM.

H.R. 868: Ms. KELLY of Illinois.

H.R. 901: Mr. BEN RAY LUJÁN of New Mexico, Mr. HECK of Nevada, and Mr. AMASH.

H.R. 935: Mr. SALMON, Mr. SCHWEIKERT, Mr. COTTON, Mr. DESJARLAIS, Mr. KLINE, Mr. BARLETTA, Mr. STIVERS, Mr. GINGREY of Georgia, Mrs. ROBY, Mr. FLEISCHMANN, and Mr. POMPEO.

H.R. 938: Ms. SLAUGHTER, Mr. WALZ, Mr. DELANEY, and Ms. MICHELLE LUJAN GRISHAM of New Mexico.

H.R. 942: Mr. PAYNE and Mr. CICILLINE.

H.R. 956: Mr. KINGSTON, Mr. SHUSTER, and Mr. AUSTIN SCOTT of Georgia.

H.R. 1000: Mr. HUFFMAN.

H.R. 1009: Mr. COLLINS of New York.

H.R. 1014: Mr. MCCAUL, Mr. RODNEY DAVIS of Illinois, and Mr. THORNBERRY.

H.R. 1015: Ms. WATERS and Mr. VEASEY.

H.R. 1024: Mr. LARSON of Connecticut and Mr. DESJARLAIS.

H.R. 1077: Mr. BURGESS and Mr. PITTENGER.

H.R. 1091: Mr. DESJARLAIS and Mr. ALEXANDER.

H.R. 1095: Mr. JOHNSON of Ohio, Mrs. MILLER of Michigan, and Mr. COLE.

H.R. 1179: Mr. KILMER.

H.R. 1180: Mr. KILDEE, Mr. KEATING, Mr. KENNEDY, and Ms. CHU.

H.R. 1201: Mr. LOEBSACK.

H.R. 1209: Mr. PETERS of Michigan and Mr. MICA.

H.R. 1250: Mr. NUNNELEE.

H.R. 1288: Mr. TIERNEY.

H.R. 1310: Mr. BUCHANAN.

H.R. 1431: Mrs. BUSTOS, Mr. MAFFEI Mr. PERLMUTTER, Mr. POCAN, and Mr. CARTWRIGHT.

H.R. 1541: Mr. MULVANEY.

H.R. 1563: Mr. BARLETTA.

H.R. 1677: Mrs. NAPOLITANO.

H.R. 1686: Mr. CARTWRIGHT.

H.R. 1692: Mr. PITTS and Mrs. BEATTY.

H.R. 1708: Ms. SLAUGHTER.

H.R. 1717: Mr. MCINTYRE, Mr. BACHUS, Mr. ALEXANDER, Mr. YOUNG of Indiana, and Mr. LYNCH.

H.R. 1731: Mr. GEORGE MILLER of California and Mr. SIRES.

H.R. 1750: Mr. YOUNG of Alaska, Mr. GOSAR, Mr. HARPER, Mr. BARLETTA, Mr. PALAZZO and Mr. PETERSON.

H.R. 1761: Mr. RUPPERSBERGER and Mr. SARBANES.

H.R. 1771: Mr. WOODALL, Mr. PITTS and Ms. MICHELLE LUJAN GRISHAM of New Mexico.

H.R. 1775: Mr. HUFFMAN, Mr. HIGGINS and Mr. SWALWELL of California.

H.R. 1812: Mr. JOHNSON of Georgia.

H.R. 1814: Mr. HALL, Mr. DUFFY, Ms. TSONGAS, Mr. CASSIDY, Mr. DUNCAN of Tennessee and Mr. FRANKS of Arizona.

H.R. 1825: Mr. CAMP.

H.R. 1830: Ms. WATERS.

H.R. 1861: Mr. COLLINS of New York.

H.R. 1918: Mrs. MILLER of Michigan.

H.R. 1950: Mr. GIBBS.

H.R. 1953: Ms. SCHAKOWSKY.

H.R. 1998: Mr. BRALEY of Iowa and Mr. LOWENTHAL.

H.R. 2000: Mrs. NAPOLITANO.

H.R. 2011: Mr. LOWENTHAL and Mr. JONES.

H.R. 2016: Mr. CAMP.

H.R. 2019: Mr. CAMP and Mr. PEARCE.

H.R. 2039: Mr. BARBER and Ms. SINEMA.

H.R. 2068: Mr. SCHRADER, Ms. MICHELLE LUJAN GRISHAM of New Mexico, Mr. POLIS, and Mr. BEN RAY LUJÁN of New Mexico.

H.R. 2072: Ms. SINEMA.

H.R. 2086: Ms. SINEMA.

H.R. 2098: Mr. CAMP.

H.R. 2139: Mr. POLIS.

H.R. 2189: Ms. SINEMA.

H.R. 2195: Mr. CICILLINE and Mr. SIRES.

H.R. 2203: Mr. STIVERS and Mr. JOYCE.

H.R. 2229: Mr. KIND.

H.R. 2273: Mrs. BEATTY.

H.R. 2309: Mr. FRELINGHUYSEN, Mr. CAMP, Mrs. ELLMERS, and Mr. LOBIONDO.

H.R. 2332: Mr. KLINE.

H.R. 2341: Ms. SINEMA.

H.R. 2399: Mr. SWALWELL of California and Mr. JORDAN.

H.R. 2413: Mr. COLLINS of New York.

H.R. 2424: Ms. KUSTER, Ms. ESHOO, Mr. ELLISON, and Mr. TIERNEY.

H.R. 2429: Mr. PRICE of Georgia, Mr. AMASH, Mr. SMITH of Missouri, and Mr. GIBBS.

H.R. 2445: Mr. WEBER of Texas and Mr. OLSON.

H.R. 2449: Mr. COTTON.

H.R. 2457: Mr. SCHIFF.

H.R. 2464: Ms. BROWN of Florida.

H.R. 2465: Ms. SCHAKOWSKY, Mr. BLUMENAUER, and Ms. BROWN of Florida.

H.R. 2475: Mr. QUIGLEY, Ms. PINGREE of Maine, Mr. HUFFMAN, and Mr. LARSEN of Washington.

H.R. 2504: Mr. GARDNER, Mrs. CAPITO, Mr. MICHAUD, and Mr. COURTNEY.

H.R. 2527: Mr. BARBER.

H.R. 2541: Mr. HUDSON, Mr. WESTMORELAND, and Mr. WALBERG.

H.R. 2549: Mr. GARCIA, Mr. NOLAN, Ms. LINDA T. SÁNCHEZ of California, and Mr. CÁRDENAS.

H.R. 2575: Mr. SMITH of Missouri.

H.R. 2579: Mr. BROUN of Georgia, Mrs. MILLER of Michigan, Mr. PEARCE, Mr. CRAWFORD, and Mr. MCCAUL.

H.R. 2581: Mr. GRIFFITH of Virginia and Mr. GOSAR.

H.R. 2633: Ms. FUDGE, Mr. MCDERMOTT, and Ms. MICHELLE LUJAN GRISHAM of New Mexico.

H.R. 2643: Mr. RUNYAN.

H.R. 2648: Ms. JACKSON LEE and Ms. WILSON of Florida.

H.R. 2665: Mr. RANGEL.

H.R. 2675: Mr. OWENS and Mrs. KIRKPATRICK.

H.R. 2677: Mr. KIND and Mr. COBLE.

H.R. 2682: Mr. WALBERG, Mr. CRAWFORD, Mr. GOSAR, and Mr. SMITH of Missouri.

H.R. 2694: Mr. RUNYAN.

H.R. 2730: Mr. VELA.

H.J. Res. 34: Mr. POCAN, Ms. MICHELLE LUJAN GRISHAM of New Mexico, and Ms. DELBENE.

H.J. Res. 43: Mrs. BEATTY, Mr. HIMES, Mr. YARMUTH, and Mr. COHEN.

H.J. Res. 51: Mr. KELLY of Pennsylvania.

H. Con. Res. 27: Mr. PASCRELL.

H. Con. Res. 39: Mr. HUDSON, Mr. CRAMER, Mr. POE of Texas, and Mr. MURPHY of Florida.

H. Res. 72: Mr. RUNYAN.

H. Res. 204: Ms. SINEMA.

H. Res. 230: Ms. SINEMA.

H. Res. 281: Mr. BILIRAKIS, Mr. CONAWAY, Ms. BROWNLEY of California, Mr. CONNOLLY, Mr. MCGOVERN, Mr. JONES, Mr. PERRY, Ms. JENKINS, Mr. MEEHAN, Mr. MILLER of Florida, Mr. PITTS, and Mr. RANGEL.

H. Res. 284: Mr. MESSER and Mr. HALL.

H. Res. 285: Mr. BISHOP of New York and Ms. ESHOO.

H. Res. 305: Mr. COOPER.

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PROCEEDINGS AND DEBATES OF THE 113th CONGRESS, FIRST SESSION

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Senate

The Senate met at 12:15 and 28 seconds p.m. and was called to order by the Honorable MAZIE K. HIRONO, a Senator from the State of Hawaii.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. LEAHY).

The assistant bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 19, 2013.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MAZIE K. HIRONO, a Senator from the State of Hawaii, to perform the duties of the Chair.

PATRICK J. LEAHY,
President pro tempore.

Ms. HIRONO thereupon assumed the Chair as Acting President pro tempore.

ADJOURNMENT UNTIL TUESDAY, JULY 23, 2013 AT 10 A.M.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands adjourned until 10 a.m., Tuesday, July 23, 2013.

Thereupon, the Senate, at 12:15 and 59 seconds p.m., adjourned until Tuesday, July 23, 2013, at 10 a.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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EXTENSIONS OF REMARKS

PAMELA JONES-MORTON, FROM ESTERO, FLORIDA, AWARDED THE CARNEGIE MEDAL

HON. TREY RADEL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 19, 2013

Mr. RADEL. Mr. Speaker, I would like to congratulate Pamela Jones-Morton for being awarded the Carnegie Medal for her bravery in saving Audrey L. Hart and Colleen M. Page from a burning car in Bonita Springs, Florida. I am submitting a copy of the Carnegie Hero Fund Commission's news release which includes Mrs. Jones-Morton's story.

[From the Carnegie Hero Fund Commission, June 25, 2013]

Pamela Jones-Morton saved Audrey L. Hart and Colleen M. Page from burning, Bonita Springs, Florida, December 10, 2011. Audrey 3, was the back-seat passenger in the sport utility vehicle drive by her grandmother, Page, 49, that collided with another vehicle and overturned onto its passenger side. Page was suspended, restrained by her safety belt, and Audrey was secured in a child safety seat as flames erupted on the undercarriage of their vehicle. Driving nearby, Jones-Morton, 64, retired educator, witnessed the accident. She approached the sport utility vehicle and attempted to open tis only accessible door, at the rear, but it was locked. At Jones-Morton's urging, Page unlocked the doors. Jones-Morton opened the rear door, cleared items from the cargo area, and entered. The only passageway inside the vehicle was between the tops of the seats and the ceiling, and Jones-Morton maneuvered through it, discovering Audrey as she did so. After struggling to release Audrey from her seat, Jones-Morton carried her to the back of the vehicle and stepped outside. She then reentered it for Page. She made her way to the front of the vehicle and released Page's safety belt, Page then falling to the passenger door. The two women made their way to the back of the vehicle and excited. Flames spread quickly, engulfing the vehicle before firefighters arrived.

STUDENT SUCCESS ACT

SPEECH OF

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 2013

The House in Committee of the Whole House on the state of the Union 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:

Mr. CONYERS. Mr. Chair, I rise today in opposition of H.R. 5, the so-called Student Success Act.

H.R. 5 reauthorizes the Elementary and Secondary Education Act (ESEA), and it is one that we have waited a long time to revisit. I hoped that we could work together on this bill because all of us care about our children's growth and development. Both Republicans and Democrats share concerns over the rate at which we are falling behind other nations. And whether you are liberal or conservative, we know that we need to hold our schools accountable for their performance.

That is why this bill is so distressing. H.R. 5 is as dysfunctional as anything else that has come to the floor this Congress. It may not be as pointless as the 38th and 39th votes to repeal Obamacare that we had Wednesday. And it may not have been rammed down our throats quite as aggressively as the Farm Bill was last week. But this bill is still a piece of unilateral maneuvering—when we could be working together.

Instead of spending public funds for the public good, H.R. 5 creates a quota system that shifts funds to private schools that are meant to go to low-income children and schools. Along the way to privatizing our public schools, it decreases accountability for states and school districts by block-granting specialized grant programs—allowing funds meant to address specific hardships to be diverted elsewhere.

I will admit to my friends across the aisle, that while I know some in your base may buy into that pipedream—it is not the way to rebuild America. Formalizing the distinctions between our two Americas is not the key to healing our nation. Nor is depriving extra help to students with special learning barriers.

Give our children their future. Give them a bill that will guarantee a 21st century school system to lead the world. I urge my colleagues to use this opportunity for something greater than mere posturing, and oppose this bill.

STUDENT SUCCESS ACT

SPEECH OF

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 2013

The House in Committee of the Whole House on the state of the Union 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:

Mr. GENE GREEN of Texas. Mr. Chair, I rise today to express my opposition to H.R. 5, the Student Success Act. This bill undermines the fundamental purpose of the Elementary and Secondary Education Act (ESEA), which was created to ensure that disadvantaged children are provided a high-quality education that allows them to compete on a level playing field with their more-advantaged peers.

Among its many problematic provisions, this bill locks in devastating sequestration-level education funding, fails to hold States and districts accountable for supporting and improving the achievement of all students, eliminates and weakens protections for disadvantaged students, and lacks critical support systems for our Nation's educators.

I believe No Child Left Behind (NCLB) is flawed and must be reformed, and reauthorization presents a tremendous opportunity to make much-needed improvements and bring our education system into the 21st century. However, instead of fixing the problems of NCLB, the Student Success Act does not reflect best practices and fails to strike the appropriate balance between flexibility and accountability.

Reauthorization should support college and career-ready standards, address the overuse of testing in teacher and school evaluations that currently forces educators to substitute test preparation for instruction, and feature an accountability system that includes meaningful targets for improving student attainment that gives schools and districts flexibility in how they achieve those goals.

I urge my colleagues to vote against H.R. 5 and instead support reauthorization that restores our Nation's commitment to providing equal opportunity for all students regardless of background.

STUDENT SUCCESS ACT

SPEECH OF

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 2013

The House in Committee of the Whole House on the state of the Union 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:

Mr. VAN HOLLEN. Mr. Chair, I rise in opposition to the legislation on the Floor today, a missed opportunity to reform our education system and ensure that every student has access to a high quality education.

We should be working in a bipartisan manner to correct the widely-acknowledged flaws of No Child Left Behind and make the law more fair, flexible, and responsive to the needs of students. Instead, the bill before us shortchanges our schools and eliminates supports for our most vulnerable populations.

We should be providing the resources our schools need to fix the achievement gap and put a good, supported teacher in every classroom. Instead, today's bill locks in post-sequestration funding levels for K–12 education and cuts back on professional development.

We should be setting high expectations for our schools and giving States flexibility to create accountability systems that improve achievement for every student. Instead, this legislation eliminates requirements for districts to fix struggling schools and ensure that all students make it to graduation.

We should be providing additional support for students with additional challenges—students with disabilities, English-language learners, and at-risk youth. Instead, we have a bill that allows funds to be directed away from these students and allows all students with disabilities to be taught at a lower standard.

We should be encouraging innovation in the classroom, empowering teachers and allowing charter schools to test new ideas. But while this bill would expand charter school availability, it does not require those schools to be accountable or transparent with taxpayer dollars.

Mr. Chair there are many missed opportunities in this bill. It continues the exclusive focus on math and reading, with no support for STEM, geography, history, the arts, or other subjects that provide a well-rounded education. It eliminates funding for afterschool programs and wraparound services that ensure students are prepared to learn.

Our students, teachers, and parents deserve better than this bill. We should come together in a bipartisan fashion, as we have always done with education in the past, to develop real reform that gives our students the skills they need to succeed in our 21st century global economy.

STUDENT SUCCESS ACT

SPEECH OF

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 2013

The House in Committee of the Whole House on the state of the Union 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:

Mr. PETRI. Mr. Chair, I rise today in support of this amendment and am pleased to be a cosponsor. Charter schools are a critical component of our Nation's public school system and are helping to foster an array of high-quality public school options for parents and their children. Today, more than 6,000 public charter schools serve a diverse student body of more than 2.3 million students in 40 States and the District of Columbia. Unfortunately, however, almost one million students find themselves on charter school waiting lists, unable to attend the school of their choice. We must do more to expand access to these high-quality public school options.

One recent study conducted by the Stanford Center for Research on Education Outcomes found that schools that have a strong start tend to remain highly successful schools in the future. The federal Charter Schools Program has been a crucial tool in helping many charter schools get this strong start. Unfortunately, however, many schools aren't able to use the funds provided through this program in ways that would be most effective for their students. This amendment would simply expand the ways in which charter schools can use the startup funds provided through this program, including for professional development, teacher training, instructional materials, and minor facilities improvements.

The amendment would also give priority to States that allow funding provided to charter schools to be shared when a student is enrolled in multiple schools. This flexibility will help support the growth of a wide array of high-quality virtual schools and other expanded learning opportunities provided through partner organizations.

Lastly, the amendment simply ensures that charter schools receiving funds under the federal Charter Schools Program are doing outreach to low-income and underserved populations. While charter schools often serve a disproportionate number of low-income students, this amendment will simply ensure that they continue to lead the way in providing access to high-quality public school options.

I urge my colleagues to support this amendment.

STUDENT SUCCESS ACT

SPEECH OF

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 2013

The House in Committee of the Whole House on the state of the Union 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:

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chair, funding for education and STEM education is an investment in our future, and perhaps one of the most important investments we make as a Nation. I am very concerned that H.R. 5 guts education funding by 1.3 billion dollars in order to lock in the sequester preventing Congress from being able to appropriate above sequester levels. According to an analysis carried out by the Information Technology and Innovation Foundation, the United States ranks second to last of the 44 countries and regions analyzed in terms of progress in innovation-based competitiveness over the last decade. It used to be that the world's best and brightest flocked to our shores. Now many of our own best and brightest are finding better opportunities in other countries, and we are losing our edge in the competition for top talent from around the world.

Mr. Chair, I have many concerns with this bill. H.R. 5 opts to convert 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. Even the highest performing students in the urban schools are faced with an uphill battle in obtaining the same academic achievement present at the high performing schools. While college preparatory courses are standard for many students in our highest performing public schools, urban school districts often lack the resources to provide the same advantages to their students.

According to the National Education Association, H.R. 5 "as a whole it erodes the historical federal role in public education: targeting resources to marginalized student populations as a means of helping to ensure equity of opportunity for all students . . . [and] perpetuate[s] a system that intentionally delivers unequal opportunities and quality to children across this country." Even according to the U.S. Chamber of Commerce, H.R. 5, "Would reduce school-level accountability, would not provide consequences for low-performing schools, and would not require states to adopt college- and career-ready standards and assessments."

Mr. Chair, the cuts in this bill which will ultimately result in a poorer education for future generations of young Americans represent a gigantic step backwards for our Nation. I strongly believe an investment in education funding is the most sensible investment we can make. The Elementary and Secondary Education Act was first enacted at the height of the Civil Rights Movement in order to increase investments in primary and secondary education, strengthen equal access to education and establish high standards and accountability. Mr. Chair, in conclusion, I cannot support the bill we have before us today which erodes and dismantles the key principles of this law.

STUDENT SUCCESS ACT

SPEECH OF

HON. TREY RADEL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 2013

The House in Committee of the Whole House on the state of the Union 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:

Mr. RADEL. Mr. Chair, I rise today in support of Mr. LUETKEMEYER's amendment that expresses the sense of Congress that States and local education agencies should maintain the ability and responsibility to set curriculum and measure achievement for their students.

This historically has been the case, but today, under current law, the Federal Government believes they should dictate policy at all levels of government.

The Department of Education heavily incentivized and pressured States into adopting the Common Core State Standards Initiatives. These national standards and assessments ultimately determine the curriculum and teaching materials used in the classroom across the nation. Common Core is a one-size-fits-all approach to instructing kids from Florida to Alaska. Washington cannot demand a similar teaching style or test result from a teacher in Cape Coral as they would from one in Milwaukee.

Common Core was adopted by many States through a heavy-handed waiver for the Administration's "Race to the Top" grant program and Title I funding. This "Race to the Top" program imposes a national K–12 core curriculum-testing program in return for funds. This top-down influence erodes state authority over education.

We have little to show for the trillions we have spent on national education mandates. Failed federal education mandates have done enough damage and it is time to once again allow our public schools the freedom to make decisions on what is best for their students.

Mr. Chair, you make the best decisions on how your child should be raised, where your child should go to school, and what your child should learn—not Washington bureaucrats. Teachers, principals and members of your local school boards, should run your child's classroom, school, and school district, not some random bureaucrat in Washington who has no clue about the challenges they face.

You know what's best for your kids, not an empty suit thousands of miles away, and that is why I rise today to support Representative LUETKEMEYER's efforts to fight for competitive excellence and innovation in our nation's education system.

PERSONAL EXPLANATION

HON. TIM RYAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 19, 2013

Mr. RYAN of Ohio. Mr. Speaker, on Thursday, July 18, 2013, I inadvertently voted "no" on roll No. 367—Young of Alaska Amendment No. 2 to H.R. 5. I had meant for my vote to be recorded as "aye".

TO RECOGNIZE THE RECIPIENTS OF THE 2013 BEST OF BRADDOCK AWARDS

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 19, 2013

Mr. CONNOLLY. Mr. Speaker, it is my great honor to recognize the recipients of the 2013 Best of Braddock Awards, presented by the Braddock District Council of Community Associations. These awards are given annually to deserving individuals, organizations and companies in the Braddock Magisterial District of Fairfax County, Va., who have demonstrated an outstanding commitment to the community.

The goal of the Braddock District Council is to promote the civic, community, and general welfare of the citizens of the Braddock Magisterial District of Fairfax County. The Council represents the interests of community associations that lie within the Braddock District, facilitates cooperation and coordination between community associations, and provides a path of communications between associations and officials/elected representatives of the Braddock Magisterial District. I am pleased to join the Braddock District Council of Community Associations in recognizing the Recipients of the 2013 Best of Braddock Awards:

Citizen of the Year—Diane DiPietro, former president of Kings West Swim Club, for her tireless efforts to turn the blighted pool property into Rabbit Run Park.

Outstanding Business—The Peterson Companies for the development and management of the Fairfax Corner Center.

Most "Can–Do" Public Employee—Ed Richardson, Manager, Park Operations Division, Fairfax County Park Authority for working with Braddock District residents to effectively carry out the FCPA mission areas of promoting and protecting our cultural and natural resources, and providing safe recreation facilities for activities and programs.

Neighborhood Enhancement or Beautification—Dave Bowden, Fairfax County Parks Authority and Craig Carinci, Fairfax County Storm Water Management, who led their teams through the successful conversion of the blighted Kings West Swim Club property to Rabbit Branch Park.

FCPA Team: Dave Bowden, Isabel Villaroel, John Lehman, Tim Scott, Julie Cline, Brian Williams, and Charles Smith.

Storm Management Team: Craig Carinci, Rose Barrie, Ron Tuttle, Elfatih Salim, Dave Anglin, Brad Melton, Yudhie Brownson, Paul Thaler, Mannan Qureshi, Joseph Adzovie, and Bruce Goudzari.

Organizations Making a Difference in the Community (2 honorees)—Food for Others (Annandale Site); and Friends of the Burke Centre Library.

Special Achievement or Recognition—The Audrey Moore Recreation Center Rescue Team—Sophie Polnow, Tim Polnow, Connie Polnow, Corey Stoney, Faith Garrish. While swimming laps on May 18, Doug Padrutt started to feel dizzy. The next thing he knew he was on the deck surrounded by lifeguards and EMTs. Due to an arrhythmia, his heart had stopped and he sank. The team pulled Mr. Padrutt out of the water, started CPR, administered the AED, called paramedics and got him conscious and calmed down all in few short minutes. Because of their quick actions, Mr. Padrutt survived and has no permanent heart damage.

Mr. Speaker, I ask my colleagues to join me in congratulating these outstanding residents and companies and also in thanking them for their service to our community. Their efforts and leadership have been a great benefit to Northern Virginia and truly merit our highest praise.

IN HONOR OF AVDHOOT BABA SHIVANAD, JR.

HON. MICHAEL G. FITZPATRICK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 19, 2013

Mr. FITZPATRICK. Mr. Speaker, it is rare in life to have the chance to recognize and honor a truly selfless person. A person who has dedicated his life to healing humanity by engaging in selfless activities for the betterment of mankind, asking only that they surrender their faith and devotion in return. This is why I am extremely proud and humbled to be here in order to honor his holiness, Avdhoot Baba Shivanad Jr., the father of sacred Anchient Indian Healing, and master of spirituality, for his work in helping United States citizens. I am deeply inspired by Babaji's deep belief that we all come into this world with vast potential, and through Shiv Yog, the process of uniting with the infinite consciousness, we can access this potential and create our own destinies. We all will honor Babaji's noble accomplishments and teachings, and it is my deepest hope that as we move on with our lives we will continue living less for our own selfish desires, and more for those around us as Babaji does.

STUDENT SUCCESS ACT

SPEECH OF

HON. SHEILA JACKSON LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 2013

The House in Committee of the Whole House on the state of the Union 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:

Ms. JACKSON LEE. Mr. Chair, I thank Chairman KLINE and Ranking Member MILLER for their work to improve education for our Nation's children. I thank the Rules Committee for making in order Jackson Lee Amendment #5 for full consideration by the House of Representatives.

My amendment to H.R. 5, the "Student Success Act," is simple and is an important addition to this bill. I believe that my amendment to H.R. 5 can be supported by every member of the House.

JACKSON LEE AMENDMENT # 5

Jackson Lee Amendment #5 would direct States with insufficient funding to target funds to schools serving neglected, delinquent, migrant students, English learners, at-risk students, and Native Americans, to increase academic achievement of such students. The purpose of the Amendment is to make the best use of the funds available to focus resources on students with the greatest need.

According to research conducted by Chester Hartman, titled, High Classroom Turnover: How Children Get Left Behind, found that a disproportionate number of schools with predominantly low-income African American and Hispanic students have low stability, and that such students are much more likely than others, to switch schools in the middle of the year. High student mobility has consequences for students, teachers, and schools and can result in lower achievement levels, slower academic pacing, and lower teaching satisfaction.

Poor families move 50–100 percent more often than non-poor families. Welfare reform has resulted in residential mobility. Migrant children typically move from community to community. Foster children often change schools each time they are removed from a home. The education administrators' role in education should emphasize meeting the needs of disadvantaged students, and students who are mobile are among the most disadvantaged.

In the past, the government has taken limited steps to address this issue. Jackson Lee Amendment #5 is intended to support schools educating children who are neglected, delinquent, migrant students, English learners, at-risk students, and Native American youth.

The topic of delinquency also presents challenges to schools and educators. Children live in their own worlds, which can present threats to their health, safety and emotional well being.

Children become delinquent or can become at-risk for a number of reasons including school bullying and violence.

Consequences of bullying:

15 percent of all school absenteeism is directly related to fears of being bullied at school.

According to bullying statistics, 1 out of every 10 students who drops out of school does so because of repeated bullying.

Suicides linked to bullying are the saddest statistic.

STATISTICS ON HOUSTON INDEPENDENT SCHOOL DISTRICT AND LARGE SCHOOL DISTRICTS

1. HISD has over 200,000 students, 80 percent of which are eligible for free and reduced price lunch. This means that, 80 percent of students come from low socioeconomic households. HISD has approximately 25 percent African American students, 63 percent Hispanic students, and 30 percent students with limited English proficiency.

2. The 100 largest districts represent less than 1 percent of all school districts in the nation, yet enrolls 21 percent of all students, including 25 percent of the Census poverty students, 33 percent of the black students, 32 percent of the Hispanic students, and 31 percent of all minority students.

Houston Independent School District's challenge in providing a world class education faces many of the challenges that Jackson Lee Amendment #5 would address.

The Nation's first line of national defense is a well educated population. Much of the Nation's defense depends on what is developed and created by STEM jobs. It is also important that men and women serving in the Armed Forces have a basic working knowledge of STEM to succeed. For these reasons, it is vital that every child have the best education that this Nation can provide. There is no one size fits all, and there are changes with each generation of teachers and students, but the one constant are the needs of all children are not the same.

There is no deterministic model that decides which child will succeed and which will fail. What we do know is that given the right learning environment with teachers with the right training and support we can graduate students who can create, innovate, lead and succeed in life.

I urge all members to vote in favor of these amendments.

JEREMY LYNN JOPLIN HIGH SCHOOL TENNIS STATE CHAMPION

HON. BILLY LONG

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, July 19, 2013

Mr. LONG. Mr. Speaker, I rise to congratulate Joplin High School's Jeremy Lynn for winning the Missouri Class 2 Boys State Tennis Championship.

Jeremy's victory demonstrated hard work, dedication, and courage. Despite battling increasing pain during the match, he won the State championship and finished with a 36–1 record for the season.

Jeremy's victory served as the capstone of a brilliant high school career. In addition to being a State champion, Jeremy is a three time district champion and a three time conference champion. His senior year established him amongst the Nation's best, ranking second in the United States Tennis Association (USTA) Missouri Valley region, as high as 47th in the entire Nation, and as the champion of the 2012 Boy's 18's USTA National Open Championship in Denver.

Jeremy's accomplishments are not just tied to the court; they extend to the classroom. In his first semester of his senior year, Jeremy earned a 4.3 GPA, achieving academic all-conference status.

I urge my colleagues to join me in congratulating Jeremy Lynn on his Missouri Class 2 Boys State Tennis Championship and a stellar athletic and academic career.

IN MEMORY OF CHRISTOPHER DOUGLAS

HON. RAUL RUIZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 19, 2013

Mr. RUIZ. Mr. Speaker, today I wish to make a statement in memory of a brave firefighter in California's 36th Congressional District, Christopher Douglas, who tragically lost his life in the line of duty.

Christopher Douglas, a native of Colorado Springs, lived in Temecula, California. Chris was an avid surfer who was well-known and respected by the local community. Chris served his country in the United States Air Force and, after leaving, became an Engineer and Paramedic for CAL FIRE. On Friday, July 5, 2013, he was struck by a vehicle along Interstate 10 in Riverside County, California, while preparing to leave the site of a traffic collision to respond to another incident. He was rushed to the hospital, but tragically passed away. Chris Douglas, an eight-year veteran with the fire department, was only 41 years old. He leaves behind his expectant wife Amy, their two-year-old son Samuel, and family members and friends. Chris died with the same courage as he lived, helping those in need.

This brave man died before his time. He was an honorable, passionate man who devoted himself to his country, his duty, and his family. His service and life are to be commended. His memory will live on in the people whose lives he inspired with his final act of sacrifice.

IN HONOR OF JOHN P. CATALDO, SR.

HON. MICHAEL G. FITZPATRICK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 19, 2013

Mr. FITZPATRICK. Mr. Speaker, John P. Cataldo, Sr. was a husband, father, grandfather, civic leader and patriot. He served his country in World War II and as a 17–year–old sailor in the United States Navy he was part of the amphibious forces that landed in France on D–Day, June 6, 1944. In civilian life, he devoted much time to his family, business, and civic and charitable organizations. Mr. Cataldo founded the public accounting firm that bears his name and continues today. As a resident of Warminster, he was a volunteer on several local boards and committees, and also an elected Warminster Township supervisor. He proudly served on the military veterans' advisory board in Pennsylvania's 8th Congressional District. For many years, he was active in the Southampton Radiant Star Lodge No. 806 and the Free and Accepted Masons. We mourn the passing of a true gentleman and acknowledge his faithful service to country and community.

HONORING THE MEMORY OF ROBERT D. GETZOFF

HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 19, 2013

Mr. QUIGLEY. Mr. Speaker, I rise today along with my colleague from New York, Representative TIM BISHOP, to honor the memory of Robert D. Getzoff. Rob was a dedicated brother, a beloved son, a caring uncle, and a fiercely loyal friend.

To his many friends, he was one of the warmest, brightest, and funniest people on Capitol Hill. Though he was a self-described ''Jewish rocker from Philadelphia,'' Rob was a friend of the Illinois Fifth District, having worked for my predecessor, then Congressman Rahm Emanuel, for four years.

Rob served as Congressman Emanuel's Legislative Counsel for the Budget, Financial Services and Ways and Means Committees—a full plate of challenging policy responsibilities and assignments that Rob fulfilled with great skill and success. No one loved it more and worked harder than Rob Getzoff. In an office that prided itself on long hours, Rob made a point of being the first person in the office in the morning, and on many nights he was the last to leave. He served his country and tackled complex challenges and tight deadlines with intelligence and humor.

Rob began his Hill career in the office of his idol, Senator Ted Kennedy, and tackled every aspect of his Hill career with the passion and dedication to public service exemplified by the late Senator. Rob's impressive record of accomplishment was built on his distinguished academic credentials. He held a bachelor's degree from George Washington University, a law degree from Temple University, and an MBA from Georgetown University. In addition to his service on the Hill, he added to his impressive credentials by becoming an expert in financial services regulatory policy while working for industry leaders including Citigroup and Bank of New York Mellon.

Rob was a true policy wonk and a brilliant political strategist. He defended his views with passion whether he was trying to expand the Earned Income Tax Credit to help low-income Americans, explaining the greatness of eighties hard rock, or the eating habits of Great Cats. He was unrelenting in pushing his colleagues to do the right thing, whether the question at hand was a pivotal vote or a quality timepiece. He left a legacy of legislative accomplishments including meaningful lobbying reform, janitors insurance, closing the corporate jet loophole, and reducing the size of the ''tax gap.'' He also played a pivotal role in drafting comprehensive tax reform legislation that made the tax code simpler and fairer for all Americans.

Rob was beloved by many who had the privilege to work with him and share his passion and dedication to work and friends. A legislative staff in a Congressional office is a small unit, and Rob was part of a family. That small group of people crammed into a not-so-

large shared space working long hours on difficult issues got to know each other about as well as you can with people assembled by someone else. In stressful moments full of ''pushback'' and ''red flags'', he could be counted on to pitch in to help, or simply remind his fellow staffers ''you love this song''.

Even after Rob left the Hill, everyone wanted to stay in touch with Rob, either through a ''pop-in'' to the Longworth office or to meet for a cup of coffee for some advice and a few laughs. He maintained his relationship with the Fifth District even after his former boss moved on to the White House, serving as a friend and mentor to my staff.

Rob brought that same joie de vivre to all of his work, on and off the Hill. It is no surprise that so many people in Washington and beyond have a story about Rob helping them out with a thorny issue, providing career advice or simply helping them during a challenging time. Rob will also be remembered by so many of us for how easy it was to become and stay good friends with him, and how we were frequently uplifted by his sense of humor, including his spot-on impressions, and his very infectious laugh.

Mr. Speaker, it's not often I find myself in the position of singing the praises of a Flyers fan, and while I'm still happy his team finished second in 2010, there's no question he's first in the hearts of his friends and family. A few years ago the derisive term ''little punk staffer'' became a badge of honor among the many who've toiled in tiny cramped spaces like 1319 Longworth. Rob was among the best little punk staffers this institution has ever seen.

He was taken from us prematurely, and so many people are devastated by this loss. But Rob wouldn't want us to be sad. He would say ''go out and enjoy your young life.'' He would want us to put on some Green Day, walk past the Capitol Dome and remember why we came to Washington in the first place. The best way to honor Rob is to do a great job while giving everything you have to some great friends. Rob, we miss you already.

PERSONAL EXPLANATION

HON. RUSH HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, July 19, 2013

Mr. HOLT. Mr. Speaker, I missed the following votes during this week:

On rollcall vote 354, on the passage of H.R. 2576, I would have voted ''aye.''

On rollcall vote 355, on the passage of H.R. 1848, I would have voted ''aye.''

On rollcall vote 356, on the passage of H.R. 2611, I would have voted ''aye.''

On rollcall vote 357, ordering the Previous Question for H. Res. 300, I would have voted ''no.''

On rollcall vote 358, on the passage of H. Res. 300, I would have voted ''no.''

On rollcall vote 359, on the Motion to Adjourn, I voted ''no.''

On rollcall vote 360, on the Motion to Recommit H.R. 2667, I would have voted ''aye.''

On rollcall vote 361, on passage of H.R. 2667, I would have voted ''no.''

On rollcall vote 362, on the Motion to Recommit H.R. 2668, I would have voted ''aye.''

On rollcall vote 363, on passage of H.R. 2668, I would have voted ''no.''

On rollcall vote 364, on ordering the Previous Question on H. Res. 303, I would have voted ''aye.''

On rollcall vote 365, on passage of H.Res. 303, I would have voted ''no.''

On rollcall vote 366, I would have voted ''aye.''

On rollcall vote 367, I would have voted ''aye.''

On rollcall vote 368, I would have voted ''no.''

On rollcall vote 369, I would have voted ''no.''

PERSONAL EXPLANATION

HON. JASON T. SMITH

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, July 19, 2013

Mr. SMITH of Missouri. Mr. Speaker, on rollcall Nos. 354 and 355, I missed these votes because my first flight was canceled, and my second flight was delayed.

Had I been present, I would have voted ''yes'' on both.

17TH NATIONAL BOY SCOUT JAMBOREE

HON. DAVID B. McKINLEY

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 19, 2013

Mr. MCKINLEY. Mr. Speaker, this week close to 50,000 Boy Scouts and members of the Scouting community are gathering in Glen Jean, West Virginia for the 17th national Boy Scout Jamboree. This 10-day event features some of the most physically challenging events in its history, including rock climbing, rappelling, white water rafting and biking. The Jamboree is a monumental event for Scouting and is a highlight for the thousands of Scouts who attend.

The first Jamboree was held in 1937 in Washington, D.C. and featured more than 27,000 Scouts who camped on the National Mall under the Washington Monument. Since that time, the Boy Scouts of America has held National Jamborees at several locations across the country, with the most recent in 2010 in Fort A.P. Hill, Virginia.

As an Eagle Scout, I could not be more proud that the Mountain State is hosting the Jamboree for the very first time and will serve as the permanent home for the event in the coming years.

This week, thousands of Scouts from around the United States, their leaders and others have travelled to the new facility near the New River Gorge in beautiful Fayette County, West Virginia. The site, known as the Summit Bechtel Family National Scout Reserve, will house Scouts, staff and adult leaders, who will enjoy the outdoors and test their abilities in a number of ways. During the Jamboree, the Summit will be the third largest city in West Virginia.

Also, because of its location in the beautiful mountains of West Virginia, physical activities will be more intense and will provide a more diverse terrain for Scouts of all ages. The Summit will challenge Scouts with programs like BMX biking, climbing, whitewater rafting, and gliding along one of the fastest zip line courses in North America.

Construction of this permanent home for the national Boy Scout Jamboree has pumped nearly $170 million into the West Virginia economy over the past four years.

The new home for the jamboree, sitting on 10,600 acres in a world-renowned adventure sports region, will undoubtedly provide a huge economic boost for the state and hopefully the participants will keep coming back to enjoy all our stunning state has to offer.

But the greatest impact the Summit will have will be on the thousands of Scouts and adults who participate. This type of impact may be not measured immediately, but will be felt for generations to come. I know that, first hand.

As an Eagle Scout from Troop 6 in Wheeling, W.Va., I can say that the lessons I learned as a young man in the Boy Scouts have stuck with me throughout my life and guided my decisions in my personal and professional career.

My experience in Scouting has helped shape who I am today.

Sadly, many of the values held true by the Scouts are sorely missing in society today. Too often, duty to God and country are not valued in our culture. That is why it is so vital that we help the Boy Scouts continue their mission.

For over 100 years the Boy Scouts have made this country a better place. More than 2.6 million Scouts are continuing to build character, promote physical, spiritual and mental growth, and acquire leadership skills for generations of young men. You can look no further than the 300,000 hours of community service that will be performed during the Jamboree to understand the positive impact Scouting has on its members and the community as a whole.

Now, the Boy Scouts of America have a brand new home to carry on their jamboree tradition in the beautiful state of West Virginia. We are also excited that for the first time in 52 years, the World Scout Jamboree will be held in the United States at this same site in 2019.

While thousands of Scouts are here to ''Go Big, Get Wild,'' we welcome them to our beautiful country roads!

IN HONOR OF DAVE PLATT

HON. MICHAEL G. FITZPATRICK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 19, 2013

Mr. FITZPATRICK. Mr. Speaker, Dave Platt, the owner of the Newtown Swim Club, in Newtown Township, Bucks County, has provided thousands of families with healthful recreational activities since 1983. Dave is closing the business and in this next chapter of his life, he plans to concentrate on his family and his health. We congratulate Dave as a man who has contributed so much to area youth and the community, overall. A veteran of the U.S. Navy, he is a past member of the board of directors of Frankford Hospital, Northeast Federal Savings, The George School and the Bucks County Planning Commission. For many years he was the owner of the Somerton Springs Golf Centers where he held

the annual Richie Ashburn Golf Classic, raising over $1 million for the Boy Scouts of America. Now, we wish Dave Platt and his family, a happy and successful future as we acknowledge his many contributions and, especially, the example he has set for others to follow.

RECOGNIZING AUGUST 26TH AS ''NATIONAL ELECTRICAL LINEWORKER APPRECIATION DAY''

HON. DENNIS A. ROSS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 19, 2013

Mr. ROSS. Mr. Speaker, I solemnly rise in memory of Marc Moore, a resident of my hometown of Lakeland, and a Florida electrical lineworker who was tragically killed while serving Floridians on August 26, 2002.

Lineworkers have one of the most dangerous occupations across our country. Utility companies throughout the United States employ over 100,000 electrical lineworkers. These individuals are some of the first people on the job after natural disasters, and are a critical component of maintaining our nation's infrastructure after hurricanes, blizzards, tornadoes, and earthquakes.

They are unsung heroes who literally put their lives on the line 24 hours a day, seven days a week, 365 days a year, to keep electricity flowing to our nation's homes, hospitals, military bases, schools, and churches.

Florida linemen not only respond to local and state emergencies; they travel to other states that experience weather related disasters to help restore service, such as the Alabama tornadoes and Hurricane Sandy on the East Coast.

Hardworking men and women, like Marc Moore, who is survived by his wife, Tracy, and two boys, risk their lives daily in dangerous circumstances to ensure reliable delivery of electricity to citizens across the state and across the country.

With that in mind, I would like to encourage my colleagues to join me in annually recognizing August 26th as ''National Electrical Lineworker Appreciation Day.''

WINTECH, INC., ''MAKE IT IN AMERICA'' MANUFACTURER OF THE WEEKMEMBER'S OFFICIAL

HON. BILLY LONG

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, July 19, 2013

Mr. LONG. Mr. Speaker, I rise today to recognize and honor WinTech, Inc., as the U.S. Commerce Department's ''Make it in America'' Manufacturer of the Week for July 1–5, 2013, as part of their National Institute of Standards and Technology Manufacturing Extension Partnership (NIST MEP).

Founded in 1991, WinTech, Inc. custom manufactures high quality, cost-effective windows for metal and modular buildings. WinTech also manufactures access doors, view ports, and panels for the HVAC industry. The company recently added a new division which produces an innovative series of commercial windows and PTAC Louvers for the construction industry.

Located in Monett, Missouri, for over twenty years, WinTech is an outstanding example of what the Manufacturing Extension Partnership aims to highlight. WinTech continues to develop innovative products, reach new markets, and create jobs through their company values of integrity, honesty, self discipline, and continuous improvement. It is these values that enable WinTech to live up to its mission of building quality, cost-effective products while striving each day to reach its full potential.

The ingenuity, creativity, and hard work of American manufacturers helped build our nation, and it is our manufacturers that are vital to keeping our nation strong. I am honored to recognize WinTech, Inc. for their contributions and outstanding work in being named the NIST MEP ''Make it in America'' Manufacturer of the Week. I am proud of the work they do and jobs they provide for Missourians in the 7th District.

REINTRODUCING THE NATIONAL WOMEN'S RIGHTS HISTORY PROJECT ACT

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 19, 2013

Ms. SLAUGHTER. Mr. Speaker, I rise today to introduce legislation to reauthorize the National Women's Rights History Project Act, cosponsored by my upstate New York colleagues Representatives TOM REED, DAN MAFFEI, and RICHARD HANNA. I originally worked with then-Senator HILLARY CLINTON to pass this bill into law in 2009. With the current authorization for the project set to expire this year, it is vital that Congress pass this reauthorization and ensure that the women who shaped our nation's history and fought for every woman's rights are remembered and honored for generations to come.

The National Women's Rights History Project will establish an auto route linking sites significant to the struggle for women's suffrage, known as the Votes for Women Trail. It will also add to the National Register of ''Places Where Women Made History,'' a variety of historic sites that were home to pivotal moments in our nation's struggle for gender equality. Finally, this Project will establish a public-private partnership network to offer financial and technical assistance for educational programs about the history of the fight for women's rights.

On this day in 1848, Elizabeth Cady Stanton, Lucretia Mott, and Mary Ann M'Clintock convened the first women's rights convention at Wesleyan Chapel in Seneca Falls, New York. This event marked the beginning of a 72-year struggle for women's suffrage. During the convention, 68 women and 32 men signed the Declaration of Sentiments, which set out radical notions such as women's freedom to own property, receive an education and earn fair wages.

I am especially proud that it was in Rochester, New York where Susan B. Anthony fought so hard for the rights that women throughout this country rely on today. Among her many efforts, Susan B. Anthony established the Equal Rights Association to refute ideas that women were inferior to men and to fight for women's right to vote. She also fought to tear down the walls holding women back from higher education.

In 1880, a woman launched a brave petition to be the first female student at the University of Rochester. For almost twenty years, the petition was flatly denied—until 1898, when the University said that women would be allowed if they raised $100,000 for the school. In today's terms, that is equal to $2 million. By June of 1900 a group of women had managed to secure $40,000, and the University decided that women would be allowed to enroll if they could raise another $10,000 by September. Scrambling to reach the new goal, the women were $8,000 short a day before the deadline. With hours remaining, Susan B. Anthony stepped forward and raised $6,000 from friends and family before pledging her own life insurance policy to raise the final $2,000 and throw open the doors of higher education in Rochester. Now, more than 100 years later, the University of Rochester is home to the Susan B. Anthony Institute for Gender and Women's Studies—one of the pre-eminent educational institutions in the world.

These are the stories of incredible courage, dedication, and unyielding belief in equality that the National Women's Rights History Project is designed to honor.

The fight for women's rights and equality still continues today. It was just 93 years ago that women were finally granted the right to vote. The struggle for women's suffrage was never easy and it is vital that we honor the sacrifices and commitment of those who blazed the trail that led us here today, where a record number of women serve in the 113th Congress.

Reauthorizing the National Women's Rights History Project Act will ensure that this important civil rights story is celebrated for generations to come. I urge my colleagues to support this bill and reauthorize the National Women's Rights History Project.

LUNCH PROGRAM

HON. RODNEY DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 19, 2013

Mr. RODNEY DAVIS of Illinois. Mr. Speaker, I rise today to highlight the problems created by the Healthy Hungry-Free Kids Act.

We are trying to balance the needs of hungry children against fighting childhood obesity in America. Kids including my three children, Toryn, Griffin, and Clark are not getting enough to eat because of athletic programs and physical education classes.

I am concerned that the food only requirements of this program are creating excessive waste and have put a financial burden on already cash strapped schools across the country. Many kids are rejecting these new menus and throwing their food away and going home hungry. While we need to look at the nutritional content of school lunches, we must also not forget the importance of physical education classes.

Illinois is currently the only state that requires students in kindergarten through high school to have PE every day. A combination

of good nutrition and exercise is essential to the health of our children.

That is why I would like to take this time to recognize and wish my children's junior high teacher Joe Champley a Happy Birthday. Joe has been a long time PE teacher in my hometown at Taylorville Jr. High School. Happy Birthday Mr. Joe!

CELEBRATING THE RED CAPS OF THE SAINT PAUL UNION DEPOT

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 19, 2013

Ms. McCOLLUM. Mr. Speaker, I rise today in honor of the Red Caps who served generations of the traveling public at the Union Depot in Saint Paul, Minnesota. For many years, the Red Caps were the first faces that many travelers saw upon arriving in Minnesota's capital city. These welcoming and dedicated men performed an important role in Minnesota's transportation history and served a vital community role as well—as the backbone of Rondo neighborhood, historically home to many of Saint Paul's African-American families.

The hard work of the individuals who served as Red Caps can be traced to the end of the Civil War, when many former slaves found work on the railroad. The growth of our nation's railroads was made possible by the tireless work of these individuals. By the 1860s Pullman porters could be seen in the station greeting passengers, carrying luggage, serving food and beverages, tending to the sleeper bunks, cleaning, and even shining shoes. The duties of these porters eventually extended to the Red Caps by the time the original Saint Paul Union Depot opened in 1881. The Red Caps filled critical jobs not only on the trains, but in the stations as well, receiving small salaries and earned tips. Many of these men settled and raised families in Saint Paul's old Rondo neighborhood. The Red Caps created a solid African-American middle class in Saint Paul that has lasted well over 85 years until traveling preferences and diminished employment led to many of the Red Caps becoming sky caps at the airport and eventually to the closure of the Saint Paul Union Depot in 1971.

This weekend marks the 30th Anniversary of Rondo Days, a vibrant community festival. As part of this anniversary, the Red Caps will be honored and celebrated for their generations of contributions to the community.

Today Red Caps can still be seen working in several stations throughout the country, continuing their strong legacy. The re-opening of the Union Depot just this past year marks another wave of change in transportation for the region, the City of Saint Paul, and along with it a dedication to the Red Caps. As a child, I remember the Red Caps fondly, and was delighted to be present during the recent commemoration of the Red Cap Room at the Saint Paul Union Depot. It is an appropriate gift for those who gave so much to our community.

Mr. Speaker, in honor of the Red Caps, I am pleased to submit this statement to recognize their hard work and contributions to the Rondo neighborhood and the city of Saint Paul.

ONE YEAR ANNIVERSARY OF THE MOVIE THEATER SHOOTING IN AURORA, COLORADO

HON. CORY GARDNER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 19, 2013

Mr. GARDNER. Mr. Speaker, tomorrow will mark the one-year anniversary of the movie theater shootings in Aurora, Colorado. The 12 killed and 82 injured never thought the midnight screening of a movie would end in violence.

We stand here today as members of the Colorado delegation to remember and honor the victims of this tragedy.

And we stand here today to honor the strength and resilient spirit Coloradans have shown in the wake of an event that sent shockwaves around the world.

The victims included children, members of the military, and people from across Colorado and the country. As accounts of the shooting began to come out, we heard more and more stories of heroics from those inside the theater.

People jumped up to shield their loved ones from harm, putting their lives on the line to save the lives of others. Complete strangers helped bring the wounded outside to safety. And first responders reacted quickly and worked urgently to save lives.

These are the people we honor today, who, in the face of evil, showed true courage.

Mr. Speaker, we will never forget the events of July 20th, 2012. And we will never forget the lives and legacies of those who lost their lives that day.

HONORING RESIDENTS OF THE NEW JERSEY 1ST CONGRESSIONAL DISTRICT KILLED IN ACTION OVERSEAS

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, July 19, 2013

Mr. ANDREWS. Mr. Speaker, I rise today to honor the bravery and sacrifice of sixteen of my constituents who have been killed in action overseas and were recently honored at the Harleigh Cemetery this past Memorial Day: Corporal Terry P. Allen, Lance Corporal Curtis Christensen, Captain Gregory Dalessio, Specialist Anthony J. Dixon, Sergeant Michael Egan, Private First Class Adam Froehlick, Lance Corporal Jon T. Hicks, Jr., Sergeant Jeremy Kane, Lieutenant Jason Mann, Captain Maria Ortiz, Captain Charles D. Robinson, Corporal Marc T. Ryan, Lieutenant Colonel John C. Spahr, Petty Officer First Class David M. Tapper, Staff Sergeant Joseph Weiglein, and Private Robert White. They join the ranks of countless Americans before them who fought on behalf of this country. These sixteen service members gave their lives in service not only to New Jersey, but the nation as a whole. They will not be forgotten.

Since before this country was even founded, young Americans have stepped forward to defend its ideals. They have fought with distinction in every corner of the globe. From the beaches of Normandy to the deserts of the Middle East, they have stood shoulder to shoulder in defense of freedom. Unfortunately, not all have returned.

These young service members laid down their lives in the preservation of liberty. They chose to devote themselves to the defense of this country and its people. The patriotism and resolve displayed by these sixteen men and women stand as a model for the rest of us. Their service should be mirrored; their sacrifice honored.

Mr. Speaker, the decision of these young men and women to serve their country will not go unrecognized, nor will their sacrifice fade from memory. I want to personally extend my condolences to their loved ones, who have also sacrificed greatly. We as a nation owe these sixteen brave men and women, and their families, a deep debt of gratitude.

75TH ANNIVERSARY OF BEST WESTERN ROUTE 66 RAIL HAVEN MOTEL

HON. BILLY LONG

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, July 19, 2013

Mr. LONG. Mr. Speaker, I rise today to commemorate the 75th anniversary of the Best Western Route 66 Rail Haven Motel, located in Springfield, Missouri.

Founded in 1938, the Best Western Route 66 Rail Haven Motel has a long and storied history of serving Southwest Missouri and travelers from all over the United States. Brothers Elwyn and Lawrence Lippman built the original motel on their grandfather's apple orchard located on the eastern city limits of Springfield and Route 66. From 1938 and on, the Lippman brothers continued to expand their motel to accompany more customers. In 1948, the Best Western motel chain was founded and Lawrence began to serve on their board of directors in 1951, making Rail Haven part of the Best Western family. The motel is the oldest continually operating national branded Best Western hotel on Route 66 and is listed on the National Registry of Historic Places.

Throughout the next half century, Rail Haven and the City of Springfield saw vast growth and change. In 1994, local Certified Public Accountant Gordon A. Elliott acquired the property and through his vision and leadership, the Best Western Route 66 Rail Haven Motel extensively remodeled and upgraded its facilities. Today vintage gas pumps and classic cars can be found on the Rail Haven grounds, which shed light on the motel's humble beginnings.

Through Gordon's hard work, innovation, and leadership, Rail Haven has seen tremendous success in recent decades. In fact, Gordon was recognized as the 2013 Springfieldian by the Springfield Area Chamber of Commerce.

The Best Western Route 66 Rail Haven Motel has a very distinct honor to be one of the original Route 66 motels. A very few number of these motels were part of the national chain, and it is very rare to find one that retains that affiliation to this day. I am honored to recognize the Best Western Route 66 Rail Haven Motel for its steadfast hard work and dedication over the past 75 years and look forward to watching its success for years to come.

HONORING THE RE-LAUNCH OF THE CHARLES W. MORGAN

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, July 19, 2013

Mr. COURTNEY. Mr. Speaker, I rise today to honor the re-launching of the *Charles W. Morgan* this weekend at the Mystic Seaport: The Museum of America and the Sea.

The *Morgan*, a 172-year-old whaling vessel, was built and launched from New Bedford, Massachusetts, in 1841. For more than 200 years, vessels like her were the economic backbone of New England. Since its retirement from the whaling industry in 1921, the *Morgan* has served as a living artifact and a testament to the ingenuity, risk, and entrepreneurship of the United States. Today, the *Morgan* is a National Historic Landmark vessel, the only remaining wooden whaleship in the world, and the oldest commercial vessel in the United States.

The *Morgan* has completed a 5-year, multi-million dollar restoration at the Preservation Shipyard of Mystic Seaport and the Sea and will be relaunched this weekend. Individuals and organizations from 22 States have contributed materials and expertise to make this launch possible. From educational curriculum to whaleboats, research to anchors, the contributions to the restoration of the *Morgan* represent a truly national effort and will help make the *Morgan*'s mission that much more meaningful. The reach of these efforts touch literally every region and corner of our nation, with contributions from the following states: Alaska Arizona, California, Connecticut, Florida, Georgia, Maine, Massachusetts, Michigan, Minnesota, Mississippi, New York, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, Washington and Wisconsin.

Next summer, the *Morgan* will embark on a ceremonial 38th voyage, embarking on a new mission devoted to history, education, science, and ocean awareness. Most notably, the *Morgan* will sail with the wood from trees blown down from recent hurricanes in her frame and decks—giving new life to these trees as the *Morgan* embarks on her own new life. For instance, live Oak wood from trees in Texas damaged in Hurricane Ike is used in the ship's frame, live oak trees from Florida blown down in Hurricane Ivan, White Oak and White Pine wood blown down by Hurricane Sandy in New York, and live Oak wood from trees in Mississippi damaged during Hurricane Katrina. That we can turn the devastation of these storms in to a positive outcome that will have lasting impact is a unique and special part of this weekend's ceremony.

Mr. Speaker, there is an understandably high level of excitement for this weekend's festivities and the *Morgan*'s upcoming mission of education, exploration and discovery next summer. I ask all my colleagues to join me in offering our congratulations to the Mystic Seaport and all those who made the restoration of the *Morgan* possible.

IN RECOGNITION OF RON COOPER

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 19, 2013

Ms. MATSUI. Mr. Speaker, I rise today to recognize Mr. Ron Cooper as he retires from Access Sacramento. As his family, friends and colleagues all gather to celebrate his outstanding career, I ask my colleagues to join me in tribute to Mr. Cooper's decades of service.

Mr. Cooper selflessly served the Sacramento media, television and radio community for 26 years at the non-profit organization, Access Sacramento. For more than 22 of those years, he was its executive director. Under his leadership, Access Sacramento became nationally recognized as a pioneer in media technology and advocate for voicing unheard, marginalized voices and opinions.

Access Sacramento has succeeded in providing important and timely ideas, thoughts, sights, and sounds, especially for minority programs that commercial and public television and radio did not find economically viable. Mr. Cooper founded and cultivated the annual "A Place Called Sacramento" film festival, which supports local filmmaking and offers training, coaching and production assistance to community filmmakers.

Mr. Cooper also gave a voice to the youth of Sacramento by creating Neighborhood News Bureaus, which initiated ingenious methods of newsgathering and collaborations with neighborhood community centers through the implementation of current media technology and training. He also worked with college students from Cosumnes River College, high school students, seniors, and individuals with disabilities, creating and fostering cooperative training arrangements to provide practical media production experience and opportunities in media careers. Mr. Cooper's tireless service enriched our democratic values by offering voter education programming during election cycles.

Mr. Speaker, I am honored to pay tribute to Mr. Ron Cooper, who has served the Sacramento community and its people for more than two decades. His service has greatly contributed to the community and ensured the exercise of free speech. I ask all of my colleagues to join me in recognizing this man whose leadership has strengthened and broadened Sacramento's very best attributes.

PERSONAL EXPLANATION

HON. STEVEN A. HORSFORD

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 19, 2013

Mr. HORSFORD. Mr. Speaker, on consideration of H.R. 5, I am not recorded because I was absent due to medically mandated recovery. Had I been present, I would have voted "nay" on final passage of the bill.

RECOGNIZING JOSEPH M. POTENZA ON HIS RETIREMENT

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 19, 2013

Ms. NORTON. Mr. Speaker, I rise today to recognize the distinguished tenure of Mr. Joseph M. Potenza of the District of Columbia, on the occasion of his retirement as Chair of the American Bar Association (ABA) Section of Intellectual Property Law. At the helm of this esteemed organization, Mr. Potenza has brought a wealth of knowledge, experience and leadership—leaving a profound impression on our country's intellectual property laws.

Mr. Potenza, partner with the firm of Banner & Witcoff, LLP, will end his one-year term as Chair of the ABA Section of Intellectual Property Law in early August. With thirty-eight years' of experience as an intellectual property law practitioner, Mr. Potenza's current practice focuses on litigation, counseling on patent and copyright matters, and preparation and prosecution of patent and copyright applications.

Mr. Potenza graduated with honors from the Rochester Institute of Technology with a Bachelor of Science in Electrical Engineering degree followed by a Juris Doctorate degree from Georgetown University's law school in 1975. Among his many accomplishments, Mr. Potenza has served as a member of the ABA Standing Committee on the Federal Judiciary, the ABA Standing Committing on Publication Oversight, the ABA House of Delegates, and as Chair of the ABA Section of Science & Technology Law, and the ABA Young Lawyers Division. He was also a past President of the Patent Lawyers Club of Washington, and Master of the Giles S. Rich American Inn of Court.

Additionally, Mr. Potenza's remarkable achievements have led to his being listed in Euromoney's recent "Guide to the World's Leading Patent Law Practitioners." He is also listed in The Best Lawyers in America for his work in intellectual property law, as well as recent editions of The International Who's Who of Patent Lawyers and Chambers USA: America's Leading Lawyers for Business. In 2009, Mr. Potenza was selected by Washingtonian Magazine as a "Top Lawyer," a designation that represents the top one percent of attorneys in the Washington D.C. area.

During his year as Chair of the ABA Section of Intellectual Property Law, Mr. Potenza guided the Section's work on complex IP policy issues to be considered for adoption by the ABA House of Delegates as ABA policy and subsequently presented in the form of amicus briefs to both the U.S. Supreme Court and the U.S. Court of Appeals for the Federal Circuit. Mr. Potenza has led efforts within the ABA to develop IP policy submissions to several international government agencies in Europe and China. He has also championed the Section's participation on international delegations, global roundtables, and national and regional liaison efforts all aimed at fostering these relationships and expanding the Section's global reach. At the same time, he spearheaded efforts to provide commentary on IP policy on numerous occasions to U.S. government agencies, including the U.S. Patent and Trademark Office, U.S. Copyright Office, the U.S. International Trade Commission, U.S.

Customs and Border Protection and the Intellectual Property Enforcement Coordinator. Mr. Potenza's tenure as Section Chair comes to an end in early August, and I wish him continued success in all his future endeavors.

Mr. Speaker, I ask that my colleagues please join me in recognizing the successful tenure of Mr. Joseph M. Potenza as Chair of the ABA Section of Intellectual Property Law and applaud his determined efforts to improve the legal process and promote intellectual property law across the nation and around the world.

LANCASTER HEROES

HON. JOSEPH R. PITTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 19, 2013

Mr. PITTS. Mr. Speaker, today, I come to the floor to recognize two young heroes from Lancaster County, Pennsylvania.

Last week, a young five-year-old girl was abducted from her front yard by a stranger, an older man who turned out to be a previously convicted sex offender.

The police and folks across the neighborhood quickly organized a search.

Temar Boggs and Chris Garcia set out on their bikes with other friends.

When the boys spotted a suspicious car wandering through their development, they checked it out and saw the young girl inside.

They relentlessly chased the driver on their bikes for 15 furious minutes.

Recognizing that the boys wouldn't give up, the man let her out of the car and drove away.

She immediately ran to the boys asking for her mother.

They safely brought her back home, and while they might not think of themselves as heroes, they certainly are.

Thanks to Temar and Chris, the girl is home and the suspect is now in custody.

CONGRATULATING CARL JUNCTION HIGH SCHOOL

HON. BILLY LONG

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, July 19, 2013

Mr. LONG. Mr. Speaker, I rise today to recognize and congratulate seven young men and women of Carl Junction High School for winning the Destination Imagination Global Finals.

The Destination Imagination Challenge is a global competition where students from all over the world imagine, create, and develop solutions to world problems in the areas of science, technology, engineering, mathematics, fine arts, and service learning. The problem solving competition is held over a four day period at the University of Tennessee-Knoxville where 1,200 local, state, and regional winners from 45 states and 13 countries gather to compete in the global competition.

The Carl Junction team put their device against 66 other teams competing in the area of wind energy and bested them all, including teams from Mexico, Singapore, China, Turkey, and South Korea.

These outstanding world champion students include seniors JW Keckley, Parker Fitzgerald, Carter Richardson, Nate Demery, Morgan Ross, Julie Jones, and junior Abigail Danley. Through the team's hard work, dedication, and guidance from their gifted education teacher, Lori Good, the team was able to extensively research wind energy and incorporate the research into a technical device and presentation. Team member Parker Fitzgerald stated, "The technical device was essentially a reduced-friction neodymium-magnet motor powered by compressed air. The device utilized the properties of magnets to precipitate motion without any physical contact between gears."

In addition to the global championship, the team also placed first in Destination Imagination's Instant Challenge. In this challenge, teams apply their quick-thinking problem solving skills to create solutions to challenges they have never seen before in as little as five minutes.

I am proud of the job these brilliant young men and women performed. This is the first time a Missouri team at the elementary, middle level, or high school level has placed first at Destination Imagination Global Finals.

IN MEMORY OF TWO FALLEN FIREFIGHTERS

HON. RAUL RUIZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 19, 2013

Mr. RUIZ. Mr. Speaker, today I wish to make a statement in memory of two brave firefighters from California's 36th Congressional District, William Warneke and Chris MacKenzie, who lost their lives tragically in the line of duty.

William "Billy" Warneke grew up in Hemet, California, where he attended Hemet High School. As a student, he enrolled in the Junior Air Force ROTC, and served four years in the United States Marine Corps, including a tour in Iraq. When Billy returned from serving his country, he went to school in Tucson, Arizona, utilizing his hard earned veteran education benefits. While at school, he attended fire training and became a firefighter with the Prescott Fire Department. As a firefighter in Prescott, Arizona, Billy was a member of the highly trained, elite Granite Mountain Hotshots, who placed their lives on the line every day. On Sunday, June 30, 2013, Billy Warneke was fighting the 13-square-mile Yarnell Hill Fire when was overrun and perished with 18 other members of the Granite Mountain Hotshots. Billy was only 25 years old, leaving behind his wife Roxanne and their baby due to be born in December. Billy's death cut short a brave and selfless life of service, but he died just as he lived—serving with honor and protecting the lives of others.

Chris MacKenzie grew up in the San Jacinto Valley in Riverside County, California, and graduated from Hemet High School in 2001. Chris loved snowboarding and dreamed of becoming a firefighter like his father, and worked hard to achieve that dream. Chris joined the United States Forest Service in 2004, and in 2011 transferred to the Prescott Fire Department. As a firefighter there, he served in the elite Granite Mountain Hotshots, who placed their lives on the line every day. On Sunday, June 30, 2013, Chris MacKenzie was fighting the 13-square-mile Yarnell Hill Fire when he was overrun and perished with 18 other members of the Granite Hotshots. He was 30 years old, leaving behind his mother, Lauri Goralski, and his father, Michael MacKenzie, as well as family members and friends. Chris died just as he lived—protecting the public from a dangerous fire.

These two brave young men died before their time. They were heroic public servants and upstanding members of the communities they gave their lives to serve. They were honorable, passionate men who devoted themselves to their country, their duty, and their family. Their service and lives are to be commended. Their memories will live on in the people whose lives they inspired and their final act of sacrifice.

Daily Digest

Senate

Chamber Action

The Senate met at 12:15:28 p.m. in pro forma session, and adjourned at 12:15:59 p.m. until 10 a.m., on Tuesday, July 23, 2013.

Committee Meetings

No committee meetings were held.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 20 public bills, H.R. 2746–2765; and 5 resolutions, H. Res. 307–311 were introduced. **Pages H4825–26**

Additional Cosponsors: **Pages H4826–27**

Reports Filed: Reports were filed today as follows:

H.R. 602, to amend title 38, United States Code, to clarify the conditions under which certain persons may be treated as adjudicated mentally incompetent for certain purposes (H. Rept. 113–159);

H.R. 367, to amend chapter 8 of title 5, United States Code, to provide that major rules of the executive branch shall have no force or effect unless a joint resolution of approval is enacted into law, with an amendment (H. Rept. 113–160, Pt. 1); and H.R. 1874, to amend the Congressional Budget Act of 1974 to provide for macroeconomic analysis of the impact of legislation, with amendments (H. Rept. 113–161, Pt. 1). **Page H4825**

Journal: The House agreed to the Speaker's approval of the Journal by voice vote. **Pages H4729, H4814**

Student Success Act: The House passed H.R. 5, to support State and local accountability for public education, protect State and local authority, and inform parents of the performance of their children's schools, by a recorded vote of 221 ayes to 207 noes, Roll No. 374. Consideration of the measure began yesterday, July 18th. **Pages H4731–H4814**

Rejected the Kuster motion to recommit the bill to the Committee on Education and the Workforce with instructions to report the same back to the House forthwith with an amendment, by a recorded vote of 196 ayes to 231 noes, Roll No. 373. **Pages H4808–14**

Agreed to:

Fitzpatrick amendment (No. 23 printed in H. Rept. 113–158) that provides a funding condition that for a state or local educational agency to be eligible for funds, agency personnel cannot facilitate the transfer of an employee if they know, or have probable cause to believe, that the employee has engaged in sexual misconduct with a minor. Agencies must also require employees be subjected to background checks in compliance with the Adam Walsh Child Protection and Safety Act; **Pages H4732–34**

Cantor amendment (No. 25 printed in H. Rept. 113–158) that allows Title I funds to follow students to other public schools or charter schools, upon the state opting to allow it; and **Pages H4736–38**

Culberson amendment (No. 22 printed in H. Rept. 113–158) that empowers States by giving them the opportunity to accept or reject federal grant money. Grant money rejected by State legislatures would be dedicated to paying off our outstanding national debt (by a recorded vote of 227 ayes to 196 noes, Roll No. 370). **Pages H4731–32, H4806–07**

Rejected:

Jackson Lee amendment (No. 24 printed in H. Rept. 113–158) that sought to create a report containing recommendations regarding the advisability of authorizing a state education authority to close a school district over the opposition of a locally elected school board, and regarding best practices governing the exercise of authority by a state education agency

in monitoring, supervising and controlling underperforming school districts with particular emphasis on rural and underserved school districts (by a recorded vote of 186 ayes to 237 noes, Roll No. 371) and **Pages H4734–36, H4807–08**

George Miller substitute amendment (No. 26 printed in H. Rept. 113–158) that sought to reauthorize the Elementary and Secondary Education Act to maintain the civil rights and equity focus of the law and to ensure all students have access to an education that prepares them for college and the workforce. Supports all students, and in particular those who are historically disadvantaged, through access to high quality state-developed standards, a meaningful but flexible accountability and school improvement system, improved and targeted professional development and working conditions for teachers and school leaders, additional learning time and after-school programs, and dedicated supports for wrap-around services for students and a well-rounded education (by a recorded vote of 193 ayes to 233 noes, Roll No. 372). **Pages H4738–H4806, H4808**

Agreed that the Clerk be authorized to make technical and conforming changes to reflect the actions of the House, including changes placed at the desk. **Page H4814**

H. Res. 303, the rule providing for consideration of the bill, was agreed to yesterday, July 18th.

Meeting Hour: Agreed that when the House adjourns today, it adjourn to meet at 12 noon on Monday, July 22nd. **Page H4817**

Quorum Calls—Votes: Five recorded votes developed during the proceedings of today and appear on pages H4806–07, H4807–08, H4808, H4813–14, H4814. There were no quorum calls.

Adjournment: The House met at 9 a.m. and adjourned at 1:18 p.m.

Committee Meetings

MISCELLANEOUS MEASURE

Committee on Appropriations: Subcommittee on State, Foreign Operations, and Related Programs held a markup on State, Foreign Operations Appropriations Bill, FY 2014. The bill was forwarded, without amendment.

MENS REA: THE NEED FOR A MEANINGFUL INTENT REQUIREMENT IN FEDERAL CRIMINAL LAW

Committee on the Judiciary: Over-criminalization Task Force held a hearing entitled "Mens Rea: The Need for a Meaningful Intent Requirement in Federal Criminal Law". Testimony was heard from public witnesses.

LEGISLATIVE MEASURES

Committee on Natural Resources: Subcommittee on Public Lands and Environmental Regulation held a hearing on the following: H.R. 587, the "Niblack and Bokan Mountain Mining Area Roads Authorization Act"; H.R. 1168, to direct the Secretary of the Interior, acting through the Bureau of Land Management, to convey to the City of Carlin, Nevada, in exchange for consideration, all right, title, and interest of the United States, to any Federal land within that city that is under the jurisdiction of that agency, and for other purposes; H.R. 1170, to direct the Secretary of the Interior, acting through the Bureau of Land Management and the Bureau of Reclamation, to convey, by quitclaim deed, to the City of Fernley, Nevada, all right, title, and interest of the United States, to any Federal land within that city that is under the jurisdiction of either of those agencies; H.R. 1684, the "Ranch A Consolidation and Management Improvement Act"; H.R. 2068, the "Federal Land Transaction Facilitation Act Reauthorization of 2013"; H.R. 2095, the "Land Disposal Transparency and Efficiency Act"; H.R. 2337, "Lake Hill Administrative Site Affordable Housing Act"; H.R. 2395, to provide for donor contribution acknowledgments to be displayed at projects authorized under the Commemorative Works Act, and for other purposes; S. 130, the "Powell Shooting Range Land Conveyance Act"; S. 304, the "Natchez Trace Parkway Land Conveyance Act of 2013"; and S. 459, the "Minuteman Missile National Historic Site Boundary Modification Act". Testimony was heard from the following Representatives: Young (AK); Lummis; Amodei; and Polis; and Jamie Connell, Acting Deputy Director, Bureau of Land Management, Department of the Interior; Leslie Weldon, Deputy Chief, Forest Service, Department of Agriculture; Steven Whitesell, Regional Director, National Capital Region, National Park Service, Department of Interior; and Ryan M. Lance, Director, Office of State and Lands and Investments, State of Wyoming.

SAFETY FOR SURVIVORS: CARE AND TREATMENT FOR MILITARY SEXUAL TRAUMA

Committee on Veterans' Affairs: Subcommittee on Health held a hearing on Safety for Survivors: Care and Treatment for Military Sexual Trauma. Testimony was heard from Michael Shepherd, M.D., Physician, Office of Health Care Inspections, Office of the Inspector General, Department of Veterans Affairs; Rajiv Jain, M.D., Assistant Deputy Undersecretary for Patient Care Services, Office of Patient Care Services, Veterans Health Administration, Department of Veterans Affairs; Karen S. Guice, M.D.,

Principal Deputy Assistant Secretary of Defense for Health Affairs, Office of Health Affairs, Department of Defense; and public witnesses.

ONGOING INTELLIGENCE ACTIVITIES

House Permanent Select Committee on Intelligence: Full Committee held a hearing entitled ''Ongoing Intelligence Activities''. This was a closed hearing.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR MONDAY, JULY 22, 2013

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Environment and Public Works: to hold an oversight hearing to examine Army Corps of Engineers water management in the Apalachicola-Chattahoochee-Flint (ACF) and the Alabama-Coosa-Tallapoosa (ACT) river systems, 3 p.m., SD–406.

House

Committee on Energy and Commerce, Subcommittee on Health, markup on Committee print to amend title XVIII of the Social Security Act to reform the sustainable growth rate and Medicare payment for physicians' services, and for other purposes, 5 p.m., 2123 Rayburn.

Committee on Rules, Full Committee, hearing on H.R. 2610, the ''Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2014''; and H.R. 2397, the ''Department of Defense Appropriations Act, 2014'', 3 p.m., H–313 Capitol.

CONGRESSIONAL PROGRAM AHEAD

Week of July 22 through July 26, 2013

Senate Chamber

On *Tuesday*, at 12 p.m., Senate will vote on the motion to invoke cloture on the motion to proceed to consideration of S.1243, Transportation, Housing and Urban Development, and Related Agencies Appropriations. If cloture is invoked, Senate will vote on the motion to proceed to consideration of the bill.

During the balance of the week, Senate may consider any cleared legislative and executive business.

Senate Committees

(Committee meetings are open unless otherwise indicated)

Committee on Agriculture, Nutrition, and Forestry: July 23, to hold hearings to examine the nominations of Krysta L. Harden, of Georgia, to be Deputy Secretary, and Robert Bonnie, of Virginia, to be Under Secretary for Natural Resources and Environment, both of the Department of Agriculture, 10:30 a.m., SR–328A.

Committee on Appropriations: July 23, Subcommittee on Financial Services and General Government, business meeting to mark up proposed legislation making appropriations for fiscal year 2014 for Financial Services and General Government, 10 a.m., SD–138.

July 23, Subcommittee on State, Foreign Operations, and Related Programs, business meeting to mark up proposed legislation making appropriations for fiscal year 2014 for the Department of State, Foreign Operations, and Related Programs, 10:30 a.m., SD–138.

July 25, Full Committee, business meeting to mark up proposed legislation making appropriations for fiscal year 2014 for State, Foreign Operations, and Related Programs and Financial Services and General Government, 10 a.m., SD–106.

Committee on Armed Services: July 25, to hold hearings to examine the nominations of Stephen Woolman Preston, of the District of Columbia, to be General Counsel, Jon T. Rymer, of Tennessee, to be Inspector General, Susan J. Rabern, of Kansas, to be Assistant Secretary of the Navy for Financial Management and Comptroller, and Dennis V. McGinn, of Maryland, to be Assistant Secretary of the Navy for Energy, Installations, and Environment, all of the Department of Defense, 9:30 a.m., SH–216.

Committee on Banking, Housing, and Urban Affairs: July 23, Subcommittee on Financial Institutions and Consumer Protection, to hold hearings to examine financial holding companies, focusing on if banks should control power plants, warehouses, and oil refineries, 10 a.m., SD–538.

July 23, Subcommittee on Securities, Insurance, and Investment, to hold hearings to examine creating a housing finance system built to last, focusing on ensuring access for community institutions, 3 p.m., SD–538.

July 24, Full Committee, to hold hearings to examine the ''Federal Housing Administration (FHA) Solvency Act of 2013'', 10 a.m., SD–538.

Committee on the Budget: July 23, to hold hearings to examine the impact of sequestration on national security and the economy, 10:30 a.m., SD–608.

Committee on Commerce, Science, and Transportation: July 23, Subcommittee on Oceans, Atmosphere, Fisheries, and Coast Guard, to hold hearings to examine New England and mid-Atlantic perspectives on ''Magnuson-Stevens Act'' reauthorization, 10 a.m., SR–253.

July 24, Full Committee, to hold hearings to examine the nomination of Mark E. Schaefer, of California, to be Assistant Secretary of Commerce for Oceans and Atmosphere, 10 a.m., SR–253.

July 24, Full Committee, to hold hearings to examine cruise industry oversight, focusing on the need for a stronger focus on consumer protection, 2:30 p.m., SR–253.

July 25, Subcommittee on Communications, Technology, and the Internet, to hold hearings to examine the state of wireline communications, 10 a.m., SR–253.

Committee on Energy and Natural Resources: July 23, to resume hearings to examine S. 1273, to establish a partnership between States that produce energy onshore and offshore for our country with the Federal Government, 2:30 p.m., SD–366.

July 24, Full Committee, business meeting to consider subcommittee assignments, Time to be announced, Room to be announced.

July 25, Full Committee, to hold hearings to examine supplemental funding options to support the National Park Service's efforts to address deferred maintenance and operational needs, 9:30 a.m., SD–366.

July 25, Subcommittee on Water and Power, to hold hearings to examine the issues associated with aging water resource infrastructure in the United States, 2:30 p.m., SD–366.

Committee on Environment and Public Works: July 22, to hold an oversight hearing to examine Army Corps of Engineers water management in the Apalachicola-Chattahoochee-Flint (ACF) and the Alabama-Coosa-Tallapoosa (ACT) river systems, 3 p.m., SD–406.

July 23, Full Committee, to hold hearings to examine the nominations of Kenneth J. Kopocis, of Virginia, to be an Assistant Administrator for the Office of Water, James J. Jones, of the District of Columbia, to be Assistant Administrator for Toxic Substances, and Avi Garbow, of Virginia, to be General Counsel, all of the Environmental Protection Agency, 10 a.m., SD–406.

July 24, Full Committee, to hold an oversight hearing to examine implementation of Moving Ahead for Progress in the 21st Century's (MAP–21) ''Transportation Infrastructure Finance and Innovation Act'' (TIFIA) program enhancements, 10 a.m., SD–406.

July 24, Subcommittee on Superfund, Toxics and Environmental Health, to hold hearings to examine cleaning up and restoring communities for economic revitalization, 2 p.m., SD–406.

Committee on Finance: July 24, to hold hearings to examine health information technology, focusing on using it to improve care, 10:30 a.m., SD–215.

Committee on Foreign Relations: July 23, to hold hearings to examine the nominations of Joseph Y. Yun, of Oregon, to be Ambassador to Malaysia, Daniel A. Clune, of Maryland, to be Ambassador to the Lao People's Democratic Republic, and Morrell John Berry, of Maryland, to be Ambassador to Australia, all of the Department of State, 9 a.m., SD–419.

July 23, Full Committee, business meeting to consider S. Res. 156, expressing the sense of the Senate on the 10-year anniversary of NATO Allied Command Transformation, embassy security legislation, and the nominations of Victoria Nuland, of Virginia, to be Assistant Secretary for European and Eurasian Affairs, Douglas Edward Lute, of Indiana, to be United States Permanent Representative on the Council of the North Atlantic Treaty Organization, with the rank and status of Ambassador, and Daniel Brooks Baer, of Colorado, to be U.S. Representative to the Organization for Security and Cooperation in Europe, with the rank of Ambassador, all of the Department of State, 2:15 p.m., S–116, Capitol.

July 24, Full Committee, to hold hearings to examine the nominations of Linda Thomas-Greenfield, of Louisiana, to be Assistant Secretary for African Affairs, James F. Entwistle, of Virginia, to be Ambassador to the Federal Republic of Nigeria, Patricia Marie Haslach, of Oregon, to be Ambassador to the Federal Democratic Republic of Ethiopia, Stephanie Sanders Sullivan, of New York, to be Ambassador to the Republic of the Congo, Patrick Hubert Gaspard, of New York, to be Ambassador to the Republic of South Africa, and Reuben Earl Brigety, II, of Florida, to be Representative of the United States of America to the African Union, with the rank and status of Ambassador, all of the Department of State, 9 a.m., SD–419.

July 24, Subcommittee on East Asian and Pacific Affairs, to hold hearings to examine rebalance to Asia III, focusing on protecting the environment and ensuring food and water security in East Asia and the Pacific, 2 p.m., SD–419.

July 25, Full Committee, to hold hearings to examine the crisis in Egypt, 10:30 a.m., SD–419.

July 25, Full Committee, to hold hearings to examine the nominations of David D. Pearce, of Virginia, to be Ambassador to Greece, John B. Emerson, of California, to be Ambassador to the Federal Republic of Germany, John Rufus Gifford, of Massachusetts, to be Ambassador to Denmark, Denise Campbell Bauer, of California, to be Ambassador to Belgium, and James Costos, of California, to be Ambassador to Spain, all of the Department of State, 2:30 p.m., SD–419.

Committee on Health, Education, Labor, and Pensions: July 23, to hold hearings to examine National Labor Relations Board nominees, 10 a.m., SD–430.

July 24, Full Committee, business meeting to consider the nominations of Kent Yoshiho Hirozawa, of New York, and Nancy Jean Schiffer, of Maryland, both to be a Member of the National Labor Relations Board, and any pending nominations, 10 a.m., SD–430.

Committee on Homeland Security and Governmental Affairs: July 23, to hold hearings to examine the 90/10 rule, focusing on improving educational outcomes for our military and veterans, 10:30 a.m., SD–342.

July 25, Full Committee, to hold hearings to examine the nomination of Alejandro Nicholas Mayorkas, of the District of Columbia, to be Deputy Secretary of Homeland Security, 11 a.m., SD–342.

Select Committee on Intelligence: July 23, to hold closed hearings to examine certain intelligence matters, 2:30 p.m., SH–219.

July 25, Full Committee, to hold closed hearings to examine certain intelligence matters, 2:30 p.m., SH–219.

Committee on the Judiciary: July 23, Subcommittee on Antitrust, Competition Policy and Consumer Rights, to hold hearings to examine pay-for-delay deals, focusing on competition and consumers, 10 a.m., SD–226.

July 23, Subcommittee on Bankruptcy and the Courts, to hold hearings to examine how sequestration is effecting the courts, 3 p.m., SD–226.

July 24, Full Committee, to hold hearings to examine the nominations of Cornelia T. L. Pillard, to be United States Circuit Judge for the District of Columbia Circuit,

Landya B. McCafferty, to be United States District Judge for the District of New Hampshire, Brian Morris, and Susan P. Watters, both to be a United States District Judge for the District of Montana, and Jeffrey Alker Meyer, to be United States District Judge for the District of Connecticut, 10 a.m., SD–226.

July 24, Subcommittee on the Constitution, Civil Rights and Human Rights, to hold hearings to examine closing Guantanamo, focusing on the national security, fiscal, and human rights implications, 2 p.m., SD–226.

July 25, Full Committee, business meeting to consider S. 987, to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media, 9:30 a.m., SD–226.

Committee on Rules and Administration: July 24, business meeting to consider S. 375, to require Senate candidates to file designations, statements, and reports in electronic form, and the nomination of Davita Vance-Cooks, of Virginia, to be Public Printer, Government Printing Office, 9:50 a.m., SR–301.

July 24, Full Committee, to hold hearings to examine the nominations of Ann Miller Ravel, of California, and Lee E. Goodman, of Virginia, both to be a Member of the Federal Election Commission, 10 a.m., SR–301.

Committee on Small Business and Entrepreneurship: July 24, to hold hearings to examine implementation of the ''Affordable Care Act'', focusing on understanding small business concerns, 2:30 p.m., SR–428.

Special Committee on Aging: July 24, to hold hearings to examine payday loans, 2 p.m., SD–562.

House Committees

Committee on Agriculture, July 23, Subcommittee on General Farm Commodities and Risk Management, public hearing entitled ''The Future of the CFTC: Commission Perspectives'', 10 a.m., 1300 Longworth.

July 24, Subcommittee on General Farm Commodities and Risk Management, public hearing entitled ''The Future of the CFTC: End-User Perspectives'', 10 a.m., 1300 Longworth.

Committee on Appropriations, July 23, Subcommittee on Interior, Environment and Related Agencies, markup on the Interior, Environment and Related Agencies Appropriations Bill, FY 2014, 10 a.m., B–308 Rayburn.

July 24, Subcommittee on State and Foreign Operations, and Related Programs, markup on State and Foreign Operations, and Related Programs Appropriations Bill, FY 2014, 10 a.m., 2359 Rayburn.

Committee on Armed Services, July 24, Full Committee, hearing entitled ''Rebalancing to the Asia-Pacific Region and Implications for U.S. National Security'', 10 a.m., 2118 Rayburn.

July 24, Subcommittee on Military Personnel, hearing entitled ''Women in Service Reviews'', 2 p.m., 2212 Rayburn.

July 25, Subcommittee on Seapower and Projection Forces, hearing entitled ''Acquisition and Development Challenges Associated with the Littoral Combat Ship'', 9:30 a.m., 2212 Rayburn.

Committee on Education and the Workforce, July 23, Subcommittee on Health, Employment, Labor, and Pension; and Subcommittee on Workforce Protections, joint subcommittee hearing entitled ''The Employer Mandate: Examining the Delay and Its Effect on Workplaces'', 10 a.m., 2175 Rayburn.

July 24, Full Committee, markup on H.R. 2637, the ''Supporting Academic Freedom through Regulatory Relief Act'', 10 a.m., 2175 Rayburn.

Committee on Energy and Commerce, July 22, Subcommittee on Health, markup on Committee print to amend title XVIII of the Social Security Act to reform the sustainable growth rate and Medicare payment for physicians' services, and for other purposes, 5 p.m., 2123 Rayburn.

July 23, Subcommittee on Health, markup on Committee print to amend title XVIII of the Social Security Act to reform the sustainable growth rate and Medicare payment for physicians' services, and for other purposes, 1:30 p.m., 2123 Rayburn.

July 23, Subcommittee on Communications and Technology, hearing entitled ''Oversight of Incentive Auction Implementation'', 10:30 a.m., 2322 Rayburn.

July 23, Subcommittee on Energy and Power, hearing entitled ''Overview of the Renewable Fuel Standard: Stakeholder Perspectives'', 9:45 a.m., 2123 Rayburn.

July 24, Subcommittee on Commerce, Manufacturing, and Trade, hearing entitled ''The U.S.—E.U. Free Trade Agreement: Tipping Over the Regulatory Barriers'', 9:45 a.m., 2123 Rayburn.

July 24, Subcommittee on Energy and Power, hearing entitled ''Overview of the Renewable Fuel Standard: Stakeholder Perspectives'', 1:30 p.m., 2123 Rayburn.

July 24, Subcommittee on Oversight and Investigations, hearing entitled ''Department of Energy Oversight: What is Necessary to Improve Project Management and Mission Performance?'', 10 a.m., 2322 Rayburn.

Committee on Financial Services, July 23, Full Committee, markup on legislation regarding the ''Protecting American Taxpayers and Homeowners Act of 2013'', 10:15 a.m., 2128 Rayburn.

Committee on Foreign Affairs, July 23, Subcommittee on Asia and the Pacific, hearing entitled ''Asia: The Cyber Security Battleground'', 2 p.m., 2172 Rayburn.

July 24, Full Committee, markup on the following: H.R. 1409 to amend the Export Enhancement Act of 1988 to further enhance the promotion of exports of United States goods and services, and for other purposes; H.R. 1926, to further enhance the promotion of exports of United States goods and services, and for other purposes; and H.R. 2449, to authorize the President to extend the term of the Agreement for Cooperation between the Government of the United States of America and the Government of the Republic of Korea Concerning Civil Uses of Nuclear Energy for a period not to exceed March 19, 2016, 10 a.m., 2172 Rayburn.

July 24, Subcommittee on the Western Hemisphere, hearing entitled ''Challenges to Democracy in the Western Hemisphere'', 2 p.m., 2172 Rayburn.

July 25, Subcommittee on Europe, Eurasia, and Emerging Threats, hearing entitled ''Emerging Threat of Resource Wars'', 10 a.m., 2172 Rayburn.

Committee on Homeland Security, July 23, Subcommittee on Border and Maritime Security, hearing entitled ''A Study in Contrasts: House and Senate Approaches to Border Security'', 10 a.m., 311 Cannon.

July 24, Subcommittee on Transportation Security, markup on H.R. 1204, the ''Aviation Security Stakeholder Participation Act of 2013''; H.R. 2719, the ''Transportation Security Acquisition Reform Act'', 2 p.m., 311 Cannon.

Committee on the Judiciary, July 23, Subcommittee on Immigration and Border Security, hearing entitled ''Addressing the Immigration Status of Illegal Immigrants Brought to the United States as Children'', 2 p.m., 2141 Rayburn.

July 25, Subcommittee on Courts, Intellectual Property and the Internet, hearing entitled ''Innovation in America: The Role of Copyrights'', 9:30 a.m., 2141 Rayburn.

Committee on Natural Resources, July 23, Subcommittee on Energy and Mineral Resources, hearing entitled ''War on Jobs: Examining the Operations of the Office of Surface Mining and the Status of the Stream Buffer Zone Rule'', 10 a.m., 1324 Longworth.

July 23, Subcommittee on Public Lands and Environmental Regulation, hearing on the following: H.R. 163, the ''Sleeping Bear Dunes National Lakeshore Conservation and Recreation Act''; H.R. 361, the ''Alpine Lakes Wilderness Additions and Pratt and Middle Fork Snoqualmie Rivers Protection Act''; H.R. 433, the ''Pine Forest Range Recreation Enhancement Act of 2013''; H.R. 706, the ''Blackstone River Valley National Historical Park Establishment Act''; H.R. 908, the ''Green Mountain Lookout Heritage Protection Act''; H.R. 930, the ''New Philadelphia, Illinois, Study Act''; H.R. 1025, the ''Berryessa Snow Mountain National Conservation Area Act''; H.R. 1808, the ''Maine Coastal Islands Wilderness Act of 2013'', 10 a.m., 1334 Longworth.

July 23, Subcommittee on Indian and Alaska Native Affairs, hearing on the following: H.R. 1103, to amend the Alaska Native Claims Settlement Act to provide that Alexander Creek, Alaska, is and shall be recognized as an eligible Native village under that Act, and for other purposes; H.R. 1225, the ''Samish Indian Nation Homelands Act of 2013''; H.R. 2319, the ''Native American Veterans' Memorial Establishment Act of 2013''; H.R. 2388, to authorize the Secretary of the Interior to take certain Federal lands located in El Dorado County, California, into trust for the benefit of the Shingle Springs Band of Miwok Indians, and for other purposes; H.R. 2455, the ''Nevada Native Nations Lands Act''; and H.R. 2650, the ''Fond du Lac Band of Lake Superior Chippewa Non-Intercourse Act of 2013'', 2 p.m., 1334 Longworth.

July 24, Full Committee, markup on pending legislation, 10 a.m., 1324 Longworth.

July 25, Subcommittee on Energy and Mineral Resources, hearing on the ''Protecting States' Rights to Promote American Energy Security Act'', 9:30 a.m., 1334 Longworth.

July 25, Subcommittee on Fisheries, Wildlife, Oceans and Insular Affairs, hearing on H.R. 358, the ''Strategic Response to Asian Carp Invasion Act''; H.R. 709, the ''Upper Mississippi Conservation and River Protection Act of 2013''; H.R. 1818, the ''Polar Bear Conservation and Fairness Act of 2013''; H.R. 2158, the ''Expedited Departure of Certain Snake Species Act''; and H.R. 2463, the ''Target Practice and Marksmanship Training Support Act'', 10 a.m., 1324 Longworth.

Committee on Oversight and Government Reform, July 24, Full Committee, business meeting, 10 a.m., 2154 Rayburn.

July 25, Subcommittee on Government Operations, hearing entitled ''Data Centers and the Cloud, Part II: The Federal Government's Take on Optimizing New Information Technologies Opportunities to Save Taxpayers Money'', 9:30 a.m., 2154 Rayburn.

Committee on Rules, July 23, Full Committee, hearing on H.R. 2218, the ''Coal Residuals Reuse and Management Act of 2013''; and H.R. 1582, the ''Energy Consumers Relief Act of 2013'', 3 p.m., H–313 Capitol.

Committee on Science, Space, and Technology, July 24, Subcommittee on Environment; and Subcommittee on Energy, joint hearing entitled ''Lessons Learned: EPA's Investigations of Hydraulic Fracturing'', 10 a.m., 2318 Rayburn.

July 24, Subcommittee on Research and Technology, hearing entitled ''Improving Technology Transfer at Universities, Research Institutes and National Laboratories'', 2 p.m., 2318 Rayburn.

July 25, Subcommittee on Energy, hearing entitled ''The Future of Coal: Utilizing America's Abundant Energy Resources'', 9:30 a.m., 2318 Rayburn.

Committee on Small Business, July 25, Subcommittee on Investigation, Oversight and Regulations, hearing entitled ''Examining the Small Business Investment Company Program'', 10 a.m., 2360 Rayburn.

July 24, Full Committee, hearing entitled ''Reducing Red Tape: The New OIRA Administrator's Perspective'', 1 p.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, July 24, Subcommittee on Economic Development, Public Buildings, and Emergency Management, hearing entitled ''FEMA Reauthorization: Recovering Quicker and Smarter'', 10 a.m., 2167 Rayburn.

Committee on Veterans' Affairs, July 23, Subcommittee on Health, markup on the following: H.R. 2726, to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to enter into contracts and agreements for the transfer of veterans to non-Department medical foster homes for certain veterans who are unable to live independently; H.R. 1443, the ''Tinnitus Research and Treatment Act of 2013''; H.R. 1612, to direct the Secretary of Veterans Affairs to convey a parcel of land in Tuskegee, Alabama, to Tuskegee University, and for other purposes; H.R. 2065, the ''Safe Housing for Homeless Veterans Act''; and H.R. 2072, the ''Demanding Accountability for Veterans Act of 2013'', 2 p.m., 334 Cannon.

House Permanent Select Committee on Intelligence, July 25, Full Committee, hearing entitled ''Ongoing Intelligence Activities'', 9 a.m., HVC–304.

Joint Meetings

Joint Economic Committee: July 24, to hold hearings to examine America's crumbling infrastructure, and how to fix it, 9:30 a.m., Room to be announced.

Commission on Security and Cooperation in Europe: July 25, to hold hearings to examine improving cyber security, focusing on the partnership between National Institute of Standards and Technology (NIST) and the private sector, 2:30 p.m., SR–253.

Next Meeting of the SENATE

10 a.m., Tuesday, July 23

Senate Chamber

Program for Tuesday: The Majority Leader will be recognized. At 12:00 p.m., Senate will vote on the motion to invoke cloture on the motion to proceed to consideration of S. 1243, Transportation, Housing and Urban Development, and Related Agencies Appropriations. If cloture is invoked, Senate will vote on the motion to proceed to consideration of the bill.

(Senate will recess from 12:30 p.m. until 2:15 p.m. for their respective party conferences.)

Next Meeting of the HOUSE OF REPRESENTATIVES

12 p.m., Monday, July 22

House Chamber

Program for Monday: To be announced.

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